

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, PA 19103**

In the Matter of:	)	Docket No.: CAA-03-2021-0058
	)	
Keystone Automotive Operations, Inc.	)	COMPLAINT AND NOTICE OF
	)	OPPORTUNITY FOR HEARING
Respondent	)	

***INFORMATION CLAIMED CONFIDENTIAL HAS BEEN DELETED  
CONFIDENTIAL BUSINESS INFORMATION (“CBI”) REDACTED VERSION<sup>1</sup>***

**COMPLAINT**

**Preliminary Statement**

1. This Complaint and Notice of Opportunity for Hearing (“Complaint”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 205(c)(1) of the Clean Air Act, as amended (“CAA”), 42 U.S.C. § 7524(c)(1), for violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), and associated regulations including regulations promulgated at 40 C.F.R. Parts 85 and 86, in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit* (“Consolidated Rules”), 40 C.F.R. Part 22, a copy of which is attached hereto as Attachment A .
2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 3 (“Complainant”), who is authorized by lawful delegation from the

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<sup>1</sup> Pursuant to 40 C.F.R. §22.5(d) of the Consolidated Rules, a complete copy of this Complaint containing the information claimed confidential has been filed with the Regional Hearing Clerk.

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 Keystone Automotive Operations, Inc. (“Respondent”).

### **Jurisdiction**

4. This action is brought under Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), and the Consolidated Rules.
5. Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), authorizes EPA to administratively assess a civil penalty for violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).
6. Pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), an administrative civil penalty may not exceed \$390,092 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. 40 C.F.R. Part 19, 85 Fed. Reg. 83818, 83821 (December 23, 2020).
7. Although this matter involves a penalty amount greater than \$390,092, the delegated authority of the EPA Administrator and the Attorney General jointly determined that this matter is appropriate for administrative penalty assessment.
8. Pursuant to 40 C.F.R. § 22.1(a)(2), 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).
9. EPA and Respondent have executed and entered into Tolling Agreements which, taken together, establish that the period commencing January 1, 2020 and ending on January

30, 2021(inclusive) will not be included in computing the running of any statute of limitations that might be applicable to this action.

**Governing Law and Relevant Background**

***Regulation of Air Pollution from New Motor Vehicles and Motor Vehicle Engines***

10. This action arises under Title II of the CAA, 42 U.S.C. §§ 7521–7590, and the regulations promulgated thereunder, including regulations promulgated at 40 C.F.R. Parts 85 and 86, relating to the control of emissions of air pollution from moving sources.
11. Section 216(2) of the CAA, 42 U.S.C. § 7550(2), defines “[m]otor vehicle” to mean any self-propelled vehicle designed for transporting persons or property on a street or highway. *See also* 40 C.F.R. § 85.1703.
12. Under Section 216(2) of the CAA, 42 U.S.C. § 7550(2), and implementing regulations at 40 C.F.R. § 85.1703, a motor vehicle is defined by its capability, not by how it is used. *See* 39 Fed. Reg. 32609, 32609 (Sept. 10, 1974).
13. 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.
14. Ozone is a highly reactive gas that is formed in the atmosphere, in part, from pollutants emitted by motor vehicles.
15. Nitrogen oxides (“NO<sub>x</sub>”) and hydrocarbons (“HCs”) are reactive gasses emitted by motor vehicles that contribute to the formation of PM and ozone.
16. 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.

17. Nitrogen dioxide (“NO<sub>2</sub>”) can aggravate respiratory diseases, particularly asthma, and may also contribute to asthma development in children. NO<sub>2</sub> is emitted by motor vehicles and is also formed in the atmosphere from the emission of NO<sub>x</sub>.
18. 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.
19. Section 202 of the CAA, 42 U.S.C. §7521, and regulations promulgated thereunder, including regulations promulgated at 40 C.F.R. Parts 85 and 86, establish standards for the emissions of certain air pollutants from new motor vehicles or motor vehicle engines, including, but not limited to, NO<sub>x</sub>, HC, PM, and CO.

***EPA’s Certificate of Conformity Program for New Motor Vehicle and Motor Vehicle Engines***

20. Pursuant to Section 203 of the CAA, 42 U.S.C. § 7522, 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 engine in the United States.
21. Pursuant to Section 206 of the CAA, 42 U.S.C. § 7525, and regulations promulgated thereunder, to obtain a COC, the original equipment manufacturer (“OEM”) must demonstrate that each motor vehicle or motor vehicle engine will conform to established emissions standards for NO<sub>x</sub>, PM, HC, CO, and other pollutants during the motor vehicle or motor vehicle engine’s useful life. The COC application must describe, among other

things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. See 40 C.F.R. § 86.1844-01(d)-(e).

22. The EPA issues COCs to OEMs under Section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles or engines conform to applicable EPA requirements governing motor vehicle emissions. Once issued by the EPA, a COC only covers those new motor vehicles or motor vehicle engines that conform in all material respects to the specifications provided to the EPA in the COC application for such vehicles or engines. 40 C.F.R. § 86.1848-01(c)(6).

