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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-09-2026-0005
	)	
Carrot Top Tuning LLC	)	CONSENT AGREEMENT AND
	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. §§ 22.13 and 22.18
	)	
	)	
Las Vegas, Nevada	)	
	)	
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 initiates 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 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). EPA Delegation 7-19 (January 18, 2017); EPA Region 9 Redelegation R9-7-19 (October 5, 2017); Memorandum from John W. Busterud, Regional Administrator, Region 9, to all Region 9 supervisors and employees re: EPA R9 Organizational Realignment General Redelegation of Authority (May 5, 2020).

3. Respondent is Carrot Top Tuning LLC ("Carrot Top"), a Nevada corporation distributing motor vehicle parts. Carrot Top is headquartered at 8635 W. Sahara Avenue, Unit 4125 in Las Vegas, Nevada.

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 hydrocarbons and oxides of nitrogen ("NOx").

6. The CAA requires EPA to prescribe and revise, by regulation, standards applicable to the emission of any air pollutant from new motor vehicles or new motor vehicle engines which cause

or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare. CAA §§ 202(a)(1) and (3)(B), 42 U.S.C. §§ 7521(a)(1) and (3)(B).

7. Highway motor vehicles are one category of motor vehicles for which the EPA has promulgated emission standards. *See* 42 U.S.C. § 7521; *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 (“COC”). 42 U.S.C. § 7522(a)(1). The EPA issues COCs 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. The application for a COC 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.

9. Definitions:

Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines "person" as "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."

Section 216(2) of the CAA, 42 U.S.C. § 7550(2), defines "motor vehicle" as "any self-propelled vehicle designed for transporting persons or property on a street or highway."

The regulations at 40 C.F.R. §§ 86.094-2 and 86.1803-01 (General Compliance Provisions for Control of Air Pollution from New and In-Use Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Vehicles) define “element of design” 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.”

10. 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[.]

11. Highway motor vehicle manufacturers employ many devices and elements of design to meet these emission standards. Certain hardware devices serve as emission control systems to manage and treat exhaust from highway motor vehicles in order to reduce levels of regulated pollutants from being created or emitted into the ambient air. Such devices include three-way catalytic converters (TWCs).

12. TWCs are emissions control devices that are designed to reduce NOx, hydrocarbons and carbon monoxide CO emissions from the exhaust of gasoline-powered motor vehicles.

13. Violations of CAA section 203(a)(3)(B) are subject to civil penalties of up to \$5,911 per defeat device violation that occurred after November 2, 2015, where penalties are assessed on or after January 8, 2025. Section 205 of the CAA, 42 U.S.C. § 7524 and 40 C.F.R. Part 19.

C. Alleged Violations of Law

14. Respondent is a person as the term is defined in section 302(e) of the CAA, 42 U.S.C. § 7602(e).

15. Respondent sells motor vehicle parts to various individual customers located throughout the United States.

16. On October 5, 2023, EPA issued an information request pursuant to section 208(a) of the CAA, 42 U.S.C. § 7542(a), to Respondent regarding hardware Respondent sold or installed since April 1, 2021.

17. Based on information gathered during EPA's investigation and Respondent's responses provided on October 16, 2023 and December 21, 2023 to EPA's information request, EPA alleges that Carrot Top sold exhaust replacement downpipes ("Subject Exhaust Replacement Downpipe(s)"), for highway motor vehicles identified in Appendix A of this CAFO.

18. The Subject Exhaust Replacement Downpipes are straight pipes that do not incorporate exhaust aftertreatment emissions control devices and are designed to replace TWCs.

19. Hardware devices and emission control systems, such as TWCs, 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, 42 U.S.C. § 7522(a)(3)(B).

20. Each Subject Exhaust Replacement Downpipe is, and at all relevant times herein was, intended for use with certified motor vehicles and motor vehicle engines including Volkswagen and Audi vehicles ("Motor Vehicles").

21. A principal effect of each Subject Exhaust Replacement Downpipe is to bypass, defeat, or render inoperative device(s) and/or element(s) of design such as the TWCs that were installed on these Motor Vehicles.

22. Respondent knew or should have known that each Subject Exhaust Replacement Downpipe was being offered for sale or installed for such use or put to such use.

23. Between April 1, 2021 and October 5, 2023, Carrot Top sold and/or offered to sell 128 Subject Exhaust Replacement Downpipes to individual customers located throughout the United States, in violation of section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B).

