

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2023-0005
)	
Global Xpress Parts LLC)	
Elwood, Indiana,)	Proceeding to Assess a Civil Penalty
)	Under Section 205(c)(1) of the Clean Air
And)	Act, 42 U.S.C. § 7524(c)(1)
)	
Extra Power Performance LLC)	
Carmel, Indiana,)	
)	
Respondents.)	
<hr/>)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 205(c)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7524(c)(1), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondents are Global Xpress Parts LLC (GXP) and Extra Power Performance LLC (EPP) (collectively, Respondents), limited liability companies doing business in Indiana.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondents consent to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO.

8. Respondents waive their right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and their right to appeal this CAFO.

Statutory and Regulatory Background

9. Title II of the CAA, 42 U.S.C. §§ 7521–7554, was enacted to reduce air pollution from mobile sources. In enacting the CAA, Congress found, in part, that “the increasing use of motor vehicles . . . has resulted in mounting dangers to the public health and welfare.” Section 101(a)(2) of the CAA, 42 U.S.C. § 7401(a)(2). Congress’s purpose in enacting the CAA included “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population,” and “to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution.” Section 101(b)(1)–(2) of the CAA, 42 U.S.C. § 7401(b)(1)–(2).

10. Section 216(2) of the CAA, 42 U.S.C. § 7550(2) defines “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” *See also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”).

11. EPA promulgated emission standards for particulate matter (PM), nitrogen oxides (NOx), and other pollutants applicable to motor vehicle and motor vehicle engines, including

diesel engine vehicles, under Section 202 of the CAA, 42 U.S.C. § 7521. *See* the implementing regulations at 40 C.F.R. Part 86. Vehicle and engine emissions standards “reflect the greatest degree of emission reduction achievable through the application of [available] technology.”

Section 202(a)(3)(A)(i) of the CAA, 42 U.S.C. § 7521(a)(3)(A)(i).

12. Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), prohibits a manufacturer of motor vehicles or motor vehicle engines from selling a new motor vehicle or motor vehicle engine in the United States unless the motor vehicle or motor vehicle engine is covered by a certificate of conformity (COC). EPA issues COCs to motor vehicle and motor vehicle engine manufacturers under Section 206(a) of the CAA, 42 U.S.C. § 7525 a), to certify that a particular group of motor vehicle and motor vehicle engines conform to applicable EPA requirements governing motor vehicle emissions. The COC will include, among other things, a description of the engines, their emission control systems, all auxiliary emission control devices and the engine parameters monitored.

13. Engine manufacturers employ many devices and elements of design to meet emission standards. “Element of design” means “any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” *See* 40 C.F.R. §§ 86.094-2 and 86.1803-01.

14. To meet the emission standards in 40 C.F.R. Part 86 and qualify for a COC, engine manufacturers may utilize control devices or elements of design such as Exhaust Gas Recirculation (EGR), Clean Gas Induction (CGI), Diesel Oxidation Catalyst (DOC), Diesel Particulate Filter (DPF), and/or Selective Catalytic Reduction (SCR) systems.

15. Engine and vehicle manufacturers may also employ engine fueling strategies, such as retarded fuel injection timing, as a primary element of design to limit emissions of NO_x. *See* 59 Fed. Reg. 23,264 at 23,418 (May 5, 1994) (“[I]njection timing has a very significant impact on NO_x emission rates, with advanced timing settings being associated with higher NO_x . . .”).

16. Modern motor vehicles are equipped with electronic control modules (ECMs). ECMs continuously monitor engine and other operating parameters and control emission control devices and elements of design, such as the EGR/CGI, DOC, DPF, and SCR systems and the engine fueling strategy.

17. Under Section 202(m) of the CAA, 42 U.S.C. § 7521(m), EPA promulgated regulations for motor vehicles manufactured after 2007 that require vehicles to have numerous devices or elements of design that, working together, can detect problems with the vehicle’s emission-related systems, alert drivers to these problems, and store electronically-generated malfunction information. 40 C.F.R. §§ 86.005-17, 86.007-17, 86.1806-05. These devices or elements of design are referred to as “onboard diagnostic systems” or “OBD” systems.

18. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits “any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.” This is also referred to as “tampering.”

19. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits “any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.” These parts or components are also referred to as “Defeat Devices.”

20. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$5,179 per motor vehicle, motor vehicle engine, or part or component up to a total of \$414,364 against each violator for violations that occurred after November 2, 2015, and where penalties are assessed on or after January 12, 2022, pursuant to Section 205(a) and (c) of the CAA, 42 U.S.C. § 7524(a) and (c), and 40 C.F.R. § 19.4.

21. The Administrator may assess a penalty greater than \$414,364 where the Administrator and the Attorney General of the United States jointly determine that a matter involving a larger penalty is appropriate for an administrative penalty action. 42 U.S.C. § 7524(c)(1) and 40 C.F.R. Part 19.

22. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that this matter involving a penalty greater than \$414,364 is appropriate for an administrative penalty action.

Factual Allegations and Alleged Violations

23. Respondent GXP is a limited liability company doing business in the State of Indiana with its primary place of business located at 12071 North State Road 37, Elwood, Indiana 46036.

24. Respondent EPP is a limited liability company doing business in the State of Indiana with its primary place of business located at 1240 Clay Spring Drive, Carmel, Indiana, 46032.

25. Respondents are persons, as that term is defined in Section 302(e) of the CAA. 42 U.S.C. § 7602(e).

26. On January 21, 2021, EPA issued an information request to GXP pursuant to Section 208 of the CAA, 42 U.S.C. § 7542 (GXP Request). The GXP Request sought information related to GXP's manufacture, purchase, offers to sell, and/or sales of parts, components, and products which bypass, defeat, or render inoperative any emission control component, element of design, or emissions related part or component for the period of January 1, 2018, to the date of the GXP Request.

27. GXP submitted responses to the GXP Request on March 26, 2021, April 9, 2021, and April 26, 2021 (collectively, GXP's Response).

28. GXP's Response included, among other things, a spreadsheet containing information related to GXP's sales of parts, components, and products which bypass, defeat, or render inoperative any emission control component, element of design, or emissions related part or component for the period of January 1, 2018, to the date of the GXP Request.

29. The information submitted in GXP's Response indicated that between January 1, 2018, and January 21, 2021, GXP sold 6,540 parts, components, and products which bypass,

defeat, or render inoperative emission control components, elements of design, or emissions related parts or components installed on motor vehicles or motor vehicle engines; and/or render inoperative elements of design (e.g., emissions-related elements of the ECM) installed on or in a motor vehicle or motor vehicle engine and allow for the removal or rendering inoperative of emission control devices (i.e., EGR/CGI, DOC, DPF, and/or SCR systems(s)) without illuminating a malfunction indicator lamp in the vehicle's OBD system, prompting any diagnostic trouble code in the OBD system, or causing any engine derating due to the removal or disabling of an emission control device. These parts and/or components are Defeat Devices.

30. On June 22, 2021, EPA issued a Finding of Violation (FOV) to GXP for allegedly violating Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

31. On July 20, 2021, representatives from EPA and GXP held a teleconference to discuss the FOV for GXP.

32. During the teleconference, GXP represented that after receiving the FOV GXP stopped the sale, offering for sale, and installation of all Defeat Devices.

33. EPA alleges that GXP sold, offered to sell, and/or installed parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component was to bypass, defeat or render inoperative devices and elements of design that control emissions, such as the engine fueling strategy, EGR/CGI, DOC, DPF, SCR, and OBD systems, installed on or in a motor vehicle or motor vehicle engine in compliance with the CAA. EPA alleges that GXP knew or should have known that such parts or components were being offered for sale or installed for such use or put to such use in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

34. On May 25, 2021, EPA issued an information request to EPP pursuant to Section 208 of the CAA, 42 U.S.C. § 7542 (EPP Request). The EPP Request sought information related to EPP's manufacture, purchase, offers to sell, and/or sales of parts, components, and products which bypass, defeat, or render inoperative any emission control component, element of design, or emissions related part or component for the period of January 1, 2018, to the date of the EPP Request.

35. EPP submitted responses to the EPP Request on July 26, 2021, November 8, 2021, and November 23, 2021 (collectively, EPP's Response).

36. EPP's Response included, among other things, a spreadsheet containing information related to EPP's sales of parts, components, and products which bypass, defeat, or render inoperative any emission control component, element of design, or emissions related part or component for the period of January 1, 2018, to the date of the EPP Request.

