

# Vinson & Elkins LLP

Patrick D. Traylor  
Tel. +001 202 639 6734  
ptraylor@velaw.com

May 24, 2021

## Via Email

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov)

Cynthia King (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[king.cynthia@epa.gov](mailto:king.cynthia@epa.gov)

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Re: Advanced Diesel Solutions LLC and Advanced Diesel of Northwest Arkansas, LLC,  
Docket No: CAA-05-2021-0015

Dear Ms. King, Region 5, and Regional Hearing Clerk,

On behalf of Advanced Diesel Solutions LLC and Advanced Diesel of Northwest Arkansas, LLC (“Advanced”), please take this letter as notice of the completion of all tasks set forth in the Consent Agreement and Final Order (“CAFO”), effective April 26, 2021.

Pursuant to CAFO ¶ 31, Advanced paid the civil penalty of \$55,000 to settle this action by electronic funds transfer. Payment was wired on May 10, 2021 from First National Bankers Bank. Please see Exhibit 1 for confirmation of the wire transfer. Also on May 10, 2021, per CAFO ¶ 32, Advanced, through undersigned counsel, sent electronic notice of the payment to the above addressees.

On May 21, 2021,<sup>1</sup> Advanced removed the defeat device from the one vehicle it owns, as directed by CAFO ¶ 38. Exhibit 2 contains an email including a stock file which Advanced transferred to its programmed vehicle to return the vehicle to factory settings.<sup>2</sup> Pursuant to CAFO ¶ 39, on April 21, 2021, Advanced returned the remote tuning device in its possession to Diesel Spec. Please see Exhibit 3 for proof of mailing and an email from Diesel Spec. confirming this was the last “programmer” to be sent by Advanced. As directed by CAFO ¶ 40, please take this letter and the attached exhibits as certification that Advanced has completed the actions required in CAFO ¶¶ 38–39.

Exhibits 4 and 5 include proof of Advanced’s compliance with CAFO ¶¶ 42–43.<sup>3</sup> On April 21, 2020, Advanced posted a publicly-accessible announcement on its website homepage and Facebook page, the only social media platform it uses, indicating its settlement with EPA. The same announcement was sent on May 5, 2021 by Advanced to all of its customers who had received any type of performance modification. As Advanced only has e-mail addresses for its customers, per CAFO ¶ 43, Advanced transmitted the announcement by email and requested a return delivery receipt.

Advanced has now performed all tasks as directed by the CAFO.

Sincerely,

Vinson & Elkins LLP



Patrick D. Traylor  
Partner

cc: Kelly Rondinelli

---

<sup>1</sup> On May 4, 2021, Advanced, through undersigned counsel, requested a two-week extension in which to complete its obligation set out in paragraph 38 of the CAFO. This request resulted from a back-order of a diesel particulate filter part for Advanced’s only vehicle fitted with a defeat device. EPA granted the extension on May 6, 2021.

<sup>2</sup> Due to the ordered diesel particulate filter part received being incorrect, Advanced opted to install a used diesel particulate filter part to return the vehicle to factory settings.

<sup>3</sup> CAFO ¶ 41 directed Advanced to remove any references from its webpages and social media platforms relating to performing tampering and/or selling, offering to sell, and/or installing defeat devices. Advanced did not have any such advertisements to this effect on its website or Facebook page.

# **Exhibit 1**



**Domestic Wires Out**

**TRANSACTION INFORMATION** Complete

<b>ID</b>	202105103020300761		
<b>Account Number</b>	082908573	<b>Bank Name</b>	First Community Bank
<b>Created By</b>	DEsteb57	<b>Created Date</b>	5/10/2021 2:23:26 PM CST
<b>Modified By</b>	NetLink	<b>Modified Date</b>	5/10/2021 2:36:01 PM CST
<b>Authorized By</b>	TLittleton86	<b>Authorized Date</b>	5/10/2021 2:32:55 PM CST
<b>Send By</b>	TLittleton86	<b>Send Date</b>	5/10/2021 2:32:55 PM CST
<b>Ofac Match</b>	N		

**TRANSACTION DETAILS**

**Business Function Code {3600}**      BTR      **Type/Subtype {1510}**      1000

**Amount {2000}**      55,000.00

**IMAD {1520}**      20210510MMQFMPLQ000722

**OMAD {1120}**      20210510MMQFMP6000145305101534FT03

**Sender FI {3100}**      065403370

**Sender Ref {3320}**      2021051011301569

**Receiver FI {3400}**      021030004  
 Fed Reserve Bk NY

**Previous Message Identifier {3500}**

**Originator's FI {5100}**      ID Code: F  
 Identifier: 082908573  
 Name: First Community Bank  
 Address 1: 1325 Harrison St  
 City: Batesville  
 State: AR  
 Zip: 72501  
 Country: US - United States

