

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In the Matter of:

Justin Holder,

Battlefield Automotive, LLC, and

Enhanced Alternatives, LLC,

d/b/a Battlefield Automotive and Confederate  
Diesel

Respondents.

Docket No.  
CAA-HQ-2018-8374

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**BUSINESS CONFIDENTIALITY ASSERTED**

Appendix A of the Complaint contains material claimed to be confidential business information (“CBI”) pursuant to 40 C.F.R. § 2.203(b). Respondents have claimed as CBI the sales records obtained by the EPA during an October 26, 2016 inspection. The material claimed as CBI in Appendix A comprises the invoice numbers, invoice dates, descriptions of sales and installations, and customers’ motor vehicle and license plate information obtained from the Respondents’ sales records copied by the EPA during the October 26, 2016 inspection.

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**COMPLAINT**

**Preliminary Statement**

1. This Complaint is filed in this administrative penalty assessment proceeding under section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1), and the United States Environmental Protection Agency’s (“EPA”) “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 (“Consolidated Rules”). 40 C.F.R. § 22.13(a).
2. Phillip A. Brooks, Director, Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance (“Complainant”), is authorized by lawful delegation from the Administrator of the EPA to institute civil administrative penalty assessment proceedings under section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1).
3. Respondents in this matter are Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC, d/b/a Battlefield Automotive and Confederate Diesel.

4. Respondent Justin Holder is an individual and resides in the State of Maryland with principal places of business at 308 and 311B West Chapline Street and a principal residence at 308 West Chapline Street, Sharpsburg, Maryland 21782.
5. Respondent Battlefield Automotive, LLC is a limited liability company organized under the laws of Maryland with principal places of business at 308 and 311B West Chapline Street, Sharpsburg, Maryland 21782.
6. Respondent Battlefield Automotive, LLC was registered with the State of Maryland Department of Assessments and Taxation on December 17, 2014.
7. At all times relevant to this Complaint, Justin Holder has been sole member of Respondent Battlefield Automotive, LLC.
8. Respondent Battlefield Automotive, LLC's registered agent is Justin Holder. The address listed for Battlefield Automotive, LLC's registered agent in Maryland's business records is 210A Maple Avenue, Boonsboro, Maryland 21713, which is a former place of business for Respondents Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC.
9. Respondent Enhanced Alternatives, LLC is a limited liability company organized under the laws of Maryland with principal places of business at 308 and 311B West Chapline Street, Sharpsburg, Maryland 21782.
10. Respondent Enhanced Alternatives, LLC was registered with the State of Maryland Department of Assessments and Taxation on November 8, 2006. The registration filing indicated the business address of Enhanced Alternatives, LLC was 308 West Chapline Street, Sharpsburg, Maryland 21782.
11. Prior to December 19, 2014, Respondent Justin Holder was the majority-owner member of Respondent Enhanced Alternatives, LLC, and his wife Deena Holder was the minority-owner member of Respondent Enhanced Alternatives, LLC.

12. Since at least 2015 through 2016, Respondent Justin Holder has been the sole member of Respondent Enhanced Alternatives, LLC.
13. At all times relevant to this Complaint, Respondent Justin Holder has been the managing member of Enhanced Alternatives, LLC.
14. Respondent Enhanced Alternatives, LLC's registered agent is Justin Holder. The address listed for Enhanced Alternatives, LLC's registered agent in Maryland's business records is 210A Maple Avenue, Boonsboro, Maryland 21713, which is a former place of business for Respondents Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC.
15. Each Respondent is a "person" as defined in section 302(e) of the CAA, 42 U.S.C. § 7602(e).
16. The EPA makes the Alleged Violations of Law, below, based on inspections by the EPA of Respondents' facilities and other information.

#### **Jurisdiction**

17. This action is brought under section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), and the Consolidated Rules.
18. The EPA may administratively assess a civil penalty for violations of section 203(a) of the CAA, 42 U.S.C. § 7522(a). CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1).
19. Where violations occurred after November 2, 2015 and a penalty is assessed on or after January 15, 2018, an administrative civil penalty may not exceed \$369,532 against each violator, unless the Administrator of the EPA and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1); 40 C.F.R. § 19.4 tbl. 1.
20. The Consolidated Rules govern administrative adjudicatory proceedings for the assessment of any administrative civil penalty under section 205(c) of the CAA, 42 U.S.C. § 7524(c). 40 C.F.R. § 22.1(a)(2).

21. An Administrative Law Judge shall serve as Presiding Officer in this proceeding until an initial decision becomes final or is appealed. 40 C.F.R. §§ 22.3(a), 22.4, 22.16(c).

### **Governing Law**

22. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521–7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, including non-methane hydrocarbons (“NMHC”), oxides of nitrogen (“NO<sub>x</sub>”), particulate matter (“PM”), and carbon monoxide (“CO”).
23. “Motor vehicle” means any self-propelled vehicle designed for transporting persons or property on a street or highway. CAA § 216(2), 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.
24. “Motor vehicle engine” means an engine that is designed to power a motor vehicle.
25. Motor vehicles are defined by their attributes. CAA § 216(2), 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.
26. Motor vehicles are not defined by how they are used. CAA § 216(2), 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.
27. PM is a form of air pollution composed of microscopic solids and liquids suspended in air. PM is emitted directly from motor vehicles and is also formed in the atmosphere from other pollutants emitted by sources including motor vehicles.
28. Ozone is a highly reactive gas that is formed in the atmosphere, in part, from pollutants emitted by motor vehicles.
29. NO<sub>x</sub> and NMHC are reactive gases emitted by motor vehicles that contribute to the formation of PM and ozone.
30. Exposure to PM and ozone is linked to a number of health effects as well as premature death. Children, older adults, people who are active outdoors (including outdoor workers), and people

with heart or lung disease are particularly at risk for health effects related to PM or ozone exposure.

31. Nitrogen dioxide (“NO<sub>2</sub>”) can aggravate respiratory diseases, particularly asthma, and may also contribute to asthma development in children. NO<sub>2</sub> is emitted by motor vehicles and also is formed in the atmosphere by emissions of NO<sub>x</sub>.
32. CO is a toxic gas emitted by motor vehicles that can cause headaches, dizziness, vomiting, nausea, loss of consciousness, and death. Long-term exposure to CO has been associated with an increased risk of heart disease.
33. Under section 202 of the CAA, 42 U.S.C. § 7521, the EPA promulgated emission standards for PM, NO<sub>x</sub>, CO, and NMHC and other pollutants applicable to motor vehicles and motor vehicle engines, including heavy-duty diesel (“HDD”) trucks and truck engines. *See generally* 40 C.F.R. Part 86.
34. Manufacturers of new motor vehicles or motor vehicle engines must obtain a certificate of conformity (“COC”) from the EPA to sell, offer to sell, or introduce or deliver for introduction into commerce any new motor vehicles or motor vehicle engines in the United States. CAA § 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1).
35. The EPA issues COCs to vehicle manufacturers (also known as “original equipment manufacturers” or “OEMs”) under section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles conforms to applicable EPA requirements governing motor vehicle emissions.
36. To obtain a COC for a motor vehicle group or engine family, the OEM must demonstrate that each motor vehicle or motor vehicle engine will not exceed established emissions standards for NO<sub>x</sub>, PM, CO, NMHC, and other pollutants. 40 C.F.R. §§ 86.004-21, 86.1811-04, 86.1844-01.

37. The COC application must describe, among other things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. This includes all auxiliary emission control devices (“AECDS”), which are defined as “any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purposes of activating, modulating, delaying, or deactivating the operation of any part of the emission control system” of the motor vehicle. 40 C.F.R. §§ 86.1803-01, 86.1844-01(d)(11).
38. An element of design is “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 interactions, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.1803-01.
39. Under section 202(m) of the CAA, 42 U.S.C. § 7521(m), the EPA promulgated regulations for motor vehicles manufactured after 2007 that require HDD trucks 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.
40. Under the CAA, the term “person” includes individuals, corporations, partnerships, associations, states, municipalities, and political subdivisions of a state. 42 U.S.C. § 7602(e).
41. Section 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, 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 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.

42. It is also a violation for any person to cause any of the acts set forth in CAA section 203(a), 42 U.S.C. § 7522(a).
43. Persons violating sections 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), are subject to a civil penalty of up to \$3,750 for each for each violation that occurred on or before November 2, 2015, and up to \$4,619 for each violation that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4; Civil Monetary Penalty Inflation Adjustment Rule, 83 Fed. Reg. 1190, 1193 (Jan. 10, 2018).
44. Rather than referring a matter to the United States Department of Justice (DOJ) to commence a civil action, the EPA may assess a civil penalty through its own administrative process if the penalty sought does not exceed \$369,532 or if the EPA and the DOJ jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. CAA § 205(c), 42 U.S.C. § 7524(c); 40 C.F.R. § 19.4.

### **General Allegations**

#### *Motor Vehicle Emissions-Related Elements of Design*

45. EPA-certified motor vehicles and motor vehicle engines include a variety of hardware and software devices or elements of design that control emissions of pollutants.
46. Motor vehicles are equipped with engine control units (“ECUs”), which are computers that monitor and control vehicle operations, including the operation of emission control devices and elements of design.
47. OEMs employ certain hardware devices as emission control systems to manage and treat exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air. Such devices include exhaust gas recirculation (“EGR”), diesel particulate filters (“DPFs”), diesel

oxidation catalysts (“DOC”), nitrogen oxide adsorbing catalyst (“NAC”), and selective catalytic reduction (“SCR”).

