

Clean Air Act Vehicle and Engine Expedited Settlement Agreement

Document #:
EPA-5-23-CAA-ESA-05

Respondent:
Unlimited Diesel Performance Inc.
408 Logan-Thornville Rd NE,
Bremen, OH 43107

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violation(s) discovered as a result of the investigation specified in Table 1, attached, and incorporated into this Agreement by reference. The civil violation(s) that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicle(s)/engine(s) specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over Respondent and Respondent’s conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein and waives any objections Respondent may have to EPA’s jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of \$31,591.90. Respondent has followed the instructions in “CAA Vehicle and Engine Expedited Settlement Agreement Instructions,” attached, incorporated into this Agreement by reference. Respondent certifies that the compliance requirements, specified in Table 3 and incorporated into this Agreement by reference, have been carried out.
4. By EPA’s signature below, EPA approves the findings resulting from the investigation and alleged violation(s) set forth in Table 1 and Table 2. Upon signing and returning this Agreement to EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties signing below and becomes effective on the date of the EPA Delegated Official’s ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at Respondent’s e-mail noted below.

APPROVED BY RESPONDENT:

Name (print): Note Bailor

Title (print): President

Email (print): note@unlimiteddiesel.com

Signature: *Note Bailor*

Date: 03/10/2023

APPROVED BY EPA:

Delegated Official: Michael D. Harris, Division Director, ECAD, EPA Region 5

Table 1 - Information Collection**Date(s) Information Collected:**

January 1, 2019, - April 22, 2022

Respondent Location:

408 Logan-Thornville Road, NE

Document Number:

EPA-5-23-CAA-ESA-05

City:

Bremen

Inspector(s) Name(s):

Carlo Demma and Daniel Schaufelberger

State: Zip Code:

OH

43107

EPA Approving Official:

Michael D. Harris

Respondent:

Unlimited Diesel Performance, Inc.

EPA Enforcement Contact(s):

Carlo Demma

Table 2 - Description of Violations and Vehicles/Engines

EPA obtained evidence that Unlimited Diesel Performance Inc. (Respondent) offered for sale and sold defeat devices, which rendered inoperative emission control systems on EPA-certified motor vehicles or motor vehicle engines. It is a violation of Section 203(a)(3)(A) and 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) to sell, offer for sale, and/or install defeat devices intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed at least 45 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) and 8 violations of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).

Defeat Device Violations

| Defeat Device Description | Make | Part # | Quantity Sold | Date Range |
|--|---|---------------------|---------------|-----------------|
| Tampering with Emissions Control Systems | Ford/Dodge/Chevy | N/a | 8 | 2019-2020 |
| Aftertreatment Delete Hardware | FLO PRO | 832NB | 1 | 2019 |
| EGR Delete Hardware | J&J Machine & Tool | UDP-6.4-FULLKIT | 2 | 2019 |
| ECM Tuning Product - Capable of Defeating Emission Control Devices | SCT w/Gearhead | NA | 3 | 2019, 6/19/2020 |
| Aftertreatment Delete Hardware | FLO PRO | 614NM | 2 | 2019 |
| ECM Tuning Product - Capable of Defeating Emission Control Devices | P/U T, Ford, F250/F350 2008-2010, 6.4L Powerstroke, 2008-2010, NR | High Caliber Tuning | 7 | 2019 |

| | | | | |
|--|--|---|---|-----------------------|
| ECM Tuning Product - Capable of Defeating Emission Control Devices | P/U T, Ford, F250/F350 2011-2019, 6.7L Powerstroke, 2011-2019, NR | High Caliber Tuning | 5 | 2019 |
| EGR Delete Hardware | J&J Machine & Tool Inc. | UDP-6.7-PSFULLKIT | 3 | 2019 |
| ECM Tuning Product - Capable of Defeating Emission Control Devices | P/U T, GMC 2500HD/3500HD 2011-2014, 6.6 Duramax, 2011-2015, NR | OZ Tuner LLC | 1 | 2019 |
| Aftertreatment Delete Hardware | FLO PRO | 864NB | 1 | 2019 |
| EGR Delete Hardware | Premier Performance | SINSD-EGRD-LML | 1 | 2019 |
| ECM Tuning Product - Capable of Defeating Emission Control Devices | SCT w Gearhead | GEARHEAD AUTOMOTIVE THREE TUNE 6.0 TUNING PACKAGE | 2 | 1/22/2019 2/7/2019 |
| EGR Delete Hardware | J&J Machine & Tool Inc. | UDP-6.0-FULLKIT | 8 | 2019 |
| ECM Tuning Product - Capable of Defeating Emission Control Devices | SCT X4 POWER FLASH TUNER | NA | 2 | 2/13/2019 2019 |
| Aftertreatment Delete Hardware | Rudy's Diesel Performance | RDP-DP-0158-P | 3 | 2019 |
| Aftertreatment Delete Hardware | FLO PRO | 837NB | 1 | 2019 |
| Aftertreatment Delete Hardware | FLO PRO | 852NB | 1 | 2019 |
| Aftertreatment Delete Hardware | FLO PRO | 857NB | 1 | 2019 |
| Aftertreatment Delete Hardware | 2003-2007 Ford F-350/450/550 6.0L Cab & Chassis 4" Cab & Chassis, Turbo Back, Single Side Exit, Off Road, AL | NA | 1 | 6/19/2020 |

Table 3 - Penalty and Compliance Requirements

| | |
|-------------------------|--|
| Penalty | \$ 31,591.90. |
| Compliance Requirements | In addition to paying the monetary penalty, Respondent must cease and refrain from purchasing, selling, or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by EPA. Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent certifies that it has reviewed EPA's November 23, 2020 "EPA Tampering Policy - The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act." |

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

On the same day after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for Unlimited Diesel Performance Inc. Document Number EPA-5-23-CAA-ESA-05". Attach a copy of the Agreement and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with Unlimited Diesel Performance Inc. and the Document Number listed below, with a copy of the Agreement to:

U. S. Environmental Protection Agency Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Attn: Document Number EPA-5-23-CAA-ESA-05

Within 30 days from your receipt of the Agreement, you must email Demma.Carlo@epa.gov a scanned copy of the original signed Agreement and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Carlo Demma at (312) 886-5890. The EPA will consider whether to grant an extension on a case-by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violations specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violations and seek penalties of up to \$4,876 per violation pursuant to 40 C.F.R. § 19.4.