**Originator {5000}**      ID Code: D  
 Identifier: 4477006  
 Name: Advanced Diesel Solutions LLC  
 Address 1: 8619 Highway 62 W  
 City: Harrison  
 State: AR  
 Zip: 72601  
 Country: US - United States

**Beneficiary {4200}**      ID Code: D  
 Identifier: 68010727  
 Name: D68010727 Environmental Protection  
 Address 1: 1200 Pennsylvania Avenue N.W.  
 City: Washington  
 State: DC  
 Zip: 20460  
 Country: US - United States

**Beneficiary FI {4100}** ID Code: F  
Identifier: 021030004  
Name: Federal Reserve Bank of New York  
Address 1: 33 Liberty St  
City: New York  
State: NY  
Zip: 10045  
Country: US - United States

**Originator to Beneficiary Info {6000}** Pay To:Treasurer,United States of America-Advanced Diesel Solutions,LLC & Advanced Diesel of  
NW Arkansas,LLC,Docket No:CAA-05-2021-0015

## **Exhibit 2**

## Rondinelli, Kelly

---

**From:** Zack Evans <zach@motorops.ca>  
**Sent:** Wednesday, May 19, 2021 5:45 PM  
**To:** ryan@advanceddieselar.com  
**Cc:** MOTOR OPS  
**Subject:** Re: Factory ECM tuning for Sterling Bullet  
**Attachments:** Bone Stock Sterling 351937.ctz

Here you are Ryan! let me know if you have any troubles with it, but that's a resaved copy of the stock file you originally sent to us, so there shouldn't be any issues.

On Wed, May 19, 2021 at 5:22 PM <[ryan@advanceddieselar.com](mailto:ryan@advanceddieselar.com)> wrote:

I am in search for a factory tune file for our service truck here at the shop. It is a 2008 Sterling Bullet 4500, so basically a Ram 4500, as it has the 6.7 Cummins.

The VIN for the unit is 3FWJ76A48G351937

It currently has a tow file on it, if you happen to have record of this somewhere.

I can pull the file using a V2, but I will need instructions on how to do this as we have not done this in quite some time.

Thanks.

--

**Ryan H. Smothers**

**Advanced Diesel**  
**8619 Hwy 62W**  
**Harrison, Ar 72601**  
**1(870)437-5542**

I never had a policy; I have just tried to do my very best each and every day. (Abraham Lincoln)

--

Zachary Evans,  
Motor Ops  
(866) 867- 1593 Ext:404  
258 Boulevard Saint-Joseph Gatineau, QC

The use, sale, advertising for sale, and/or offering for sale of this product is prohibited in some jurisdictions. Motor Ops takes no responsibility for the improper or illegal use of this product. By opening any attached files you acknowledge and agree to all of the following:

1. This product will be used exclusively in accordance with all applicable laws. If you are in doubt as to the legality of your planned usage of this product, you will obtain independent legal advice prior to undertaking such use.

2. That you are responsible for complying with all applicable laws in the jurisdiction where you use this product.
3. That neither Motor Ops, nor any of its agents, advisors, affiliates, directors, officers, employees, and associates, may be held liable, responsible, or accountable for any damages, losses, expenses, litigation or other legal proceeding, that may arise from your use of this product.
4. That this product is not to be used, sold, advertised for sale, and/or offered for sale in the Province of Ontario by you or anyone, and that this product is not to be used on any vehicle within the Province of Ontario.



## **Exhibit 3**

ORIGIN ID: FYVA (870) 437-5542  
ADVANCED DIESEL

8819 HWY 62 W

HARRISON, AR 72601 US  
SIGN: ADVANCED DIESEL

SHIP DATE: 20APR21  
ACTWGT: 30.00 LB  
CAD: 111354814/NET4340  
DIMS: 25x24x14 IN

BILL SENDER  
NO EEI 30.36

TO **JAMIE**  
**DIESEL SPEC INC**  
**200 GOYER**

**LA PRAIRIE PQ J5R5G5**

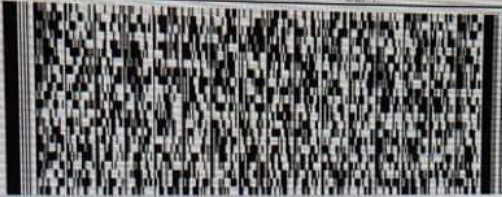
(514) 932-0060  
INV  
P.O.

