

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:

KT Performance, Inc.

Respondent.

Docket No.
CAA-HQ-2018-8385

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BUSINESS CONFIDENTIALITY ASSERTED

Complaint Attachment A contains material claimed to be confidential business information (“CBI”) pursuant to 40 C.F.R. § 2.203(b). The material claimed as CBI is located in the third column of Attachment A titled “Total U.S. Sales 1/1/2013-2/29/2016,” and consists of respondent KT Performance, Inc.’s total domestic sales of specific products occurring between January 1, 2013, and February 29, 2016. The material claimed as CBI has been deleted from the publicly-available copy of Attachment A. A complete copy of Attachment A containing the material claimed as CBI has been filed with the Hearing Clerk. If you have any questions, please contact Edward Kulschinsky at (202) 564-4133, or at kulschinsky.edward@epa.gov.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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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. Respondent in this matter is KT Performance, Inc. (“Respondent”).
4. Respondent is a corporation organized under the laws of Florida with a principal address and mailing address at 1502 D Max Hooks Road, Groveland, Florida 34736.
5. Respondent’s registered agent is Kenneth W. Thompson, address 12055 Bay Lake Road, Groveland, Florida 34736.

6. Kenneth W. Thompson is the president of Respondent.
7. Prior to December 29, 2016, Respondent was KT Performance, LLC.
8. On December 29, 2016, KT Performance, LLC filed a certificate of conversion with the State of Florida to convert KT Performance, LLC to Respondent, in accordance with Fla. Stat. § 607.1115.
9. All debts, liabilities, and duties of KT Performance, LLC attached to Respondent and may be enforced against Respondent to the same extent as if those debts, liabilities, and duties had been incurred or contracted by Respondent. Fla. Stat. § 608.1115(5)–(6).
10. Respondent is a person under section 302(e) of the CAA, 42 U.S.C. § 7602(e).
11. The EPA makes the Alleged Violations of Law, below, based on: inspections by EPA of Respondent’s facility; submissions of information by Respondent in response to a Request for Information issued by EPA under the authority of section 208(a) of the CAA, 42 U.S.C. § 7542(a); and other information.

Jurisdiction

12. This action is brought under section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), and the Consolidated Rules.
13. 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).
14. An administrative civil penalty may not exceed \$320,000 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.

15. The Administrator of the EPA and the Attorney General jointly determined that this matter, although it involves a penalty amount greater than \$320,000, is appropriate for administrative penalty assessment. CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1).
16. 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).
17. 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

18. This action arises under Title II of the CAA, as amended, 42 U.S.C. §§ 7521–7590, and the regulations promulgated thereunder relating to the control of emissions of air pollution from mobile sources.
19. “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.
20. Motor vehicles are defined by their attributes. CAA § 216(2), 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.
21. 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.
22. “Motor vehicle engine” means an engine that is used to power a motor vehicle.
23. Particulate matter (“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.

24. Ozone is a highly reactive gas that is formed in the atmosphere, in part, from pollutants emitted by motor vehicles.
25. Nitrogen oxides (“NO_x”) and non-methane hydrocarbons (“NHMCs”) are reactive gasses emitted by motor vehicles that contribute to the formation of PM and ozone.
26. 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.
27. Nitrogen dioxide (“NO₂”) can aggravate respiratory diseases, particularly asthma, and may also contribute to asthma development in children. NO₂ is emitted by motor vehicles and is also formed in the atmosphere from the emission of NO_x.
28. Carbon monoxide (“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.
29. Title II of the CAA and regulations promulgated thereunder establish limits for the emissions of certain air pollutants from mobile sources, including, but not limited to, NO_x, NMHC, PM, and CO.
30. Manufacturers of new motor vehicles or motor vehicle engines must obtain a certificate of conformity (“COC”) from EPA to sell, offer to sell, or introduce or deliver for introduction into commerce any new motor vehicle or motor vehicle engines in the United States. 42 U.S.C. § 7522(a)(1).
31. 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).

32. 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.
33. To obtain a COC for a given motor vehicle test group or engine family, the original equipment manufacturer (“OEM”) must demonstrate that each motor vehicle or motor vehicle engine will not exceed established emissions standards for NO_x, PM, CO, NMHC, and other pollutants. 40 C.F.R. §§ 86.004-21, 86.1811-04, 86.1844-01.
34. 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.
35. Section 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A), prohibits any person from removing or rendering inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under Title II of the CAA prior to its sale or delivery to the ultimate purchaser, or for any person to knowingly remove or

render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

36. 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).

Motor Vehicle Emissions-Related Elements of Design

37. EPA-certified motor vehicles and motor vehicle engines include a variety of hardware and software devices or elements of design that control emissions of air pollution.
38. 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.
39. A standard requirement in modern motor vehicles and motor vehicle engines is an onboard diagnostic system (“OBD”), which must detect and report malfunctions of all monitored emission-related powertrain systems or components. 40 C.F.R. § 86.1806-05(b).
40. Exhaust gas recirculation (“EGR”) is an element of design in diesel-fueled motor vehicles that reduces NO_x 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_x emissions.
41. Fuel mass, fuel injection pressure, and fuel injection timing are among the elements of design incorporated in diesel fueled motor vehicles that can affect the quantity of regulated pollutants that are created by the diesel engine.
42. Diesel particulate filters (“DPFs”), are elements of design that collect PM pollution contained in engine exhaust gas. Proper operation of the DPF requires periodic regeneration of the filter to prevent accumulated PM from clogging the filter.

43. Diesel oxidation catalysts (“DOCs”) are elements of design that reduce CO and NMHC emissions by promoting the conversion of those pollutants into less harmful gases in diesel-fueled motor vehicles.
44. Selective catalytic reduction (“SCR”), is an element of design that reduces NO_x emissions by chemically converting exhaust gas that contains NO_x into nitrogen and water through the injection of diesel exhaust fluid. Diesel exhaust fluid (“DEF”) must be periodically refilled. Sensors in the DEF tank communicate with the OBD to ensure that SCR is properly controlling NO_x emissions.
45. The OBD must detect and report malfunctions of EGRs, oxygen sensors, DPFs, and DOCs in motor vehicles so equipped 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.

General Allegations

46. Between January 1, 2013, and approximately February 29, 2016, Respondents sold, or offered to sell, or caused any of the foregoing with respect to, at least 2,833 parts or components (“Subject Parts”) identified in Exhibit A to this Complaint.
47. The Subject Parts are intended for use with motor vehicle or motor vehicle engines powered by heavy-duty diesel engines (“HDDEs”) manufactured by General Motors Co. (“GMC” or “Chevy”); Ford Motor Co. (“Ford”); FCA US LLC and its predecessors (“FCA,” “Dodge,” or “Ram”); and/or Cummins Inc. (“Cummins”).
48. More particularly, the Subject Parts are designed for use with model year 2001 through 2015 Chevy/GMC 2500/3500 series vehicles; model year 2007.5 through 2010 Chevy/GMC Kodiak/Topkick vehicles; model year 2006 through 2015 Dodge 2500/3500

series vehicles; model year 2003 through 2016 Ford Superduty vehicles; or model year 2003 through 2007 Ford Excursion vehicles (collectively the “Subject Vehicles”).

