



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

October 21, 2021

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

Matthew Randall
Diesel Pro's & Performance, LLC
5200 Morrish Rd
Swartz Creek, Michigan 48473

Email: Info@dieselproshop.com

Dear Mr. Randall:

Enclosed is a file-stamped Expedited Settlement Agreement (ESA) which resolves Diesel Pro's & Performance, LLC, docket no. CAA-05-2022-0001. As indicated by the filing stamp on its first page, we filed the ESA with the Regional Hearing Clerk on October 21, 2021.

Please direct any questions regarding this case to Amanda Urban, Attorney, at 312-353-4331 or by email to urban.amanda@epa.gov.

Sincerely,

**Brian
Dickens**

Digitally signed by Brian
Dickens
Date: 2021.10.14
08:40:57 -05'00'

Brian Dickens, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc:

Regional Hearing Clerk /via electronic mail
R5hearingcleark@epa.gov

Amanda Urban /via electronic mail
urban.amanda@epa.gov

Jenine Camilleri /via electronic mail
CamilleriJ@michigan.gov

Brad Myott /via electronic mail
myottb@michigan.gov

Clean Air Act Vehicle and Engine Expedited Settlement Agreement

Document #: EPA-5-21-CAA-ESA-11

Respondent: Diesel Pro's & Performance, LLC
5200 Morrish Rd
Swartz Creek, Michigan 48473

The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violation(s) EPA's investigation discovered, specified in Table 2, regarding the vehicle(s)/engine(s) specified therein.

1. EPA enters into this Agreement based on Respondent's certification that any information it provided to EPA in regard to this Agreement and the alleged violations is true, accurate, and complete.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over Respondent and Respondent's conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein and waives any objections Respondent may have to EPA's jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of **\$38,032.80**. Respondent has followed the instructions in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the compliance requirements, specified in Table 3 and incorporated into this Agreement by reference, have been carried out.
4. By EPA's signature below, EPA approves the findings resulting from the investigation and alleged violation(s) set forth in Table 1 and Table 2, attached, incorporated into the Agreement by reference. Upon signing and returning this Agreement to EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties signing below and becomes effective on the date of the EPA Delegated Official's signature.
5. The parties consent to service of this Agreement by electronic delivery at Respondent's e-mail noted below.

APPROVED BY RESPONDENT:

Name (print): MATTHEW RANDALL

Title (print): PRESIDENT

Signature: 

Email (print): MATTHEW@DIESELPROSHOP.COM

Date: 10/11/2021

APPROVED BY EPA:

Harris, Michael Digitally signed by Harris, Michael
Date: 2021.10.19 14:51:52 -05'00'

Delegated Official: Michael D. Harris, Division Director, ECAD, EPA R5

Table 1 - Information Collection	
Date(s) Information Collected:	
October 28, 2019, & January 26, 2021	
Respondent Location:	Document Number:
5200 Morrish Rd	E P A 5 2 1 C A A E S A 1 1
City:	Inspector(s) Name(s):
Swartz Creek	Cody Yarbrough,
State: Zip Code:	EPA Approving Official:
MI 48473	Michael D. Harris
Respondent:	EPA Enforcement Contact(s):
Diesel Pro's & Performance, LLC	Carlo Demma EPA-5-21-CAA-ESA-11

Table 2 - Description of Violations and Vehicles/Engines				
<p>EPA obtained evidence that Diesel Pro's & Performance, LLC (Respondent) offered for sale and sold defeat devices, which rendered inoperative emission control systems on EPA-certified motor vehicles or motor vehicle engines. It is a violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) to sell, offer for sale, and/or install defeat devices intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed at least 44 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).</p>				
Defeat Device Violations				
Defeat Device Description	Make	Part #	Quantity Sold	Date Range
Aftertreatment Delete Hardware	Diamond Eye Performance	DEPK5374At	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMAC504D Bt	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMC002DBt	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMC003DBt	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMC004DBt	5	July 1, 2018 to January 26, 2021

Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMF005DB MDt	2	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Jamo Performance Exhaust, LLC	JAMFOOSRP t	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	MBRP	MBC6044p	1	July 1, 2018 to January 26, 2021
Aftertreatment Delete Hardware	Diamond Eye Performance	SGC409SSK4 1583	1	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	EFI Live, Ltd.	Tune	2	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	EZ LYNK	OSP B2S Tune	2	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	EZ LYNK	SOTF Tune	3	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	H&S	Tune	4	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	SCT tuner Livewire	SCT5015P	3	July 1, 2018 to January 26, 2021
ECM Tuning Product - Capable of Defeating Emission Control Devices	Windrunner Performance Engineering	WPE4	1	July 1, 2018 to January 26, 2021
EGR Delete Hardware	Big End Performance Diesel	BEPD20030t	3	July 1, 2018 to January 26, 2021
EGR Delete Hardware	Big End Performance Diesel	BEPD20011	1	July 1, 2018 to January 26, 2021
EGR Delete Hardware	Big End Performance Diesel	BEPD30010	2	July 1, 2018 to January 26, 2021
EGR Delete Hardware	Xtreme Diesel Power	XDP167	1	July 1, 2018 to January 26, 2021

EGR Delete Hardware	GDP	GOPGDP421 023t	1	July 1, 2018 to January 26, 2021
EGR Delete Hardware	GDP	GOPR- EGRD-11-1 SLMLt	1	July 1, 2018 to January 26, 2021
EGR Delete Hardware	GDP	GOPR- EGRD-11- 15LMLt	1	July 1, 2018 to January 26, 2021
EGR Delete Hardware	J&J Machine	n/a	3	July 1, 2018 to January 26, 2021

Table 3 - Penalty and Compliance Requirements

Penalty	\$38,032.80
Compliance Requirements	In addition to paying the monetary penalty, Respondent must cease and refrain from purchasing, selling, or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by EPA. Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent certifies that it has reviewed EPA's November 23, 2020 "EPA Tampering Policy - The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

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

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

On the same day after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: “Payment Confirmation for Diesel Pros & Performance, LLC. Document Number EPA-5-21-CAA-ESA-11.” Attach a copy of the Agreement and your payment receipt to the email.

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

U. S. Environmental Protection Agency Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Attn: Document Number EPA-5-21-CAA-ESA-11

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

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

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

Expedited Settlement Agreement
In the matter of: Diesel Pro's & Performance, LLC
Docket Number: **CAA-05-2022-0001**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, docket number CAA-05-2022-0001, which was filed on October 21, 2021, in the following manner to the following addressees:

*Copy by E-mail to Respondent: Matthew Randall
Diesel Pro's & Performance, LLC
5200 Morrish Rd
Swartz Creek, Michigan 48473

Email: Info@dieselproshop.com

Copy by E-mail to Amanda Urban
Attorney for Complainant: urban.amanda@epa.gov

Copy by E-mail to N/a
Attorney for Respondent: N/a

Dated: _____

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5