

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:

SPARTAN DIESEL TECHNOLOGIES,
LLC,

Respondent.

Docket No.
CAA-HQ-2017-8362

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BUSINESS CONFIDENTIALITY AND SETTLEMENT MATERIAL ASSERTED

Portions of Complainant's Motion for Default ("Motion"), along with portions of the Appendix to the Motion, contain material that Complainant believes could be claimed as confidential business information ("CBI") by Respondent, Spartan Diesel Technologies, LLC ("Spartan"). Additionally, portions of the Appendix to the Motion could be claimed as settlement material pursuant to rule 408 of the Federal Rules of Evidence. Therefore, a redacted version and an unredacted version of the Motion and the Appendix have been filed with the Hearing Clerk.

The materials redacted as potential CBI are contained in paragraphs 66 and 77 of the Motion, and in the Appendix to the Motion at App. 19, App. 21-26, and App. 45. These materials consist of sales and profit information. The materials redacted as potential settlement information are contained in the Appendix to the Motion at App. 49-51.

If you have any questions, please contact David Alexander (202) 564-2109, or at alexander.david@epa.gov.

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REDACTED VERSION

Potential Confidential Business Information Redacted
Potential Settlement Materials Redacted

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MOTION FOR DEFAULT

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Introduction

1. By this Motion for Default (“Motion”), the Director of the United States Environmental Protection Agency’s Air Enforcement Division (“Complainant”) requests that the Presiding Officer find that default has occurred in this matter based on respondent Spartan Diesel Technologies, LLC’s (“Spartan” or “Respondent”), failure to answer the complaint filed on October 19, 2017 (“Complaint”), and requests that the Presiding Officer issue a default order requiring Spartan to pay a civil penalty.
2. Issuance of the default order requested here would resolve all outstanding issues and claims in this proceeding, and would therefore constitute an initial decision under the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules”). 40 C.F.R. § 22.17(c).
3. This Motion explains how default has occurred in this matter, states the factual and legal grounds for ordering Respondent to pay a civil penalty of \$4,154,805, and requests that the Presiding Officer issue a default order akin to the proposed Order at the close of this Motion.

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. The EPA may administratively assess a civil penalty for violations of section 203(a) of the CAA, 42 U.S.C. § 7522(a). CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1).
6. An administrative civil penalty may not exceed \$320,000 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.
CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1); 40 C.F.R. § 19.4 tbl. 1.

7. The Administrator of the EPA and the Attorney General jointly determined that this matter, although it involves a penalty amount greater than \$320,000, is appropriate for administrative penalty assessment. CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1); App. 1.
8. 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). 40 C.F.R. § 22.1(a)(2).

Service of Process

9. The CAA authorizes the EPA to assess civil penalties for violations of section 203 of the Act. CAA § 205(c)(1), 42 U.S.C. § 7524(c)(1). Such an assessment “shall be by an order made on the record after opportunity for a hearing.” *Id.* “Before issuing such an order, the Administrator shall give written notice to the person to be assessed an administrative penalty of the Administrator’s proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within 30 days of the date the notice is received by such person.” *Id.*
10. The EPA issues these orders and provides these notices and opportunities to request a hearing by following the Consolidated Rules. 40 C.F.R. §§ 22.1(a)(2), 22.34.
11. Penalty assessment proceedings initiated at EPA Headquarters are commenced by filing with the Hearing Clerk a complaint conforming to 40 C.F.R. § 22.14. *Id.* §§ 22.3, 22.13(a).
12. Complainant commenced this proceeding by filing the Complaint on October 19, 2017.

13. “Complainant shall serve on the respondent [to an administrative penalty assessment proceeding], or a representative authorized to receive service on the respondent’s behalf, a copy of the signed original of the complaint, together with a copy of [the Consolidated Rules].” *Id.* § 22.5(b)(1)(i).
14. “Where respondent is a domestic or foreign corporation . . . complainant shall serve an officer, partner, a managing or general agent, or any other person authorized by appointment or by Federal or State law to receive service of process.”
Id. § 22.5(b)(1)(ii)(A).
15. “Service shall be made personally, by certified mail with return receipt requested, or by any reliable commercial delivery service that provides written verification of delivery.”
Id. § 22.5(b)(1)(i).
16. “Service of the complaint is complete when the return receipt is signed.” *Id.* §22.7(c).
17. “*Person* includes any individual, partnership, association, corporation, and any trustee, assignee, receiver or legal successor thereof; any organized group of persons whether incorporated or not” *Id.* § 22.3(a).
18. The Consolidated Rules contemplate that “a corporation may designate under Federal or State law either an individual or an entity such as a corporation as its agent for service of process.” *In re Peace Indus. Group (USA) Inc.*, CAA Appeal No. 16-01, 2016 EPA App. LEXIS 56 at *34 (EAB Dec. 22, 2016) (Final Decision). Thus, Complainant “may serve a corporation by sending the complaint . . . to the respondent's agent for service of process, typically by mailing it to the address of record designated for that purpose.” *Id.* at 35 (citing *In re Jonway Motorcycle (USA) Co., Ltd.*, CAA Appeal No. 14-03, at 8 n.13, 2014 EPA App. LEXIS 45 (EAB Nov. 14, 2014) (Default Order and Final Decision)).

