

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of)
)
 SC Diesel LLC) **Docket No. CAA-07-2021-0007**
 Booneville, Missouri)
)
 Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant) and SC Diesel LLC (Respondent) have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded under 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, as codified at 40 C.F.R. Part 22.

Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 205(c) of the CAA, 42 U.S.C. § 7524(c). Pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), EPA may administratively assess a penalty for violations of Section 203(a) of the CAA, 42 U.S.C. § 7522(a), that occurred after November 2, 2015 where the penalty is assessed on or after January 13, 2020 if the penalty sought is less than \$385,535. CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1); 40 C.F.R. § 19.4.

2. This Consent Agreement and Final Order serves as notice that EPA has reason to believe that Respondent has violated Section 203 of the CAA, 42 U.S.C. § 7522, and the regulations promulgated thereunder. Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), of the EPA’s intent to issue an order assessing penalties for these violations.

Parties

3. Complainant is the Chief of the Air Branch, Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is SC Diesel LLC, a limited liability company organized under the laws of the State of Missouri.

Statutory and Regulatory Background

5. 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.” CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2).

6. Section 216(a) of the CAA, 42 U.S.C. § 7550(2), defines the term “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.”) These definitions are based on vehicle attributes (e.g., ability to travel over 25 miles per hour, lack of features that render street use unsafe) and make no exemption for vehicles based on their use (e.g., claim that a vehicle is used solely for competition).

7. EPA promulgated emission standards for particulate matter (PM), nitrogen oxides (NO_x), hydrocarbons (HC), carbon monoxide (CO), and other pollutants emitted by motor vehicles and motor vehicle engines, including Heavy Duty Diesel Engine (HDDE) trucks, under Section 202 of the CAA, 42 U.S.C. § 7521. *See generally* 40 C.F.R. Part 86. HDDE standards “reflect the greatest degree of emission reduction achievable through the application of [available] technology.” CAA § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i).

8. To meet the emissions standards in 40 C.F.R. Part 86, HDDE manufacturers employ many devices and elements of design. The regulation at 40 C.F.R. § 86.094-2 defines the term “element of design” as “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.”

9. One element of design that HDDE manufacturers employ is retarded fuel injection timing as a primary emission control device for NO_x emissions. Common emission control devices HDDE manufacturers use include diesel particulate filters (DPFs), exhaust gas recirculation (EGR) systems, selective catalyst reduction (SCR) systems, and/or diesel oxidation catalysts (DOCs). Additionally, modern HDDEs are equipped with electronic control modules (ECMs), which continuously monitor engine and other operating parameters and control the vehicle’s emission control devices.

10. EPA promulgated regulations for motor vehicles manufactured after 2007 that require HDDE trucks to have onboard diagnostic systems to detect various emission control device parameters and vehicle operations. *See* Section 202(m) of the CAA, 42 U.S.C. § 7521(m), and 40 C.F.R. §§ 86.010-18(o), 86.1806-05(n).

11. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), and 40 C.F.R. § 1068.101(b)(1) prohibit any person from removing or rendering 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 any person from knowingly removing or rendering inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

12. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), and 40 C.F.R. § 1068.101(b)(2) prohibit any person from manufacturing or selling, or offering to sell, or installing, 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.

13. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines the term “person” as “including 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, agency, or employee thereof.”

14. Section 205(a) of the CAA, 42 U.S.C. § 7524(a), states that any person other than a manufacturer or dealer who violates Sections 203(a)(3)(A) or 203(a)(3)(B) of the CAA shall be subject to a civil penalty of not more than \$2,500 with respect to each motor vehicle engine for violations of Section 203(a)(3)(A) or each part or component for violations of Section 203(a)(3)(B). The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$4,819 for violations that occur after November 2, 2015, and are assessed after January 13, 2020.

15. Pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), EPA may compromise, or remit, with or without conditions, any civil penalty which may be imposed under this section.

Factual Allegations

16. Respondent operates a vehicle mechanic facility located at 11654 Old Highway 40, Booneville, Missouri, 65233 (Facility).

17. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

18. On January 23, 2020, EPA inspected Respondent’s Facility pursuant to Section 208 of the CAA, 42 U.S.C. § 7542 to evaluate Respondent’s compliance with Title II of the CAA and the regulations promulgated thereunder.

19. During that inspection, EPA discovered invoices for work performed and other information related to sales and installation of at least 193 products, as set forth in Appendix A.

Alleged Violations

20. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as follows:

Counts 1-145

21. Paragraphs 16 through 19 are incorporated by reference as if fully set forth herein.

22. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A) prohibits any person from removing 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 knowingly removing or rendering inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

23. Between January 27, 2018 and July 19, 2019, Respondent knowingly removed and/or rendered inoperative 145 devices or elements of design installed in a motor vehicle or motor vehicle engine that were installed by the original equipment manufacturer in order to comply with CAA emissions standards.