D. Terms of Consent Agreement

24. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), 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 under this section, 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;
 - f. waives its rights to appeal the proposed Order contained in this CAFO; and
 - g. waives any rights or defenses that it has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

E. Civil Penalty

25. Respondent agrees to pay a civil penalty in the amount of \$1,000 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”). EPA conducted an analysis of Respondent’s financial information and determined Respondent has a limited ability to pay. Consequently, in

accordance with applicable law, EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

26. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA's How to Make a Payment website](#) and will not pay with a paper check.

27. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, CAA-09-2026-0005,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

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

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

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

- c. If Respondent fails to pay in full the Assessed Penalty within thirty (30) days of the Filing Date, then Respondent shall pay to EPA the stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) for each day the default continues, in addition to the assessed penalty, upon written demand by EPA. Stipulated penalties shall accrue until the Assessed Penalty and all accrued stipulated penalties are paid and shall become due and payable upon EPA’s written request.

28. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts:

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the Internal Revenue Service

(“IRS”) standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of handling collection.

c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

29. Late Penalty Actions. In addition to the amounts described in the prior paragraph of this CAFO, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the IRS for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent’s licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and

appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

30. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

31. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

F. Certification of Compliance

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

33. 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."

34. 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. 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.

35. 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.

36. 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.

37. 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.

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

G. General Provisions

39. 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.

40. 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.

41. 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.

H. Effective Date

42. 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: Carrot Top Tuning LLC, Docket No. CAA-09-2026-0005 is hereby stipulated, agreed, and approved for entry:

Carrot Top Tuning LLC, Respondent

10/1/2025

Date

David Polovin

Digitally signed by David Polovin
Date: 2025.10.01 16:03:31
+03'00'

David Polovin, Owner
Carrot Top Tuning LLC

The foregoing Consent Agreement In the Matter of: Carrot Top Tuning LLC, Docket No. CAA-09-2026-0005 is hereby stipulated, agreed, and approved for entry:

United States Environmental Protection Agency, Complainant

Date

**KAORU
MORIMOTO**

 Digitally signed by KAORU
MORIMOTO
Date: 2025.10.07 08:40:36 -07'00'

Kaoru Morimoto
Assistant Director
Enforcement and Compliance Assurance Division
United States Environmental
Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

**Consent Agreement and Final Order
In the Matter of: Carrot Top Tuning LLC
Docket No. CAA-09-2026-0005**

II. FINAL ORDER

EPA Region IX and Carrot Top Tuning LLC., having entered into the foregoing Consent Agreement,

IT IS HEREBY, ORDERED that this Consent Agreement and Final Order (Docket No. CAA-09-2026-0005), shall be entered and Respondent shall pay a civil administrative penalty in the amount of ONE THOUSAND DOLLARS (\$1,000), and otherwise comply with the terms set forth in the CAFO. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

Date

**Beatrice
Wong**

Digitally signed by
Beatrice Wong
Date: 2025.10.08
12:36:47 -07'00'

Beatrice Wong
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 9

Appendix A

Carrot Top Tuning LLC Violations of CAA § 203 for the period April 1, 2021 through October 5, 2023 for sale and/or offering to sell 128 Defeat Devices

#	Part Number	Product Name	Vehicle Type	Qty
1	ECCP-105217	ECCP Auto Parts 1.8T 3" Catless Downpipe MK4 VW GTI Jetta Golf AWW, AWP, AWD	1999-2005 Volkswagen GTI, Golf, Jetta	90
2	DP-VW1415	14-19 3" Catless Downpipe 2.0 TSI FWD MK7 GTI A3 EA888	2014-2019 Volkswagen GTI	22
3	1.8T-A4-DP	VW 1.8T Passat 98-05 Exhaust Downpipe Stainless Steel	1998-2005 Volkswagen Passat	16
			Total	128

CERTIFICATE OF SERVICE

I hereby certify that the original of the fully executed Consent Agreement and Final Order in the matter of Carrot Top Tuning LLC (Docket No. CAA-09-2026-0005) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

RESPONDENT:

David Polovin
Carrot Top Tuning LLC
8635 W. Sahara Ave, Unit 4125
Las Vegas, NV 89117
David@carrottopping.com

COMPLAINANT:

Brian Riedel
Supervising Attorney
U.S. EPA – Region IX
Air & Toxics Section II (ORC-2-2)
75 Hawthorne Street
San Francisco, CA 94105
Riedel.Brian@epa.gov

Tu, Ponly Digitally signed by Tu,
Ponly
Date: 2025.10.08
12:40:32 -07'00'

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX