



MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Leanne Tippett Mosby, Director
Division of Environmental Quality

FROM: Kyra L. Moore, Director
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – 360 Degree Brake Service

During an investigation of 360 Degree Brake Service located at 4014 North Grand, St. Louis, St. Louis County, Missouri by the Air Pollution Control Program Inspection/Maintenance (APCP I/M) staff, department staff observed and documented violations of the Missouri Air Conservation Law and implementing regulations. Mr. Woodrow Jones, Sr. owns and operates 360 Degree Brake Service, an incorporated business in good standing with the Secretary of State, which has 2 licensed Gateway Vehicle Inspection Program (GVIP) stations, 4014 North Grand and 5858 Lilian Avenue, located in the St. Louis non-attainment area.

On March 11, 2013, the APCP I/M staff brought in a vehicle for safety and emissions testing. After an employee of 360 Degree Brake Service performed a visual inspection of the vehicle, he stated the inspection would cost \$100. This exceeds the maximum fee of \$36 to perform safety inspection and emissions testing per 10 CSR 10-5.381 "*On-Board Diagnostics Motor Vehicle Emissions Inspection.*"

On April 19, 2013, the APCP I/M staff brought in a vehicle to have a safety inspection and emission testing performed. A 360 Degree Brake Service employee asked if the check engine light was on, when told "yes" he stated he could not perform the inspection because the light was on. 10 CSR 10-5.381 states, "Vehicles shall be inspected in as received condition, including vehicles whose malfunction indicator lamp (MIL) is lit."

On 23 occasions, 5 in 2012 and 18 in 2013, inspections were initiated within 10 minutes apart at the two different 360 Degree Brake Service facilities using Mr. Jones' inspector GVIP number. These inspections could not have been conducted solely by Mr. Jones given the distance between facilities and time needed to travel between them. Other violations at Mr. Jones' facility include, entering inaccurate information onto the vehicle inspection report, taking and uploading photos

that is indistinguishable, not posting the inspection fee poster in a conspicuous location, and not having the station's GVIP license current and/or readily visible. Additionally, the APCP I/M staff witnessed someone other than the one licensed emissions inspector, Mr. Woodrow Jones, Sr., registered at this facility conducting emissions inspections.

On September 10, 2013, the Air Pollution Control Program (APCP) staff mailed, via certified mail, Notice of Violation (NOV) #082713PV to document the violations of Missouri State Rule 10 CSR 10-5.381, "*On-Board Diagnostics Motor Vehicle Emissions Inspection.*" This letter was never delivered by the United States Postal Service.

On November 25, 2013, the APCP mailed the NOV a second time via certified mail, which was delivered on November 27, 2013.

On December 3, 2013, the APCP received a response from Mr. Jones regarding the NOV. He claimed to have no knowledge of the violations.

360 Degree Brake Service is currently locked out by the Missouri State Highway Patrol and cannot conduct any emissions or safety inspections.

In light of failure to resolve the violations with conference, conciliation, and persuasion, the Air Pollution Control Program is requesting authority to refer the case to the Attorney General's Office to institute a civil action in a court of competent jurisdiction on behalf of the Missouri Air Conservation Commission and Missouri Department of Natural Resources. I recommend approval of this action.

KLM:pvv

c: Chuck Dachroeden, St. Louis Regional Office
Captain Lester Elder, Missouri State Highway Patrol