24. By knowingly removing and/or rendering inoperative 145 devices or elements of design installed in a motor vehicle or motor vehicle engine that were installed by the original equipment manufacturer in order to comply with CAA emissions standards, Respondent is in violation of Section 203(a)(3)(A) of the CAA, § 7522(a)(3)(A).

Counts 146-338

25. Paragraphs 16 through 19 are incorporated by reference as if fully set forth herein.

26. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) prohibits any person from manufacturing or selling, or offering 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.

27. Between January 27, 2018 and July 19, 2019, Respondent sold and/or installed at least 193 parts or components on motor vehicles or motor vehicle engines where the principal effect or the part or component is to bypass, defeat, or render inoperative elements of design of those engines, as set forth in Appendix A.

28. Respondent knew or should have known that the parts or components it offered for sale or installed was to bypass, defeat, or render inoperative elements of design on those engines.

29. By selling and/or installing at least 193 parts or components on motor vehicles or motor vehicle engines where the principal effect or the part or component is to bypass, defeat, or render inoperative elements of design of those engines when it knew or should have known that the parts or components it offered for sale or installed was to bypass, defeat, or render inoperative elements of design on those engines, Respondent is in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

CONSENT AGREEMENT

30. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the EPA has jurisdiction over the subject matter alleged herein;
- (b) neither admits nor denies the specific factual allegations and alleged violations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order as provided herein;
- (e) consents to any conditions specified herein;
- (f) waives any right to contest the allegations set forth herein; and
- (g) waives its rights to appeal the Final Order accompanying this Consent Agreement.

31. For the purposes of this proceeding, Respondent:

- (a) Agrees that this Consent Agreement states a claim upon which relief may be granted against Respondent;
- (b) acknowledges that this Consent Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (c) waives any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);

- (d) consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in the United States District Court; and
- (e) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in the United States District Court to compel compliance with the Agreement or Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action.

32. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

33. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Payment

34. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a compromised civil penalty of Ten Thousand Dollars (\$10,000) as set forth below. The EPA has considered the appropriateness of the penalty pursuant to the Clean Air Act Mobile Source Penalty Policy. The EPA has reduced the civil penalty on the basis of substantiated financial information provided by Respondent demonstrating an inability to pay a higher civil penalty and has determined the penalty of \$10,000 may be paid in installments. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay the civil penalty of \$10,000, plus interest of Two Hundred and Ninety-Seven Dollars and Fifty-Six Cents (\$297.56) over a period of three (3) years for a total payment of Ten Thousand, Two Hundred and Ninety-Seven Dollars and Fifty-Six Cents (\$10,297.56). The payments will be made in quarterly payments of Eight Hundred and Fifty-Eight Dollars and Thirteen Cents (\$858.13). The first payment must be received in accordance with Paragraph 34 below on or before May 1, 2021. Each subsequent payment shall be paid in quarterly installments after the previous payment.

35. Payment must be made by cashiers or certified check or online. Such payment must identify Respondent by name and docket number, be made payable to the "United States Treasury," and be remitted to:

U.S. Environmental Protection Agency, Region 7
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

Online payments must be made at:
www.pay.gov
Enter "SFO 1.1" in the search field
Open form and complete fields

36. A copy of the check or other information confirming payment shall simultaneously be sent to:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov;

and

Catherine R.M. Chiccine
Office of Regional Counsel
Chiccine.catherine@epa.gov

37. This civil penalty is not deductible for federal tax purposes. *See* 28 U.S.C. § 162(f).

38. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 26 U.S.C. § 6621(a)(2). In addition to that amount and interest, Respondent will be required to pay the United States' enforcement expenses, and the United States will charge a quarterly nonpayment penalty of 10 percent of the amount of the outstanding and nonpayment penalties, pursuant to Section 205(c)(6) of the CAA, 42 U.S.C. § 7542(c)(6).

Conditions

39. As a condition of settlement, Respondent agrees to the following: By signing this Consent Agreement, the undersigned representative of Respondent certifies that from the date of Respondent's signature: (i) it 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); and (ii) it will not manufacture, sell, offer for sale, or install any part or component, including those described in Appendix A, in violation of Section 203(a)(3)(B) of the CAA, 42, U.S.C. § 7522(a)(3)(B). Toward this end, the Respondent is aware of EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

40. By the effective date of this Consent Agreement and Final Order, Respondent shall not provide technical support, maintenance, repair, or information pertaining to aftermarket defeat devices, including but not limited to those products listed in Appendix A, where a principal effect of the device is to bypass, defeat, or render inoperative any emission-related device or element of design installed on or in a motor vehicle or motor vehicle engine, and 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, installed on vehicles brought to the Facility.