49. The Subject Vehicles are each self-propelled.
50. The Subject Vehicles are each designed to transport persons or property on a street or highway.
51. The Subject Vehicles are each a “motor vehicle” with a “motor vehicle engine.”
52. Chevy/GMC, Dodge, Ford, or Cummins obtained a COC from the EPA for each Subject Vehicle or Subject Vehicle engine.
53. Each Subject Vehicle specified above have installed on or in it emissions-related devices or elements of design installed 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, SCR, DPF, OBD, or fueling strategies.
54. The Subject Parts:
 - 54(a) Permanently or temporarily change, affect, or bypass a motor vehicle’s emission related parts, including but not limited to the DPF, EGR systems, catalyts, OBD, SCR, or any sensors, signals, or records related to these systems;
 - 54(b) Can be programmed to modify engine or OBD parameters including but not limited to the ECM;
 - 54(c) Or, together with the addition, modification, or removal of a motor vehicle’s parts, have the effect of permanently or temporarily changing, affecting, bypassing, defeating, or rendering inoperative a motor vehicle emission control device or emission related part.

55. The Subject Parts bypass, defeat, or render inoperative devices or elements of design installed on or in the Subject Vehicles or Subject Vehicle engines in compliance with regulations under the CAA.
56. The Subject Parts 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.
57. A principal effect of each Subject Part 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.
58. Respondent knew or should have known that the Subject 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.

Count I - Electronic Tuners

59. The preceding paragraphs are incorporated by reference.
60. Between January 1, 2013, and approximately February 29, 2016, Respondents sold, or offered to sell, or caused any of the foregoing with respect to, at least 1,021 Subject Parts designed to affect ECMs, OBDs, or other emissions-related elements of design (“Subject Tuners”).
61. Between January 1, 2013, and approximately February 29, 2016, Respondent sold one or more of each of the following Subject Tuners, as identified in Attachment A:
 - 61(a) Part No. 3015 - SCT SF3 Tuner, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke
 - 61(b) Part No. 5015 - SCT Livewire TS, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke

- 61(c) Part No. 7015 - SCT X4 Power Flash Programmer, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke
- 61(d) Part No. 109003 - H&S Performance Mini Maxx Race Tuner, Without Pyrometer, Chevy/GMC 2500/3500 Duramax Diesel (2007-2014), Dodge 2500/3500 Cummins Diesel (2006-2012), Ford Superduty Power Stroke Diesel (2003-2014)
- 61(e) Part No. 109005 - H&S Performance XRT Pro Race Tuner, Chevy/GMC 2500/3500 Duramax Diesel (2007-2014), Dodge 2500/3500 Cummins Diesel (2006-2012), Ford Superduty Power Stroke Diesel (2003-2014)
- 61(f) Part No. 5015C - SCT Competition Only 5015 Programmer, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke
- 61(g) Part No. 5015C67 - SCT Competition Only 5015 Programmer, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke
- 61(h) Part No. 5015C6715 - SCT Competition Only 5015 Programmer, Ford Superduty (2015-2016) 6.7L Diesel Powerstroke
- 61(i) Part No. 5015P - SCT LIVEWIRE TS, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke
- 61(j) Part No. 7015C64 - SCT Competition Only 7015 Programmer, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke
- 61(k) Part No. 7015C67 - SCT Competition Only 7015 Programmer, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke
- 61(l) Part No. 7015C6715 - SCT Competition Only 7015 Programmer, Ford Superduty (2015-2016) 6.7L Diesel Powerstroke
- 61(m) Part No. 871EGRDPF - ECM Off Road Flash, Cummins (2007.5-2010) ISX, EGR & DPF
- 61(n) Part No. AC5-COMPETITION-DM - EFI Live AutoCal & 5 custom tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax- COMPETITION SETUP
- 61(o) Part No. AC5-MODIFIED-CM - EFI Live AutoCal & 5 custom tunes (Dyno Proven), Dodge 2500/3500 (2006-2009) 5.9L & 6.7L Diesel Cummins MODIFIED SETUP
- 61(p) Part No. AC5-MODIFIED-DM - EFI Live AutoCal & 5 custom tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax MODIFIED SETUP

- 61(q) Part No. CRT1 - Torque Tech Tuner, T1 Completion Race Tuner with gauges, Chevy/GMC 2500/3500 6.6L Duramax Diesel (08-2010), Dodge 2500/3500 6.7L Cummins Diesel (07.5-2012), Ford 6.4L & 6.7L Power Stroke Diesel (08-2012)
- 61(r) Part No. CRT2 - Torque Tech Tuner, T2 Completion Race Tuner, Chevy/GMC 2500/3500 6.6L Duramax Diesel (08-2010), Dodge 2500/3500 6.7L Cummins Diesel (07.5-2012), Ford 6.4L & 6.7L Power Stroke Diesel (08-2012)
- 61(s) Part No. DD30 - DPF-R DPF Race/Test Module 3.0, Dodge 2500/3500 (2007.5-2012) 6.7L Diesel Cummins
- 61(t) Part No. EFI-5MOD-CM - EFI Live 5 Custom Tunes (Dyno Proven), Dodge 2500/3500 (2006-2009) 5.9L & 6.7L Diesel Cummins - MODIFIED SETUP
- 61(u) Part No. EFI-5MOD-DM - EFI Live 5 Custom Tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax MODIFIED SETUP
- 61(v) Part No. EFI-MOD-DM - EFI Live Single Custom Tune (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax - MODIFIED SETUP
- 61(w) Part No. FD40 - DPF-R DPF Race Module 4.0, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Automatic Transmission
- 61(x) Part No. FD40M - DPF-R DPF Race Module 4.0, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Manual Transmission
- 61(y) Part No. FED40 - DPF-R DPF Race Module 4.0 Plus, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke
- 61(z) Part No. GMD40 - DPF-R DPF Race Module 4.0, Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax, Automatic Transmission
- 61(aa) Part No. GMD40TK - DPF-R DPF Race Module 4.0, Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax Topkick/Kodiak, Automatic Transmission
- 61(bb) Part No. GMDE40 - DPF-R DPF Race Module 4.0 Plus, Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax
- 61(cc) Part No. INV-SCT-60-3 - Innovative Diesel Custom Tunes, Ford Superduty (2003-2010) 6.0L Diesel, Three SCT Tunes
- 61(dd) Part No. LMMPIP - Punch It Performance Competition Programmer, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel LMM

- 61(ee) Part No. PHALANX-6.4L Diesel - Spartan Phalanx Flash Console, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Race Tuner
- 61(ff) Part No. PHALANX-6.7L Diesel - Spartan Phalanx Flash Console, Ford Superduty (2011-2012) 6.7L Diesel Power Stroke, Race Tuner
- 61(gg) Part No. PPEI-6.7C-CSP - EFI Live CSP Custom Tunes (PPEI - Kory Willis), Dodge 2500/3500 (2010-2015) 6.7L Diesel Cummins
- 61(hh) Part No. PPEI-LML-Autocal - EFI Live AutoCal & 5 custom tunes (PPEI - Kory Willis), Chevy/GMC 2500/3500 (2011-2015) 6.6L Diesel Duramax LML
- 61(ii) Part No. RM0709 - RaceME Competition tuner, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins
- 61(jj) Part No. RM0709PRO - RaceME Pro Competition tuner, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins
- 61(kk) Part No. RM1011 - RaceME Competition tuner, Dodge 2500/3500 (2010-2011) 6.7L Diesel Cummins
- 61(ll) Part No. RM1012PRO - RaceME Pro Competition tuner, Dodge 2500/3500 (2010-2012) 6.7L Diesel Cummins
- 61(mm) Part No. RM12 - RaceME Competition tuner, Dodge 2500/3500 (2012) 6.7L Diesel Cummins
- 61(nn) Part No. RMULTRA - RaceME ULTRA Competition tuner, Dodge 2500/3500 (2007.5-2015) 6.7L Diesel Cummins
- 61(oo) Part No. SCTC - SCT Competition Only Files, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke
- 61(pp) Part No. SCTC67 - SCT Competition Only Files, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke

- 62. Attachment A accurately states the minimum number of each Subject Tuner Respondent sold within the United States between January 1, 2013, and approximately February 29, 2016.
- 63. Each Subject Tuner is designed and marketed for use with, or to become part of, a specific make, model and year (or range of years) of compatible Subject Vehicles.