48. EGR is an element of design in diesel-fueled motor vehicles that reduces NO<sub>x</sub> emissions, which are formed at the high temperatures caused during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and NO<sub>x</sub> emissions. HDD OEMs generally design and build motor vehicles and motor vehicle engines using EGR systems to meet NO<sub>x</sub> standards. 40 C.F.R. §§ 86.004-11, 86.007-11.
49. DPF is an element of design in diesel-fueled motor vehicles that reduces PM pollution by collecting soot contained in engine exhaust gas. Proper operation of the DPF requires periodic regeneration of the filter to prevent accumulated PM from clogging the filter. HDD OEMs began designing and building motor vehicles and motor vehicle engines using DPFs in 2007 in order to meet more stringent PM emission standards. 40 C.F.R. §§ 86.007-11.
50. DOC is an element of design that reduces PM, CO, and NMHC emissions by promoting the conversion of those pollutants into less harmful gases in diesel-fueled motor vehicles. A DOC system consists of a flow-through structure coated with an active metal catalyst and surrounded by a stainless steel housing, and is used to promote reactions that change exhaust pollutants. HDD OEMs generally employ DOC systems to meet current emission standards for PM, NMHCs, and CO.
51. NAC is an element of design that reduces NO<sub>x</sub> emissions by means of adsorption under lean fuel-to-air stoichiometry and regeneration under rich fuel-to-air stoichiometry.
52. SCR is an element of design that reduces NO<sub>x</sub> emissions by chemically converting exhaust gas that contains NO<sub>x</sub> into nitrogen and water through the injection of diesel exhaust fluid. Diesel exhaust fluid (“DEF”) must be periodically refilled, which requires sensors in the DEF tank to communicate with the OBD to ensure that SCR is properly controlling NO<sub>x</sub> emissions. HDD

manufacturers generally design and build motor vehicles and motor vehicle engines using SCR systems in order to meet current NO<sub>x</sub> standards. 40 C.F.R. § 86.007-11.

53. In addition to emission control hardware, fuel mass, fuel injection pressure, and fuel injection timing are among the elements of design incorporated in diesel-fueled motor vehicles and motor vehicle engines that can affect the quantity of regulated pollutants that are created by the diesel engine. As an example, HDD manufacturers generally employ retarded fuel injection timing as an emission control method for NO<sub>x</sub>.
54. The emission control devices of a HDD motor vehicle and motor vehicle engine, such as the DPF, EGR, DOC, NAC, and SCR, work in conjunction with the motor vehicle's OBD system, which monitors emission-related systems or components that could cause the vehicle to fail to comply with the CAA's emission standards. The OBD must detect and report malfunctions of EGRs, oxygen sensors, DPFs, DOCs, NACs, and SCRs in motor vehicles by, among other means, illuminating the "check engine light" or other malfunction indicator lamp, recording a diagnostic trouble code, or causing an engine power reduction. 40 C.F.R. § 86.1806-05.
55. Ford Motor Company ("Ford") is the OEM of Model Year 2003-2007 F250-F350 6.0L Powerstroke, Model Year 2008-2010 Ford F250-F350 6.4L Powerstroke, and Model Year 2011-2017 6.7L Powerstroke HDD Trucks and Ford Excursion Diesel Vehicles and their engines.
56. General Motors Company is the OEM of GMC and Chevy (collectively "GMC/Chevy") Model Year 2004-2017 2500/3500 Sierra and Silverado 6.6L Duramax Model Year HDD Trucks and their engines.
57. FCA US LLC (and its predecessors) ("Dodge") is the OEM of Dodge Ram Model Year 2004-2005 2500/3500 5.9L Cummins and Model Year 2006-2017 6.7L Cummins HDD Trucks. Cummins, Inc., is the OEM for the engines for such HDD Trucks.
58. The HDD Trucks identified in Paragraphs 55-57 above are each self-propelled.

59. The HDD Trucks identified in Paragraphs 55-57 above are each designed to transport persons or property on a street or highway.
60. The HDD Trucks identified in Paragraphs 55-57 above are each a “motor vehicle,” as that term is defined under section 216(2) of the CAA, 42 U.S.C. § 7550(2), with a “motor vehicle engine.”
61. Ford, Chevy/GMC, Dodge, or Cummins obtained a COC from the EPA for each motor vehicle or motor vehicle engine identified in Paragraphs 55-57.
62. The HDD Trucks and their engines identified in Paragraphs 55-57 above have installed on or in them emissions-related devices or elements of design in compliance with Title II of the CAA, and in conformance with the relevant EPA-issued COC, including one or more of the following: EGR, DOC, NAC, SCR, DPF, OBD, or fueling strategies.
63. The following HDD Trucks and their engines have the following OEM-installed (“stock”) emission control devices consistent with the COCs for the vehicles:

<b>Motor Vehicle/Engine Model Group</b>	<b>Certified/Stock Emission Control Devices</b>
MY2004-2005 Dodge 2500/3500 5.9L Cummins	DOC and/or EGR
MY2006 Dodge 2500/3500 6.7L Cummins	EGR, DOC, and DPF
MY2007-2012 Dodge 2500/3500 6.7L Cummins	EGR, DOC, DPF, and NAC
MY2013-2017 Dodge 2500/3500 6.7L Cummins	EGR, DOC, DPF, and SCR
MY2004-2007 Chevy/GMC Silverado 6.6L LLY/LBZ Duramax	EGR and DOC
MY2008-2010 Chevy/GMC Silverado/Sierra LMM 6.6L Duramax	EGR, DOC, and DPF
MY2011-2017 Chevy/GMC Sierra LML 6.6L Duramax	EGR, DOC, DPF, and SCR
MY2003-2007 Ford F250/F350 6.0L Powerstroke	EGR and DOC
MY2008-2010 Ford F250/F350 6.4L Powerstroke	EGR, DOC, and DPF
MY2011-2017 Ford F250/F350 6.7L Powerstroke	EGR, DOC, DPF, and SCR

*Respondents' Business and Diesel Truck Performance Sales and Service*

64. Since at least 2013 up through 2016, Respondent Justin Holder has conducted diesel pickup truck repair and performance enhancement business activities conducted under the trade names "Confederate Diesel" and "Battlefield Automotive."
65. Since at least 2013 through 2016, Respondent Justin Holder advertised the business activities identified in Paragraph 64 above on the Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) and the Battlefield Automotive website [www.battlefieldautorepair.com](http://www.battlefieldautorepair.com).
66. As part of the business activities identified in Paragraph 64 above, Respondent Justin Holder managed and oversaw the sale, offer for sale, manufacture and/or installation of aftermarket parts and components that are: (1) designed to remove, disable, or bypass EGRs located in motor vehicle or motor vehicle engine exhaust systems (hereinafter "EGR Delete Parts"); (2) designed to remove, disable, or bypass exhaust aftertreatment components or elements of design such as DOC, DPF, NAC, and/or SCR components located in motor vehicle or motor vehicle engine exhaust systems (hereinafter "Exhaust Aftertreatment Delete Pipes"); and (3) designed to reprogram the ECU and modify OEM calibrations governing the operation of DPFs, EGRs, DOCs, NACs, SCRs, fuel-injection timing, OBDS, or other emissions-related elements of design ("Defeat Tuners or Tunes") (hereinafter collectively referred to as "Defeat Devices").
67. Respondent Justin Holder has established at least two limited liability companies ("LLCs") in connection with business activities identified in Paragraph 64 above. The first LLC is Respondent Enhanced Alternatives, LLC, and the second LLC is Battlefield Automotive, LLC.
68. On November 8, 2006, Enhanced Alternatives, LLC was registered with the State of Maryland Department of Assessments and Taxation.
69. On September 12, 2012, Respondent Justin Holder, identifying himself in his signature as "Owner," filed with the State of Maryland Department of Assessments and Taxation a trade

name registration for “Confederate Diesel.” The registration document identified the full legal name of the owner of the business using the trade name as Enhanced Alternatives, LLC, and the owner’s address as 308 West Chapline Street, Sharpsburg, Maryland, 21782.

70. On May 23, 2013, Respondent Justin Holder, identifying himself as Managing Member of Enhanced Alternatives, LLC, filed with the State of Maryland Department of Assessments and Taxation a revision to the trade name registration for “Confederate Diesel” (T00353677). The registration revision document that was filed indicated the owner’s name was Enhanced Alternatives, LLC and the owner’s address 210A Maple Avenue, Boonsboro, Maryland, 21713.
71. The trade name registration with the State of Maryland Department of Assessments and Taxation of the name “Confederate Diesel” expired on August 29, 2017, and the registration for this trade name has not been renewed.
72. On September 12, 2012, Respondent Justin Holder, identifying himself in his signature as “Owner,” filed with the Maryland Secretary of State a trade name registration for “Battlefield Automotive.” The registration document identified the full legal name of the owner of the business using the trade name as Enhanced Alternatives, LLC, and the owner’s address as 308 West Chapline Street, Sharpsburg, Maryland, 21782.
73. On May 23, 2013, Respondent Justin Holder, identifying himself as Managing Member of Enhanced Alternatives, LLC, filed with the Maryland Secretary of State a revised trade name registration for “Battlefield Automotive” (T00352680). The registration revision document filed indicated the owner’s name was Enhanced Alternatives, LLC and the owner’s address 210A Maple Avenue, Boonsboro, Maryland, 21713.
74. The trade name registration with the Maryland Secretary of State of the name “Battlefield Automotive” expired on August 29, 2017, and the registration for this trade name has not been renewed.

75. On December 17, 2014, Respondent Justin Holder filed with the State of Maryland Department of Assessments and Taxation articles of organization for Respondent Battlefield Automotive, LLC.
76. Between at least 2013 and 2016, Respondent Justin Holder used a NAPA Total Repair Automotive Computer System (“TRACS”) computer database to track and record sales and/or installations from the business activities identified in Paragraph 64 above (“NAPA TRACS Database”). Between 2015 and 2016, revenues from the sales and/or installations recorded in the NAPA TRACS database were split between Respondent Enhanced Alternatives, LLC and Respondent Battlefield Automotive, LLC.
77. The NAPA TRACS Database includes: descriptions of parts or services provided to customers; item codes; invoice numbers; dates of invoices; and, for certain entries, the vehicle make, model, model year, VIN number, and/or license plate number of the customer’s vehicle.
78. The NAPA TRACS Database includes information regarding Defeat Devices manufactured, sold, offered for sale, or installed by Respondents, including: the descriptions and item codes for the Defeat Devices; invoice numbers; dates of invoices; and, for certain entries, the vehicle make, model, model year, VIN number and/or license plate number of the customer’s vehicle. This information from the NAPA TRACS Database for each of the Defeat Device violations alleged in this Complaint is recited in in Appendix A of this Complaint
79. Until it was removed from the Internet, the website [www.confederatediesel.com](http://www.confederatediesel.com) stated that Confederate Diesel was a “one stop shop for efi live programming, injector turbo and transmission upgrades and all performance parts,” that handles “all major and minor repairs and diagnostics,” and has “some of the best prices on all of your favorite upgrades, such as...tuners.” Additionally, the Confederate Diesel website offered for sale online several varieties of EGR Delete Parts, Exhaust Aftertreatment Delete Pipes, and Defeat Tuners.