41. Within 30 days of the effective date of this Consent Agreement and Final Order, Respondent will permanently destroy any defeat device remaining in its inventory and/or possession, including but not limited to the type of products listed in Appendix A, by compacting or crushing the defeat devices and all of the associated parts and components to render them useless. Respondent will submit videographic and photographic evidence in accordance with Paragraph 44.

42. Within 30 days of the effective date of this Consent Agreement and Final Order, Respondent will remove any advertisements regarding sales or installation of defeat devices from its website, Facebook, and any other social media accounts.

43. Within 30 days of the effective date of this Consent Agreement and Final Order, Respondent will contact customers on all sales cited as counts in this Consent Agreement and Final Order using the Recall Letter attached as Appendix B.

44. Respondent must submit notice that it has complied with Paragraphs 41, 42, and 43 via e-mail to EPA Compliance Officer Delia Garcia at garcia.delia@epa.gov within 60 days after the effective date of this Consent Agreement and Final Order.

45. In the notice that Respondent submits as provided by Paragraph 44 of this Consent Agreement and Final Order, it must certify that the notice 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.

Effect of Settlement and Reservation of Rights

46. Full payment of the penalty proposed and performance of the conditions in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

47. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in the paragraph directly below.

48. Respondent certifies by the signing of this Consent Agreement that it is in compliance with all requirements of the CAA and its implementing regulations.

49. Full payment of the penalty proposed and performance of the conditions in this Consent Agreement shall not in any case affect the right of the Agency or the United States to

pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and regulations promulgated thereunder.

50. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

51. This Consent Agreement and Final Order constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Mobile Source Civil Penalty Policy to determine Respondent's "history of compliance" under Section 205 of the CAA, 42 U.S.C. § 7524.

General Provisions

52. Respondent consents to receiving the filed Consent Agreement and Final Order electronically at the following e-mail address: scdiesellc@gmail.com

53. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and to legally bind Respondent to it.

54. This Consent Agreement shall apply to and be binding upon Respondent and Respondent's agents, successors, and/or assigns. Respondent shall ensure that all contractors, employees, consultants, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement.

55. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

COMPLAINANT:

U.S. Environmental Protection Agency

Date: _____ By: _____
Tracey Casburn
Acting Air Branch Chief
Enforcement and Compliance Assurance Division

Date: _____ By: _____
Catherine R. M. Chiccine
Assistant Regional Counsel
Office of Regional Counsel

RESPONDENT:

SC Diesel, LLC

Date: 2/22/2021 By: 

Erwin Silvester
Printed Name

Owner
Title

FINAL ORDER

Pursuant to Section 205(c) of the CAA, 42 U.S.C. § 7524(c), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Date: _____ By: _____
Karina Borromeo
Regional Judicial Officer
United States Environmental Protection Agency
Region 7

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Catherine R. M. Chiccine
U.S. Environmental Protection Agency, Region 7
Chiccine.catherine@epa.gov

Copy via Email to Respondent:

SC Diesel, LLC
c/o Evan and Amber Schuster
scdiesellc@gmail.com

Dated this _____ day of _____, _____.

Signed

APPENDIX A

Defeat Device Description	Invoice		
	Quantity	Number	Date Range
Duramax 5 Tune Pack	4	11805 11889 11908 12721	1/27/18 to 6/11/19
EFI Vin License	25	11805 11835 11864 11889 11892 11901 11908 11928 11969 11943 11971 12478 12384 12396 12540 12639 12642 12659 12671 12687 12721 12727 12760 12820	1/27/18 to 7/19/19
FloPro 6.4 Powertroke Delete Pipe	5	11816 11824 12583 12604 12641	2/10/18 to 4/30/19

APPENDIX A

H & S Performance Tune		11816	
		11824	
		11826	
		11828	
		11831	
		11885	
		11955	
		11933	
		11989	
		12002	
		12003	
		12012	
		12386	
		12399	
		12412	
		12418	
		12441	
		12460	
		12496	
		12513	
	12515		
	12532		
	12583		
	12589		
	12604		
	12641		
	12669		
	12695		
	35	12702	2/10/18 to 7/12/19
RCD EGR Kit	1	11824	2/16/18
FloPro LML 5" Exhasut w/o Muffler	2	11826	2/20/18 to 6/30/18
		12012	
EFI by Ryan	6	11832	2/23/18 to 4/30/19
		11901	
		12396	
		12481	
		12545	
		12639	