64. Each Subject Tuner 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.
65. Each Subject Tuner allows the DPF and/or EGR to be removed without a check engine light being illuminated.
66. The Subject Tuners allow the DPF, EGR, or other emissions-related elements of design to be removed from compatible Subject Vehicles or disabled without the OBD illuminating a malfunction indicator lamp, recording a diagnostic trouble code, and/or causing an engine power reduction.
67. The Subject Tuners bypass, defeat, or render inoperative the OBD of compatible Subject Vehicles, or allow the foregoing.
68. The Subject Tuners have a principal effect of allowing the DPF, EGR, or other emissions-related elements of design to be removed from compatible Subject Vehicles or disabled without the OBD illuminating a malfunction indicator lamp, recording a diagnostic trouble code, and/or causing an engine power reduction.
69. The Subject Tuners have a principal effect of bypassing, defeating, or rendering inoperative the OBD of compatible Subject Vehicles.
70. Respondent indicated in marketing materials for the Subject Tuners that each Subject Tuner do or may allow the DPF, EGR, or other emissions-related elements of design to be disabled or removed from compatible Subject Vehicles.
71. Respondent knew or should have known that the Subject Tuners allow the DPF, EGR, or other emissions-related elements of design to be disabled or removed from compatible Subject Vehicles.

72. Respondent knew or should have known that the Subject Tuners bypass, defeat, or render inoperative the OBD of compatible Subject Vehicles.
73. Respondent knew or should have known that the Subject Tuners were being offered for sale to allow the DPF, EGR, or other emissions-related elements of design to be disabled or removed from compatible Subject Vehicles, or allow the foregoing.
74. Respondent knew or should have known that the Subject Tuners were being offered for sale to bypass, defeat, or render inoperative the OBD of compatible Subject Vehicles, or allow the foregoing.
75. Respondent knew or should have known that the Subject Tuners would be installed or used to allow the DPF, EGR, or other emissions-related elements of design to be disabled or removed from compatible Subject Vehicles, or to bypass, defeat, or render inoperative the OBD of compatible Subject Vehicles.
76. The Subject Tuners alter or are capable of altering compatible Subject Vehicles' fueling strategies or other emissions-related elements of design.
77. Altering a vehicle or engine's fueling strategy or other emissions-related elements of design may affect a vehicle's horsepower, fuel economy, and/or towing capacity.
78. The Subject Tuners have a principal effect of altering compatible Subject Vehicles' fueling strategies or other emissions-related elements of design.
79. Respondent indicated in marketing materials for the Subject Tuners that a Subject Tuner would increase a compatible Subject Vehicle's horsepower, fuel economy, and/or towing capability.
80. Respondent knew or should have known that the Subject Tuners alter or are capable of altering compatible Subject Vehicles' fueling strategies or other emissions-related elements of design.

81. Respondent knew or should have known that the Subject Tuners were being offered for sale to alter or allow alteration of compatible Subject Vehicles' fueling strategies or other emissions-related elements of design, or allow the foregoing.
82. Respondent knew or should have known that the Subject Tuners would be installed or used to alter compatible Subject Vehicles' fueling strategies or other emissions-related elements of design.
83. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) each Subject Tuner constitutes one or more separate violations of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).
84. Respondent sold, offered for sale, or installed (or caused the sale, offering for sale, or installation) of approximately 1,021 Subject Tuners in violation of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).

Count II - Exhaust Pipes

85. The preceding paragraphs are incorporated by reference.
86. Between January 1, 2013, and approximately February 29, 2016, Respondents sold, or offered to sell, or caused any of the foregoing with respect to, at least 1,084 Subject Parts designed to remove, disable, or allow the removal or disabling of DPFs, DOCs, SCR, or other emissions-related elements of design located in motor vehicle or motor vehicle engine exhaust systems ("Subject Pipes").
87. Between January 1, 2013, and approximately February 29, 2016, Respondent sold one or more of each of the following Subject Pipes, as identified in Attachment A:
 - 87(a) Part No. 832 - Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel DPF-Delete, Aluminized w/Muffler
 - 87(b) Part No. 27111 - Flo-Pro DPF Down-Pipe, Dodge 2500/3500 (2007.5-2013) 6.7L Diesel Cummins, 4" Aluminized

- 87(c) Part No. 125032 - Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, Aluminized (for Diamond Eye Down-Pipe)
- 87(d) Part No. 125034 - Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, Aluminized (for stock Down-Pipe)
- 87(e) Part No. 125106 - Diamond Eye Exhaust DPF & CAT Race Pipe, Ford Superduty (2008-2010) 6.4L Diesel, with Bungs, 3.5" outlet for factory exhaust, AL
- 87(f) Part No. 125109 - Diamond Eye Exhaust DPF & CAT Race Pipe, Ford Superduty (2008-2010) 6.4L Diesel, No Bungs, 3.5" outlet for factory exhaust, AL
- 87(g) Part No. 125113 - Diamond Eye 4" D.P.F. Race Pipe, Ford Superduty (2011-2013) F-250/F-350 6.7L Diesel Power Stroke, Aluminized, no bungs
- 87(h) Part No. 126004 - Diamond Eye 3.5" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F-250 F-350, 6.0L Diesel Power Stroke, Aluminized
- 87(i) Part No. 155006 - Diamond Eye 4" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, T409 Stainless
- 87(j) Part No. 165032 - Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, T409 Stainless (for Diamond Eye Down-Pipe)
- 87(k) Part No. 166004 - Diamond Eye 3.5" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F-250 F-350, 6.0L Diesel Power Stroke, T409 Stainless
- 87(l) Part No. 221021 - Diamond Eye 4" D.P.F. Race Down-Pipe, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized without bungs / with flange
- 87(m) Part No. 221022 - Diamond Eye 4" D.P.F. Race Pipe, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized with bungs
- 87(n) Part No. 221023 - Diamond Eye 4" D.P.F. Race Pipe, Dodge 3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized no bungs
- 87(o) Part No. 221024 - Diamond Eye 4" D.P.F. Race Pipe and Down Pipe Kit, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized with bungs

- 87(p) Part No. 221025 - Diamond Eye 4" D.P.F. Race Pipe and Down Pipe Kit, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized no bungs
- 87(q) Part No. 221036 - Diamond Eye 4" D.P.F. Race Pipe, Dodge 2500/3500 (2007.5-2010) Cab & Chassis, 6.7L Diesel Cummins, Aluminized without bungs
- 87(r) Part No. 221051 - Diamond Eye Exhaust DPF Race Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Aluminized, Non-Flanged
- 87(s) Part No. 261051 - Diamond Eye Exhaust DPF Race Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Stainless, Non-Flanged
- 87(t) Part No. 261052 - Diamond Eye Exhaust DPF Race "Quiet Tone" Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Stainless, Non-Flanged
- 87(u) Part No. 324104 - Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Duramax Diesel Extended cab- Long Bed)
- 87(v) Part No. 324106 - Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel C.C.S.B. with bungs Aluminized
- 87(w) Part No. 324108 - Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel C.C.L.B. with bungs Aluminized
- 87(x) Part No. 324115 - Diamond Eye 4" DPF Race Front Pipe, Chevy/GMC 2500/3500 (2011-2015) 6.6L Diesel Duramax LML, Aluminized Quiet Tone
- 87(y) Part No. 49-43023 - aFe 4" Down-Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF-Race Kit, T-409 Stainless No Muffler, w/bungs
- 87(z) Part No. 49-44017 - aFe 4" Down-Pipe Back Exhaust, Chevy/GM (2008-2010) LMM Duramax, DPF-Race Kit, T-409 Stainless
- 87(aa) Part No. 49-44032 - aFe 4" Down-Pipe Back Exhaust, Chevy/GMC 2500/3500 (2011-2014) LB7/LLY/LBZ, T-409 Stainless
- 87(bb) Part No. 832NB - Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel Off-Road Race Kit, Aluminized
- 87(cc) Part No. 833NB - Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel DPF-Delete, Aluminized No Bungs
- 87(dd) Part No. DAL417 - MBRP CAT Delete Pipe, Dodge 2500/3500 (2004.5-2007) 5.9L Cummins, Aluminized

- 87(ee) Part No. DS9417 - MBRP CAT Delete Pipe, Dodge 2500/3500 (2004.5-2007) 5.9L Cummins, T-409 Stainless
- 87(ff) Part No. FAL414 - MBRP CAT Delete Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, 3.5" Aluminized
- 87(gg) Part No. FS9414 - MBRP CAT Delete Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke T-409 Stainless
- 87(hh) Part No. GM8424 - MBRP 3" Down-Pipe, Chevy/GMC 2500/3500 (2004.5-2009) 2500/3500, 6.6L Diesel Duramax, Black
- 87(ii) Part No. K4242A - Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs)
- 87(jj) Part No. K4242A-RP - Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs/No Muffler)
- 87(kk) Part No. K4242S - Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Stainless, Race Use Only (No Flanges/No Bungs)
- 87(ll) Part No. K4242S-RP - Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Stainless, Race Use Only (No Flanges/No Bungs/No Muffler)
- 87(mm) Part No. K4250A - Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs) Quiet Tone
- 87(nn) Part No. K4346A - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road"
- 87(oo) Part No. K4346A-RP - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road" (No Muffler)
- 87(pp) Part No. K4346S - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Stainless "Off Road"
- 87(qq) Part No. K4346S-RP - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Stainless "Off Road" (No Muffler)

- 87(rr) Part No. K4348A-RP - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Dual, Aluminized "Off Road" (No Muffler)
- 87(ss) Part No. K4348S - Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Dual, T409 Stainless "Off Road"
- 87(tt) Part No. K4356A - Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF-Race Kit, Aluminized No Muffler, With Bungs
- 87(uu) Part No. K4357A - Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Aluminized No Muffler, No Bungs
- 87(vv) Part No. K4357S - Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Stainless No Muffler, No Bungs
- 87(ww) Part No. K4361A - Diamond Eye 4" Turbo Pipe Back Exhaust, Ford Superduty (2008-2010) F250/F350 6.4L Diesel DPF Race Kit, Aluminized No Muffler, No Bungs
- 87(xx) Part No. K4372A - Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2011-2014) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Aluminized
- 87(yy) Part No. K4372S - Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2011-2015) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, T-409 Stainless
- 87(zz) Part No. K5154A - Diamond Eye 5" Down Pipe Back, Chevy/GMC (2007.5-2010) 2500/3500HD, 6.6L Diesel Duramax LMM, Off-Road Competition Kit, Aluminized
- 87(aaa) Part No. K5164S - Diamond Eye 5" Down-Pipe Back, Chevy/GMC (2011-2012) 6.6L Diesel Duramax DPF-Race Kit, Stainless, No Muffler, No Bungs
- 87(bbb) Part No. K5253A - Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, No-Bungs)
- 87(ccc) Part No. K5253A-RP - Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, No-Bungs, No Muffler)

- 87(ddd) Part No. K5253S - Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, T-409 Stainless (DPF-Race Kit, No-Bungs)
- 87(eee) Part No. K5253S-RP - Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, T-409 Stainless (DPF-Race Kit, No-Bungs, No Muffler)
- 87(fff) Part No. K5254A-RP - Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, with Bungs, No Muffler)
- 87(ggg) Part No. K5350A - Diamond Eye 5" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road"
- 87(hhh) Part No. K5350A-RP - Diamond Eye 5" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road" (No Muffler)
- 87(iii) Part No. K5366A - Diamond Eye 5" Turbo Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Aluminized No Muffler
- 87(jjj) Part No. K5368A - Diamond Eye 5" Down-Pipe Back D.P.F. Race Pipe, Ford Superduty (2008-2010) F-250/F-350 6.4L Diesel Power Stroke, Aluminized, no bungs
- 87(kkk) Part No. K5368S - Diamond Eye 5" Down-Pipe Back D.P.F. Race Pipe, Ford Superduty (2008-2010) F-250/F-350 6.4L Diesel Power Stroke, Stainless, no bungs
- 87(lll) Part No. K5374A - Diamond Eye 5" Down-Pipe Back Exhaust, Ford Superduty (2011-2013) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Aluminized
- 87(mmm) Part No. K5374S - Diamond Eye 5" Down-Pipe Back Exhaust, Ford Superduty (2011-2013) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Stainless
- 87(nnn) Part No. SS832NB - Flow Pro 4" Off-Road Stainless Down-Pipe Back with muffler, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke

88. Attachment A accurately states the minimum number of each Subject Pipe Respondent sold within the United States between January 1, 2013, and approximately February 29, 2016.

89. Each Subject Pipe is designed and marketed for use with, or to become part of, a specific make, model and year (or range of years) of compatible Subject Vehicles.
90. Each Subject Pipe physically removes, replaces, or bypasses the DPF, DOC, SCR, or other emissions-related elements of design in a compatible Subject Vehicle's exhaust system.
91. The Subject Pipes bypass, defeat, or render inoperative the DPF, DOC, SCR, or other emissions-related elements of design from compatible Subject Vehicles, or allow the foregoing.
92. The Subject Pipes have a principal effect of bypassing, defeating, or rendering inoperative the DPF, DOC, SCR, or other emissions-related elements of design from compatible Subject Vehicles.
93. Respondent knew or should have known that the Subject Pipes bypass, defeat, or render inoperative the DPF, DOC, SCR, or other emissions-related elements of design from compatible Subject Vehicles, or allow the foregoing.
94. Respondent knew or should have known that the Subject Pipes were being offered for sale to bypass, defeat, or render inoperative the DPF, DOC, SCR, or other emissions-related elements of design from compatible Subject Vehicles, or allow the foregoing.
95. Respondent knew or should have known that the Subject Pipes would be installed or used to bypass, defeat, or render inoperative the DPF, DOC, SCR, or other emissions-related elements of design from compatible Subject Vehicles.
96. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) each Subject Pipe constitutes one or more separate violations of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).