80. The EGR Delete Parts advertised on the Confederate Diesel website included several types of Sinister Diesel EGR Delete Parts advertised for use on Ford 6.0L, 6.4L, and 6.7L Ford Powerstroke HDD Trucks and Dodge 6.7L Cummins HDD Trucks.
81. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) included an advertisement for the “Sinister MFG. Basic 6.0L Solution for the 03-07 6.0L Ford Powerstroke.” The advertisement indicated that the product included a “Sinister MFG Company EGR valve/cooler delete,” and that the product “Completely Replaces EGR System...”
82. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) included an advertisement for an EGR Delete Part identified as “09.5-2011 Dodge 6.7L Cummins Diesel Complete EGR Delete Kit.” The advertisement indicated that “[t]his EGR Delete kit is designed to remove the EGR Actuator and the EGR Cooler from your 6.7L Cummins Pickup,” and that the product includes: “(1) EGR Blocker Plate Kit; and “(1) 09.5+ EGR Cooler Delete Kit.”
83. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) included advertisements for several products manufactured by Flo-Pro, aFe, and MBRP that are Exhaust Aftertreatment Delete Pipes.
84. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) included an advertisement for the Exhaust Aftertreatment Delete Pipe identified as “aFe, the ATLAS exhaust system 49-02005NM CODE: afe49-2005NM.” The advertisement explained in some detail the function of DPF for emission control and described the function of an Exhaust Aftertreatment Delete Pipe and Defeat Tuner to facilitate removal of the DPF as follows:

*What is the DPF?*

*DPF is an acronym for Diesel Particulate Filter. A DPF works in conjunction with the oxidation catalyst and EGR valve to remove a majority of the NOx, particulate matter (think black, cough-inducing soot) and unburned hydrocarbons from burned diesel fuel. Soot is a natural byproduct from the combustion of diesel fuel. Inside the DPF is a porous honeycomb structure that catches the soot as it passes through. After the soot builds up over time, the onboard computer controls fuel injection to allow unburned fuel*

*to enter the filter at measured intervals where it flares off and generates increased temperatures that incinerate the accumulated soot. The result: Soot is chopped by over 90-percent.*

*What do I need?*

*Step 1: EXHAUST – Select a Complete DPF Delete Exhaust System or DPF Delete Race Pipe*

*Step 2: ELECTRONICS – You must select an electronic performance unit for the exhaust to work properly with your vehicle.*

*Warning: You MUST use DPF delete capable electronics when removing the DPF off of the vehicle. In addition, running DPF delete tunes without the DPF will result in engine codes and filter blockage.*

85. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) advertised an Exhaust Aftertreatment Delete Pipe identified as “AFE 49-43036 DPF Delete Pipe Fits 2011 6.7L Ford Power Stroke.” The advertisement stated:

*The aFe Mach Force XP DPF-Delete Race Pipe eliminates the use of the restrictive diesel particulate filter (DPF) for maximum performance and extreme mileage gain. This free flowing race pipe outflows the factory exhaust by 300cfm is constructed out of durable 4" mandrel bent 409 stainless steel and used bayonet style hangers and band clamps for a clean installation. This system comes complete with all tubing, bayonet hangers, and band clamps for an easy remove and replace installation. You will be shocked at the performance and mileage improvement you will see from this system. This system requires the use of a controller with a DPF-delete function.*

*Note: This system weighs 85lbs less than the factory DPF for increased performance and fuel economy.*

*This is a “Race Only” product used solely for competition. Its use is limited to closed-course racing that is formally sanctioned by a recognized racing organization. Any other use, including recreational off-road use, could be in violation of local, state and federal laws. This system also requires an aftermarket electronic module to work properly with the vehicle.*

86. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) advertised a Defeat Tuner identified as “H&S Mini maxx Offroad tuner CODE: CFDmini.” The advertisement provided the following description of the Defeat Tuner:

*Description*

- *This product is a H&S mini maxx for 6.4l and 6.7l powerstorkes (sic), 2007-present 6.7 cummins, and lml Duramax. Optional Custom tuning by Confederate Diesel.*
- *This box can add up to 300 Hp on some vehicles, up to 2-3 MPG gain.*
- *Can Delete DPF and EGR*
- *This tuner is for offroad use only and will only be sold to customers that have a signed agreement with the EPA that there (sic) truck if (sic) for offroad use only (we will take the word of any of our trusted customers on this, no physical proof needed)*
- *2013 models will need an upgraded tuner additional cost is 500 dollars*

*We have many other products that can also be a benefit to this tuner*

*6.7L turbo upgrades-<http://www.confederatediesel.com/confederate-diesel-2011-2013-6.7-powerstroke-turbo-upgrade-kit-single-turbo.html>*

87. The Confederate Diesel website included an advertisement for a Defeat Tuner identified as “SCT 5015 Race Tuner for 6.4 and 6.7 PSD” and provided a description “SCT 5015 Race tune with deleted tunes for 6.4 and 6.7 PSD.”
88. The SCT Livewire TS Tuner, Product No. 5015, is designed for, among other motor vehicles, 6.4 and 6.7L Ford Powerstroke diesel trucks, and can disable the EGR as well as OBD functions associated with EGR operation.
89. Until it was removed from the Internet, the website [www.battlefieldautorepair.com](http://www.battlefieldautorepair.com) indicated Battlefield Automotive was an automotive repair facility with the ability to “make any repair you may need.” Under the “Custom Work” portion of the Battlefield Automotive website’s “Services page, the website stated that Battlefield Automotive was “your one stop shop for many diesel upgrades.” The website further identified Confederate Diesel as Battlefield Automotive’s line of products for diesel-powered vehicles, including “EFI Live Programming” and “Performance parts,” and provided a link to the Confederate Diesel website.
90. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) advertised “Custom Tuning” services, which include manufacturing custom tunes using EFILive software. The website

indicated that the custom tunes “are for off road racing use only and disabling emission components may violate federal law.”

91. EFILive software is capable of manufacturing tunes that can disable a motor vehicle’s emission control systems in the vehicle’s ECM calibration.
92. Respondents have manufactured and offered for sale on a performance product package for Ford 6.7 L Powerstroke diesel trucks called the “Confederate Diesel 2011-2014 6.7 Powerstroke Turbo Upgrade Kit,” identified in Respondents’ NAPA TRACS database records as “6.7 Standard Turbo Kit.”
93. The 6.7 Standard Turbo Kit includes custom tunes and hardware components that constitute Defeat Tunes and EGR Delete Parts, respectively.
94. The Confederate Diesel website [www.confederatediesel.com](http://www.confederatediesel.com) included a webpage for advertising the 6.7 Standard Turbo Kit, at <http://www.confederatediesel.com/confederate-diesel-2011-2013-6.7-powerstroke-turbo-upgrade-kit-single-turbo.html>, containing photos of the engine compartment of a 6.7 liter Ford Powerstroke diesel truck with the turbo kit product installed and the EGR missing, and a link to a YouTube video presented by Confederate Diesel showing a Ford Powerstroke identified as having the turbo kit product and “Confederate Diesel’s Custom Tunes” installed, driving down public streets and highways and shown emitting significant amounts of opaque smoke from its exhaust.
95. In 2013, Confederate Diesel was listed as an authorized H&S Performance Dealer from H&S’s Dealer Locator. H&S Performance, LLC has manufactured and distributed certain Defeat Tuners, including the H&S Mini Maxx.
96. On April 24, 2013, an employee of Eastern Research Group, Inc. (“ERG”), a contractor of the EPA that conducts inspections and evaluations of compliance with the tampering and defeat device prohibitions under section 203(a)(3) of the CAA, contacted Confederate Diesel and talked

to a person who identified himself as “Justin,” which upon information and belief was Respondent Justin Holder. The ERG contractor discussed options with Justin to purchase a H&S Mini Maxx tuner. Justin indicated that the Mini Maxx tuners Confederate Diesel offers defeat EGR and DPF systems. Justin went on to offer sale and installation of the Mini Maxx tuner for \$1,050 which included removal of the EGR and DPF.

97. On September 10, 2014, employees from ERG attempted an inspection of a facility located at 210 Maple Avenue, Boonsboro, Maryland (“Maple Avenue Facility”), which was advertised to be the business location of both Confederate Diesel and Battlefield Automotive (the “September 10, 2014 Inspection”).
98. During the September 10, 2014 Inspection, Respondent Justin Holder met with the ERG employees. He indicated that he was the owner of Confederate Diesel and Battlefield Automotive. The ERG employees explained to Respondent Justin Holder the purpose of the inspection and requested permission to inspect vehicles being serviced at the facility. Respondent Justin Holder initially said there were no vehicles in for service.
99. During the September 10, 2014 Inspection, the ERG employees asked Respondent Justin Holder what is the difference between Confederate Diesel and Battlefield Automotive. Respondent Justin Holder replied that the Confederate Diesel business only involves internet sales and the Battlefield Automotive business involves physical work on vehicles. Respondent Justin Holder also stated that he set up the two businesses “for situations like this.”
100. During the September 10, 2014 Inspection, Respondent Justin Holder escorted the ERG employees to the service area of the Maple Avenue Facility. There were two late-model Ford Powerstroke diesel trucks in the Maple Avenue Facility at the time of the inspection. While entering the service area, Respondent Justin Holder noted that one of the trucks, a late model Ford F-350 Powerstroke, was his own vehicle. Regarding his vehicle, Respondent Justin Holder

said, "I can blow as much smoke as I want with this truck and you can't do anything about it."

Respondent Justin Holder indicated that his truck was fully deleted, which the ERG employees understood to mean that Respondent Justin Holder removed emission controls from his truck.

With respect to the second truck, a late model Ford Powerstroke, Respondent Justin Holder stated that it was a customer's truck in for service. The second truck was on a lift, and the ERG employees observed that the vehicle appeared to have an Exhaust Aftertreatment Delete Pipe.