19. “[I]n serving a corporation, if EPA properly addresses and mails the complaint by certified mail, and an individual at that address signs the return receipt, service is complete.” *Id.* at 40.
20. “Proof of service of the complaint must be made by affidavit of the person making personal service, or by properly executed receipt.” 40 C.F.R § 22.5(b)(1)(iii).
21. Spartan is a limited liability company incorporated in the State of North Carolina and is registered with the North Carolina Department of the Secretary of State (“N.C. Secretary of State”) as an entity whose status is “current-active.”¹ Matthew Geouge is listed as the registered agent, manager and member of Spartan. App.2.
22. Under North Carolina law each limited liability company authorized to transact business in the State must (in pertinent part) continuously maintain in the State a registered office that may be the same as any of its places of business, as well as a registered agent whose business office is identical with the registered office. N.C. Gen. Stat. § 55D-30(a)(1)-(a)(2) (2015).
23. According to the N.C. Secretary of State records, Spartan’s registered agent is Matthew Geouge and its principal office, as well as its registered mailing address, is 518 South Allen Rd., Flat Rock, NC 28731-9447. App. 2.
24. Service of process required or permitted by law to be served on an entity may be served on the registered agent. N.C. Gen. Stat. § 55D-33.

¹After service of the Complaint, the N.C. Secretary of State marked Spartan’s “Annual Report Status” as “ADM” [Administrative Dissolution] pending.” The most recent ADM notice was filed by the N.C. Secretary of State on November 16, 2017. Previous such notices were also filed by the N.C. Secretary of State on October 29, 2014, and October 29, 2015. All such notices, including the most recent one, were addressed to “Spartan Diesel Technologies, LLC, Matthew Geouge, 518 South Allen Rd, Flat Rock, NC 28731-9447.”

25. On October 19, 2017, Complainant sent the Complaint in this matter, a copy of the Consolidated Rules, and a notice of opportunity to request a hearing and the consequences of failure to file an answer, to Matthew Geouge at the address for Spartan's registered office via United Parcel Service ("UPS") with tracking number 1ZA43F82A292471530. App. 3, 5-6. UPS redirected this package noting "The street number is incorrect . . . The address was corrected." App. 7-8 at 8. The package was redirected to "Matthew Geouge, Spartan Diesel Technologies, 107 Education Dr., Flat Rock, NC 28731" and it was accepted and the receipt was signed at that location by "Lee" on October 24, 2017. App. 9-10.
26. Under North Carolina law "The management of an LLC and its business is vested in the managers." N.C. Gen. Stat. § 57D-3-20.
27. According to the N.C. Secretary of State records, Spartan's manager is Matthew Geouge and the manager's address is 578 Upward Rd Suite 7, Flat Rock, NC 28731. App. 2.
28. On October 19, 2017, Complainant sent the Complaint in this matter, a copy of the Consolidated Rules, and a notice of opportunity to request a hearing and the consequences of failure to file an answer, to Matthew Geouge² at the address for Spartan's manager via UPS with tracking number 1ZA43F82A290190927. App. 3-4, 11. UPS redirected this package noting "The receiver has moved . . . The address was corrected." App. 12-13 at 13. The package was redirected to "Matthew George, Spartan Diesel Technologies, 107 Education Dr., Flat Rock, NC 28731" and it was accepted and the receipt was signed at that location by "Lee" on October 24, 2017. App. 15-16.

² The address contained a typographic error and was addressed to Matthew "George" instead of Matthew "Geouge."

29. Under North Carolina law “All members by virtue of their status as members are managers of [an] LLC.” N.C. Gen. Stat. § 57D-3-20(d).
30. According to the N.C. Secretary of State records, Spartan’s member is Matthew Geouge and the member’s address is 328 Trenholm Road, Hendersonville, NC 28739. App. 2.
31. On October 19, 2017, Complainant sent the Complaint in this matter, a copy of the Consolidated Rules, and a notice of opportunity to request a hearing and the consequences of failure to file an answer, to Matthew Geouge at the address for Spartan’s member via UPS with tracking number 1ZA43F82A293578709. App. 3-4. The package was accepted at this address, listed by UPS as “residence”, and the receipt was signed by “Dona” on October 20, 2017. App. 17-18. The image of the surname of the signature is somewhat indistinct but appears to Complainant to be “Geoug” (sic) or “Geog.” (sic). App. 17.
32. Under North Carolina State Law, an LLC is managed by its managers (N.C. Gen. Stat. §§ 57D-3-20); all members of the LLC are managers (*Id.* §§ 57D-3-20(d)); and a registered agent is authorized to receive service of process (N.C. Gen. Stat. §§ 55D-33.).
33. N.C. Secretary of State records lists Matthew Geouge as the registered agent, manager, and member of Spartan. App. 2.
34. Under the Consolidated Rules, a complainant shall serve a complaint on “a managing or general agent, or any other person authorized by appointment or by Federal or State law to receive service of process.” 40 C.F.R. § 22.5(b)(1)(ii)(A).
35. On October 19, 2017, Complainant sent a copy of the signed original of the Complaint, together with a copy of the Consolidated Rules, and a notice of the opportunity to request a hearing and the consequences of failure to file an answer, to Matthew Geouge at each of the three addresses on record with the N.C. Secretary of State for registered agent,

manager and member of Spartan. App. 3-6, 11, 17. The packages were sent via UPS, a reliable commercial delivery service, in accordance with 40 C.F.R. § 22.5(b)(1)(i).³ App. 3-18.

36. The package addressed to Matthew Geouge's official member address (328 Trenholm Road, Hendersonville, NC 28739) was delivered and signed for at that address on October 20, 2017, thus completing proper service. App. 17-18.
37. For the package addressed to Matthew Geouge's registered agent address (518 South Allen Rd., Flat Rock, NC 28731-9447) UPS noted "[t]he street number is incorrect . . . The address was corrected." App. 7-8. For the package addressed to Matthew Geouge's manger address (578 Upward Rd Suite 7, Flat Rock, NC 28731) UPS noted "[t]he receiver has moved . . . The address was corrected." App. 12-13. Both addresses were corrected by UPS to "107 Education Dr., Flat Rock, NC 28731" and were delivered and signed for at this corrected address on October 24, 2017. App. 9-10, 15-16.
38. Consequently, service of the complaint was complete on October 20, 2017, and no later than October 24, 2017. 40 C.F.R. § 22.7(c); see *Peace Indus. Group*, at *43 (service complete when an individual at registered address signs for delivery of complaint). Proof of service was made by filing of the properly executed receipts with the Court on October 23, 2017 (one receipt) and on October 26, 2017 (two receipts).