97. Respondent sold, offered for sale, installed (or caused the sale, offering for sale, or installation) of approximately 1,084 Subject Pipes in violation of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).

Count III - EGR Removal

98. The preceding paragraphs are incorporated by reference.
99. Between January 1, 2013, and approximately February 29, 2016, Respondents sold, or offered to sell, or caused any of the foregoing with respect to, at least 728 Subject Parts designed to remove, disable, or allow the removal or disabling of EGRs located in motor vehicle or motor vehicle engine exhaust systems (“Subject EGR Parts”).
100. Between January 1, 2013, and approximately February 29, 2016, Respondent sold one or more of each of the following Subject EGR Parts, as identified in Attachment A:
- 100(a) Part No. 74100 - Deviant Race Parts EGR Blocker Plate, Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax
 - 100(b) Part No. 75110 - Deviant Race Parts EGR Delete, Chevy/GMC (2011-2015) 6.6L Diesel LML Duramax
 - 100(c) Part No. 77110 - Deviant Race Parts EGR Deleted Up-Pipe, Chevy/GMC (2011-2014) 6.6L Diesel LML Duramax
 - 100(d) Part No. 302201 - H&S Performance EGR Delete Kit, Ford Superduty (2011-2013) 6.7L Diesel Power Stroke
 - 100(e) Part No. 1001001 - Dfuser EGR Cooler & Valve Delete Kit, Ford Superduty (2003-2010) 6.0L Diesel Power Stroke
 - 100(f) Part No. 1001126 - Dfuser EGR Cool Delete Kit, Dodge 2500/3500 (2007.5-2008) 6.7L Diesel Cummins
 - 100(g) Part No. 1001193 - Dfuser High Flow Intake Elbow, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke
 - 100(h) Part No. 116111101 - PPE Race High Flow Exhaust Manifolds with Up-pipes, Chevy/GMC (2001-2015) 6.6L Diesel Duramax (Race Use Only)
 - 100(i) Part No. 402-20011 - Swift Automotive EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Powerstroke, with SS up-pipe

- 100(j) Part No. 46-90071 - aFe EGR Cooler Delete Kit, Dodge 2500/3500 (2007.5-2008) 6.7L Diesel Cummins
- 100(k) Part No. 46-90072 - aFe EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2009-2012) 6.7L Diesel Cummins
- 100(l) Part No. 60LEGRWP - Performance Machine EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke
- 100(m) Part No. DRP71100 - Deviant Race Parts EGR Blocker Plate, Chevy/GMC (2001-2005) 6.6L Diesel Duramax
- 100(n) Part No. DRP-BPLBZ - Deviant Race Parts EGR Blocker Plate, Chevy/GMC (2006-2007) 6.6L Diesel Duramax LBZ
- 100(o) Part No. FDD8 - Custom Diesel EGR Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke
- 100(p) Part No. GBZ-FBP - DPF-R EGR Blocker Plates, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke (Race Use)
- 100(q) Part No. RCD-6.0EGRK - River City Diesel EGR Cooler & Valve Delete Kit, Ford Superduty (2003-2010) 6.0L Diesel Power Stroke
- 100(r) Part No. SD-6.0-CS-FG - Sinister Diesel EGR & Cooler Delete Complete Solution, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, w/Factory Gaskets
- 100(s) Part No. SD-6.0-UP - Sinister Diesel Up-Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke
- 100(t) Part No. SD-EGRC-2003 - Sinister Diesel EGR Cooler, Ford Superduty (2003) 6.0L Diesel, w/ Round Tube
- 100(u) Part No. SD-EGRCOOLER-6.0 - Sinister Diesel EGR Cooler, Ford Superduty (2004-2007) 6.0L Diesel, w/ Square Tube
- 100(v) Part No. SD-EGRD-6.0 - Sinister Diesel EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, with SS up-pipe
- 100(w) Part No. SD-EGRD-6.0B - Sinister Diesel EGR Cooler Basic Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke
- 100(x) Part No. SD-EGRD-6.4 - Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke
- 100(y) Part No. SD-EGRD-6.4-IE - Sinister Complete EGR Valve/Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, with High Flow Intake Elbow

- 100(z) Part No. SD-EGRD-6.7C-2007 - Sinister Diesel EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins (w/ Trans Dipstick Bracket)
- 100(aa) Part No. SD-EGRD-6.7C-2010 - Sinister Diesel EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2010-2013) 6.7L Diesel Cummins (w/ Trans Dipstick Bracket)
- 100(bb) Part No. SD-EGRD-6.7P-FP - Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2011-2014) 6.7L Diesel Power Stroke (Factory EGT Probe)
- 100(cc) Part No. SD-EGRD-6.7P-NPT - Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2011-2014) 6.7L Diesel Power Stroke (Aftermarket 1/8" EGT Probe)
- 100(dd) Part No. SD-EGRD-LBZ - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2006-2007) 6.6L Diesel Duramax LBZ
- 100(ee) Part No. SD-EGRD-LBZ-IE - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2006-2007) 6.6L Diesel Duramax LBZ, with Intake Tube
- 100(ff) Part No. SD-EGRD-LLY - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2004.5-2005) 6.6L Diesel Duramax
- 100(gg) Part No. SD-EGRD-LLY-IE - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2004.5-2005) 6.6L Diesel Duramax, w/ High Flow Intake Elbow
- 100(hh) Part No. SD-EGRD-LML - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2011-2012) 6.6L Diesel Duramax LML
- 100(ii) Part No. SD-EGRD-LMM - Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel Duramax LMM
- 100(jj) Part No. SD-EGRD-LMM-IE - Sinister Diesel Intake Tube Kit with EGR Delete, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel Duramax LMM (Off-Road)
- 100(kk) Part No. SD-INTEL-6.0 - Sinister High Flow Intake Elbow, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke
- 100(ll) Part No. SD-INTEL-6.4 - Sinister High Flow Intake Elbow, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke
- 100(mm) Part No. SD-YPIPE-6.0 - Sinister Diesel Up-Pipes, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke

101. Attachment A accurately states the minimum number of each Subject EGR Part Respondent sold within the United States between January 1, 2013, and approximately February 29, 2016.
102. Each Subject EGR Part is designed and marketed for use with, or to become part of, a specific make, model and year (or range of years) of compatible Subject Vehicles.
103. Each Subject EGR Part physically removes, replaces, or bypasses the EGR in a compatible Subject Vehicle's exhaust system.
104. The Subject EGR Parts bypass, defeat, or render inoperative the EGR from compatible Subject Vehicles, or allow the foregoing.
105. The Subject EGR Parts have a principal effect of bypassing, defeating, or rendering inoperative the EGR from compatible Subject Vehicles.
106. Respondent knew or should have known that the Subject EGR Parts bypass, defeat, or render inoperative the EGR from compatible Subject Vehicles, or allow the foregoing.
107. Respondent knew or should have known that the Subject EGR Parts were being offered for sale to bypass, defeat, or render inoperative the EGR from compatible Subject Vehicles, or allow the foregoing.
108. Respondent knew or should have known that the Subject EGR Parts would be installed or used to bypass, defeat, or render inoperative the EGR from compatible Subject Vehicles.
109. The manufacture, sale, offering for sale, or installation of (or causing thereof with respect to) each Subject EGR Part constitutes one or more separate violations of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).
110. Respondent sold, offered for sale, or installed (or caused the sale, offering for sale, or installation) of approximately 728 Subject EGR Parts in violation of section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A)–(B).