***Motor Vehicle and Motor Vehicle Engine Emissions-Related Elements of Design***

23. 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. §§ 86.094-2 and 86.1803-01.
24. Exhaust gas recirculation (“EGR”) is an emissions-related element of design that reduces NO<sub>x</sub> emissions, which are formed at the high temperatures caused during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and NO<sub>x</sub> emissions.
25. Diesel oxidation catalysts (“DOCs”) are emissions-related 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.
26. Diesel particulate filters (“DPFs”) are emissions-related elements of design that collect PM pollution contained in engine exhaust gas using a catalytic filter.

27. “Catalytic converters” are emission related elements of design that promote chemical reactions to convert pollutants to non-pollutants. The chemical reaction for pollution abatement is the simultaneous oxidation of CO and HC to form carbon dioxide and water, and, in some cases, reduce NO<sub>x</sub> to nitrogen. Catalytic converters are contained in OEM-installed stock exhaust pipe systems.
28. NO<sub>x</sub> Adsorption Catalysts (“NACs”) are emissions-related elements of design that reduce NO<sub>x</sub> emissions by chemically adsorbing NO<sub>x</sub> from exhaust gas.
29. Selective catalytic reduction (“SCR”) is an emissions-related element of design that reduces NO<sub>x</sub> emissions by chemically converting exhaust gas that contains NO<sub>x</sub> into nitrogen and water through the injection of diesel exhaust fluid.
30. Air injection reactors (“AIRs”) and “air pumps” are emissions-related elements of design that allow fresh air into the exhaust stream of the engine to reduce HC and CO emissions. AIR systems may include an air pump to pump the air into the exhaust or a one-way check valve.
31. “Oxygen sensors” are emissions-related elements of design that detect the ratio of air to fuel during fuel combustion. An imbalanced air-to-fuel ratio can result in increases in NO<sub>x</sub> or HCs.
32. “Electronic Control Unit” or “ECU” (a/k/a “engine control module” or “ECM”) means an electronic hardware device, together with the software and calibrations installed on the device, that is capable of controlling, among other things, the operation of the emission control system in a motor vehicle.

33. On-Board Diagnostic Systems (“OBDS”) are elements of design that include systems of components and sensors designed to detect, record, and report malfunctions of monitored emissions-related systems or components. 40 C.F.R. § 86.1806-05(b). When malfunctions of emissions-related systems or components such as EGRs, catalytic converters, or oxygen sensors are detected, the OBD illuminates a ‘check engine light’ (“CEL”) or ‘malfunction indicator light’ (“MIL”) on the vehicle dashboard to alert the driver, and/or records diagnostic trouble codes (“DTCs”) to inform service personnel/government regulators of needed repairs and compliance with emission standards.
34. Under Section 202(m) of the CAA, 42 U.S.C. §7521(m), EPA promulgated regulations requiring OBD systems to be installed on Light-Duty Vehicles and Light-Duty Trucks beginning with the 1994 model year and Light Heavy-Duty Trucks (up to 14,000 lbs) beginning with the 2007 model year.

***Acts Prohibited by Section 203(a)(3)(B) of the Clean Air Act***

35. Section 203(a)(3)(B) of the CAA, 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.

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).

**General Allegations**

37. Pursuant to Section 302(e) of the CAA, 42 U.S.C. § 7602(e), the term “person” includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
38. Respondent, a subsidiary of LKQ Corporation, is a corporation organized under the laws of Pennsylvania with a principal place of business located at 44 Tunkhannok Avenue in Exeter, Pennsylvania.
39. Respondent is a “person” as defined under Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
40. In publicly accessible online materials, Respondent represents:

***ABOUT US***

*Who we are...Keystone Automotive Operations, Inc., based in Exeter, Pennsylvania is the leading distributor and marketer of aftermarket automotive equipment and accessories in North America. During our 45+ year history, we have grown from a single auto parts store to become the largest warehouse distributor in our industry. <https://www.keystoneautomotive.com/About> (last visited January 14, 2021).*

*Our customers are principally small, independent businesses. These customers depend on us to provide a broad range of products, rapid delivery, marketing support and technical assistance. . . We believe we have been able to distinguish ourselves from other specialty vehicle aftermarket parts and equipment suppliers primarily through our broad product selection, which encompasses both popular and hard-to-find products, our national distribution network, and efficient inventory management systems, as well as through our service. LKQ Corporation, Annual Report, pages 10-11 (Form 10-K)(March 1, 2019).*



41. Respondent also owns and operates a chain of stores called “A&A Auto”. In publicly accessible online materials, Respondent represents:

*A&A Auto Stores continues to be a leader in the aftermarket auto parts industry. . . A&A Auto operates 18 A&A retail locations, 5 A&A service centers, 2 LINE-X application shops, and the Apple Hill 4x4 Installation and Service Center in Eastern and Central Pennsylvania,. . . Our longevity and passion has allowed us to provide our customers with knowledgeable advice, unsurpassed customer service, extensive product selections and competitive pricing. <https://www.aaautostores.com/ourhistory> (last visited January 27, 2021).*

42. On July 11, 2017, EPA Region 3 issued Respondent a Request for Information under the authority of Section 208(a) of the CAA, 42 U.S.C. § 7542(a), concerning certain parts or components that it either manufactured (i.e., created, wrote, programmed, fabricated, produced, or modified), offered for sale, sold, or installed since January 1, 2015 to determine Respondent’s compliance with Section 203(a) of the CAA, 42 U.S.C. § 7522(a) (“RFI”).
43. Respondent provided responses to EPA’s RFI on August 9, 2017, September 8, 2017, October 24, 2017 and December 12, 2017 (collectively, “RFI Response”).
44. On May 1, 2018, EPA issued Respondent a Notice of Violation (“NOV”) setting forth its determination that Respondent committed 15,367 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), from January 1, 2015 through October 15, 2017 by selling parts or components for motor vehicles and engines that bypass, defeat, or render inoperative elements of design of those engines that were installed by the OEM in compliance with the Title II of the Act.
45. On August 29, 2018, Respondent provided additional information on its products and 2018 sales.