³ Although not required, Complainant requested that delivery at each address be restricted to an adult.

Factual Background: The EPA's Vehicle Certification Program, and the Defeat Device Prohibition

39. The EPA administers Title II of the Clean Air Act (CAA), 42 U.S.C. §§ 7521 – 7590, in part, by running a motor vehicle certification program. This program is designed to ensure that every motor vehicle sold, offered for sale, introduced into commerce, delivered for introduction into commerce, or imported into the United States meets emission standards for oxides of nitrogen, particulate matter, carbon monoxide, hydrocarbons, and other pollutants, and has a design that has been approved by the EPA.
40. The EPA approves vehicles by issuing certificates of conformity (“COCs”). 40 C.F.R. § 86.007-30.
41. To obtain a COC, a manufacturer must submit a COC application to the EPA for each motor vehicle *engine family* that it intends to manufacture for introduction into United States commerce. *Id.* §§ 86.094-21, 86.096-21, 86.004-21, 86.007-21.
42. An *engine family* is a group of vehicles of a single model year (often a subset of a manufacturer’s production for a model year) that are expected to have similar emission characteristics throughout their useful life. *Id.* § 86.1827-01. COC applicants certify their vehicles according to their engine family, and the EPA generally makes any subsequent compliance determinations on the basis of engine family. Each EPA COC covers one and only one engine family.
43. The COC application must include, among other things, identification of the covered engine family, a description of the motor vehicles and their emission control systems, and test results from a prototype emissions data vehicle showing that the vehicle satisfies the

emission standards in 40 C.F.R. § 86.004-11, and On Board Diagnostic standards in 40 C.F.R. § 86.007-17.

44. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(2)(B), includes a prohibition “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.”

Default has Occurred in this Matter

45. As detailed in this section, default has occurred based on Spartan’s failure to file an answer to the Complaint.
46. The Complaint in this case alleges that Spartan manufactured, sold, offered to sell, or install (or caused the foregoing) at least 5,000 Spartan Phalanx Flash Consoles (Subject Components) and that the Subject Components constitute prohibited defeat devices under section 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) or (B), resulting in one or more separate violations per Subject Component. Complaint ¶¶ 37-52. The Subject Components are designed, marketed, and sold to remove or modify critical emission control elements of design from Ford diesel trucks. The Subject Components reprogram trucks’ engines to operate differently, and allow for complete physical removal of filters and catalysts, all of which Ford designed and installed in order to comply with the CAA.

47. “Where respondent: Contests any material facts upon which the complaint is based; contends that [a] penalty . . . is inappropriate . . . or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the complaint with the [Hearing Clerk] within 30 days after service of the complaint.”
Id. § 22.15(a).

48. The Consolidated Rules authorize a default order in 40 C.F.R. § 22.17. Section 22.17 reads, in pertinent part, as follows:

a. “A party may be found to be in default: after motion, upon failure to file a timely answer to the complaint . . . Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations.” *Id.* § 22.17(a).

b. “A motion for default may seek resolution of all or part of the proceeding. Where the motion requests the assessment of a penalty or the imposition of other relief against a defaulting party, the movant must specify the penalty or other relief sought and state the legal and factual grounds for the relief requested.”
Id. § 22.17(b).

c. “When the Presiding Officer finds that default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued . . . If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision under these Consolidated Rules of Practice . . . The relief proposed in the complaint or the motion for default

shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act.” *Id.* § 22.17(c).

- d. “Any penalty assessed in the default order shall become due and payable by respondent without further proceedings 30 days after the default order becomes final under § 22.27(c).” *Id.* § 22.17(d).

- 49. Complainant commenced this penalty assessment proceeding in accordance with 40 C.F.R. §§ 22.3, 22.13(a), and 22.14, when it filed the Complaint with the Hearing Clerk on October 19, 2017.
- 50. Service of the complaint was complete on October 20, 2017, and no later than October 24, 2017. 40 C.F.R. § 22.7(c); *Peace Indus. Group*, at *43. Proof of service was made by filing of the properly executed receipts with the Court on October 23, 2017 (one receipt) and on October 26, 2017 (two receipts).
- 51. Spartan has not filed an answer to the Complaint as of the date of this Motion and Complainant has not received one. The answer was due 30 days after service of the Complaint. 40 C.F.R. § 22.15(a). Here, service was completed on October 20, 2017 and again on October 24, 2017. Consequently, any answer was due no later than November 27, 2017.
- 52. The facts above provide the Presiding Officer with an ample basis to find that default has occurred based on Spartan’s failure to file a timely answer to the Complaint. 40 C.F.R. § 22.17(a). Complainant therefore moves the Presiding Officer to find that default has occurred, and consequently issue a default order akin to the Proposed Order at the close of this Motion.

Request for a Civil Penalty

53. “Where the motion [for a default order] requests the assessment of a penalty or the imposition of other relief against a defaulting party, the movant must specify the penalty or other relief sought and state the legal and factual grounds for the relief requested.”
40 C.F.R. § 22.17(b).
54. The Consolidated Rules authorize assessment of a penalty in the event of a default. § 22.27(b). Section 22.27(b) reads, in pertinent part, “If the respondent has defaulted, the Presiding Officer shall not assess a penalty greater than that proposed in the . . . motion for default”
55. “The relief proposed in the complaint or the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act.”
Id. § 22.17(c).
56. This Motion specifies the penalties sought and the legal and factual grounds for these penalties. *Id.* § 22.17(b). The requested relief is consistent with the record of this proceeding and the CAA, so the Presiding Officer shall order the relief requested.
Id. § 22.17(c). Issuance of the Default Order requested here would resolve all outstanding issues and claims in this proceeding, and would therefore constitute an initial decision. *Id.* The penalties assessed by this initial decision would become due and payable by Respondents without further proceedings 30 days after such decision becomes a final order under 40 C.F.R. §§ 22.27(c), 22.17(c) and (d).

