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**14 DEC 2021**  
**U.S. EPA - REGION IX**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105

In the Matter of:	)	Docket No. CAA-09-2022-0014
	)	
Dudu Oja Ije, LLC, dba RPM Outlet	)	CONSENT AGREEMENT AND
	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. §§ 22.13 AND 22.18
Phoenix, Arizona	)	
	)	
Respondent.	)	
_____	)	

**I. CONSENT AGREEMENT**

**A. Preliminary Statement**

1. This is a civil administrative penalty assessment proceeding brought under section 205(c)(1) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7524(c)(1), and sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22. In accordance with 40 C.F.R. §§ 22.13 and 22.18, entry

of this Consent Agreement and Final Order ("CAFO") simultaneously commences and concludes this matter.

2. Complainant is the Assistant Director of the Air, Waste & Chemicals Branch of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency Region IX (the "EPA"), who has been duly delegated the authority to initiate and settle civil administrative penalty proceedings under section 205(c)(1) of the CAA, 42 U.S.C. § 7424 (c)(1).

3. Respondent is Dudu Oja Ije, LLC dba RPM Outlet ("DOI"), an Arizona corporation distributing motor vehicle parts headquartered at 4810 S. 40<sup>th</sup> Street, Suite 2 in Phoenix, Arizona.

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this CAFO without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

### **B. Governing Law**

5. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, including particulate matter ("PM"), non-methane hydrocarbons ("NMHC"), oxides of nitrogen ("NOx"), and carbon monoxide ("CO"). In creating the CAA, Congress found, in part, that "the increasing use of motor vehicles . . . has resulted in mounting dangers to the public health and welfare." CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2).

6. EPA's allegations in this CAFO concern parts or components for motor vehicles and engines subject to emission standards. The CAA requires EPA to prescribe and revise, by regulation, standards applicable to the emission of any air pollutant from new motor vehicles or

engines that cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. *See* CAA § 202(a)(1) and (3)(B), 42 U.S.C. § 7521(a)(1) and (3)(B). As required by the CAA, the emission standards must “reflect the greatest degree of emission reduction achievable through the application of [available] technology.” CAA § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i).

7. Under Section 202 of the CAA, 42 U.S.C. § 7521, EPA has promulgated emission standards for PM, NMHC, NO<sub>x</sub> and CO that are applicable to motor vehicles and motor vehicle engines based on a vehicle’s or engine’s class and model year. *See generally* 40 C.F.R. Part 86.

8. Section 203(a)(1) of the CAA prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity. 42 U.S.C. § 7522(a)(1).

9. The EPA issues certificates of conformity to vehicle manufacturers under section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles conforms to applicable EPA requirements governing motor vehicle emissions.

10. The application for a certificate of conformity 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.

11. “Element of design” is defined in 40 C.F.R. § 86.1803-01 as “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 interaction, and/or hardware items on a motor vehicle or motor vehicle engine.”

12. EPA-certified motor vehicles and motor vehicle engines include a variety of hardware, software devices (tuners) and software (tunes) or elements of design that control emissions of air

pollutants.

13. Manufacturers employ certain hardware devices as emission control systems to manage and treat exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air and meet the emission standards in 40 C.F.R. Part 86. Such devices include the exhaust gas recirculation ("EGR"), diesel oxidation catalyst ("DOC"), catalytic converter, diesel particulate filter ("DPF"), and selective catalytic reduction ("SCR"). For example:

- a. EGR is an element of design in diesel-fueled motor vehicles that reduces NO<sub>x</sub> emissions, which are formed at the high temperatures caused during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and NO<sub>x</sub> emissions.
- b. DOC is an element of design in diesel-fueled motor vehicles that reduces PM emissions and may reduce NMHC and CO emissions by routing exhaust through a precious metal coated honeycomb structure that causes a catalytic reaction that breaks down pollutants into less harmful components.
- c. Catalytic converter is an element of design in gasoline-fueled motor vehicles that reduces NMHC, CO and/or NO<sub>x</sub> by routing exhaust through a precious metal coated honeycomb structure that causes a catalytic reaction that breaks down pollutants into less harmful components.
- d. DPF is an element of design in diesel-fueled motor vehicles that reduces PM emissions by collecting soot contained in engine exhaust gas. Proper operation of the DPF requires periodic regeneration of the filter to prevent accumulated PM from clogging the filter.
- e. SCR is an element of design that reduces NO<sub>x</sub> emissions by chemically

converting exhaust gas that contains NO<sub>x</sub> into nitrogen and water through the injection of diesel exhaust fluid.