46. The information Respondent submitted as described in Paragraph 45 evidences additional violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

**Violations**

**COUNT ONE (Violations [REDACTED])**  
*Sale or Offer to Sell EGR Delete Hardware Parts*

47. Paragraphs 1-46 of this Complaint are incorporated by reference herein as though fully set forth at length.

48. In its RFI Response or in the additional information provided after receipt of the NOV, Respondent disclosed that from January 1, 2015 through August 28, 2018 it sold or offered to sell the seven kinds of parts, and - *for each kind of part* – identified the name/description, number, type, and manufacturer information, and provided the approximate quantities sold, as specified below:

	Part Name/Description	Part Number	Part Type	Manufacturer/Information	Approximate Quantity Sold
(a)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(b)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(c)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(d)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(e)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

(f) [REDACTED]

(g) [REDACTED]

49. In publicly accessible online advertising, the part manufacturer or other sellers in the distribution chain used statements, including the following, to describe the part, its use or how it is to be installed; and identified types of vehicles or engines for which the part was designed or intended to be applied, as specified below:

	<b>Advertised Part/Use/Installation Instructions</b>	<b>Advertised Vehicle/ Engine Applications</b>
(a) Part described in Paragraph 48(a):	<i>-allows for the removal of the EGR system (manufacturer ad)</i>	2003-2007 Ford F250/350 Turbo Diesel V8 6.0L; 2003-2005 Ford Excursion Power Stroke V8 6.0L (manufacturer ad)
(b) Part described in Paragraph 48(b):	<i>-EGR cooler delete (manufacturer ad)</i>	2010-2012 Dodge 2500/3500/4500/5500 Cummins L6 6.7L; 2011-2012 RAM 2500/3500/4500/5500 Cummins L6 6.7L (manufacturer ad)
(c) Part described in Paragraph 48(c):	<i>-Eliminates the troublesome expensive EGR cooler -EGR delete kit</i>	2003-2007 Ford 6.0L Powerstroke
(d) Part described in Paragraph 48(d):	<i>-EGR cooler delete kit</i>	2007.5-2008 6.7L Cummins
(e) Part described in Paragraph 48(e):	<i>-EGR Block-Off Plate -These plates make it simple to bypass the factory EGR system</i>	1997-2004 SB Chevy LS1 engines; 2004 Pontiac LS1 engines
(f) Part described in Paragraph 48(f):	<i>-E.G.R. Block-Off Plate (manufacturer ad)</i>	-Chevrolet 283-400 (manufacturer ad) -small block Chevy motors
(g) Part described in Paragraph 48(g):	<i>-EGR Block-Off Plate</i>	Carbureted Chevrolet Small Block Manifolds

50. The advertised vehicles/engines described in the paragraph referenced below are or are designed for use in self-propelled vehicles designed for transporting persons or property on a street or highway:

- (a) Paragraph 49(a);
- (b) Paragraph 49(b);
- (c) Paragraph 49(c);
- (d) Paragraph 49(d);
- (e) Paragraph 49(e);
- (f) Paragraph 49(f); and
- (g) Paragraph 49(g).

51. The advertised vehicles/engines described in Paragraphs 49(a) through (g) are motor vehicles as defined under Section 216(2) of the CAA, 42 U.S.C. § 7550(2).

52. The advertised motor vehicle/engine applications specified in Paragraphs 49(a) through (g) include motor vehicles or motor vehicle engines that have been certified with an EGR system as an emission-related element of design installed by the motor vehicle's OEM in compliance with the Title II of the Act.

53. A principal effect of each of the parts specified in Paragraphs 48(a) through (g) is to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's EGR system.

54. Respondent knew or should have known that each of the parts specified in Paragraphs 48(a) through (g) was being sold or offered for sale to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's EGR system, or installed for such use or put to such use.

55. By its sales of or offers to sell the parts specified in Paragraphs 48(a) through (g), Respondent violated Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B).
56. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each sale of or offer to sell by Respondent any of the parts specified in Paragraphs 48(a) through (g) constitutes a separate offense.
57. By its sales of or offers to sell the parts identified in Paragraphs 48(a) through (g), Respondent committed at least [REDACTED] violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B), from January 1, 2015 through August 28, 2018.

**COUNT TWO (Violations [REDACTED] - [REDACTED])**  
*Sale or Offer to Sell Aftertreatment Delete Hardware Parts*

58. Paragraphs 1-57 of this Complaint are incorporated by reference herein as though fully set forth at length.
59. In its RFI Response or in the additional information provided after receipt of the NOV, Respondent disclosed that from January 1, 2015 through August 28, 2018 it sold or offered to sell the following twenty-nine kinds of parts, and - *for each kind of part*- identified the name/description, number, type, and manufacturer information, and provided the approximate quantities sold, as specified below:

	Part Name/Description	Part Number	Part Type	Manufacturer/Information	Approximate Quantity Sold
(a)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(b)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

- (c) [REDACTED]
- (d) [REDACTED]
- (e) [REDACTED]
- (f) [REDACTED]
- (g) [REDACTED]
- (h) [REDACTED]
- (i) [REDACTED]
- (j) [REDACTED]
- (k) [REDACTED]
- (l) [REDACTED]
- (m) [REDACTED]
- (n) [REDACTED]
- (o) [REDACTED]
- (p) [REDACTED]
- (q) [REDACTED]
- (r) [REDACTED]
- (s) [REDACTED]
- (t) [REDACTED]

- (u) [REDACTED]
- (v) [REDACTED]
- (w) [REDACTED]
- (x) [REDACTED]
- (y) [REDACTED]
- (z) [REDACTED]
- (aa) [REDACTED]
- (bb) [REDACTED]
- (cc) [REDACTED]

60. In publicly accessible online advertising, the part manufacturer or other sellers in the distribution chain used statements, including the following, to describe the part, its use or how it is to be installed; and identified types of vehicles or engines for which the part was designed or intended to be applied, as specified below:

	<b>Advertised Part/Use/Installation Instructions</b>	<b>Advertised Vehicle/ Engine Applications</b>
(a) Part described in Paragraph 59(a):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward</i> (manufacturer installation instructions)	2011-2017 Ford F250/350 6.7L (td) (manufacturer installation instructions)

(b) Part described in Paragraph 59(b):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2007-2012 Dodge 2500/3500 Cummins 6.7L; 2011-2012 RAM 2500/3500 Cummins 6.7L (manufacturer ad/installation instructions)
(c) Part described in Paragraph 59(c):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2011-2015 Chevy Silverado Turbodiesel 6.6L; 2011-2015 GMC Sierra Turbodiesel 6.6L (manufacturer ad/installation instructions)
(d) Part described in Paragraph 59(d):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2007-2010 Chevrolet Silverado Turbodiesel V8 6.6L; 2007-2010 GMC Sierra Turbodiesel V8 6.6L (manufacturer ad/installation instructions)
(e) Part described in Paragraph 59(e):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2007-2010 Chevy Silverado Turbodiesel; 2007-2010 GMC Sierra Turbodiesel 6.6L (manufacturer ad/installation instructions)
(f) Part described in Paragraph 59(f):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2007-2010 Chevy Silverado Turbodiesel V8 6.6L; 2007-2010 GMC Sierra Turbodiesel V8 6.6L (manufacturer ad/installation instructions)
(g) Part described in Paragraph 59(g):	<i>-Remove CAT/DPF section of your trucks exhaust working your way forward (manufacturer installation instructions)</i>	2011-2015 GM Duramax V8 6.6L (manufacturer installation instructions)
(h) Part described in Paragraph 59(h):	<i>-No Catalytic Converter</i>	2016-2017 Honda Civic 1.5L; 2017 Honda Civic Coupe 1.5L; 2017 Honda Civic Hatchback (manufacturer ad)
(i) Part described in Paragraph 59(i):	Image of “Pipes Only” version of part depicting straight pipe compared with image of “w/ Catalytic Converter” version of part that <i>[u]tilizes 400 CPSI (Cell per Square Inch) Catalytic Converters for Maximum Flow</i> (manufacturer ad)	2017-2018 Ford F150 Raptor 3.5L Gas (manufacturer ad)
(j) Part described in Paragraph 59(j):	<i>-non-catalytic down-pipe (manufacturer ad)</i>	2012-2013 BMW 335i 3.0L (manufacturer ad)
(k) Part described in Paragraph 59(k):	<i>-Cat Delete Pipe (manufacturer ad)</i>	2009-2014 Cadillac CTS-V (manufacturer ad)
(l) Part described in Paragraph 59(l):	<i>-Cat-delete assembly (manufacturer installation instructions)</i>	2015-2016 Ford F150