57. Here, Complainant's requested relief, based on the information available as of the date of this filing,⁴ is a civil penalty of \$4,154,805. The remainder of this section states the legal and factual grounds for this request.

Legal Grounds for the Requested Civil Penalty

58. In determining civil penalties, the CAA requires that the EPA consider "the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this subchapter, action taken to remedy the violation, the effect of the penalty on the violator's ability to continue in business, and such other matters as justice may require." CAA § 205(c)(2), 42 U.S.C. § 7524(c)(2).

59. Complainant uses a penalty policy that incorporates these statutory factors and is used to calculate civil penalties for specific cases. Clean Air Act Mobile Source Civil Penalty Policy – Vehicle and Engine Certification Requirements (Jan. 16, 2009) ("Penalty Policy"), *available at* http://www2.epa.gov/sites/production/files/documents/vehicleengine-penalty-policy_0.pdf (last visited February 6, 2018).

60. The Penalty Policy applies to violations of Title II of the CAA, including violations of the prohibition against defeat devices. Penalty Policy at 1, 2.

61. The Penalty Policy calculates civil penalties as follows. First, the Penalty Policy requires the calculation of the *preliminary deterrence amount*. This is the sum of the *economic benefit* and the *gravity*. Second, the Penalty Policy requires the calculation of the *initial*

⁴ Complainant has been unable to obtain financial information or other documentation addressing Respondent's ability to pay a penalty from Spartan. *See* Affidavit of David E. Alexander, App. 39-41.

penalty target figure. This figure is the preliminary deterrence amount, but with the gravity component adjusted to reflect the violator's degree of willfulness or negligence, degree of cooperation or non-cooperation, and history of noncompliance. Finally, the initial penalty target figure can be adjusted to account for unique factors, and such adjustments yield the *adjusted penalty target figure*.

62. In cases involving uncertified vehicles or engines, the economic benefit component reflects the benefit from delayed cost or avoided cost of compliance and is often calculated using a "Rule of Thumb" estimate. Penalty Policy at 2-8. However, in cases involving the sale of emission control defeat devices, a more appropriate calculation of economic benefit, referred to as "beyond BEN benefit" or BBB, reflects the benefits to a violator "from business transactions that would not have occurred but for the illegal conduct" Penalty Policy at 7. In such cases the economic benefit is based on the net profits made from the improper transactions, i.e., the profits from the sale of illegal devices. *Id.* at 7.
63. To determine the gravity component, a base gravity figure is calculated according to horsepower, then multiplied to reflect egregiousness (using a factor of 1 for minor violations, 3.25 for moderate violations, or 6.5 for major violations), further increased by 0 – 30% for failure to remediate, scaled down according to the number of vehicles, and adjusted to reflect business size. *Id.* at 11-15.
64. As stated above, the CAA also requires EPA to consider "the effect of the penalty on the violator's ability to continue in business." CAA §205(c)(2); 42 U.S.C. § 7524(c)(2). This statutory factor is often referred to as a violator's "ability to pay." Penalty Policy at 27. EPA has the burden of proof to show that it considered each of the CAA statutory factors. Penalty Policy at 27, n. 13 (citing *In re New Waterbury Ltd.* 5 E.A.D. 529 (EAB 1994));

see also, Environmental Protection Agency Guidance on Evaluating a Violator's Ability to Pay a Civil Penalty in an Administrative Enforcement Action (Jun. 29, 2015) ("ATP Policy") at 2-3 (citing *In re New Waterbury Ltd.*, 5 E.A.D. at 538) available at <https://www.epa.gov/sites/production/files/2015-06/documents/atp-penalty-evaluate-2015.pdf> (last visited February 6, 2018). EPA does not need to introduce specific evidence as part of its prima facie case to show that a respondent has the ability to pay a penalty. ATP Policy at 3 (quoting *In re New Waterbury Ltd.*). Rather, the EPA must show that it considered each statutory factor and that the recommended penalty is supported by its analysis of those factors. *In re New Waterbury*, 5 E.A.D. at 538. Furthermore, where the EPA has limited information about the respondent's financial condition when the complaint is filed, "a respondent's ability to pay may be presumed until it is put at issue by a respondent." ATP Policy at 3-4 (quoting *In re New Waterbury Ltd.*, 5 E.A.D. at 541).

65. For purposes of this Motion, the facts alleged in the Complaint are deemed to be admitted because default has occurred. 40 C.F.R. § 22.17(a). Based upon Spartan's response to an EPA information request, the Complaint alleges that Spartan manufactured, sold, offered to sell or installed at least 5,000 Spartan Phalanx Flash Consoles ("Subject Components") that disable, defeat or render inoperative devices or elements of design installed on or in Ford diesel model F250, 350, 450, and 550 pick-up trucks, which devices or elements of design were installed in compliance with Title II of the CAA. Complaint ¶¶ 37-52. This subjects Spartan to a civil penalty of not more than \$3,750 for each Subject Component that Spartan sold or introduced into commerce. Complaint ¶ 43.