14. Modern vehicles and engines are also equipped with an electronic control module (“ECM”) and onboard diagnostic system (“OBD”). ECMs are devices that receive inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. ECMs continuously monitor engine and other operating parameters to manage the operation of the emission control systems and elements of design. The OBD detects and reports malfunctions of emission-related elements of design through a network of sensors installed throughout a motor vehicle or motor vehicle engine. *See* CAA § 202(m), 42 U.S.C. § 7521(m).

15. Pursuant to Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B),

The following acts and the causing thereof are prohibited—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 or motor vehicle engine in compliance with regulations under this subchapter, 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[.]

16. “Person” is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), to include “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.”

17. “Motor vehicle” is defined in Section 216(2) of the CAA, 42 U.S.C. § 7550(2), as “any self-propelled vehicle designed for transporting persons or property on a street or highway.”

18. Any person who violates Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B), is subject to a civil penalty of up to \$4,876 for each violation. CAA § 205(a), 42 U.S.C. § 7524(a), 40 C.F.R. § 19.4, Table 1.

### C. Allegations

19. Complainant re-alleges and incorporates by reference herein Paragraphs 1 through 18 of this CAFO.

20. At all times relevant to this CAFO, Respondent was a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

21. Respondent sells and distributes motor vehicle parts to various individual customers located throughout the United States.

22. On March 12, 2019, EPA issued an information request pursuant to section 208(a) of the CAA, 42 U.S.C. § 7542(a), to Respondent regarding hardware and software that Respondent sold and/or offered for sale from March 10, 2017.

23. In Respondent’s response, dated May 14, 2019, to EPA’s information request, Respondent indicated that it sold and/or offered for sale at least one hundred and eighty-six (186) parts or components (“Subject Parts,” each of which is a “Subject Part”) between March 10, 2017, and March 12, 2019, as identified in the Appendix to this CAFO.

24. The Subject Parts consist of fifty-eight (58) exhaust emission control delete hardware (sometimes referred to as "straight" or “delete” pipes), six (6) EGR delete hardware, one hundred five (105) engine tuning hardware and software or aftermarket ECM programmers (including hardware commonly referred to as "tuners" and software commonly referred to as "tunes"), and seventeen (17) emulators or sensor disablers.

25. Hardware devices and emission control systems such as EGRs, DPFs, DOCs, catalytic converters, SCRs, ECMs and OBD systems are “device[s] or element[s] of design installed on or in a motor vehicle or motor vehicle engine in compliance with [CAA] regulations” within the meaning of Section 203(a)(3)(B) of the CAA, 42U.S.C. § 7522(a)(3)(B).

26. Each Subject Part is, and at all relevant times herein was, intended for use with certified

motor vehicles and motor vehicle engines including Ford, GM, Dodge, Nissan, Mitsubishi, Subaru and Chevy vehicles (“Motor Vehicles”).

27. A principal effect of each Subject Part is to bypass, defeat, or render inoperative device(s) and/or element(s) of design such as the EGR, DOC, catalytic converter, SCR, ECM and/or OBD, that was or were installed on these Motor Vehicles.

28. Respondent knew or should have known that each Subject Part was being offered for sale or installed for such use or put to such use.

29. Respondent’s sales and/or offer for sale of one hundred and eighty-six (186) Subject Parts between March 10, 2017, and March 12, 2019, constitute one hundred and eighty-six (186) violations of Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B).

#### **D. Terms of Consent Agreement**

30. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent: a) admits that EPA has jurisdiction over the subject matter alleged in this CAFO and over Respondent; b) neither admits nor denies the specific factual allegations contained in Section I.C of this CAFO; c) consents to the assessment of a civil penalty as stated below; d) consents to the conditions specified in this CAFO; e) waives any right to contest the allegations set forth in Section I.C of this CAFO; and f) waives its rights to appeal the proposed Order contained in this CAFO.

#### Civil Penalty

31. Respondent agrees to the assessment of a civil penalty in the amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) (“Assessed Penalty”) as final settlement of the civil claims against Respondent arising under the CAA as alleged in Section I.C of this CAFO. The EPA has reduced the civil penalty on the basis of

information produced by Respondent demonstrating its inability to pay a higher civil penalty.