37. The information submitted in EPP's Response indicated that between January 1, 2018, and May 25, 2021, EPP sold 411 parts, components, and products which bypass, defeat, or render inoperative emission control components, elements of design, or emissions related parts or components installed on motor vehicles or motor vehicle engines; and/or render inoperative elements of design (e.g., emissions-related elements of the ECM) installed on or in a motor vehicle or motor vehicle engine and allow for the removal or rendering inoperative of emission control devices (i.e., EGR/CGI, DOC, DPF, and/or SCR systems(s)) without illuminating a malfunction indicator lamp in the vehicle's OBD system, prompting any diagnostic trouble code in the OBD system, or causing any engine derating due to the removal or disabling of an emission control device. These parts and/or components are Defeat Devices.

38. On September 22, 2021, EPA issued a Finding of Violation (FOV) to EPP for allegedly violating Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

39. On November 8, 2021, representatives from EPA and EPP held a teleconference to discuss the FOV for EPP.

40. During the teleconference, EPP represented that after receiving the FOV EPP stopped the sale, offering for sale, and installation of all Defeat Devices.

41. EPA alleges that EPP sold, offered to sell, and/or installed parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component was to bypass, defeat or render inoperative devices and elements of design that control emissions, such as the engine fueling strategy, EGR/CGI, DOC, DPF, SCR, and OBD systems, installed on or in a motor vehicle or motor vehicle engine in compliance with the CAA. EPA alleges that EPP knew or should have known that such part or component was being offered for sale or installed for such use or put to such use in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

Civil Penalty

42. Based on analysis of the factors specified in Section 205(a) of the CAA, 42 U.S.C. § 7524(c), EPA's Clean Air Act Title II Vehicle & Engine Civil Penalty Policy, the facts of this case, Respondents' ability to pay, Respondents' certifications set forth herein, and Respondents' cooperation in resolving this matter, Complainant has determined that an appropriate civil penalty to settle this action is \$552,950.

43. Respondent must pay the \$552,950 civil penalty in 3 installments with interest on the following schedule:

Installment	Due By	Payment	Principal	Interest (1%)
Payment #1	Within 30 days of effective date of CAFO	\$184,316.00	\$184,316.00	\$0.00
Payment #2	Within 180 days of effective date of CAFO	\$184,930.39	\$184,316.00	\$614.39
Payment #3	Within 360 days of effective date of CAFO	\$184,929.38	\$184,315.00	\$614.38

Respondents must pay each installment by an on-line payment. To pay on-line, go to www.pay.gov. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

44. Respondents must send a notice of payment that states Respondents' names and the docket number of this CAFO to EPA at the following email addresses when they pay each installment of the penalty:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Matthew Dawson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
dawson.matthew@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

45. This civil penalty is not deductible for federal tax purposes.

46. If Respondents do not timely pay any installment payment set forth above, the entire unpaid balance of the civil penalty and any amount required by Paragraph 47 below, shall become due and owing upon written notice by EPA to Respondents of the delinquency. EPA

may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 205(c)(6) of the CAA, 42 U.S.C. § 7524(c)(6). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

47. Respondents must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondents must pay the United States' enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondents must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7524(c)(6)(B).

Other Conditions

48. By signing this Consent Agreement, Respondents agree to the following:

(i) Respondents will not remove or render inoperative any emissions-related device or element of design installed on or in a motor vehicle or motor vehicle engine in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A); (ii) Respondents will not manufacture, sell, offer for sale, or install any part or component in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B); and (iii) Respondents acknowledge receipt of EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicles and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

49. By signing this Consent Agreement, Respondents understand that the violations addressed in this CAFO may be considered as a “History of Noncompliance” for any future violations of Title II of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), by Respondents or any other business entity owned or operated by Pudaο Shao and/or Hongyan Huang, as addressed in the January 18, 2021, Clean Air Act Title II Vehicle & Engine Civil Penalty Policy.

50. Respondents certify that as of the date of their signatures on this CAFO there are no Defeat Devices on any vehicles and engines owned or operated by Respondents and that the ECM of each vehicle and engine owned or operated by Respondents is at factory settings.

51. Respondents certify that as of the date of their signatures on this CAFO there are no Defeat Devices in their inventory and/or possession (including, but not limited to, straight pipes, EGR delete kits, tuners, etc.).

52. Within 14 calendar days from the Respondents’ signatures on this CAFO, Respondents shall remove from their webpages (if applicable) and any social media platform(s) all advertisements, photos, videos, and information that relate to performing tampering and/or selling, offering to sell, and/or installing of Defeat Devices except advertisements, photos, videos, or information relating to how to comply with the CAA.