Factual Grounds for the Requested Civil Penalty

66. The requested civil penalty here is \$4,154,805. Below is a narrative description of how this amount was calculated.

Economic Benefit

67. The economic benefit in this matter is based on Spartan's estimated profit from sale of products similar to the Subject Components. Use of profit to estimate economic benefit is merited because sale of violative products would not have occurred but for the illegal conduct. Penalty Policy at 7. Complainant does not have information on Spartan's actual profits earned by the sale of the Subject Components. Therefore, Complainant is using the best estimate of profits currently available. Specifically, during Complainant's unsuccessful attempts to secure ability to pay documentation from Spartan (as described more fully in paragraph 77, below), Spartan asserted that a reasonable estimate of its profit was [REDACTED] of gross sales, [REDACTED] of gross sales, and [REDACTED] of gross sales for calendar years 2013, 2014 and 2015 respectively. App. 19. Thus, the total profit for all three years was [REDACTED], and the total gross sales for all three years was [REDACTED]. Using this profit estimate the Complainant calculated an average profit margin for these three years, in percent, as [REDACTED]. Complainant then applied this percentage profit to revenue information for the Subject Components obtained from Spartan's response to an EPA information request. Specifically, from January 2011 to April 2013 Spartan took in a total of [REDACTED] in revenue from selling [REDACTED] Subject Components. App. 20-26.⁵

⁵ The Subject Components are listed as "Console Tuner 6.4D"; "Console Tuner 6.7D (where "D" indicates "dealer" pricing); "Console Tuner (or "Tuner") 6.4R" (where "R" indicates "retail pricing"); "Console Tuner 6.7R"; and "Packages."

Applying the profit margin of [REDACTED] to the revenue of [REDACTED] yields an estimated profit of [REDACTED] for [REDACTED] Subject Components. However, since the Complaint alleges violations for only “at least 5,000” Subject Components (Complaint ¶ 43) this estimated profit was reduced to reflect profit from the sale of 5,000 Subject Components, as charged. This results in an estimate of [REDACTED] x 5,000/[REDACTED] = \$719,373 of profit.

68. The estimated profit is an average of \$144 per Subject Component. Complainant believes its estimated economic benefit is reasonable and conservative.

Gravity

69. The Penalty Policy indicates a gravity-based penalty of approximately \$3,123,120 for the Subject Components. The Penalty Policy’s gravity component reflects the actual or potential harm from the violations, and focuses on “whether the activity of the violator actually resulted in, or was likely to result in, the emission of a pollutant in violation of the standards specified for the particular vehicles or engines at issue.” Penalty Policy at 11. This amount is generally based on the vehicle or engine’s horsepower. In the case of violations of the defeat device prohibition, the gravity is calculated based on the vehicles or engines on which the defeat devices are installed or intended to be installed. Penalty Policy at 22. As alleged in the Complaint, the Spartan Phalanx Flash Consoles (i.e., the Subject Components) were designed and marketed for use with model year 2008 through 2012 Ford diesel model F250, F350, F450 and F550 trucks. Complaint ¶ 39. The affected vehicles’ horsepower ratings range from 350 to 400 horsepower. App. 27-28.
70. The first step in calculating the gravity portion of the civil penalty is to calculate the base per-vehicle penalty using Table 1 of the Penalty Policy. Here, using a conservative

estimate of a 350 horsepower vehicle (e.g., base power of the 2008 and newer model year Ford F250 diesel truck series) results in a base per-vehicle penalty of \$3,850.⁶

HP	\$/HP	Total
First 10 HP	\$80	\$800
Second 90 HP	\$20	\$1,800
Next 250 HP	\$5	\$1,250
	Base Per-Vehicle Penalty	\$3,850

71. The base per-vehicle penalty is then adjusted to reflect the egregiousness of the violations. As alleged in the Complaint, testing of a Ford diesel truck with a Subject Component installed in accordance with Spartan’s instructions and operating in “race mode” caused emission of oxides of nitrogen (“NOx”) to increase over 30,000 percent (300-fold), emissions of non-methane hydrocarbons (“NMHCs”) to increase over 100,000 percent (1,000-fold), and emissions of particulate matter (“PM”) to increase over 3,700 percent (37-fold). Complaint ¶ 48; App. 32-38 at 38. Thus, a 6.5-fold increase to the base per-vehicle amount for “major” violations is appropriate given the massive potential excess emissions EPA has documented. This results in a base per-vehicle amount adjusted for gravity of $\$3,850 \times 6.5 = \$25,025$.

⁶ Since the actual original equipment manufacturer horsepower ratings of some of the affected vehicles is up to 14% higher than that used in Complainant’s calculation (i.e. 400 horsepower) (App. 27), and because Spartan’s Subject Components are designed to increase horsepower of the affected vehicles by up to 50% (i.e. an increase of up to 175 horsepower) (App. 30-31), Complainant is being conservative in calculating the gravity component.

72. The adjusted base per-vehicle gravity is then scaled to reflect the total number of affected vehicles using Table 3 of the Penalty Policy in order to obtain the multiple vehicle/engine gravity amount. Penalty Policy at 17.

Number of Vehicles	Scaling Factor	Adjusted Per Vehicle Gravity	Total
10	1	\$25,025	\$250,250
90	0.2	\$25,025	\$450,450
900	0.04	\$25,025	\$900,900
4,000	0.008	\$25,025	\$800,800
		Total	\$2,402,400

73. The multiple vehicle/engine gravity amount is then increased to reflect the lack of any remediation of the violations. Penalty Policy at 20. Here Spartan's failure to recall products and mitigate excess emissions in any way justifies a 30% increase resulting in an adjusted gravity amount of $1.30 \times \$2,402,400 = \$3,123,120$.

74. Next, the Penalty Policy calls for an upward adjustment to the gravity penalty component to reflect a company's size. Penalty Policy at 20. Company size is typically calculated based on a company's net worth or net assets. *Id.* As discussed in paragraph 77 below, Complainant lacks this type of information and thus did not make any upward adjustments for business size.

75. Based on the foregoing, the total preliminary deterrence amount here (i.e., the sum of the economic benefit and the fully adjusted gravity component described above) is $\$719,373 + \$3,123,120 = \$3,842,493$.