	<i>-Cat-Delete Downpipe Kit</i>	
(m) Part described in Paragraph 59(m):	<i>-Cat-delete assembly (manufacturer installation instructions)</i> <i>-Cat-Delete Downpipe Kit</i>	2011-2014 Ford F150
(n) Part described in Paragraph 59(n):	<i>-Cat-Delete Downpipe</i>	2001-2005 Silverado/Sierra 2500/3500 6.6L Duramax
(o) Part described in Paragraph 59(o):	<i>-Polished S.s. Cat-delete (manufacturer ad)</i>	Mitsubishi Lancer Evolution 10 / Ralliart 2008-2013 (manufacturer ad)
(p) Part described in Paragraph 59(p):	<i>-Polished S.s. Cat-delete (manufacturer ad)</i>	2013-2014 Scion FRS 6sp MT (manufacturer ad)
(q) Part described in Paragraph 59(q):	<i>-This downpipe is non-catted</i> <i>-Includes Catalytic Converter:No</i>	2008-2014 Subaru WRX STI
(r) Part described in Paragraph 59(r):	<i>-Turbo-Back Exhaust System</i> <i>-No Muffler – “Straight Pipe”</i> <i>-Removes Cat. Converter</i>	2003-2007 Ford Powerstroke 6.0L
(s) Part described in Paragraph 59(s):	<i>-Removal of OEM catalytic converters may be a violation of emissions laws in your jurisdiction (manufacturer ad)</i> <i>-Offered in a 4” Single System, we now have replacement exhaust that rids your truck of that pesky factory exhaust system from the turbo to tailpipe (manufacturer ad)</i> <i>-Turbo Back</i>	2004.5-2007 Dodge/Chrysler 2500/3500 Cummins 600/610 (manufacturer ad)
(t) Part described in Paragraph 59(t):	<i>-Down Pipe Back</i> - Image and descriptions of this part indicate it is a complete “downpipe back” exhaust system (i.e., designed to replace the entire exhaust) designed for vehicles certified with a DOC. The replacement does not contain a DOC. Installation Steps 1 through 3 show that the “front pipe” and the “extension pipe” are connected when this part is installed leaving no option to retain the DOC (manufacturer installation instructions). The DOC is located in the front pipe in the stock exhaust.	2001-2007 GM 6.6L Duramax
(u) Part described in Paragraph 59(u):	<i>-Have you ever wondered how your ride would perform without the catalytic converter? Try this out and experience the difference. (manufacturer ad)</i>	2003-2007 Ford F-250/350 6.0L (manufacturer ad)

(v) Part described in Paragraph 59(v):	<p><i>-Removes Cat. Converter</i>  <i>- "I decided to go with this particular system, the one with a cat delete."</i>  <i>-Turbo-Back</i></p>	2003-2007 Ford Powerstroke 6.0L
(w) Part described in Paragraph 59(w):	<p><i>-Have you ever wondered how your ride would perform without the catalytic converter? Try this out and experience the difference.</i>(manufacturer ad)</p>	2004.5-2007 Dodge Cummins (manufacturer ad)
(x) Part described in Paragraph 59(x):	<p><i>-Have you ever wondered how your ride would perform without the catalytic converter? Try this out and experience the difference.</i> (manufacturer ad)</p>	2004.5-2007 Dodge Cummins (manufacturer ad)
(y) Part described in Paragraph 59(y):	<p><i>-Bolt-On Replacement Of Catalytic Converter</i>  <i>-designed to bolt in place when removing the factory catalytic converter om your diesel truck</i>  <i>-Eliminating the cat reduces restriction and allows a much more free flowing exhaust producing more power output and that classic diesel sound</i></p>	2003-2007 Ford F250/350 6.0L Powerstroke
(z) Part described in Paragraph 59(z):	<p><i>-Removes Cat. Converter</i>  <i>-Down Pipe Back</i></p>	2001-2007 GM 6.6L Duramax
(aa) Part described in Paragraph 59(aa):	<p>Image and description of this part indicate it is a complete "downpipe back" exhaust system (i.e., designed to replace the entire exhaust system) and is designed for vehicles certified with DOC. The replacement does not contain a DOC. (manufacturer installation instructions).</p>	2001-2007 GM 6.6L Duramax
(bb) Part described in Paragraph 59(bb):	<p><i>-Replaces Restrictive Factory Downpipe (stock downpipe contains a catalyst and the replacement part does not contain a catalyst)</i>  <i>-A programmer or other modification of the vehicle's programming may be required in conjunction with this product. (Manufacturer Installation manual)</i></p>	2007.5-2012 Dodge 6.7L Cummins
(cc) Part described in Paragraph 59(cc):	<p><i>-No CAT</i></p>	2016+ Focus RS

61. The advertised vehicles/engines described in the paragraph referenced below are or are designed for use in self-propelled vehicles designed for transporting persons or property on a street or highway:

- (a) Paragraph 60(a);
- (b) Paragraph 60(b);
- (c) Paragraph 60(c);
- (d) Paragraph 60(d);
- (e) Paragraph 60(e);
- (f) Paragraph 60(f);
- (g) Paragraph 60(g);
- (h) Paragraph 60(h);
- (i) Paragraph 60(i);
- (j) Paragraph 60(j);
- (k) Paragraph 60(k);
- (l) Paragraph 60(l);
- (m) Paragraph 60(m);
- (n) Paragraph 60(n);
- (o) Paragraph 60(o);
- (p) Paragraph 60(p);
- (q) Paragraph 60(q);
- (r) Paragraph 60(r);
- (s) Paragraph 60(s);
- (t) Paragraph 60(t);

- (u) Paragraph 60(u);
- (v) Paragraph 60(v);
- (w) Paragraph 60(w);
- (x) Paragraph 60(x);
- (y) Paragraph 60(y);
- (z) Paragraph 60(z);
- (aa) Paragraph 60(aa);
- (bb) Paragraph 60(bb); and
- (cc) Paragraph 60(cc).