REF

DEPT

(CA)

SCD,LP#SUG#EVA



FedEx  
Express



TRK# 7734 9376 1910  
0430

AT  
INTL \*\* 2DAY \*\*

DSR

**S2 YSWA**

J5R 5G5  
PQ-CA YMX



## Rondinelli, Kelly

---

**From:** ryan@advanceddieselar.com  
**Sent:** Friday, May 21, 2021 1:33 PM  
**To:** Rondinelli, Kelly  
**Subject:** Fwd: RE: Programmer

[EXTERNAL]

---

**Ryan H. Smothers**

**Advanced Diesel  
8619 Hwy 62W  
Harrison, Ar 72601  
1(870)437-5542**

I never had a policy; I have just tried to do my very best each and every day. (Abraham Lincoln)

----- Original Message -----

**Subject:**RE: Programmer  
**Date:**2021-05-21 12:23  
**From:**Jamie Burke <jamie@dieselspec.ca>  
**To:**"ryan@advanceddieselar.com" <ryan@advanceddieselar.com>

Yes it is Ryan and thank you so Much, I will let you know when it arrives.



**PARTS DEPT**

[parts@dieselspec.ca](mailto:parts@dieselspec.ca)

**Diesel Spec Inc.**

200 Goyer

La Prairie, Qc, J5R 5G5

514-932-0060

[www.dieselspec.ca](http://www.dieselspec.ca)

---

**From:** ryan@advanceddieselar.com <ryan@advanceddieselar.com>  
**Sent:** May-21-21 1:23 PM  
**To:** Jamie Burke <jamie@dieselspec.ca>  
**Subject:** Programmer

Jamie,

We located and shipped the last Diesel Spec programmer to you. Please let me know when it arrives. Is that programmer the last Diesel Spec product you need from me? I believe that is the only Diesel Spec product I have left. Thank You!

--

**Ryan H. Smothers**

**Advanced Diesel**

8619 Hwy 62W

Harrison, Ar 72601

**1(870)437-5542**

I never had a policy; I have just tried to do my very best each and every day. (Abraham Lincoln)

# **Exhibit 4**



📍 8419 Hwy 52 West Harrison, AR 72091  
📞 870-437-5542

OUR SHOP - | PHOTOS - | FLEET AUTO REPAIR - | REPAIR TIPS - | CONTACT US - | APPOINTMENT REQUEST

🕒 8:00AM - 5:00PM



### Announcement

On April 9, 2021, Advanced Diesel Solutions, LLC and Advanced Diesel of Northwest (Advanced) entered into a settlement with the United States Environmental Protection Agency (U.S. EPA) to resolve alleged violations of Section 203(a)(3)(A) and 203(a)(3)(b) of the Clean Air Act, related to the removal and/or rendering inoperative of emission control devices or elements of design and selling, offering to sell, and/or installing defeat devices for use on heavy-duty diesel engines. By signing a consent agreement with U.S. EPA, Advanced has certified that it will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: "(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchasers, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (b) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use." Advanced will pay a penalty and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act. If you have any questions regarding this announcement, please ask for Ryan Smothers. Thank you, Ryan Smothers



Advanced Diesel

Home

Posts

Jobs

Reviews

Videos

Photos

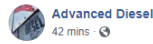
About

Community

Create a Page

Like Share ...

Contact Us Send Message



Advanced Diesel

42 mins · 🌐

Announcement

On April 9, 2021, Advanced Diesel Solutions, LLC and Advanced Diesel of Northwest (Advanced) entered into a settlement with the United States Environmental Protection Agency (U.S. EPA) to resolve alleged violations of Section 203(a)(3)(A) and 203(a)(3)(b) of the Clean Air Act, related to the removal and/or rendering inoperative of emission control devices or elements of design and selling, offering to sell, and/or installing defeat devices for use on heavy-duty diesel engines. By signing a consent agreement with U.S. EPA, Advanced has certified that it will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: "(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser, or (b) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use." Advanced will pay a penalty and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act. If you have any questions regarding this announcement, please ask for Ryan Smothers. Thank you, Ryan Smothers

👍 1

Search for posts on this Page

Visitor Posts



Christy Moore July 19, 2019 at 4:59 PM 🌐

Once again, you have taken care of my family!!! Got dad's truck in and out in a day!!! Thanks!!!!

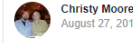
👍 7 2 Comments



Jeff Hannie November 8, 2018 at 2:52 PM 🌐

Just had an unexpected night earlier this week when my Motorhome bro... See More

1 Comment



Christy Moore August 27, 2018 at 6:11 PM 🌐

Thank you guys so much for taking care of us

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

See more of Advanced Diesel on Facebook



Advanced Diesel

42 mins · 🌐

Log In

or

Create New Account

By logging in, you agree to our Terms and Privacy Policy. We use cookies to enhance your browsing experience, to personalize and improve our site, and to assist in our marketing efforts. Learn more

Some users have turned on two-step verification. If you want to know who can log in to your account, see your account settings.

# **Exhibit 5**



## Rondinelli, Kelly

---

**From:** ryan@advanceddieselar.com  
**Sent:** Wednesday, May 5, 2021 12:36 PM  
**To:** Rondinelli, Kelly  
**Subject:** Fwd: Advanced Diesel EPA Violation Notification

[EXTERNAL]

Kelly,

Here is the email and email list I sent out.