Relief Sought: Civil Penalty

111. Complainant seeks an administrative penalty against Respondent for the approximately 2,833 violations alleged in Count I through Count III of this Complaint.
112. Complainant makes no specific penalty demand in this Complaint, as authorized by 40 C.F.R. § 22.14(a)(4)(ii).
113. Respondent is subject to a civil penalty of not more than \$3,750 for each violation of section 203(a)(3)(A) or (B) occurring on or after January 13, 2009, through November 2, 2015. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4.
114. Complainant reserves its right to seek the maximum civil penalty authorized by the CAA.
115. 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).
116. 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 (last visited November 16, 2017). 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 Edward Kulschinsky, the attorney assigned to represent EPA in this matter, at the following addresses:

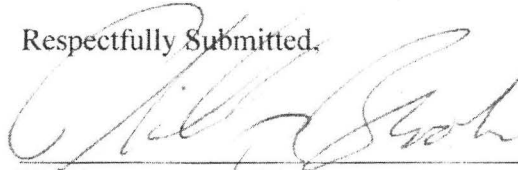
If using UPS, FedEx, DHL or other courier, or personal delivery, address to:

Edward Kulschinsky
U.S. EPA, Air Enforcement Division
1200 Pennsylvania Ave., N.W.
William J. Clinton South Federal Building, Room 1142C
Washington, DC 20004

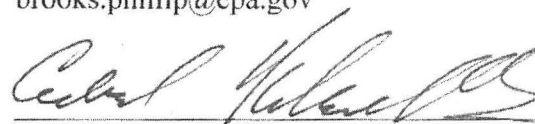
If using the United States Postal Service, address to:

Edward Kulschinsky
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
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Edward Kulschinsky, Attorney Adviser
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Complaint Attachment A
In re KT Performance, Inc., CAA-HQ-2018-8385

Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
3015	SCT SF3 Tuner, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke	
7015	SCT X4 Power Flash Programmer, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke	
109003	H&S Performance Mini Maxx Race Tuner, Without Pyrometer, Chevy/GMC 2500/3500 Duramax Diesel (2007-2014), Dodge 2500/3500 Cummins Diesel (2006-2012), Ford Superduty Power Stroke Diesel (2003-2014)	
109005	H&S Performance XRT Pro Race Tuner, Chevy/GMC 2500/3500 Duramax Diesel (2007-2014), Dodge 2500/3500 Cummins Diesel (2006-2012), Ford Superduty Power Stroke Diesel (2003-2014)	
5015/5015P	SCT Livewire TS, Ford Superduty/Excursion (2003-2007) 6.0L Diesel Power Stroke	
5015C	SCT Competition Only 5015 Programmer, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke	
5015C67	SCT Competition Only 5015 Programmer, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke	
5015C6715	SCT Competition Only 5015 Programmer, Ford Superduty (2015-2016) 6.7L Diesel Powerstroke	
7015C64	SCT Competition Only 7015 Programmer, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke	
7015C67	SCT Competition Only 7015 Programmer, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke	
7015C6715	SCT Competition Only 7015 Programmer, Ford Superduty (2015-2016) 6.7L Diesel Powerstroke	
871EGRDPF	ECM Off Road Flash, Cummins (2007.5-2010) ISX, EGR & DPF	
AC5-COMPETITION-DM	EFI Live AutoCal & 5 custom tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax- COMPETITION SETUP	
AC5-MODIFIED-CM	EFI Live AutoCal & 5 custom tunes (Dyno Proven), Dodge 2500/3500 (2006-2009) 5.9L & 6.7L Diesel Cummins MODIFIED SETUP	
AC5-MODIFIED-DM	EFI Live AutoCal & 5 custom tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax MODIFIED SETUP	
CRT1	Torque Tech Tuner, T1 Completion Race Tuner with gauges, Chevy/GMC 2500/3500 6.6L Duramax Diesel (08-2010), Dodge 2500/3500 6.7L Cummins Diesel (07.5-2012), Ford 6.4L & 6.7L Power Stroke Diesel (08-2012)	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
CRT2	Torque Tech Tuner, T2 Completion Race Tuner, Chevy/GMC 2500/3500 6.6L Duramax Diesel (08-2010), Dodge 2500/3500 6.7L Cummins Diesel (07.5-2012), Ford 6.4L & 6.7L Power Stroke Diesel (08-2012)	
DD30	DPF-R DPF Race/Test Module 3.0, Dodge 2500/3500 (2007.5-2012) 6.7L Diesel Cummins	
EFI-5MOD-CM	EFI Live 5 Custom Tunes (Dyno Proven), Dodge 2500/3500 (2006-2009) 5.9L & 6.7L Diesel Cummins - MODIFIED SETUP	
EFI-5MOD-DM	EFI Live 5 Custom Tunes (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax MODIFIED SETUP	
EFI-MOD-DM	EFI Live Single Custom Tune (Dyno Proven), Chevy/GMC 2500/3500 (2001-2010) 6.6L Diesel Duramax - MODIFIED SETUP	
FD40	DPF-R DPF Race Module 4.0, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Automatic Transmission	
FD40M	DPF-R DPF Race Module 4.0, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Manual Transmission	
FED40	DPF-R DPF Race Module 4.0 Plus, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
GMD40	DPF-R DPF Race Module 4.0,Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax, Automatic Transmission	
GMD40TK	DPF-R DPF Race Module 4.0,Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax Topkick/Kodiak, Automatic Transmission	
GMDE40	DPF-R DPF Race Module 4.0 Plus,Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax	
INV-SCT-60-3	Innovative Diesel Custom Tunes, Ford Superduty (2003-2010) 6.0L Diesel, Three SCT Tunes	
LMMPIP	Punch It Performance Competition Programmer, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel LMM	
PHALANX-6.4L Diesel	Spartan Phalanx Flash Console, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, Race Tuner	
PHALANX-6.7L Diesel	Spartan Phalanx Flash Console, Ford Superduty (2011-2012) 6.7L Diesel Power Stroke, Race Tuner	
PPEI-6.7C-CSP	EFI Live CSP Custom Tunes (PPEI - Kory Willis), Dodge 2500/3500 (2010-2015) 6.7L Diesel Cummins	
PPEI-LML-Autocal	EFI Live AutoCal & 5 custom tunes (PPEI - Kory Willis), Chevy/GMC 2500/3500 (2011-2015) 6.6L Diesel Duramax LML	
RM0709	RaceME Competition tuner, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
RM0709PRO	RaceME Pro Competition tuner, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins	
RM1011	RaceME Competition tuner, Dodge 2500/3500 (2010-2011) 6.7L Diesel Cummins	
RM1012PRO	RaceME Pro Competition tuner, Dodge 2500/3500 (2010-2012) 6.7L Diesel Cummins	
RM12	RaceME Competition tuner, Dodge 2500/3500 (2012) 6.7L Diesel Cummins	
RMULTRA	RaceME ULTRA Competition tuner, Dodge 2500/3500 (2007.5-2015) 6.7L Diesel Cummins	
SCTC	SCT Competition Only Files, Ford Superduty (2008-2010) 6.4L Diesel Powerstroke	
SCTC67	SCT Competition Only Files, Ford Superduty (2011-2014) 6.7L Diesel Powerstroke	
832	Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel DPF-Delete, Aluminized w/Muffler	
27111	Flo-Pro DPF Down-Pipe, Dodge 2500/3500 (2007.5-2013) 6.7L Diesel Cummins, 4" Aluminized	
125032	Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, Aluminized (for Diamond Eye Down-Pipe)	
125034	Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, Aluminized (for stock Down-Pipe)	
125106	Diamond Eye Exhaust DPF & CAT Race Pipe, Ford Superduty (2008-2010) 6.4L Diesel, with Bungs, 3.5" outlet for factory exhaust, AL	
125109	Diamond Eye Exhaust DPF & CAT Race Pipe, Ford Superduty (2008-2010) 6.4L Diesel, No Bungs, 3.5" outlet for factory exhaust, AL	
125113	Diamond Eye 4" D.P.F. Race Pipe, Ford Superduty (2011-2013) F-250/F-350 6.7L Diesel Power Stroke, Aluminized, no bungs	
126004	Diamond Eye 3.5" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F-250 F-350, 6.0L Diesel Power Stroke, Aluminized	
155006	Diamond Eye 4" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, T409 Stainless	
165032	Diamond Eye 3.5" Cat Delete Pipe, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke, T409 Stainless (for Diamond Eye Down-Pipe)	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
166004	Diamond Eye 3.5" Down Pipe w/ Cat Delete, Ford Superduty (2003-2007) F-250 F-350, 6.0L Diesel Power Stroke, T409 Stainless	
221021	Diamond Eye 4" D.P.F. Race Down-Pipe, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized without bungs / with flange	
221022	Diamond Eye 4" D.P.F. Race Pipe, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized with bungs	
221023	Diamond Eye 4" D.P.F. Race Pipe, Dodge 3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized no bungs	
221024	Diamond Eye 4" D.P.F. Race Pipe and Down Pipe Kit, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized with bungs	
221025	Diamond Eye 4" D.P.F. Race Pipe and Down Pipe Kit, Dodge 2500/3500 (2007.5-2012) 2500/3500, 6.7L Diesel Cummins, Aluminized no bungs	
221036	Diamond Eye 4" D.P.F. Race Pipe, Dodge 2500/3500 (2007.5-2010) Cab & Chassis, 6.7L Diesel Cummins, Aluminized without bungs	
221051	Diamond Eye Exhaust DPF Race Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Aluminized, Non-Flanged	
261051	Diamond Eye Exhaust DPF Race Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Stainless, Non-Flanged	
261052	Diamond Eye Exhaust DPF Race "Quiet Tone" Pipe Kit, Dodge 2500/3500 (2007.5-2012) 4" Stainless, Non-Flanged	
324104	Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Duramax Diesel Extended cab- Long Bed)	
324106	Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel C.C.S.B. with bungs Aluminized	
324108	Diamond Eye 4" DPF Race Pipe, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel C.C.L.B. with bungs Aluminized	
324115	Diamond Eye 4" DPF Race Front Pipe, Chevy/GMC 2500/3500 (2011-2015) 6.6L Diesel Duramax LML, Aluminized Quiet Tone	
49-43023	aFe 4" Down-Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF-Race Kit, T-409 Stainless No Muffler, w/bungs	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
49-44017	aFe 4" Down-Pipe Back Exhaust, Chevy/GM (2008-2010) LMM Duramax, DPF-Race Kit, T-409 Stainless	
49-44032	aFe 4" Down-Pipe Back Exhaust, Chevy/GMC 2500/3500 (2011-2014) LB7/LLY/LBZ, T-409 Stainless	
832NB	Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel Off-Road Race Kit, Aluminized	
833NB	Flo-Pro 4" Down-Pipe Back, Ford Superduty (2008-2010) 6.4L Diesel DPF-Delete, Aluminized No Bungs	
DAL417	MBRP CAT Delete Pipe, Dodge 2500/3500 (2004.5-2007) 5.9L Cummins, Aluminized	
DS9417	MBRP CAT Delete Pipe, Dodge 2500/3500 (2004.5-2007) 5.9L Cummins, T-409 Stainless	
FAL414	MBRP CAT Delete Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, 3.5" Aluminized	
FS9414	MBRP CAT Delete Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke T-409 Stainless	
GM8424	MBRP 3" Down-Pipe, Chevy/GMC 2500/3500 (2004.5-2009) 2500/3500, 6.6L Diesel Duramax, Black	
K4242A	Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs)	
K4242A-RP	Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs/No Muffler)	
K4242S	Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Stainless, Race Use Only (No Flanges/No Bungs)	
K4242S-RP	Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Stainless, Race Use Only (No Flanges/No Bungs/No Muffler)	
K4250A	Diamond Eye 4" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single Exit, Aluminized, Race Use Only (No Flanges/No Bungs) Quiet Tone	
K4346A	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road"	
K4346A-RP	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road" (No Muffler)	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
K4346S	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Stainless "Off Road"	
K4346S-RP	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Stainless "Off Road" (No Muffler)	
K4348A-RP	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Dual, Aluminized "Off Road" (No Muffler)	
K4348S	Diamond Eye 4" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Dual, T409 Stainless "Off Road"	
K4356A	Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF-Race Kit, Aluminized No Muffler, With Bungs	
K4357A	Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Aluminized No Muffler, No Bungs	
K4357S	Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Stainless No Muffler, No Bungs	
K4361A	Diamond Eye 4" Turbo Pipe Back Exhaust, Ford Superduty (2008-2010) F250/F350 6.4L Diesel DPF Race Kit, Aluminized No Muffler, No Bungs	
K4372A	Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2011-2014) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Aluminized	
K4372S	Diamond Eye 4" Down Pipe Back Exhaust, Ford Superduty (2011-2015) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, T-409 Stainless	
K5154A	Diamond Eye 5" Down Pipe Back, Chevy/GMC (2007.5-2010) 2500/3500HD, 6.6L Diesel Duramax LMM, Off-Road Competition Kit, Aluminized	
K5164S	Diamond Eye 5" Down-Pipe Back, Chevy/GMC (2011-2012) 6.6L Diesel Duramax DPF-Race Kit, Stainless, No Muffler, No Bungs	
K5253A	Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, No-Bungs)	
K5253A-RP	Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, No-Bungs, No Muffler)	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
K5253S	Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, T-409 Stainless (DPF-Race Kit, No-Bungs)	
K5253S-RP	Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, T-409 Stainless (DPF-Race Kit, No-Bungs, No Muffler)	
K5254A-RP	Diamond Eye 5" Turbo Back Exhaust, Dodge 2500/3500 (2007.5-2012) 2500-3500, 6.7L Diesel Cummins, Single, Aluminized (DPF-Race Kit, with Bungs, No Muffler)	
K5350A	Diamond Eye 5" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road"	
K5350A-RP	Diamond Eye 5" Turbo Back Exhaust, Ford Superduty (2003-2007) F250/F350, 6.0L Diesel Power Stroke Automatic, Single, Aluminized "Off Road" (No Muffler)	
K5366A	Diamond Eye 5" Turbo Pipe Back Exhaust, Ford Superduty (2008-2010) 6.4L Diesel DPF Race Kit, Aluminized No Muffler	
K5368A	Diamond Eye 5" Down-Pipe Back D.P.F. Race Pipe, Ford Superduty (2008-2010) F-250/F-350 6.4L Diesel Power Stroke, Aluminized, no bungs	
K5368S	Diamond Eye 5" Down-Pipe Back D.P.F. Race Pipe, Ford Superduty (2008-2010) F-250/F-350 6.4L Diesel Power Stroke, Stainless, no bungs	
K5374A	Diamond Eye 5" Down-Pipe Back Exhaust, Ford Superduty (2011-2013) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Aluminized	
K5374S	Diamond Eye 5" Down-Pipe Back Exhaust, Ford Superduty (2011-2013) F250/F350, 6.7L Diesel Power Stroke, Off-Road DPF-Race Kit Single Exit, Stainless	
SS832NB	Flow Pro 4" Off-Road Stainless Down-Pipe Back with muffler, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
74100	Deviant Race Parts EGR Blocker Plate,Chevy/GMC (2007.5-2010) 6.6L Diesel LMM Duramax	
75110	Deviant Race Parts EGR Delete,Chevy/GMC (2011-2015) 6.6L Diesel LML Duramax	
77110	Deviant Race Parts EGR Deleted Up-Pipe,Chevy/GMC (2011-2014) 6.6L Diesel LML Duramax	
302201	H&S Performance EGR Delete Kit, Ford Superduty (2011-2013) 6.7L Diesel Power Stroke	
1001001	Dfuser EGR Cooler & Valve Delete Kit, Ford Superduty (2003-2010) 6.0L Diesel Power Stroke	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
1001126	Dfuser EGR Cool Delete Kit, Dodge 2500/3500 (2007.5-2008) 6.7L Diesel Cummins	
1001193	Dfuser High Flow Intake Elbow, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
116111101	PPE Race High Flow Exhaust Manifolds with Up-pipes, Chevy/GMC (2001-2015) 6.6L Diesel Duramax (Race Use Only)	
402-20011	Swift Automotive EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Powerstroke, with SS up-pipe	
46-90071	aFe EGR Cooler Delete Kit, Dodge 2500/3500 (2007.5-2008) 6.7L Diesel Cummins	
46-90072	aFe EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2009-2012) 6.7L Diesel Cummins	
60EGRWP	Performance Machine EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke	
DRP71100	Deviant Race Parts EGR Blocker Plate, Chevy/GMC (2001-2005) 6.6L Diesel Duramax	
DRP-BPLBZ	Deviant Race Parts EGR Blocker Plate, Chevy/GMC (2006-2007) 6.6L Diesel Duramax LBZ	
FDD8	Custom Diesel EGR Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
GBZ-FBP	DPF-R EGR Blocker Plates, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke (Race Use)	
RCD-6.0EGRK	River City Diesel EGR Cooler & Valve Delete Kit, Ford Superduty (2003-2010) 6.0L Diesel Power Stroke	
SD-6.0-CS-FG	Sinister Diesel EGR & Cooler Delete Complete Solution, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, w/Factory Gaskets	
SD-6.0-UP	Sinister Diesel Up-Pipe, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke	
SD-EGRC-2003	Sinister Diesel EGR Cooler, Ford Superduty (2003) 6.0L Diesel, w/ Round Tube	
SD-EGRCOOLER-6.0	Sinister Diesel EGR Cooler, Ford Superduty (2004-2007) 6.0L Diesel, w/ Square Tube	
SD-EGRD-6.0	Sinister Diesel EGR Cooler Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke, with SS up-pipe	
SD-EGRD-6.0B	Sinister Diesel EGR Cooler Basic Delete Kit, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke	
SD-EGRD-6.4	Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
SD-EGRD-6.4-IE	Sinister Complete EGR Valve/Cooler Delete Kit, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke, with High Flow Intake Elbow	