101. During the September 10, 2014 Inspection, the ERG employees requested from Respondent Justin Holder permission to inspect both vehicles identified in Paragraph 100 above, and Respondent Justin Holder replied that they would need to come back with a warrant, and he immediately escorted the ERG employees out of the Maple Avenue Facility.
102. On or around May 30, 2016, business activities conducted under the names of Confederate Diesel and Battlefield Automotive moved to 308 and 311B West Chapline Street, Sharpsburg, Maryland, 21782 (the "308 and 311B Chapline Facilities").
103. On June 29, 2016, EPA inspectors attempted an inspection of the 311B Chapline Facility. At the edge of its driveway, the 311B Chapline Facility had a mailbox with the marking "Confederate Diesel 311B." The EPA inspectors observed multiple trucks in the parking lot that appeared to have modified exhaust pipes. The EPA inspectors observed, through an open garage door, a Chevy Suburban truck that appeared to have an Exhaust Aftertreatment Delete Pipe. The EPA inspectors identified themselves to an employee, who indicated that they needed to obtain permission to enter the facility from the owner, who the employee identified as Respondent Justin Holder. The EPA inspectors contacted Respondent Justin Holder by phone, who indicated that the inspectors would need a warrant to inspect the 311B Chapline Facility.
104. On October 21, 2016, the EPA obtained an administrative warrant issued by the Federal District Court of Maryland to inspect the 308 and 311B Chapline Facilities.

105. On October 27, 2016, the EPA and ERG conducted an administrative warrant inspection of the business operations at 308 and 311B Chapline Street Facilities (the “October 27, 2016 Inspection”).
106. During the October 27, 2016 Inspection, the EPA and ERG conducted forensic imaging of two computers at the 311B Chapline Facility. Through this forensic imaging, the EPA obtained a copy of the NAPA TRACS Database used to track Respondents’ sales and installations of Defeat Devices.
107. During the October 27, 2016 Inspection, the EPA and ERG conducted employee interviews. One employee indicated that Respondent Justin Holder provides employees instructions on work priority either in person or by phone and is at the 311B Chapline Facility every day. Another employee indicated that normal workflow is that Respondent Justin Holder, identified by the employee as the shop manager, talks to the customer to determine the work that will be performed, and then he generates a work order and takes care of all the sales. Further, the second employee indicated that instructions on the work to be performed come directly from Respondent Justin Holder.
108. During the October 27, 2016 Inspection, the EPA and ERG found two boxes storing EGR Delete Parts. The first box contained a DRP LML EGR Delete Kit, including instructions. The box was opened and included hoses and an EGR block-off plate. The second box contained a Sinister Diesel EGR Delete Kit for Dodge 6.7 L Cummins diesel trucks.
109. During the October 27, 2016 Inspection, the EPA and ERG observed an empty box labeled to have contained an SCT Livewire TS+ 5015P tuner. This particular tuner can disable the EGR as well as the OBD functions associated with EGR operations, and thus constitutes a Defeat Tuner.
110. During the October 27, 2016 Inspection, the EPA conducted inspections on 11 motor vehicles belonging to customers, employees, and Respondent Justin Holder. Of the 11 motor vehicles

inspected, the EPA and ERG observed that 9 had Exhaust Aftertreatment Delete Pipes, at least 2 had EGR Delete Parts, and at least 2 had installed Defeat Tuners or Tunes.

111. During the October 27, 2016 Inspection, the EPA and ERG used scan tools to run ECM and OBD diagnostics on 4 of the 11 motor vehicles for which they could access the OBD system. For each of the 4 motor vehicles, the scans revealed that the EGR functions on the motor vehicles were disabled.
112. During the October 27, 2016 Inspection, the EPA and ERG inspected a Model Year 2012 Ford Powerstroke diesel truck. The motor vehicle had an Exhaust Aftertreatment Delete Pipe installed and the vehicle's DOC, DPF, and SCR were removed. Respondents' sales records in the copied NAPA TRACS Database identified the sale of a Defeat Tuner and an Exhaust Aftertreatment Delete Pipe for the motor vehicle.
113. During the October 27, 2016 Inspection, the EPA inspected a Model Year 2006 6.6L Duramax diesel truck. The motor vehicle had an Exhaust Aftertreatment Delete Pipe installed and the vehicle's DOC was removed. Respondents' sales records in the copied NAPA TRACS Database identified the sale of a Defeat Tune and an Exhaust Aftertreatment Delete Pipe for the motor vehicle.
114. During the October 27, 2016 Inspection, an EPA inspector examined a Chevy 2500 Duramax diesel truck that was elevated on a lift in the shop bay. This was a vehicle on which work was underway as the inspectors arrived at the facility. The EPA inspector had observed that several of the electronic connectors leading to control devices and sensors on this truck's exhaust system were disconnected and hanging loose. On the floor beside the truck was an open box containing a MBRP Exhaust Aftertreatment Delete Pipe without any aftertreatment emission control devices. The label on the box indicated the contents were suitable for a Chevy 2500 Duramax diesel truck.

115. During the October 27, 2016 Inspection, the EPA and ERG observed a 2009 2.0L Volkswagen vehicle with missing EGR parts and an exhaust part labeled “race pipe” in the back seat. An invoice 79137 was found at the inspection that included installation of “race pipe” as a labor charge.
116. During the October 27, 2016 Inspection, the EPA and ERG inspected a 2011 6.7L Powerstroke diesel truck owned by Respondent Justin Holder. The truck had an Exhaust Aftertreatment Delete Pipe and the truck’s DOC, DPF, and SCR were removed. Respondent Justin Holder indicated that he had performed all of the modifications to the truck.
117. During the October 27, 2016 Inspection, Respondent Justin Holder would not allow access to the locked shed on the property of the 308 Chapline Facility.
118. During the period of manufacture, sale, offer of sale, or installation of Defeat Devices alleged in this Complaint, Respondent Justin Holder had day-to-day operational control over the business activities that were conducted under the name Confederate Diesel or Battlefield Automotive.
119. During the period of manufacture, sale, offer for sale, or installation of Defeat Devices alleged in this Complaint, Respondent Justin Holder had day-to-day operational control over automotive aftermarket part sales and installation work that were conducted at the Maple Avenue, 308 Chapline, and 311 Chapline Facilities.
120. During the period of manufacture, sale, offer for sale, or installation of Defeat Devices alleged in this Complaint, Respondent Justin Holder had day-to-day operational control over the sales and installations that were recorded in the NAPA TRACS Database identified in Paragraph 76.
121. On June 2, 2017, the EPA issued a Notice of Violation (“NOV”) to Respondent Justin Holder as owner of Enhanced Alternatives, LLC, which provided notice that the EPA had determined that the businesses operating under the names Confederate Diesel and Battlefield Automotive had violated section 203(a)(3) of the CAA.

122. After issuance of the EPA's NOV, the websites [www.confederatediesel.com](http://www.confederatediesel.com) and [www.battlefieldautorepair.com](http://www.battlefieldautorepair.com) were taken off of the Internet. As of May 15, 2018, a Google search for Confederate Diesel identifies a Facebook page at <https://www.facebook.com/ConfederateDiesel/> under the name "Antietam Automotive & Diesel" doing truck business at 311 West Chapline Street, Sharpsburg, Maryland. The Facebook page includes a video of a Chevy Suburban diesel truck on a public street emitting opaque exhaust as it is driving down the street. The Facebook page also identifies the business's website [www.antietamauto.com](http://www.antietamauto.com) under the name "Antietam Auto." Neither Antietam Automotive & Diesel or Antietam Auto are listed as active registered businesses in the State of Maryland's records. The website [www.antietamauto.com](http://www.antietamauto.com) website advertises "aftermarket upgrades" and "performance exhaust" services as well as fuel efficiency custom work.
123. On June 28, 2017, in response to a request by counsel for Respondents to obtain a reduction of penalty for alleged violations on the basis of inability to pay a penalty and remain in business, Complainant provided counsel a letter requesting certain financial information to substantiate the ability-to-pay claim.
124. On September 19, 2017, counsel for Respondents provided tax returns and other documents in response to Complainant's June 28, 2017 letter.
125. On November 2, 2017, Complainant sent to counsel for Respondents a letter that identified numerous questions that arose during the review of the submitted documents that could not be answered without further information from the Respondents. The letter further requested additional necessary document substantiation to answer those questions in order for Complainant to adequately complete its assessment of Respondents' ability-to-pay claim. As of the filing of this Complaint, Respondents have declined to provide any further ability-to-pay information to Complainant.

**Count I – EGR Delete Parts for Motor Vehicles and Motor Vehicle Engines**

126. The preceding paragraphs are incorporated by reference.
127. Between June 19, 2013 and December 31, 2014, Respondents Justin Holder and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 90 EGR Delete Parts.
128. Between January 1, 2015 and May 31, 2016, Respondents Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 17 EGR Delete Parts.
129. Respondents' actions that involved the sale and/or installation of EGR Delete Parts were recorded in their NAPA TRACS Database, as described and quoted in Appendix A of this Complaint.
130. Respondents' actions that involved the sale and/or installation of EGR Delete Parts are identified and described under Activities # 1, 2, 3(a), 4(a), 7, 8, 12, 13, 17, 19, 22(a), 23(b), 25(b), 26, 27, 28, 29, 31(a), 32, 37(b), 41(c), 42, 43, 44, 48, 49, 50(a), 50(b), 51, 53(a), 57, 58, 59, 61, 62, 64(a), 65, 66(b), 67(a), 68(b), 69(a), 70, 71(b), 72, 73(b), 75, 76, 77, 78(a), 80(b), 84, 85(a), 87, 88(a), 89, 90, 91(b), 92(b), 93(b), 94(a), 95, 96(a), 97(a), 98(b), 99(a), 101, 102, 103, 104, 105, 106(b), 107, 109(c), 110(c), 114(b), 115, 116, 117, 118, 119, 120, 121, 122, 124(a), 125, 126, 127, 130, 131, 132, 133, 135, 136, 137, 139, 140, 141, 142, 143(b), 144, 145(a), 147(a), 149(b), 150(b), 151, 152, and 155(b) in Appendix A of this Complaint.
131. Respondents sold and/or installed EGR Delete Parts as recorded in the NAPA TRACS Database and as described and quoted in Appendix A of the Complaint.