32. Respondent shall pay the Assessed Penalty no later than thirty (30) days after the effective date of the CAFO.

33. Payment under this Consent Agreement and the Final Order may be made by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Respondent must note on the check the title and docket number of this action.

34. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, on the Regional Hearing Clerk and EPA Region 9 at the following addresses:

Janice Chan  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX  
Chan.Janice@epa.gov

Regional Hearing Clerk Office of Regional Counsel  
U.S. Environmental Protection Agency, Region IX  
R9HearingClerk@epa.gov

35. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.



36. If Respondent does not pay the Assessed Penalty within 30 days of the effective date of this CAFO, then Respondent shall pay to EPA a stipulated penalty in the amount of ONE THOUSAND DOLLARS (\$1,000) for each day the default continues plus the remaining balance of the Assessed Penalty upon written demand by EPA.

37. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- a. request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
- b. refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- c. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and
- d. suspend or revoke Respondent's licenses or other privileges granted by EPA, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

#### Respondent's Certification of Compliance

38. Respondent certifies that as of the date of its signing this Consent Agreement, Respondent is complying fully with section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).

39. Respondent is aware of EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

40. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. Respondent must give written notice and a copy of this CAFO to any successors in interest prior to any transfer of ownership or control of any portion of or interest in Respondent.

41. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this CAFO unless EPA has provided written approval of the release of said obligations or liabilities.

42. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

43. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO. This CAFO may be signed in counterparts, and its validity shall not be challenged on that basis.

44. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and

imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

45. Each party agrees to bear its own costs and attorney's fees in this action.

#### **E. Effect of Consent Agreement and Final Order**

46. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

47. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

48. This CAFO constitutes the entire agreement between the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.


#### **F. Effective Date**

49. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Regional Hearing Clerk.

The foregoing Consent Agreement In the Matter of: Dudu Oje Ije, LLC, dba RPM Outlet, Docket No. CAA-09-2022-0014 is hereby stipulated, agreed, and approved for entry:

FOR RESPONDENT, DUDU OJE IJE, LLC, DBA RPM OUTLET:

12/8/21  
Date

  
Name Jeremy Thompson  
Title Resident  
Dudu Oje Ije, LLC dba RPM Outlet

In the Matter of: Dudu Oje Ije, LLC, dba RPM Outlet 12  
Consent Agreement and Final Order

The foregoing Consent Agreement In the Matter of: Dudu Oje Ije, LLC, dba RPM Outlet, Docket No. CAA-09-2022-0014 is hereby stipulated, agreed, and approved for entry:

FOR COMPLAINANT:

12/13/21

\_\_\_\_\_  
Date

CLAIRE  
TROMBADORE Digitally signed by CLAIRE  
TROMBADORE  
Date: 2021.12.13 15:27:13 -08'00'

\_\_\_\_\_  
Claire Trombadore  
Assistant Director  
Enforcement and Compliance Assurance  
Division  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

In the Matter of: Dudu Oje Ije, LLC, dba RPM Outlet 13  
Consent Agreement and Final Order

## II. FINAL ORDER

Complainant and Respondent, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. CAA-09-2022-0014) be entered, and that Respondent shall pay a civil administrative penalty in the amount of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) and otherwise comply with the terms set forth in the Consent Agreement. This Consent Agreement and Final Order shall become effective upon filing.