62. The advertised vehicles/engines described in Paragraphs 60(a) through (cc) are motor vehicles as defined under Section 216(2) of the CAA, 42 U.S.C. § 7550(2).
63. The advertised motor vehicle/engine applications specified in Paragraphs 60(a), 60(b), 60(c), 60(d), 60(e), 60(f), 60(g), 60(n), 60(r), 60(s), 60(t), 60(u), 60(v), 60(w), 60(x), 60(y), 60(z), 60(aa) and 60(bb) include motor vehicles or motor vehicle engines that have been certified with an SCR, DOC, NAC and/or DPF catalytic system as an emission-related element of design installed by the motor vehicle's OEM in compliance with the Title II of the Act.
64. A principal effect of each of the parts specified in Paragraphs 59(a), 59(b), 59(c), 59(d), 59(e), 59(f), 59(g), 59(n), 59(r), 59(s), 59(t), 59(u), 59(v), 59(w), 59(x), 59(y), 59(z), 59(aa) and 59(bb) is to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's aftertreatment SCR, DOC, NAC and/or DPF catalytic system(s).
65. Respondent knew or should have known that each of the parts specified in Paragraphs 59(a), 59(b), 59(c), 59(d), 59(e), 59(f), 59(g), 59(n), 59(r), 59(s), 59(t), 59(u), 59(v),

- 59(w), 59(x), 59(y), 59(z), 59(aa) and 59(bb) was being sold or offered for sale to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's aftertreatment SCR, DOC, NAC and/or DPF catalytic system(s), or installed for such use or put to such use.
66. The advertised motor vehicle/ engine applications specified in Paragraphs 60(h), 60(i), 60(j), 60(k), 60(l), 60(m), 60(o), 60(p), 60(q) and 60(cc) include motor vehicles or motor vehicle engines that have been certified with a catalytic converter as an emission-related element of design installed by the motor vehicle's OEM in compliance with the Title II of the Act.
67. A principal effect of each of the parts specified in Paragraphs 59(h), 59(i), 59(j), 59(k), 59(l), 59(m), 59(o), 59(p), 59(q) and 59(cc) is to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's aftertreatment catalytic converter system(s).
68. Respondent knew or should have known that each of the parts specified in Paragraphs 59(h), 59(i), 59(j), 59(k), 59(l), 59(m), 59(o), 59(p), 59(q) and 59(cc) was being sold or offered for sale to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's catalytic converter system(s), or installed for such use or put to such use.
69. By its sales of or offers to sell the parts identified in Paragraph 59(a) through (cc), Respondent violated Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B).
70. Pursuant to Section 205(a) of the CAA, 42 U.S U.S.C. § 7524(a), each sale of or offer to sell by Respondent any of the parts identified in Paragraphs 59(a) through (cc) constitutes a separate offense.

71. By its sales of or offers to sell the parts identified in Paragraph 59(a) through (cc), Respondent committed at least [REDACTED] violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B), from January 1, 2015 through August 28, 2018.

**COUNT THREE (Violations [REDACTED] - [REDACTED])**  
*Sale or Offer to Sell AIR/Air Pump Delete Hardware Parts*

72. Paragraphs 1-71 of this Complaint are incorporated by reference herein as though fully set forth at length.

73. In its RFI Response or in the additional information provided after receipt of the NOV, Respondent disclosed that from January 1, 2015 through August 28, 2018 it sold or offered to sell the following three kinds of parts, and - *for each kind of part* - identified the name/description, number, type, and manufacturer information, and provided the approximate quantities sold, as specified below:

	Part Name/Description	Part Number	Part Type	Manufacturer/Information	Approximate Quantity Sold
(a)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(b)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(c)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

74. In publicly accessible online advertising, the part manufacturer or other sellers in the distribution chain used statements, including the following, to describe the part, its use or how it is to be installed; and identified types of vehicles or vehicle engines for which the part was designed or intended to be applied, as specified below:

	<b>Advertised Part/Use/Installation Instructions</b>	<b>Advertised Vehicle/Engine Applications</b>
(a) Part described in Paragraph 73(a):	<i>-Air Pump Idler Bracket -Smog Pump Eliminator Brackets</i>	1979,1982-93 Ford Mustang
(b) Part described in Paragraph 73(b):	<i>-Air Pump Idler Bracket -Used to Eliminate the Air Pump</i>	Ford Mustang 302 & 351W (5.0 liters and 5.7 liters)
(c) Part described in Paragraph 73(c):	<i>-A.I.R. check valve block off plate</i>	1997-2004 SB Chevy LS1 engines; 2004 Pontiac LS1 engines

75. The advertised vehicles/engines described in the paragraph referenced below are or are designed for use in self-propelled vehicles designed for transporting persons or property on a street or highway:

- (a) Paragraph 74(a);
- (b) Paragraph 74(b); and
- (c) Paragraph 74(c).

76. The advertised vehicles/engines described in Paragraphs 74(a) through (c) are motor vehicles as defined under Section 216(2) of the CAA, 42 U.S.C. § 7550(2).

77. The advertised motor vehicle/engine applications specified in Paragraphs 74(a) through (c) include motor vehicles or motor vehicle engines that have been certified with an AIR system or air pump as an emission-related element of design installed by the motor vehicle's OEM in compliance with the Title II of the Act.

78. A principal effect of each of the parts specified in Paragraphs 73(a) through (c) is to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's AIR system or air pump.