132. Each EGR Delete Part identified in Appendix A bypasses, defeats, or renders inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
133. A principal effect of each EGR Delete Part in Appendix A is to bypass, defeat, or render inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
134. Respondents knew or should have known that the EGR Delete Parts were offered for sale to, or would be used to, bypass, defeat, or render inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
135. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) of each EGR Delete Part constitutes one or more separate violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

**Count II – Exhaust Aftertreatment Delete Pipes for Motor Vehicles and Motor Vehicle Engines**

136. The preceding paragraphs are incorporated by reference.
137. Between June 19, 2013 and December 31, 2014, Respondents Justin Holder and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 38 Exhaust Aftertreatment Delete Pipes.
138. Between January 1, 2015 and May 31, 2016, Respondents Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 7 Exhaust Aftertreatment Delete Pipes.

139. Respondents' actions that involved the sale and/or installation of Exhaust Aftertreatment Delete Pipes were recorded their NAPA TRACS Database, as described and quoted in Appendix A of this Complaint.
140. Respondents' actions that involved the manufacture, sale, offer for sale, or installation of Exhaust Aftertreatment Delete Pipes are identified and described under Activities # 5(b), 10(b), 14(b), 16(a), 18(a), 18(b), 20, 22(b), 25(c), 30(b), 38(a), 39(a), 40(a), 41(b), 52(b), 55, 56, 63(a), 67(b), 69(b), 73(a), 78(b), 79(a), 80(a), 81, 83(a), 85(b), 86, 94(b), 99(b), 100(a), 106(a), 109(b), 110(a), 113(b), 123, 128(b), 129(b), 134(a), 138(b), 146(a), 147(c), 148(b), 149(c), and 153(b) in Appendix A of this Complaint.
141. Respondents sold and/or installed Exhaust Aftertreatment Delete Pipes as recorded in NAPA TRACS Database and as described and quoted in Appendix A of the Complaint.
142. Each Exhaust Aftertreatment Delete Pipe identified in Appendix A bypasses, defeats, or renders inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
143. A principal effect of each Exhaust Aftertreatment Delete Pipe identified in Appendix A is to bypass, defeat, or render inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
144. Respondents knew or should have known that the Exhaust Aftertreatment Delete Pipes were offered for sale to, or would be used to, bypass, defeat, or render inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
145. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) of each Exhaust Aftertreatment Delete Pipe constitutes one or more separate violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

**Count III – Defeat Tuners or Tunes for Motor Vehicles and Motor Vehicle Engines**

146. The preceding paragraphs are incorporated by reference.
147. Between June 19, 2013 and December 31, 2014, Respondents Justin Holder and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 83 Defeat Tuners or Tunes.
148. Between January 1, 2015 and May 31, 2016, Respondents Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC manufactured, sold, offered for sale, or installed, or otherwise caused the manufacture, sale, offer for sale, or installation of, at least 20 Defeat Tuners or Tunes.
149. Respondents' actions that involved the sale and/or installation of Defeat Tuners or Tunes were recorded in the NAPA TRACS Database, as described and quoted in Appendix A of this Complaint.
150. Respondents' actions that involved the manufacture, sale, offer for sale, or installation of Defeat Tuners or Tunes are identified as described under Activities # 3(b), 4(b), 5(a), 6, 9, 10(a), 11, 14(a), 15, 16(b), 18(c), 21, 22(c), 23(a), 24, 25(a), 30(a), 31(b), 33, 34, 35, 36, 37(a), 38(b), 39(b), 40(b), 41(a), 45, 46, 47, 50(c), 52(a), 53(b), 54, 60, 63(b), 64(b), 66(a), 68(a), 71(a), 74, 79(b), 82, 83(b), 88(b), 90, 91(a), 92(a), 93(a), 94(c), 95, 96(b), 97(b), 98(a), 99(c), 100(b), 101, 102, 103, 104, 107, 108, 109(a), 110(b), 111, 112, 113(a), 114(a), 116, 117, 118, 119, 120, 121, 122, 124(b), 126, 127, 128(a), 129(a), 130, 131, 132, 134(b), 135, 136, 138(a), 139, 140, 141, 142, 143(a), 144, 145(b), 146(b), 147(b), 148(a), 149(a), 150(a), 152, 153(a), 154, and 155(a) in Appendix A of this Complaint.
151. Respondents sold and/or installed Defeat Tuners or Tunes as recorded in the NAPA TRACS Database, and as described and quoted in Appendix A of the Complaint.

152. Each Defeat Tuner or Tune overrides or erases and replaces certain emissions-related elements of design in the software of a compatible Subject Vehicle or Subject Vehicle engine ECU, or allows the foregoing.
153. Each Defeat Tuner or Tune identified in Appendix A allows a compatible motor vehicle or motor vehicle engine to operate without electronic inputs from operating emission control devices.
154. Each Defeat Tuner or Tune identified in Appendix A allows the DPF, DOC, EGR, NAC, SCR, or other emissions-related elements of design to be removed or disabled without the OBD illuminating a malfunction indicator lamp, recording a diagnostic trouble code, and/or causing an engine power reduction.
155. Each Defeat Tuner or Tune identified in Appendix A bypasses, defeats, or renders inoperative the OBD system, or allows the foregoing.
156. Each Defeat Tuner or Tune identified in Appendix A bypasses, defeats, or renders inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
157. Each Defeat Tuner or Tune identified in Appendix A has a principal effect of bypassing, defeating, or rendering inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
158. Respondents knew or should have known that the Defeat Tuners or Tunes were offered for sale to, or would be used to, bypass, defeat, or render inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines in compliance with regulations under the CAA.
159. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) of each Defeat Tuner or Tune constitutes one or more separate violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

**Relief Sought: Civil Penalty**

160. Complainant seeks an administrative penalty to be assessed against Respondent Justin Holder and Respondent Enhanced Alternatives, LLC, jointly and severally for approximately 211 violations of section 203(a)(3)(B) of the CAA alleged in Count I through Count III of this Complaint that occurred between June 19, 2013, and December 31, 2014, and against Respondent Justin Holder, Respondent Battlefield Automotive, LLC, and Respondent Enhanced Alternatives, LLC, jointly and severally for approximately 44 violations of section 203(a)(3)(B) of the CAA alleged in Count I through Count III of this Complaint that occurred between January 1, 2015, and May 31, 2016.
161. Complainant makes not specific penalty demand in this Complaint as authorized by 40 C.F.R. § 22.14(a)(4)(ii).
162. Respondents are subject to a civil penalty of up to \$3,750 for each violation that occurred on or before November 2, 2015, and up to \$4,619 for each violation that occurred after November 2, 2015. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4; Civil Monetary Penalty Inflation Adjustment Rule, 83 Fed. Reg. 1190, 1193 (Jan. 10, 2018).
163. Complainant reserves the right to seek the maximum civil penalty authorized by the CAA and the Federal Civil Penalties Inflation Act Improvements Act of 2015.
164. In determining the amount of the civil penalty in this matter, the CAA requires that the EPA take into account certain penalty factors, namely “the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of [Respondent’s] business, [Respondent’s] history of compliance with this subchapter, action taken to remedy the violation, the effect of the

penalty on [Respondent's] ability to continue in business, and such other matters as justice may require." CAA § 205(c)(2), 42 U.S.C. § 7524(c)(2).

165. Where applicable, Complainant proposes to account for the CAA's penalty factors by using the EPA's Clean Air Act Mobile Source Civil Penalty Policy - Vehicle and Engine Certification Requirements (2009) (Penalty Policy), *available at* [http://www2.epa.gov/sites/production/files/documents/vehicleengine-penalty-policy\\_0.pdf](http://www2.epa.gov/sites/production/files/documents/vehicleengine-penalty-policy_0.pdf) (last visited May 15, 2018). This Penalty Policy calculates civil penalties based on the number of violative engines or products, their horsepower, the egregiousness of the violations, remedial action, and other legal and equitable factors.

#### **Notice of Opportunity to Request a Hearing**

To contest any material fact or conclusions of law alleged in this Complaint, Respondent must file a written answer ("Answer") within thirty (30) days of service of this Complaint. The Answer should comply with the requirements of 40 C.F.R. § 22.15. The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which such Respondent has any knowledge. Where a Respondent has no knowledge of a particular factual allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which such Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement of whether a hearing is requested. All material facts not denied in the Answer will be considered to be admitted.

If a Respondent fails to file a written Answer within thirty (30) days of receipt of this Complaint, such failure shall constitute an admission by such Respondent of all facts newly alleged in the Complaint and a waiver by such Respondent of the right to a hearing. Failure to Answer may result in the filing of a Motion for Default Order and the possible issuance of a Default Order imposing penalties against such Respondent without further proceedings.

Any hearing requested and granted will be conducted in accordance with the Consolidated Rules.

Each Respondent's Answer should be sent to the following addresses:

If filing by UPS, FedEx, DHL or other courier, or personal delivery, address to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Ronald Reagan Building, Room M1200  
1300 Pennsylvania Ave., N.W.  
Washington, DC 20460

If filing by the United States Postal Service, address to:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460:

In addition, a copy of each Respondent's Answer must be served on Mark J. Palermo, the attorney assigned to represent EPA in this matter, at the following addresses:

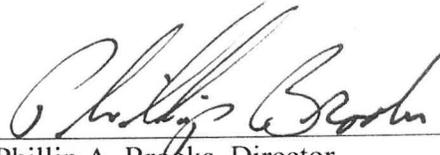
If using UPS, FedEx, DHL or other courier, or personal delivery, address to:

Mark J. Palermo  
U.S. EPA, Air Enforcement Division  
1200 Pennsylvania Ave., N.W.  
William J. Clinton South Federal Building, Room 2019A  
Washington, DC 20004

If using the United States Postal Service, address to:

Mark J. Palermo  
U.S. EPA, Air Enforcement Division  
1200 Pennsylvania Ave., N.W.  
Mail Code 2242A  
Washington, DC 20460

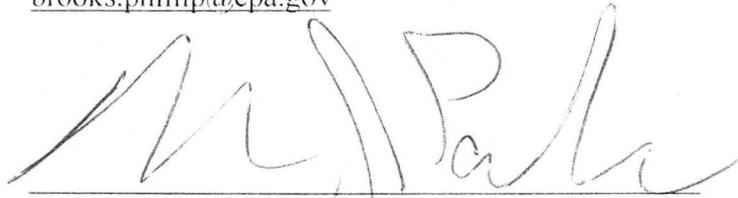
Respectfully Submitted,



Phillip A. Brooks, Director  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave., N.W.  
William J. Clinton South Federal Building  
Room 1117, Mail Code 2242A  
Washington, DC 20460  
(202) 564-0652  
[brooks.phillip@epa.gov](mailto:brooks.phillip@epa.gov)

6/13/2018  
Date

6/5/18  
Date



Mark J. Palermo, Attorney Adviser  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave., N.W.  
William J. Clinton South Federal Building  
Room 2109A, Mail Code 2242A  
Washington, DC 20460  
(202) 564-8894  
[palermo.mark@epa.gov](mailto:palermo.mark@epa.gov)

**Appendix A Defeat Devices Sold or Installed as Part of Business Activities Conducted Under The Names “Confederate Diesel” or “Battlefield Automotive,” as Recorded in Business Records Copied from the 311B Chapline Facility.**

*Sales Records Have Been Claimed Confidential Business Information by Respondents*

Activity No.	Date	Invoice No.	Defeat Devices Sold or Installed (Including Item Code Where Recorded)	Identification of Motor Vehicle Affected as Identified in Sales Records, or the Motor Vehicles for which the Defeat Devices Are Designed
1	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part # 1]</p>	[REDACTED]
2	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #2]</p>	<p>[REDACTED]</p> <p>[Sales records identify the license plate number for the vehicle – State is not identified]</p>
3	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[EGR Delete Part #3]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #1]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] are designed for GM 6.6L Duramax Diesel Trucks]</p>
4	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[EGR Delete Part #4]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #2]</p>	<p>[REDACTED]</p> <p>[Sales records identify a Maryland license plate number for the vehicle]</p>

5	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #3]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #1]</p>	[REDACTED]
6	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #4]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2007.5-2013 Chevy/GMC Duramax Diesel Trucks]</p>
7	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #5]</p> <p>[All three invoices for the same vehicle]</p>	<p>[REDACTED]</p> <p>[Sales records identify a Maryland license plate number for the vehicle]</p>
8	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #6]</p>	[REDACTED]
9	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #5]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2007.5-2013 Chevy/GMC Duramax Diesel Trucks]</p>
10	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #6]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #2]</p>	[REDACTED]
11	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #7]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2007-5-2013 Chevy/GMC Duramax Diesel Trucks]</p>
12	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #7]</p>	[REDACTED]

13			<p>[EGR Delete Part #8]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The term [REDACTED] indicates that this product is designated for GMC/Chevy Duramax LMM Diesel Trucks]</p>
14			<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #8]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #3]</p>	<p>[REDACTED]</p>
15			<p>[Defeat Tuner or Tunes #9]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, or 2008-2013 Chevy/GMC GM Duramax]</p>
16			<p>a. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #4]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #10]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for MY 2001-2007 GMC/Chevy 6.6L Duramax Diesel Trucks]</p> <p>[REDACTED] are designed for GM 6.6L Duramax Diesel Trucks]</p>
17			<p>[EGR Delete Part #9]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This [REDACTED] product is designed for MY 2008-2010 Ford 6.4L Powerstroke Diesel]</p>
18			<p>a. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #5]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #6]</p> <p>c. [REDACTED]</p> <p>[Defeat Tuner or Tunes #11]</p>	<p>[REDACTED]</p>

19	[REDACTED]	[REDACTED]  [EGR Delete Part #10]	[REDACTED]
20	[REDACTED]	[REDACTED]  [Exhaust Aftertreatment Delete Pipe #7]	[REDACTED]
21	[REDACTED]	[REDACTED]  [Defeat Tuner or Tunes #12]	[Vehicle not identified in sales records]  [This product is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2007.5-2013 Chevy/GMC Duramax]
22	[REDACTED]	a. [REDACTED]  [EGR Delete Part #11]  b. [REDACTED]  [Exhaust Aftertreatment Delete Pipe #8]  c. [REDACTED]  [Defeat Tuner or Tunes #13]	[REDACTED]
23	[REDACTED]	a. [REDACTED]  [Defeat Tuner or Tunes #14]  b. [REDACTED]  [EGR Delete Part #12]	[Vehicle not identified in sales records]  [The product [REDACTED] are designed for GM 6.6L Duramax Diesel Trucks]
24	[REDACTED]	[REDACTED]  [Defeat Tuner or Tunes #15]	[Vehicle not identified in sales records]  [This product is designed for 2006-2012 Dodge Cummins, 2003-2013 Ford Powerstroke, and 2007.5-2013 Chevy/GMC Duramax]

25	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [Defeat Tuner or Tunes #16]</p> <p>b. [REDACTED] [EGR Delete Part #13]</p> <p>c. [REDACTED] [Exhaust Aftertreatment Delete Pipe #9]</p>	[REDACTED]
26	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #14]</p>	[REDACTED]
27	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #15]</p>	[REDACTED]
28	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #16]</p>	[REDACTED]
29	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #17]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This [REDACTED] product is designed for 2007.5-09 Dodge 6.7L Cummins Diesel]</p>
30	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [Defeat Tuner or Tunes #17]</p> <p>b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #10]</p>	[REDACTED]
31	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [EGR Delete Part #18]</p> <p>b. [REDACTED] [Defeat Tuner or Tunes #18]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2006-2007 Dodge Cummins, 2003-2014 Ford Powerstroke, and 2007-2014 GMC/Chevy Duramax Diesel]</p>
32	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #19]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2003-2007 6.0L Ford Powerstroke Diesel]</p>

33	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #19]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2007.5-2012 Dodge Cummins, 2003-2014 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p>
34	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #20]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [REDACTED] is designed for 2003-2014 Ford Powerstroke, 2006-2012 Dodge Cummins, and 2007.5-2014 Chevy/GMC Duramax]</p>
35	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #21]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [REDACTED] is designed for 2003-2014 Ford Powerstroke, 2006-2012 Dodge Cummins, and 2007.5-2014 Chevy/GMC Duramax]</p>
36	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[Defeat Tuner or Tunes #22]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [REDACTED] is designed for 2003-2014 Ford Powerstroke, 2006-2012 Dodge Cummins, and 2007.5-2014 Chevy/GMC Duramax]</p>
37	[REDACTED]	[REDACTED]	<p>a. [REDACTED])</p> <p>[Defeat Tuner or Tunes #23]</p> <p>b. [REDACTED]</p> <p>[EGR Delete Part #20]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p> <p>[REDACTED] is designed for 2008-2010 Ford Powerstroke]</p>
38	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #11]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #24]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2011-2016 F250/F350 6.7L Powerstroke Diesel]</p> <p>[REDACTED] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC 6.6L Duramax]</p>

39			<p>a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #12]</p> <p>b. [REDACTED] [Defeat Tuner and Tuners #25]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2011-2016 F250/F350 6.7L Powerstroke Diesel Trucks]</p> <p>[REDACTED] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p>
40			<p>a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #13]</p> <p>b. [REDACTED] [Defeat Tuner or Tunes #26]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] designed for 2011-2016 F250/350 6.7L Powerstroke]</p> <p>[REDACTED] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC 6.6L Duramax]</p>
41			<p>a. [REDACTED] [Defeat Tuner or Tunes #27]</p> <p>b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #14]</p> <p>c. [REDACTED] [EGR Delete Part #21]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p> <p>[REDACTED] is designed for 2008-2010 Ford Powerstroke Diesel]</p> <p>[REDACTED] is designed for 2010-2017 Dodge Cummins Diesel]</p>
42			<p>[REDACTED] [EGR Delete Part #22]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] designed for 2003-2007 6.0L Ford Powerstroke Diesel]</p>
43			<p>[REDACTED] [EGR Delete Part #23]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] designed for MY 2010-2012 Dodge 6.7L Cummins Diesel]</p>
44			<p>[REDACTED] [EGR Delete Part #24]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for 2003-2007 6.0L Ford Powerstroke Diesel]</p>

45			[Defeat Tuner or Tunes #28]	[Vehicle not identified in sales records] [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]
46			[Defeat Tuner or Tunes #29]	[Vehicle not identified in sales records] [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]
47			[Defeat Tuner or Tunes #30]	[Vehicle not identified in sales records] [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]
48			[EGR Delete Part #25]	[Vehicle not identified in sales records] [This product is designed for 2008-2010 6.4L Ford Powerstroke]
49			[EGR Delete Part #26]	[Vehicle not identified in sales records] [This product is designed for 2011-2012 6.7L Ford Powerstroke]
50			a. [redacted] [EGR Delete Part #27] b. [redacted] [EGR Delete Part #28] c. [redacted] [Defeat Tuner and Tunes #31]	[redacted] [The [redacted] product item [redacted] indicates it is designated for Dodge 6.7L Cummins Diesel Trucks]
51			[EGR Delete Part #29]	[redacted]

52			<p>a. [Redacted]</p> <p>[Defeat Tuner or Tunes #32]</p> <p>b. [Redacted]</p> <p>[Exhaust Aftertreatment Delete Pipe #15]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Redacted] designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p> <p>[Redacted] designed for 2010-2012 6.7L Dodge Cummins]</p>
53			<p>a. [Redacted]</p> <p>[EGR Delete Part #30]</p> <p>b. [Redacted]</p> <p>[Defeat Tuner or Tunes #33]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Redacted] is designed for 2010-2017 Dodge 6.7L Cummins Diesel]</p>
54			<p>[Redacted]</p> <p>[Defeat Tuner or Tunes #34]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Redacted] designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p>
55			<p>[Redacted]</p> <p>[Exhaust Aftertreatment Delete Pipe #16]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [Redacted] is designed for 2001-2007 Chevy/GMC 6.6L Duramax Diesel Trucks]</p>
56			<p>[Redacted]</p> <p>[Exhaust Aftertreatment Delete Pipe #17]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [Redacted] is designed for 2008-2010 Ford 6.4L Powerstroke]</p>
57			<p>[Redacted]</p> <p>[EGR Delete Part #31]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 2004.5-2005 Chevy/GMC 6.6L LLY Duramax Diesel]</p>
58			<p>[Redacted]</p> <p>[EGR Delete Part #32]</p>	[Redacted]
59			<p>[Redacted]</p> <p>[EGR Delete Part #33]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Redacted] has manufactured EGR Delete Parts under the [Redacted] brand name for both Ford Powerstroke and Dodge Cummins in the 6.7L diesel engine category]</p>

60			[Defeat Tuner or Tunes #35]	[Vehicle not identified in sales records]  [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]
61			[EGR Delete Part #34]	[Vehicle not identified in sales records]  [This product is designed for 2015-2017 Ford 6.7L Powerstroke]
62			[EGR Delete Part #35]	[Vehicle not identified in sales records]  [Product's item code indicates product is designated for Chevy/GMC Duramax LMM Diesel Trucks]
63			a. [redacted]  [Exhaust Aftertreatment Delete Pipe #18]  b. [redacted]  [Defeat Tuner or Tunes #36]	[Vehicle not identified in sales records]  [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy-GMC Duramax]
64			a. [redacted]  [EGR Delete Part #36]  b. [redacted]  [Defeat Tuner or Tunes # 37]	[Vehicle not identified in sales records]  [redacted] product [redacted] is designed for 2010-2012 Dodge 6.7L Cummins Diesel]  [The [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2012 Chevy/GMC Duramax Diesel]
65			[EGR Delete Part #37]	[redacted]
66			a. [redacted]  [Defeat Tuner or Tunes #38]  b. [redacted]  [EGR Delete Part #38]	[Vehicle not identified in sales records]  [The [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]  [redacted] has manufactured EGR Delete Parts under the [redacted] brand name for both Ford Powerstroke and Dodge Cummins in the 6.7L diesel engine category]

67	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [EGR Delete Part #39]</p> <p>b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #19]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] Item [REDACTED] is designed for 2007.5-2009 Dodge 6.7L Cummins]</p> <p>[REDACTED] is designed for 2007.5-2012 Dodge 6.7L Cummins]</p>
68	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [Defeat Tuner or Tunes #39]</p> <p>b. [REDACTED] [EGR Delete Part #40]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Item [REDACTED] is designed for Ford Powerstroke diesel trucks – Product refers to “6.0 ford,” which likely refers to Ford 6.0L Powerstroke]</p>
69	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [EGR Delete Part #41]</p> <p>b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #20]</p>	[REDACTED]
70	[REDACTED]	[REDACTED]	<p>[REDACTED] [EGR Delete Part #42]</p>	<p>[REDACTED] [2 invoices for the same vehicle]</p>
71	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [Defeat Tuner or Tunes #40]</p> <p>b. [REDACTED] [EGR Delete Part #43]</p>	[REDACTED]
72	[REDACTED]	[REDACTED]	<p>[REDACTED] [EGR Delete Part #44]</p>	[REDACTED]
73	[REDACTED]	[REDACTED]	<p>a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #21]</p> <p>b. [REDACTED] [EGR Delete Part #45]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for Dodge Cummins Diesel Trucks]</p>

74			[Defeat Tuner or Tunes #41]	[Vehicle not identified in sales records]  [The [REDACTED] is designed for 2003-2014 Ford Powerstroke, 2006-2012 Dodge Cummins, and 2007.5-2014 Chevy/GMC Duramax]
75			[EGR Delete Part #46]	[REDACTED]  [2 invoices for the same vehicle]
76			[EGR Delete Part #47]	[Vehicle not identified in sales records]  [Sales record description refers to Ford 6.7L Powerstroke Diesel Truck]
77			[EGR Delete Part #48]	[Vehicle not identified in sales records]  [This product is designed for 2015-2017 Ford 6.7L Powerstroke]
78			a. [REDACTED] [EGR Delete Part #49]  b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #22]	[Vehicle not identified in sales records]  [REDACTED] is designed for 2007.5-2009 Dodge 6.7L Cummins Diesel]  [REDACTED] is designed for 2007.5-2012 Dodge 6.7L Cummins]
79			a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #23]  b. [REDACTED] [Defeat Tuner or Tunes #42]	[Vehicle not identified in sales records]  [REDACTED] is designed for 2011-2015 GMC/Chevy 6.6L Duramax LML Diesel]  [REDACTED] is designed for 2011-2016 GMC/Chevy 6.6L Duramax LML Diesel]
80			a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #24]  b. [REDACTED] [EGR Delete Part #50]	[Vehicle not identified in sales records]  [REDACTED] is designed for 2008-2010 Ford 6.4L Powerstroke]  [REDACTED] is designed for 2008-2010 Ford 6.4L Powerstroke Diesel]
81			[REDACTED] [Exhaust Aftertreatment Delete Pipe #25]	[REDACTED]

82			[Defeat Tuner or Tunes #43]	[Vehicle not identified in sales records] [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax]
83			a. [redacted] [Exhaust Aftertreatment Delete Pipe #26] b. [redacted] [Defeat Tuner or Tunes #44]	[Vehicle not identified in sales records] [redacted] is designed for 2011-2017 Ford 6.7L Powerstroke] [redacted] is designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax]
84			[EGR Delete Part #51]	[Vehicle not identified in sales records] [redacted] product [redacted] is designed for the 2008-2010 Ford 6.4L Powerstroke Diesel]
85			a. [redacted] [EGR Delete Part #52] b. [redacted] [Exhaust Aftertreatment Delete Pipe #27]	[Vehicle not identified in sales records] [redacted] is designed for 2007.5-2008 Dodge 6.7L Cummins Diesel] [redacted] is designed for 2007.5-2010 Dodge 6.7L Cummins]
86			[Exhaust Aftertreatment Delete Pipe #28]	[Vehicle not identified in sales records] [redacted] is designed for 2010-2014 Dodge 6.7L Cummins]
87			[EGR Delete Part #53]	[Vehicle not identified in sales records] [This product is designed for 2011-2012 6.7L Ford Powerstroke]
88			a. [redacted] [EGR Delete Part #54] b. [redacted] [Defeat Tuner or Tunes #45]	[redacted]
89			[EGR Delete Part #55]	[Vehicle not identified in sales records] [redacted] has manufactured EGR Delete Parts under the [redacted] brand name for both Ford Powerstroke and Dodge Cummins in the 6.7L diesel engine category]

90	[REDACTED]	[REDACTED]	[REDACTED] [EGR Delete Part #56] and [Defeat Tuner or Tunes #46]	[REDACTED]
91	[REDACTED]	[REDACTED]	a. [REDACTED] [Defeat Tuner or Tunes #47] b. [REDACTED] [EGR Delete Part #57]	[Vehicle not identified in sales records] [The product [REDACTED] is designed for GM 6.6L Duramax] [REDACTED] is designed for 2004.5-2005 GM 6.6L Duramax Diesel Trucks]
92	[REDACTED]	[REDACTED]	a. [REDACTED] [Defeat Tuner or Tunes #48] b. [REDACTED] [EGR Delete Part #58]	[Vehicle not identified in sales records] [REDACTED] is designed for Ford Powerstroke Diesel trucks – Product refers to “6.0 ford”, which likely refers to Ford 6.0L Powerstroke Diesel] [REDACTED] is designed for 2003-2007 Ford 6.0L Powerstroke]
93	[REDACTED]	[REDACTED]	a. [REDACTED] [Defeat Tuner or Tunes #49] b. [REDACTED] [EGR Delete Part #59]	[REDACTED]
94	[REDACTED]	[REDACTED]	a. [REDACTED] [EGR Delete Part #60] b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #29] c. [REDACTED] [Defeat Tuner or Tunes #50]	[REDACTED] [Sales records list a MD license plate number for this vehicle]
95	[REDACTED]	[REDACTED]	[REDACTED] [Defeat Tuner or Tunes #51] and [EGR Delete Part #61]	[Vehicle not identified in sales records] [This product package is designed for Ford 6.7L Powerstroke Diesel]

96			<p>a. [REDACTED] [EGR Delete Part #62]</p> <p>b. [REDACTED] [Defeat Tuner or Tunes #52]</p>	<p>[Vehicle not identified in sales records]</p> <p>[REDACTED] is designed for Ford 6.7L Powerstroke</p> <p>[The [REDACTED] is designed is designed for Ford Powerstroke]</p>
97			<p>a. [REDACTED] [EGR Delete Part #63]</p> <p>b. [REDACTED] [Defeat Tuner or Tunes # 53]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The product [REDACTED] is designed for GM 6.6L Duramax]</p>
98			<p>a. [REDACTED] [Defeat Tuner and Tunes #54]</p> <p>b. [REDACTED] [EGR Delete Part # 64]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The product [REDACTED] is designed for GM 6.6L Duramax]</p>
99			<p>a. [REDACTED] [EGR Delete Part #65]</p> <p>b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #30]</p> <p>c. [REDACTED] [Defeat Tuner or Tunes #55]</p>	<p>[REDACTED]</p>
100			<p>a. [REDACTED] [Exhaust Aftertreatment Delete Pipe #31]</p> <p>b. [REDACTED] [Defeat Tuner or Tunes #56]</p>	<p>[REDACTED]</p>
101			<p>[REDACTED] [EGR Delete Part #66] and [Defeat Tuner or Tunes #57]</p>	<p>[REDACTED]</p>

102			[EGR Delete Part #67] and [Defeat Tuner or Tunes #58]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
103			[EGR Delete Part #68] and [Defeat Tuner or Tunes #59]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
104			[EGR Delete Part #69] and [Defeat Tuner or Tunes #60]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
105			[EGR Delete Part #70]	[Vehicle not identified in sales records] [This product is designed for 2008-2010 Ford 6.4L Powerstroke Diesel]
106			a. [Redacted] [Exhaust Aftertreatment Delete Pipe #32] b. [Redacted] [EGR Delete Part #71]	[Redacted]
107			[EGR Delete Part #72] and [Defeat Tuner or Tunes #61]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
108			[Defeat Tuner or Tunes #62]	[Vehicle not identified in sales records] [This product is designed for 1999 and later Ford Powerstroke Diesel Trucks]
109			a. [Redacted] [Defeat Tuner or Tunes #63] b. [Redacted] [Exhaust Aftertreatment Delete Pipe #33] c. [Redacted] [EGR Delete Part #73]	[Redacted] [The sales records list a MD license plate number for this vehicle]