53. Within 14 calendar days from date of the Respondents’ signatures on this CAFO, the Respondents shall post a publicly-accessible announcement about Respondents’ settlement with EPA on Respondents’ current website homepage(s) (if applicable) and Respondents’ social media homepage(s), including, but not limited to, all Facebook, Twitter, Pinterest, and Instagram accounts associated with Respondents. The announcement shall remain posted for at least 60 calendar days from the date the announcement is posted. Respondents shall use the text contained in Appendix A (Announcement) in 12-point font, or another notice reviewed and

approved by EPA, to provide such announcement. Respondents shall provide EPA with proof of posting the announcement within 30 calendar days from the Effective Date of this CAFO.

54. Within 30 calendar days from the date of Respondents' signatures on this CAFO, Respondents shall notify, in writing, all customers who purchased any of the devices, equipment, and services described in Paragraphs 29 and 37 of Respondents' settlement with EPA. Respondents shall use the form of letter contained in Appendix B (Letter), or another letter reviewed and approved by EPA to provide such notice. The Letters shall be transmitted by certified U.S. Mail, return receipt requested, or by e-mail, return delivery receipt requested. Respondents shall notify EPA with proof of mailing or e-mailing within 45 calendar days from the Effective Date of this CAFO to verify that all Letters have been sent.

55. In each report that Respondents submit as provided by this CAFO, each Respondent must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

56. Failure to comply with Paragraph 48 of this CAFO may constitute a violation of Section 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), and Respondents could be subject to penalties of up to the statutory civil penalties in 40 C.F.R. § 19.4.

57. Respondents are informed and believe, and upon such information and belief certify that any material information or representation they have supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover

appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondents to the EPA regarding matters relevant to this CAFO, including incomplete responses to Information Requests and information about Respondents' ability to pay a penalty, were false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

58. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Other Conditions Section above is restitution, remediation, or required to come into compliance with the law.

General Provisions

59. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: dawson.matthew@epa.gov (for Complainant), and wgardner@taftlaw.com (for Respondents). Respondents understand that the CAFO will become publicly available upon filing.

60. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in this CAFO.

61. The effect of the settlement described in Paragraph 60, above, is conditioned upon the accuracy of Respondents' representations to EPA.

62. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

63. This CAFO does not affect Respondents' responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 60, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

64. Respondents certify that they are fully complying with Sections 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B).

65. This CAFO constitutes an "enforcement response" as that term is used in EPA's January 18, 2021, Clean Air Act Title II Vehicle & Engine Civil Penalty Policy to determine Respondents' "full compliance history" under Section 205(b) of the CAA, 42 U.S.C. § 7524(b).

66. The terms of this CAFO bind Respondents, and their successors and assigns.

67. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

68. Each party agrees to bear its own costs and attorney's fees in this action.

69. This CAFO constitutes the entire agreement between the parties.

Global Xpress Parts LLC, Respondent

2/22/2023
Date

Shaopudao
Pudao Shao, Member
Global Xpress Parts LLC

Extra Power Performance LLC, Respondent

2/22/2023
Date

Shaopudao
Pudao Shao, Manager
Extra Power Performance LLC

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2023.02.27
12:35:58 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order

In the Matter of: Global Xpress Parts LLC and Extra Power Performance LLC

Docket No. CAA-05-2023-0005

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2023.02.27
15:03:01 -06'00'

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Appendix A: Announcement

On **X** Date, Global Xpress Parts LLC (GXP) and Extra Power Performance LLC (EPP) entered into a settlement with the United States Environmental Protection Agency (EPA) to resolve alleged violations of Section 203(a)(3)(B) of the Clean Air Act, related to the manufacturing selling, offering to sell, and/or installing defeat devices for use on heavy-duty diesel engines.

By signing a consent agreement with EPA, GXP and EPP have certified that they will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: “(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchasers, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (B) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”

GXP and EPP will pay a penalty of \$552,950 and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act.

If you have any questions regarding this announcement, please ask for Pudao Shao and/or Hongyan Huang.

Thank you,

Pudao Shao and/or Hongyan Huang

Appendix B: Letter

To Whom It May Concern:

On **X** Date, Global Xpress Parts LLC (GXP) and Extra Power Performance LLC (EPP) entered into a settlement with the United States Environmental Protection Agency (EPA) to resolve alleged violations of Section 203(a)(3)(B) of the Clean Air Act, related to the manufacturing selling, offering to sell, and/or installing defeat devices for use on heavy-duty diesel engines.

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Thank you,

Pudao Shao and/or Hongyan Huang