79. Respondent knew or should have known that each of the parts specified in Paragraphs 73(a) through (c) was being sold or offered for sale to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's AIR system or air pump, or installed for such use or put to such use.
80. By its sales of or offers to sell the parts identified in Paragraphs 73(a) through (c), Respondent violated Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B).
81. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each sale of or offer to sell by Respondent any of the parts identified in Paragraphs 73(a) through (c) constitutes a separate offense.
82. By its sales of or offers to sell the parts identified in Paragraphs 73(a) through (c), Respondent committed at least [REDACTED] violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B), from January 1, 2015 through August 28, 2018.

**COUNT FOUR (Violations [REDACTED] - [REDACTED])**  
*Sale or Offer to Sell Tuning Parts*

83. Paragraphs 1-82 of this Complaint are incorporated by reference herein as though fully set forth at length.
84. In its IRL Response or in the additional information provided after receipt of the NOV, Respondent disclosed that from January 1, 2015 through August 28, 2018 it sold or offered to sell the following five kinds of parts, and - *for each kind of part* - identified the number/description, number and manufacturer information, and provided the approximate quantities of parts it sold, as specified below:



	Part Name/Description	Part Number	Manufacturer/Information	Approximate Quantity Sold
(a)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(b)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(c)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(d)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(e)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

85. In publicly accessible online advertising or information available to Respondent, the part manufacturer or other sellers in the distribution chain used statements, including the following, to describe the part, its use or how it is to be installed; and identified types of vehicles or engines for which the part was designed or intended to be applied, as specified below:

	Advertised Part/Use/Installation Instructions	Advertised Vehicle/Engine Applications
(a) Part described in Paragraph 84(a):	<p><i>-EGR Delete - Removes the check engine light caused by deleting EGR mechanically.</i>  (Manufacturer user manual)</p> <p><i>-(Gas vehicles) Rear O2's - Disables the Rear O2s and eliminates CEL caused by rear O2 removal.</i>  (Manufacturer user manual)</p>	<p>2003-2007 Ford F250/350/450 6.0L Diesel; Ford Excursion 2003-2005 6.0L; [REDACTED]</p>
(b) Part described in Paragraph 84(b):	<p><i>-Will [part] work with an EGR delete? Only on the Ford 6.0L applications</i></p> <p><i>-Will this delete the check engine light when I delete my EGR? The [part] will remove the check engine light on 6.0L's when the EGR has been removed.</i></p>	<p>Ford 2003-2007 F-Series Super Duty 6.0L; [REDACTED]</p>



86. The advertised vehicles/engines described in the paragraph referenced below are or are designed for use in self-propelled vehicles designed for transporting persons or property on a street or highway:
- (a) Paragraph 85(a);
  - (b) Paragraph 85(b);
  - (c) Paragraph 85(c);
  - (d) Paragraph 85(d); and
  - (e) Paragraph 85(e).
87. The advertised vehicles/engines described in Paragraphs 85(a) through (e) are motor vehicles as defined under Section 216(2) of the CAA, 42 U.S.C. § 7550(2).
88. The advertised motor vehicle/ engine applications specified in Paragraphs 85(a) through (e) include motor vehicles that have been certified with EGRs, rear oxygen sensors, and/or OBD functions associated with EGRs and rear oxygen sensors as emission-related elements of design installed by the motor vehicle's OEM in compliance with the Title II of the Act.
89. A principal effect of each of the parts specified in Paragraphs 84(a) through (e) is to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's EGRs, rear oxygen sensors, and/or OBD functions associated with EGRs and rear oxygen sensors.
90. Respondent knew or should have known that each of the parts specified in Paragraphs 84(a) through (e) was being sold or offered for sale to bypass, defeat, or render inoperative a motor vehicle's or motor vehicle engine's EGRs, rear oxygen sensors,

and/or OBD functions associated with EGRs and rear oxygen sensors, or installed for such use or put to such use.

91. By its sales of or offers to sell the parts identified in Paragraphs 84(a) through (e), Respondent violated Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B).
92. Pursuant to Section 205(a) of the CAA, 42 U.S.U.S.C. § 7524(a), each sale of or offer to sell by Respondent any of the parts identified in Paragraphs 84(a) through (e) constitutes a separate offense.
93. By its sales of or offers to sell the parts identified in Paragraphs 84(a) through (e), Respondent committed at least [REDACTED] violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. §7522(a)(3)(B), from January 1, 2015 through August 28, 2018.

**Relief Sought: Civil Penalty**

Section 205(a) of the CAA, 42 U.S.U.S.C. § 7524(a), provides that any person who violates Section [203(a)(3)(B) of the CAA, 42 U.S.C §] 7522(a)(3)(B) of [Title II of the CAA] shall be subject to a civil penalty of not more than \$2,500 per offense. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (“DCIA”), and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19 (“Penalty Inflation Rule”), violations of the CAA which occur on or before November 2, 2015 are subject to statutory maximum penalty of \$3,750 per offense, and violations of the CAA which occur subsequent to November 2, 2015 are subject to a statutory maximum penalty of \$4,876 per offense. *See* 85 Fed. Reg. 83818, 83821 (December 23, 2020) and 78 Fed. Reg. 66643, 66648 (November 6, 2013)

On the basis of the [REDACTED] **violations** of the CAA alleged in COUNT ONE,

COUNT TWO, COUNT THREE and COUNT FOUR above, Complainant has determined that Respondent is subject to a civil penalty under Section 205(a) of the CAA, 42 U.S.U.S.C. § 7524(a). Pursuant to 40 C.F.R. § 22.14(a)(4)(ii) of the Consolidated Rules, Complainant is not proposing a specific penalty at this time but will do so at a later date after an exchange of information has occurred. *See* 40 C.F.R. § 22.19(a)(4).