December 14, 2021

Date



BEATRICE WONG

Regional Judicial Officer

U.S. Environmental Protection Agency, Region 9

**APPENDIX**

<b>RPM/MFG Part Number</b>	<b>Part name or description</b>	<b>Quantity</b>
<b>Exhaust Emission Control Delete Hardware (58)</b>		
DEM 125050	Downpipe kit	1
FLO SS653NB	Downpipe back exhaust	1
FPR 654	Turbo Back Exhaust	1
FPR 801	Downpipe back exhaust	1
FPR 864	Downpipe back exhaust	1
FPR SS835NB	Race Pipe	1
FPR SS864	Race Exhaust	1
MAG 18980	Turbo Back Exhaust	1
MAG 18982	Downpipe Back	1
MAG 18989	Turbo Back Exhaust with extension to delete catalyst	1
MBR GM8427	Downpipe that replaces DOC, DPF, and SCR	1
MBR S8208409	Turbo Back Exhaust	1
MBRP S62240PLM	Turbo Back Exhaust	1
DEM K4235S-RP	Turbo Back Exhaust for 2004.5-2007 Dodge 2500/3500	1
DEM K4346A	Turbo Back Exhaust for 2003-2007 F250/F350	2
DEM K4346s	Turbo back exhaust for 2003-2007 F250/F350 – allows catalyst to be uninstalled	1
DEM K5350A-RP	Turbo Back Exhaust for 2003-2007 F250/F350	1
DEM K5350S	Turbo Back Exhaust for 2003-2007 F250/F350	2
DEM K5118A-RP	Downpipe for 2001-2007 Chevy 2500/3500	1
DEM K4232S	Turbo back that fits all cab and bed lengths for 2004.5-2007 Dodge 2500/3500	1
BBK 40310	Exhaust pipe that eliminates catalytic converter	1
BBK 4053	Long tube header that eliminates catalyst	1
AP 335I-171	Downpipe	1
ARH 10067	Long Tube Header that replaces catalyst	1
ARH 10069	Off Road X-Pipe that replaces catalyst	1
ARH 10103	Downpipe that replaces catalyst	6
ARH 10153	Long tube header with connecting pipes that replaces catalyst	1
ARH 10374	Long Tube Headers Without Cats	1
ARH C7-14178300LSNC	Long Tube Headers Without Cats	1
ARH C7-14200300LSNC	Long Tube Headers Without Cats	1
ARH CAV8-10200300LSNC	Long Tube Headers Without Cats	1
ARH RM156-09134300LSNC	Long Tube Headers Without Cats	1
BAS 5011R2M	Off-Road Downpipes that replaces catalyst	1

BAS 54150L2	Connection Pipe with no catalyst	2
BOR 17249	Long Tube Header	1
BOR 60547	X pipe that takes place of catalyst	2
BOR 60555	Exhaust system	2
KOK 21603100	Off Road X-Pipe – long tube header	1
KOK 21613100	Connection Pipe	4
KOK 31013110	Connection Pipe that replaces catalyst	1
BBK 1815	Exhaust system that replaces catalysts	1
BBK 18160	Offroad pipe that replaces catalyst	3
ARH LT-99134300LSNC	Long tube headers and connection pipes that replace catalyst	1
<b>EGR Delete Hardware (6)</b>		
MTB 5.4L-EGRD LF2347	EGR block-off kit	1
SID SD-EGRD-6.0	EGR Delete	1
SID SD-EGRD-6.4	EGR Delete	3
SID SD-EGRD-6.7C-10	EGR Delete	1
<b>Tuning Products (105)</b>		
BLD 40420	Tuner	6
GearBox Z DD30	Tuner	1
HNS 109003	Tuner	2
HNS 109005	Tuner	1
RAC RACEME-2010-2011	Tuner	1
SCT 5015P	Tuner	26
SCT 5416P	Tuner	1
SCT 7015	Tuner	42
SCT 7416	Tuner	3
SCT 40490	Tuner	1
COB AP3-NIS-008	Tuner	1
COB AP3-MIT-002	Tuner	4
COB AP3-SUB-001	Tuner	1
COB AP3-SUB-002	Tuner	5
COB AP3-SUB-003	Tuner	5
COB AP3-SUB-004	Tuner	2
COB AP3-FOR-001	Tuner	1
COB AP3-FOR-003	Tuner	2
<b>Emulators/Sensor Disablers (17)</b>		
RPM / VIB 11619	MIL/Oxygen Sensor Eliminator	10
WPR 963-111-101	CEL/Oxygen Sensor Eliminator	7
<b>Total Violative Parts</b>		<b>186</b>



## CERTIFICATE OF SERVICE

This is to certify that the CONSENT AGREEMENT AND FINAL ORDER in the matter of Dudu Oja Ije, LLC, dba RPM Outlet (CAA-09-2022-0014) has been filed with the Regional Hearing Clerk, and was served on the Respondent, and Counsel for EPA, as indicated below:

**RESPONDENT**  
**(Electronic Mail)**

Jeremy Thompson  
Owner  
Dudu Oja Ije, LLC, dba RPM Outlet  
4810 S. 40th Street, Suite 2  
Phoenix, AZ 85040  
jeremy@rpmoutlet.com

**COMPLAINANT**  
**(Electronic Mail)**

Brian Riedel  
Attorney  
Office of Regional Counsel  
U. S. EPA - Region 9  
San Francisco, CA 94105  
Riedel.Brian@epa.gov

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Steven Armsey  
Regional Hearing Clerk  
U.S. EPA - Region 9