APPENDIX A

Dodge Cummins EGR Delete 6.7L 10-17 w coolant bypass	12	11835 11943 11971 11986 12002 12384 12421 12429 12476 12550 12592 12776	2/25/18 to 7/5/19
EFILive Tune	12	11835 11864 11892 11928 11943 12478 12540 12642 12659 12671 12727 12806	2/25/18 to 7/15/19
6.7L Powerstroke DPF Delete Pipe	15	11872 11955 11921 1933 13079 12405 12418 12441 12532 12589 12602 12695 12702 12742 12801	3/30/18 to 7/12/19
WC Fab 6.0L Powerstroke EGR Delete	2	11882 11884	4/6/18 to 4/9/18
6.4 Powerstroke Delete Pipe	1	11887	4/10/18
6.7L Powerstroke EZ Lynk Tune Pack	2	11903 11921	4/23/18 to 5/10/18
CM2250 Cummins Tuning	1	11906	4/27/18
FloPro 6.7L Powerstroke 5" Exhaust w/o Muffler	2	11946 11994	5/10/18 to 6/20/18

APPENDIX A

6.7 Powerstroke EGR Delete Kit	19	11955 12392 12389 13079 12412 12441 12480 12513 12532 12584 12589 12593 12641 12695 12702 12725 12742 12790 12801	5/25/18 to 7/12/19
LLY EGR Delete Kit	2	11934 12001	5/11/18 to 6/27/18
13-17 Dodge Cummins 6.7 EGR Relocation Kit	6	11928 12399 12540 12736 12727 12776	5/14/18 to 7/5/19
Duramax Single Maxx Effort Tune	1	11969	5/18/18
SCT 7015 X4 Tuner	1	1198	6/17/18
EZY Pack Single Tune	2	11994 12593	6/20/18 to 4/19/19
MBRP LML Duramax 4" Exhaust Kit w/o muffler	1	12386	1/4/19
FloPro 4" Delete Pipe	1	12384	1/4/19
MM3 Vin License	5	12384 12389 12421 12429 12555	1/4/19 to 3/28/19
MM3 Single Tune	7	12384 12389 12399 12421 12429 12555 12736	1/4/19 to 3/4/19

APPENDIX A

6.7 4" Downpipe Back Exhaust No Muffler	1	12392	1/9/19
SCT Tune Pack 6.7 Powerstroke	3	12392 12568 12602	1/9/19 to 4/22/19
07.5-09 Dodge Cummins EGR Delete Kit	2	12390 12639	1/9/19 to 4/30/19
04.5-5.9L Cummins 4" Turbo Back w/o Muffler	1	12390	1/9/19
NGauge Vin License	1	13079	1/10/19
6.7 Powerstroke SOFT Tune Pack	1	13079	1/10/19
2011-2016 6.7L Powerstroke 5" Downpipe Back Exhaust No Muffler	2	12412 12480	1/21/19 to 2/21/19
11-15 6.6 Duramax 4: MBRP Race Delete Pipe	1	12496	2/28/19
SCT Single Tune	1	12500	3/1/19
04-12 Cummins Exhaust Kit 5" no muffler	1	12515	3/5/19
Duramax EGR Bypass Hose	1	12584	4/15/19
11-15 Duramax EGR/Cooler Delete Kit	2	12671 12760	5/20/19 to 6/27/19
Cummins Advanced Tuning	1	12687	5/21/19
16-17 5.0L Nissan Titan/Cummins 4" Delete Pipe	2	12699 12714	5/24/19 to 6/6/19
Deviant LML EGR Delete	1	12751	6/21/19
LML DSP5 Tune	2	12760 12820	6/27/19 to 7/19/19

TOTAL**193**

Appendix B

NAME
COMPANY (IF APPLICABLE)
STREET ADDRESS
CITY STATE ZIP

Re: Product Notice Letter

Dear [Name]:

We are writing to make you aware of important changes in the type of products sold by SC Diesel, LLC (SC Diesel). According to our records, you purchased products from SC Diesel that are designed to delete the emissions control devices on motor vehicles. For the purposes of this letter, these products are referred to as "Subject Products."

As you may already know, SC Diesel has suspended all sales of Subject Products. SC Diesel has done so because the Environmental Protection Agency (EPA) alleged that SC Diesel's sale and installation of Subject Products violated the Clean Air Act's prohibition against motor vehicle parts or components that allow for bypassing, defeating, or rendering inoperative any emissions control system or element of design on a vehicle. *See* 42 U.S.C. § 7522(a)(3). Emissions control systems include the diesel particulate filter, exhaust gas recirculation system, catalysts, and onboard diagnostic system.

SC Diesel recently entered into an administrative settlement with EPA to resolve disputes regarding its sale and installation of Subject Products. As part of the settlement, SC Diesel has agreed that, among other things, it will no longer sell, install, provide technical support, maintenance, repair, or provide information regarding the Subject Products, and it will provide you with this notice.

If you have any questions regarding this notice, please call [Phone Number] and ask for [SC Diesel Representative].

Thank you,
[SC Diesel Representative]