76. Under the Penalty Policy, the preliminary deterrence amount is further adjusted to account for willfulness and/or negligence, degree of cooperation/non-cooperation, and history of noncompliance to yield the “initial penalty target figure.” Penalty Policy at 23-26. In this case, we increased the gravity portion of the penalty (i.e. \$3,123,120) by 10% to reflect Spartan’s lack of cooperation in providing relevant financial information, discrepancies regarding the ceasing of operations and discontinuation of its business (as discussed in paragraph 77 below), and Spartan’s failure to answer the Complaint. This 10% upward adjustment results in an initial penalty target figure of $\$3,842,493 + \$312,312 = \$4,154,805$. Complainant made no further adjustments for willfulness/negligence or history of noncompliance.

77. Finally, Complainant has requested that Spartan provide evidence pertinent to any claim of limited ability to pay a penalty many times since commencing negotiations with the company. The attached affidavit of David E. Alexander documents that Complainant solicited probative evidence of ability to pay numerous times over the course of more than 15 months. App. 39-54. Spartan has not provided any of the requested documentation. The only information Complainant has are two conclusory statements made by successive Spartan counsel. The first such statement relayed an estimate that Spartan made a profit of ██████████ over 3 years, and stated the estimate was “pending the delivery of more formal documentation (i.e., tax returns).” App. 45. However, no formal documentation of any kind has been submitted to Complainant to date. The second statement made by Spartan’s most recent counsel, prior to his ceasing representation of Spartan, asserted that Spartan “has ceased to exist as an entity . . . [and] the company ceas[ed] operations when they received [EPA’s] notice of violation . . . If the goal of the EPA was to shutter the business,

that goal has been met.” App. 49, 51. But no formal documentation was submitted to Complainant in support of this assertion. Complainant obtained a Dunn and Bradstreet financial report which shows that Spartan ceased reliably paying debts in August of 2017. App. 55-70 at 56 (top), 59, 60, 61 (top), 69 (bottom).

78. Complaint is required to “. . . take into account the . . . effect of the penalty on the violator’s ability to continue in business.” CAA §§205(a), 205(b), 42 U.S.C. §§ 7524(a), 7524(b). Given Spartan’s assertion that it has already ceased business, Spartan itself suggests that the penalty awarded in this case will not affect its ability to continue in business. In addition, the Penalty Policy provides that “a company found in violation of the defeat device prohibition should not receive a reduced penalty to stay in business if the company intends to continue selling defeat devices.” Penalty Policy at 27.
79. Complainant is aware that multiple sources suggest Spartan and/or its principal, Matthew Geouge, has merely changed the name under which the same business is being conducted. Specifically, a press release dated January 24, 2017 from the www.dieselops.com website indicates that “Patriot Diagnostics has acquired Spartan Diesel Technologies.” App. 71. Furthermore, a review of product websites for Spartan’s retailers, such as DieselOps and Rudy’s Performance, show that Patriot Diagnostics (or Patriot) is now offering “Phalanx Console Tuners.” App. 71-72 (DieselOps); App. 73-76 at 74 and 76 (Rudy’s Performance). These products appear to be a direct continuation of Spartan’s Phalanx Flash Consoles. Patriot Diagnostics is even listed on Yellowpages.com (App. 77) as being located at the same residential address (App.17) as Spartan Diesel Technologies, LLC’s member, Matthew Geouge’s, address. App. 2. Given the lack of financial information Spartan has made available despite numerous requests by Complainant, and the lack of

information on the legal and financial relationship with Patriot Diagnostics, Complainant believes it has met its duty to consider ability to pay and that no adjustment for ability to pay is warranted. Complainant respectfully asserts that the burden of proving limited ability to pay has shifted to Spartan and to date Spartan has not attempted to meet its burden.

80. Therefore, as detailed in this section, by this Motion, Complainant requests that the Presiding Officer issue a default order requiring: Respondent pay a civil penalty of \$4,154,805. This amount is consistent with the record of the proceeding and the Act. 40 C.F.R. § 22.17(c). Accordingly, the Consolidated Rules direct that the Presiding Officer order this requested relief. *Id.*

Respectfully Submitted,



David E. Alexander, Attorney-Advisor
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance

1200 Pennsylvania Ave., N.W.
William J. Clinton Federal Building
Room 1111B, Mailcode 2242A
Washington, DC 20460
(202) 564-2109
Alexander.David@epa.gov

David Alexander is authorized to receive service relating to this proceeding.

2/9/18
Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:

SPARTAN DIESEL TECHNOLOGIES,
LLC,

Respondent.

Docket No.
CAA-HQ-2017-8362

ORDER

Pursuant to sections 203, 205, and 213 of the Clean Air Act, 42 U.S.C. §§ 7522, 7524, 7547, and the Consolidated Rules at 40 C.F.R. §§ 22.17 and 22.27:

1. Complainant's Motion for a Default Order is hereby GRANTED.
2. Respondent Spartan Diesel Technologies, LLC is ordered to pay a civil penalty in the amount of \$4,154,805 in the manner directed below.
3. This Order constitutes an Initial Decision as provided in 40 C.F.R. §§ 22.17(c) and 22.27(a). This Initial Decision shall become a Final Order 30 days after its service upon the Complainant and Respondent unless a party appeals or moves to set aside this Initial Decision, or unless the Environmental Appeals Board elects to review this Initial Decision on its own initiative.
4. Within 30 days after this Order becomes final, Respondent shall pay the above-stated civil penalty as follows: use any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/makepayment>; identify each and every payment with "Docket No. CAA-HQ-2017-8362"; and, within 24 hours of payment, send proof of payment ("proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with "Docket No. CAA-HQ-2017-8362") to both the EPA Office of Administrative Law Judges and the Complainant, as follows:
 - a. The EPA Office of Administrative Law Judges: If by USPS (except Express Mail), send to:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

If by any other carrier or hand-delivery, deliver to:

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave., N.W.
Washington, DC 20460

b. Complainant: If by USPS (except Express Mail), send to:

David E. Alexander
U.S. EPA, Air Enforcement Division
1200 Pennsylvania Ave., N.W.
Mailcode 2242A
Washington, DC 20460

If by any other carrier or hand-delivery, deliver to:

David E. Alexander
U.S. EPA, Air Enforcement Division
1200 Pennsylvania Ave., N.W.
William J. Clinton Federal Building South, Room 1111B
Washington, DC 20004

5. If Respondent fails to timely pay any portion of the penalty ordered, the 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, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

It is so ordered.