For purposes of determining the amount of any penalty to be assessed, Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), requires EPA to 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.” Complainant will also take into account the particular facts and circumstances of this case with specific reference to EPA’s January 2021 Clean Air Act Title II Vehicle & Engine Civil Penalty Policy (“Penalty Policy”), available at <https://www.epa.gov/sites/production/files/2021-01/documents/caatitleiivehicleenginepenaltypolicy011821.pdf> (last visited January 22, 2021). This Penalty Policy seeks to provide a rational, consistent and equitable methodology for applying to particular cases the statutory penalty factors set forth above and calculates civil penalties based on the economic benefit derived from noncompliance, the number of violative engines or products and their horsepower, the egregiousness of the violations, company size and remedial actions taken, and other legal and equitable factors.

As its basis for calculating a specific penalty after an exchange of information has occurred pursuant to 40 C.F.R. § 22.19(a)(4) of the Consolidated Rules, Complainant will consider, among other factors, facts or circumstances unknown to Complainant at the time of issuance of the Complaint that become known after the Complaint is issued. The proposed penalty may be adjusted further if the Respondent produces information and/or documentation to demonstrate a *bona fide* issue of ability to pay or to establish other defenses relevant to the appropriate amount of the proposed penalty. It is the Respondent's responsibility to come forward with specific evidence regarding any claimed inability to pay a penalty. The penalty to be proposed does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.

**Notice of Opportunity to Request a Hearing**

Respondent has the right to request a hearing to contest any matter of law or material fact in this Complaint. To request a hearing, Respondent must file a written Answer to the Complaint within thirty (30) days of receipt of this Complaint.

Following the Regional Judicial Officer's Standing Order, dated May 7, 2020, a copy of which is attached hereto as Attachment B, Respondent's Answer may be sent to the Regional Hearing Clerk at the mailing OR email address below:

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

OR

[R3\\_hearing\\_clerk@epa.gov](mailto:R3_hearing_clerk@epa.gov)

The Answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which the Respondent has any knowledge. Where Respondent has no knowledge of the facts contained in an 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 the 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 admitted.

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

Any hearing requested by Respondent will be held at a location to be determined at a later date pursuant 40 C.F.R. § 22.21(d) of the Consolidated Rules. The hearing will be conducted in accordance with the provisions of the Consolidated Rules. Pursuant to 40 C.F.R. § 22.5(b)(2) of the Consolidated Rules, Complainant has filed with this Complaint a consent to receive service of all filings by Respondent via email with the documents filed being in a Portable Document Format ("PDF"). *See Attachment C.* Pursuant to 40 C.F.R. § 22.5(b)(2) of the Consolidated Rules, a copy of Respondent's Answer and all other documents that the Respondent files in this action should be served on the attorney assigned to represent Complainant in this case, at the mailing OR email address below:

Jennifer M. Abramson (3RC30)  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

OR

[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov)

**Settlement Conference**

Complainant encourages settlement of this proceeding at any time after issuance of the Complaint if the settlement is consistent with the provisions and objectives of CAA. Whether or not a hearing is requested, Respondent may request a settlement conference with the Complainant to discuss the allegations of the Complaint, and an appropriate civil penalty. **However, a request for a settlement conference does not relieve Respondent of its responsibility to file a timely Answer to the Complaint.**

The procedures in the Consolidated Rules for quick resolution of a proceeding do not apply at this time because a specific penalty has not yet been proposed. *See* 40 C.F.R. § 22.18(a). In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Administrator or his designee. The filing of a Consent Agreement shall constitute a waiver of Respondent's right to contest the allegations of the Complaint and to appeal the Final Order accompanying the Consent Agreement.

If Respondent wishes to arrange a settlement conference, Respondent's legal counsel should contact Jennifer M. Abramson at (215) 814-2066 prior to the expiration of the thirty (30) day period following the receipt of this Complaint. Once again, however, such a request for a settlement conference does not relieve Respondent of its responsibility to file an Answer within thirty (30) days following Respondent's receipt of



this Complaint.

**Separation of Functions and *Ex Parte* Communications**

Pursuant to 40 C.F.R. § 22.8 of the Consolidated Rules, at no time after the issuance of the complaint shall the Administrator, the members of the Environmental Appeals Board, the Regional Administrator, the Presiding Officer or any other person who is likely to advise these officials on any decision in the proceeding, discuss *ex parte* the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. Any *ex parte* memorandum or other communication addressed to the Administrator, the Regional Administrator, the Environmental Appeals Board, or the Presiding Officer during the pendency of the proceeding and relating to the merits thereof, by or on behalf of any party shall be regarded as argument made in the proceeding and shall be served upon all other parties. The other parties shall be given an opportunity to reply to such memorandum or communication. The requirements of § 22.8 shall not apply to any person who has formally recused himself or herself from all adjudicatory functions in a proceeding, or who issues final orders only pursuant to § 22.18(b)(3).

Respectfully Submitted,

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Karen Melvin, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region III