110			<p>a. [Redacted]</p> <p>[Exhaust Aftertreatment Delete Pipe #34]</p> <p>b. [Redacted]</p> <p>[Defeat Tuner or Tunes #64]</p> <p>c. [Redacted]</p> <p>[EGR Delete Part #74]</p>	[Redacted]
111			<p>[Redacted]</p> <p>[Defeat Tuner or Tunes #65]</p>	<p>[Vehicle not identified in sales records]</p> <p>[Redacted] designed for 2006-2012 Dodge Cummins, 2003-2012 Ford Powerstroke, and 2008-2013 Chevy/GMC Duramax Diesel]</p>
112			<p>[Redacted]</p> <p>[Defeat Tuner or Tunes #66]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for 1999 and later Ford Powerstroke Diesels]</p>
113			<p>a. [Redacted]</p> <p>[Defeat Tuner or Tunes #67]</p> <p>b. [Redacted]</p> <p>[Exhaust Aftertreatment Delete Pipe #35]</p>	[Redacted]
114			<p>a. [Redacted]</p> <p>[Defeat Tuner or Tunes #68]</p> <p>b. [Redacted]</p> <p>[EGR Delete Part #75]</p>	[Redacted]
115			<p>[Redacted]</p> <p>[EGR Delete Part #76]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This product is designed for Dodge 6.7L Cummins Diesel]</p>
116			<p>[Redacted]</p> <p>[EGR Delete Part #77] and [Defeat Tuner or Tunes #69]</p>	<p>[Vehicle not identified in sales records]</p> <p>[This performance package is designed for Ford 6.7L Powerstroke Diesel]</p>

117			[EGR Delete Part #78] and [Defeat Tuner or Tunes #70]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
118			[EGR Delete Part #79] and [Defeat Tuner or Tunes #71]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
119			[EGR Delete Part #80] and [Defeat Tuner or Tunes #72]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
120			[EGR Delete Part #81] and [Defeat Tuner or Tunes #73]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
121			[EGR Delete Part #82] and [Defeat Tuner or Tunes #74]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
122			[EGR Delete Part #83] and [Defeat Tuner or Tunes #75]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
123			[Exhaust Aftertreatment Delete Pipe #36]	
124			a. [EGR Delete Part #84] b. [Defeat Tuner or Tunes #76]	[Sales records list a MD license plate number for this vehicle]
125			[EGR Delete Part #85]	[Vehicle not identified in sales records] [ ] has manufactured EGR Delete Parts under the [ ] brand name for both Ford Powerstroke and Dodge Cummins in the 6.7L diesel engine category]

126			[EGR Delete Part #86] and [Defeat Tuner or Tunes #77]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
127			[EGR Delete Part #87] and [Defeat Tuner or Tunes #78]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
128			a. [Redacted] [Defeat Tuner or Tunes #79] b. [Redacted] [Exhaust Aftertreatment Delete Pipe #37]	[Vehicle not identified in sales records] [The [Redacted] is designed for 1999 and later Ford Powerstroke Diesels] [Redacted] is designed for 2008-2010 Ford 6.4L Powerstroke]
129			a. [Redacted] [Defeat Tuner or Tunes #80] b. [Redacted] [Exhaust Aftertreatment Delete Pipe #38]	[Redacted]
130			[EGR Delete Part #88] and [Defeat Tuner or Tunes #81]	[Redacted]
131			[EGR Delete Part #89] and [Defeat Tuner or Tunes #82]	Vehicle not identified in sales records This performance package is designed for Ford 6.7L Powerstroke Diesel
132			[EGR Delete #90] and [Defeat Tuner or Tunes #83]	[Redacted]
133			[EGR Delete Part #91]	[Redacted]
134			a. [Redacted] [Exhaust Aftertreatment Delete Pipe #39] b. [Redacted] [Defeat Tuner or Tunes #84]	[Vehicle not identified in sales records] [Redacted] is designed for 2008 6.4L Ford Powerstroke Diesel] [Redacted] is designed for 1999-2016 Ford Powerstroke Diesel Trucks]
135			[EGR Delete Part #92] and [Defeat Tuner or Tunes #85]	[Vehicle not identified in sales records] [This product package is designed for Ford 6.7L Powerstroke Diesel Trucks]

136			[EGR Delete Part #93] and [Defeat Tuner or Tunes #86]	[Vehicle not identified in sales records] [This product package is designed for Ford 6.7L Powerstroke Diesel Trucks]
137			[EGR Delete Part #94]	[Vehicle not identified in sales records] [REDACTED] has manufactured EGR Delete Parts under the [REDACTED] brand name for both Ford Powerstroke and Dodge Cummins in the 6.7L diesel engine category]
138			a. [REDACTED] [Defeat Tuner or Tunes #87] b. [REDACTED] [Exhaust Aftertreatment Delete Pipe #40]	[REDACTED]
139			[EGR Delete Part #95] and [Defeat Tuner or Tunes #88]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
140			[EGR Delete Part #96] and [Defeat Tuner or Tunes #89]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
141			[EGR Delete Part #97] and [Defeat Tuner or Tunes #90]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]
142			[EGR Delete Part #98] and [Defeat Tuner or Tunes #91]	[REDACTED] [Sales records list a license plate number for vehicle - State unknown]
143			a. [REDACTED] [Defeat Tuner or Tunes #92] b. [REDACTED] [EGR Delete Part #99]	[Vehicle not identified in sales records] [REDACTED] is designed for 1999-2016 Ford Powerstroke Diesel Trucks]
144			[EGR Delete Part #100] and [Defeat Tuner or Tunes #93]	[Vehicle not identified in sales records] [This performance package is designed for Ford 6.7L Powerstroke Diesel]

145	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[EGR Delete Part #101]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #94]</p>	<p>[Sales records list a MD license plate number for this vehicle]</p>
146	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #41]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #95]</p> <p>[During the October 27, 2017 Inspection, the EPA inspected this vehicle and observed the vehicle had the DOC removed and an Exhaust Aftertreatment Delete Pipe installed. The EPA also observed that the EGR valve was not functioning through reading the vehicle's OBD.]</p>	[REDACTED]
147	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[EGR Delete Part #102]</p> <p>b. [REDACTED]</p> <p>[Defeat Tuner or Tunes #96]</p> <p>c. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #42]</p>	<p>[License plate number is recorded in sales records – State Unknown]</p>
148	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #97]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #43]</p> <p>[The EPA inspected this vehicle during the October 27, 2016 Inspection and observed the vehicle had an Exhaust Aftertreatment Delete Pipe with DOC, DPF, and SCR removed. The vehicle had a license plate.]</p>	[REDACTED]

149	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #98]</p> <p>b. [REDACTED]</p> <p>[EGR Delete Part #103]</p> <p>c. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #44]</p>	<p>[REDACTED]</p> <p>[WV license plate number is recorded in sales records for this vehicle]</p>
150	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner or Tunes #99]</p> <p>b. [REDACTED]</p> <p>[EGR Delete Part #104]</p>	<p>[REDACTED]</p> <p>[MD license plate is recorded in sales records for this vehicle]</p>
151	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #105]</p>	<p>[REDACTED]</p>
152	[REDACTED]	[REDACTED]	<p>[REDACTED]</p> <p>[EGR Delete Part #106] and [Defeat Tuner or Tunes #100]</p>	<p>[REDACTED]</p>
153	[REDACTED]	[REDACTED]	<p>a. [REDACTED]</p> <p>[Defeat Tuner and Tunes #101]</p> <p>b. [REDACTED]</p> <p>[Exhaust Aftertreatment Delete Pipe #45]</p> <p>[These invoices identify as the customer an employee of Respondents. During the October 27, 2017 Inspection, the EPA inspected the motor vehicle belonging to this employee (a Ford 6.0 L F-250 Powerstroke), and observed an Exhaust Aftertreatment Delete Pipe installed on the vehicle and the DOC missing along with an [REDACTED] tuner installed on the vehicle.]</p>	<p>[Vehicle not identified in sales records]</p> <p>[The [REDACTED] is designed for 1999 and later Ford Powerstroke Diesels]</p>

154	[REDACTED]	[REDACTED]	[REDACTED] [Defeat Tuner or Tunes #102]	[REDACTED]
155	[REDACTED]	[REDACTED]	a. [REDACTED]  (Defeat Tuner or Tunes #103)  b. [REDACTED]  [EGR Delete Part #107]	[REDACTED]  [PA license plate number is recorded in sales records for this vehicle]

## CERTIFICATE OF SERVICE

I certify that the original Complaint, with Confidential Business Information (“CBI”) redacted, and the original Complaint, with CBI not redacted, and two copies of each of the redacted and unredacted the foregoing Complaint in the matter of *Justin Holder, Battlefield Automotive, LLC, and Enhanced Alternatives, LLC, d/b/a Confederate Diesel and Battlefield Automotive, CAA-HQ-2018-8374*, were filed and served on the Presiding Officer this day by hand delivery to the Headquarters Hearing Clerk in the EPA Office of Administrative Law Judges at the address listed below:

U.S. Environmental Protection Agency  
Office of the Headquarters Hearing Clerk  
1300 Pennsylvania Ave., NW, MC-1900R  
Ronald Reagan Building, Room M1200  
Washington, DC 20004

I certify that one copy of each of the redacted and unredacted foregoing Complaint, together with a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, was sent this day by certified mail, return receipt requested, for service on each Respondent’s officer or agent for service of process at the addresses listed below:

Justin Holder  
Enhanced Alternatives, LLC  
Battlefield Automotive, LLC  
308 W Chapline Street  
Sharpsburg, Maryland 21782

Justin Holder  
Enhanced Alternatives, LLC  
Battlefield Automotive, LLC  
311 W Chapline Street  
Sharpsburg, Maryland 21782

Justin Holder  
Enhanced Alternatives, LLC  
Battlefield Automotive, LLC  
210A Maple Avenue  
Boonsboro, Maryland 21713-1117

I certify that one copy of the redacted and unredacted foregoing Complaint, together with a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, was sent this day by certified mail, return receipt requested, and by e-mail to Respondent’s counsel at the addresses listed below:

Adam D. Greivell, Esq.  
Greivell & Garrott Johnson, LLC  
5 Cornell Avenue  
Hagerstown, Maryland 21742  
[adam@greivelllawoffice.com](mailto:adam@greivelllawoffice.com)

Date

6/14/18



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Office of Civil Enforcement  
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