DATE

[Name]
[Title]

CERTIFICATE OF SERVICE

I certify that this day by hand delivery with the EPA Office of Administrative Law Judges at the address listed below, I filed two originals and two copies of the foregoing Motion for Default *In the Matter of Spartan Diesel Technologies, LLC*, with one original and one copy being redacted for public disclosure and one original and one copy being filed under seal,

U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave., N.W.
Washington, DC 20460

I certify that I sent by United States Postal Service Certified Mail one copy of the foregoing unredacted Motion for Default to each of the following addresses officially registered to Spartan Diesel Technologies, LLC (first 3 addresses) and to an additional address at which forwarded Spartan Diesel Technologies, LLC mailings have been accepted.

Matthew Geouge, Registered Agent
Spartan Diesel Technologies, LLC
518 South Allen Rd.
Flat Rock, NC 28731-9447 :

Matthew Geouge, Manager
Spartan Diesel Technologies, LLC
578 Upward Rd Suite 7
Flat Rock, NC 28731

Matthew Geouge, Member
Spartan Diesel Technologies, LLC
328 Trenholm Road
Hendersonville, NC 28739

Matthew Geouge, Manager and Registered Agent
Spartan Diesel Technologies
107 Education Dr., Flat Rock, NC 28731

2/9/18
Date



David E. Alexander, Attorney-Advisor
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance

1200 Pennsylvania Ave., N.W.
William J. Clinton Federal Building, South
Room 1111B Mailcode 2242A
Washington, DC 20460
(202) 564-2109
alexander.david@epa.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:

SPARTAN DIESEL TECHNOLOGIES,
LLC,

Respondent.

Docket No.
CAA-HQ-2017-8362

APPENDIX TO MOTION FOR A DEFAULT ORDER

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U.S. Department of Justice

Environment and Natural Resources Division

Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611

Tel: (202) 514-4084
karen.dworkin@usdoj.gov

March 6, 2017

Phillip A. Brooks, Director
Air Enforcement Division
Office of Enforcement and Compliance Assurance
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Request Pursuant to Section 205(c) of the Clean Air Act for a Waiver of the Penalty Limitation on EPA's Authority to Initiate Administrative Action against Spartan Diesel Technologies, LLC, DJ #90-5-2-1-11751

Dear Phill:

This is in response to your letter dated December 10, 2016, requesting a waiver to pursue administrative action against Spartan Diesel Technologies, LLC in connection with approximately 7500 "defeat devices"—software and hardware products—that Spartan manufactured, sold, offered to sell, or installed or caused to be installed on Ford HDDEs in violation of CAA Section 203(a)(3)(B), 42 U.S.C. §§ 7522(a)(3)(B), as discussed in your letter and its attachment. I concur with your request for a waiver pursuant to Section 205(c) of the Clean Air Act, 42 U.S.C. § 7524(c), concerning EPA's authority to assess administrative penalties, in order to pursue administrative action in this matter.

If you have any questions, please call me or Leslie Allen (202-514-4114).

Sincerely,

Karen S. Dworkin
Deputy Section Chief
Environmental Enforcement Section



Elaine F. Marshall
Secretary

North Carolina

DEPARTMENT OF REVENUE
SECRETARY OF STATE

PO Box 26622 Raleigh, NC 27622-0622 919-733-2119

Account
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Site
Account

Click Here To:

[View Document Filings](#) [File an Annual Report](#) [Amend a Previous Annual Report](#)
[Print a Pre-Populated Annual Report form](#)

Corporate Names

Legal: Spartan Diesel Technologies, LLC

Limited Liability Company Information

SosId: 1168828
Status: Current-Active
Annual Report Status: LLC 2017 DELINQUENT
Citizenship: Domestic
Date Formed: 9/28/2010
Fiscal Month: December
Registered Agent: Geouge, Matthew

Corporate Addresses

Mailing: 518 South Allen Rd
Flat Rock, NC 28731-9447
Principal Office: 518 South Allen Rd
Flat Rock, NC 28731-9447
Reg Office: 518 South Allen Rd
Flat Rock, NC 28731-9447
Reg Mailing: 518 South Allen Rd
Flat Rock, NC 28731-9447

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Manager: Matthew Geouge
578 Upward Rd Suite 7
Flat Rock NC 28731
Member: Matthew Geouge
328 Trenholm Road
Hendersonville NC 28739

Extremely Urgent

This envelope is for our fastest shipping service.

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UPS Worldwide Express[®]
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Have a problem? Call 1-800-4USPS (1-800-428-7277)
or visit us online at usps.com

Apply shipping labels to the back of the envelope.
Do not use any tape on the envelope.

177004 RT-C 270 LTR

5.01 LB 1 LTR 1 OF 1

SHIP TO:
MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088
FLAT ROCK NC 28731-9447

NC 287 4-08
UPS NEXT DAY AIR 1
TRACKING # 1Z A3 150 1500



SHIP FROM:
MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088

SHIP TO:
MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088

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2026-1007
SUNNY VALLEY, CA 94088
FLAT ROCK NC 28731-9447

NC 287 4-08
UPS NEXT DAY AIR 1
TRACKING # 1Z A3 150 1500



SHIP FROM:
MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088

SHIP TO:
MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088

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177004 RT-C 270 LTR

5.01 LB 1 LTR 1 OF 1

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FLAT ROCK NC 28731-9447

NC 287 4-01
UPS NEXT DAY AIR 1
TRACKING # 1Z A3 150 1500



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MATTHEW GEORGE
2026-1007
SUNNY VALLEY, CA 94088

Shipping fee for this item has been calculated based on the actual weight and dimensions of the item.

