

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I – NEW ENGLAND**

IN THE MATTER OF:

BP Enterprises, Inc. d/b/a
Truck Works & More
2230 Broadway
Bangor, ME 04401

NOTICE OF VIOLATION

INTRODUCTION

1. The United States Environmental Protection Agency, Region I (“EPA”) issues this Notice of Violation (“NOV”) to BP Enterprises, Inc. d/b/a Truck Works & More (“Truck Works & More”) regarding its operations at its facility located at 2230 Broadway in Bangor, Maine.

2. The NOV contains EPA’s allegations that Truck Works & More has violated the Clean Air Act (“CAA”) by failing to respond to a Reporting Requirement issued by EPA pursuant to Sections 114(a) and 208(a) of the CAA, 42 U.S.C. §§ 7414(a) and 7542(a).

BACKGROUND AND FACTUAL BASIS

3. On February 14, 2023, EPA issued a Reporting Requirement, pursuant to Sections 114(a) and 208(a) of the CAA, 42 U.S.C. §§ 7414(a) and 7542(a), to Truck Works & More to evaluate whether it has sold, offered for sale, or installed defeat device products for motor vehicles and engines in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

4. EPA sent the Reporting Requirement via certified mail, with a courtesy copy by electronic mail. EPA also contacted Truck Works & More by telephone on February 14, 2023, and alerted a company representative to the incoming Reporting Requirement.

5. EPA received U.S. Postal Service confirmation (via a “green card”) that the mailing had been received by Truck Works & More on March 2, 2023.

6. The Reporting Requirement required Truck Works & More to submit certain information to EPA within 60 days of receipt, which at the latest, was by May 1, 2023.

7. On April 13, 2023, EPA sent an email to Truck Works & More reminding the company that the Reporting Requirement response was due soon.

8. When EPA did not receive a response by the deadline, EPA emailed Truck Works & More on May 3, 2023, stating that the response to the Reporting Requirement was overdue and requested that Truck Works & More submit its response.

9. On May 4, 2023, EPA spoke by telephone with the same Truck Works & More representative as in February, and the representative expressed his intention to submit a response. EPA agreed to extend the deadline to May 26, 2023.

10. After not receiving a response by the extended deadline, EPA emailed Truck Works & More on June 5, 2023, but did not receive any response or acknowledgement.

11. EPA again spoke to the same representative by telephone on June 7, 2023, who told EPA that he was actively working to gather the requested information and requested an extension to June 13, 2023, to submit the response.

12. When the latest deadline passed without a response, EPA emailed and left a voicemail noting the failure but did not receive a response or acknowledgement.

13. To date, Truck Works & More has not provided EPA with a response to the Reporting Requirement.

NOTICE OF VIOLATION

14. Pursuant to Section 203(a)(2)(A) of the CAA, 42 U.S.C § 7522(a)(2)(A), it is prohibited for any person¹ to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under Section 208(a) of the CAA, 42 U.S.C. § 7542(a).

15. Similarly, pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), failure to respond to a Reporting Requirement issued under Section 114 of the CAA, 42 U.S.C. § 7414(a), is a violation subject to enforcement.

16. Truck Works & More failed to respond to EPA's Reporting Requirement.

17. Accordingly, Truck Works & More has violated and continues to violate Sections 113(a)(3) and 203(a)(2)(A) of the CAA, 42 U.S.C. §§ 7413(a)(3) and 7522(a)(2)(A).

ENFORCEMENT

18. Pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, failure to respond to a Reporting Requirement can result in an enforcement action, including for penalties of up to \$25,000 per day of violation. This amount has been adjusted for inflation, as set forth in 40 C.F.R. Part 19.

19. Similarly, under Section 205(a) of the CAA, 42 U.S.C. § 7524(a), any person who violates Section 203(a)(2)(A) of the CAA, 42 U.S.C. § 7522(a)(2)(A), is subject to a civil penalty of up to \$25,000 per day of violation. This amount has been adjusted for inflation, as set forth in 40 C.F.R. Part 19.

20. The issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law that are available to address this violation.

¹ The term "person" includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof. See 42 U.S.C. § 7602(e).

OPPORTUNITY TO CONFER

21. If Truck Works & More has any questions regarding this NOV, please contact Tom McCusker, Environmental Engineer, at (617) 918-1862 or mccusker.tom@epa.gov, or have your attorney contact Christine Foot, Enforcement Counsel, at (617) 918-1333 or foot.christine@epa.gov, within 14 days of receipt of this NOV.

CAROL TUCKER

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Date: 2023.11.28 16:01:06 -05'00'

Carol Tucker, Acting Director
Enforcement and Compliance Assurance Division