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Part Number	Component Name (includes manufacture name and vehicle compatibility)	Total U.S. Sales 1/1/2013-2/29/2016
SD-EGRD-6.7C-2007	Sinister Diesel EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2007.5-2009) 6.7L Diesel Cummins (w/ Trans Dipstick Bracket)	
SD-EGRD-6.7C-2010	Sinister Diesel EGR Valve & Cooler Delete Kit, Dodge 2500/3500 (2010-2013) 6.7L Diesel Cummins (w/ Trans Dipstick Bracket)	
SD-EGRD-6.7P-FP	Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2011-2014) 6.7L Diesel Power Stroke (Factory EGT Probe)	
SD-EGRD-6.7P-NPT	Sinister Complete EGR Cooler Delete Kit, Ford Superduty (2011-2014) 6.7L Diesel Power Stroke (Aftermarket 1/8" EGT Probe)	
SD-EGRD-LBZ	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2006-2007) 6.6L Diesel Duramax LBZ	
SD-EGRD-LBZ-IE	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2006-2007) 6.6L Diesel Duramax LBZ, with Intake Tube	
SD-EGRD-LLY	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2004.5-2005) 6.6L Diesel Duramax	
SD-EGRD-LLY-IE	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2004.5-2005) 6.6L Diesel Duramax, w/ High Flow Intake Elbow	
SD-EGRD-LML	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2011-2012) 6.6L Diesel Duramax LML	
SD-EGRD-LMM	Sinister Diesel EGR Valve & Cooler Delete Kit, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel Duramax LMM	
SD-EGRD-LMM-IE	Sinister Diesel Intake Tube Kit with EGR Delete, Chevy/GMC 2500/3500 (2007.5-2010) 6.6L Diesel Duramax LMM (Off-Road)	
SD-INTEL-6.0	Sinister High Flow Intake Elbow, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke	
SD-INTEL-6.4	Sinister High Flow Intake Elbow, Ford Superduty (2008-2010) 6.4L Diesel Power Stroke	
SD-YPIPE-6.0	Sinister Diesel Up-Pipes, Ford Superduty (2003-2007) 6.0L Diesel Power Stroke	

CERTIFICATE OF SERVICE

I certify that the original and two copies of the foregoing Complaint in the Matter of KT Performance, Inc., CAA-HQ-2018-8385, and one copy from which CBI has been redacted, 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 the foregoing Complaint, one copy from which CBI has been redacted, and one copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, were sent this day by certified mail, return receipt requested, for service on Respondent's officer or agent for service of process at the addresses listed below:

KT Performance, Inc.
Attention: Kenneth Thompson
President
1502 D Max Hooks Road
Groveland, FL 34736

Kenneth Thompson
President of KT Performance, Inc.
12055 Bay Lake Road
Groveland, FL 34736

I certify that one copy of the foregoing Complaint, one copy from which CBI has been redacted, and once copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, were sent this day by certified mail, return receipt requested, and by email to Respondent's counsel at the address listed below:

Robert J. Karl
Porter Wright Morris & Arthur LLP
41 South High Street
Suites 2800-3200
Columbus, OH 43215-6194
rkarl@porterwright.com

4-30-2018

Date



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