---

**Ryan H. Smothers**

**Advanced Diesel**  
**8619 Hwy 62W**  
**Harrison, Ar 72601**  
**1(870)437-5542**

I never had a policy; I have just tried to do my very best each and every day. (Abraham Lincoln)

----- Original Message -----

**Subject:**Advanced Diesel EPA Violation Notification

**Date:**2021-05-05 11:32

**From:**ryan@advanceddieselar.com

**To:**allison@longsdrilling.com, ksmothers@windstream.net, jay.mathis@methvinsanitation.com, jrpcraig@yahoo.com, rodss69@yahoo.com, BRYAN PRUITT <bryanpruitt@hotmail.com>, stacey.carter@Vspec.com, mlmcmurdo@gmail.com, qualityfeed@windstream.net, dhlgraham@yahoo.com, chuck@drivedsi.com, shawn@medicalwasteservices.org, j88mtransportation@yahoo.com, j.gibbs33@icloud.com, ccswa.april@gmail.com, evansfeedstore@yahoo.com, worleytirekdw@gmail.com, mike@marina-builder.com, info@wilsondockconstruction.com, vinceatfme@yahoo.com, a.zumwatt@servicerecycling.net, tim@ozarkbbqproducts.com, safetymanager@nltprogram.com, taborttransportation@yahoo.com, allamericanrefrigeration@gmail.com, bowserstransport@gmail.com, chadhall121@gmail.com, vinceatfme@yahoo.com, office@moarkdisposal.com, charlie.duggan@northark.edu, scottielogistics@gmail.com, jperonia@williamstractor.com, meta.boyd74@gmail.com, fgrenus@gmail.com, risenshinetransport@yahoo.com, baileyreadymix@gmail.com, will@hardhatinc.net, scott@beanlands.net, ronnie.colclasure@afbic.com, cretia.biggs@usda.gov, rblair405@gmail.com, tblanton429@gmail.com, bowsersexcavating@gmail.com, chris@kodiakresources.com, malcombrumley1978@gmail.com, carterfarms8@gmail.com, bradley.clark2506@yahoo.com, dj\_fultz@hotmail.com, cwestbr1@progressive.com, ptdisch@gmail.com, darrenerb@comcast.net, jim\_fraley@yahoo.com, rockybowhunter@yahoo.com, cvance@claymaxeyford.com, gass.pamela@yahoo.com, blocksbodyshop@yahoo.com, clint.hayes@anstaffbank.com, bvance@ipa.net, raturner@remax.net, lukehudson91@gmail.com, rstandridge@taylordiesel.com, brandonhusser@yahoo.com, hutchyone@gmail.com, morgan.keener@gmail.com, jack.keeter@flagstar.com, keyscontractorsllc@gmail.com, troyk@emypeople.net, colorfulintuition@gmail.com, landonlogan@gmail.com, ranger540153@yahoo.com, rmpoleline@centurytel.net,

rachelencmin@gmail.com, bradmaberry@icloud.com, benjamin.marthsue@gmail.com, jameswmiller3@yahoo.com, shoer51@gmail.com, dirkworks2@aol.com, jaywnewport@gmail.com, joenothum@gmail.com, ryan@mpc417.com, tk417840@gmail.com, ccpayments@southwestre.com, camerinross21@gmail.com, dkslings@gmail.com, tobyandchristy@gmail.com, morman@bruceoakley.com, cvsu55@yahoo.com, sam.tinsley@snapon.com, ltrammell@windstream.net, trubloodshorses@yahoo.com, raturner@windstream.net, longrangekiller56@gmail.com, mariah.jenkins2015@gmail.com, jrfarmer@travelers.com, by@midwestccinc.com

To Whom It May Concern:

On April 9, 2021, Advanced Diesel Solutions, LLC, and Advanced Diesel of Northwest (Advanced), entered into a settlement with the United States Environmental Protection Agency (U.S. EPA) to resolve alleged violations of Section 203(a)(30(A) and 203(a)(3)(B) of the Clean Air Act, related to the removal and/or rendering inoperative of emission control devices or elements of design and selling, offering to sell, and/or installing defeat devices for use with heavy-duty diesel engines.

By signing a consent agreement with U.S. EPA, Advanced has certified that it will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: "(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchasers, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (B) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use."

Advanced will pay a penalty and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act.

If you have any questions regarding this letter, please ask for Ryan Smothers.

Thank you,

Ryan Smothers

--

**Ryan H. Smothers**

**Advanced Diesel  
8619 Hwy 62W  
Harrison, Ar 72601  
1(870)437-5542**

I never had a policy; I have just tried to do my very best each and every day. (Abraham Lincoln)