Shipping fee for this item has been calculated based on the actual weight and dimensions of the item.



Delivery Service Invoice
 Invoice Date **October 21, 2017**
 Invoice Number **0000A43F82427**
 Shipper Number **A43F82**

Page 3 of 4

**Outbound
 UPS Shipping Document**

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge
10/19	1Z'W0F7702210052563	Next Day Air Commercial	20004	102	10	40.33	-28.13	12.20
		Fuel Surcharge				2.42	-2.42	0.00
		Total				42.75	-30.55	12.20

Sender : JEFF KIMES
 EPA OECA
 WASHINGTON DC 20005

Receiver: ALEX SHERERTZ
 US DOJ ENV ENF SECT
 WASHINGTON DC 20004

Total UPS Shipping Document 1 Package(s) 42.75 30.55 12.20

UPS CampusShip

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge
10/18	1ZA43F82A293578709	Next Day Air Residential Letter	28739	104	Letter	33.71	-28.85	4.86
		Customer Weight Residential Surcharge				4.00	-3.21	0.79
		Adult Signature Required				5.50	-1.88	3.62
		Fuel Surcharge				2.26	-2.26	0.00
		Total				45.47	-35.20	10.27

UserID: mc2242a
 Sender : Tawanna Cathey
 EPA HQ
 1200 PENNSYLVANIA NW AVE
 WASHINGTON DC 20460

Receiver: Matthew George Memb
 Spartan Diesel Technologies
 328 Trenholm Road
 HENDERSONVILLE NC 28739

1ZA43F820197906476	Next Day Air Commercial	02109	107			64.64	-59.39	5.25
	Delivery Confirmation Signature Commercial					4.50	-4.50	0.00
	Fuel Surcharge					3.88	-3.88	0.00
	Total					73.02	-67.77	5.25

UserID: mc2242a
 Sender : Matthew Kryman
 EPA HQ
 1595 Wynkoop Street
 DENVER CO 80202

Receiver: Tanan Rivers
 EPA Region 1
 Post Office Square
 BOSTON MA 02109

10/18	1ZA43F82A290190927	Next Day Air Commercial Letter	28731	104	Letter	33.71	29.85	4.86
		Customer Weight Delivery Area Surcharge Extended				2.55	-0.40	2.15
		Adult Signature Required				3.50	-1.88	1.62
		Fuel Surcharge				2.16	-2.16	0.00
		Total				43.92	-33.31	10.61

UserID: mc2242a
 Sender : Tawanna Cathey
 EPA HQ
 1200 PENNSYLVANIA NW AVE
 WASHINGTON DC 20460

Receiver: Matthew George
 Spartan Diesel Technologies
 578 Upward Rd
 FLAT ROCK NC 28731



Delivery Service Invoice

Invoice Date **October 21, 2017**
Invoice Number **0000A43F82427**
Shipper Number **A43F82**

Outbound

UPS CampusShip (continued)

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Blended Charge
10/19	1ZA43F82A292471530	Next Day Air Commercial Letter	28731	104	Letter	23.71	128.85	149.56
		Customer Weight:						
		Delivery Area Surcharge - Extended				2.55	0.00	2.55
		Adult Signature Required				0.00	0.00	0.00
		Fuel Surcharge				2.19	2.16	4.35
		Total				43.94	130.91	174.85

UserID: mc2242a

Sender: Tawanna Cathers
EPA HQ
1200 PENNSYLVANIA NW AVE
WASHINGTON DC 20460

Receiver: Matthew George
Soartan Diesel Technologies
315 South Aiken Road
FLAT ROCK NC 28731

Total for UserID: mc2242a						206.37	169.59	36.78
Total UPS CampusShip				4 Package(s)		206.37	169.59	36.78
Total Outbound				5 Package(s)		249.12	202.14	49.98

Alexander, David

From: UPS Quantum View <pkginfo@ups.com>
Sent: Friday, October 20, 2017 10:22 AM
To: Alexander, David
Subject: UPS Exception Notification, Tracking Number 1ZA43F82A292471530



The status of your package has changed.

Rescheduled Delivery Date: Monday, 11/5/2017

Exception Reason: The receiver was not available at the time of the first delivery attempt. A second attempt will be made.

Exception Resolution: Package not eligible for UPS Access Point delivery. Will attempt delivery at the original address.

At the request of David, the sender alerts you that the recipient is unavailable to receive the package.

Shipment Details

Tracking Number: 1ZA43F82A292471530
Ship To: 1234 Main St, Apt 100, New York, NY 10001
UPS Service: UPS NEXT DAY AIR
Number of Packages: 1
Package Weight: 5.00 LB
Exception Date: 10/20/2017
Exception Time: 10:25 AM

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From: [UPS Quantum View](#)
To: [Alexander David](#)
Subject: UPS Status Notification, Tracking Number 1ZA43F82A292471530
Date: Tuesday, October 24, 2017 2:39:40 PM



Please see below for package information and current transit status.

Delivery Date: Tuesday, 10/24/2017

UPS My Choice driver

Shipment Details

Tracking Detail

Tracking Number: [1ZA43F82A292471530](#)
Status: Delivered
Shipped To: FLAT ROCK, NC, US
UPS Service: UPS Next Day Air®
Weight: 5.0 lbs

Package Progress			
Location	Date	Local Time	Description
FLAT ROCK, NC, US	10/24/2017	10:10 AM	Delivered
Hendersonville, NC, United States	10/24/2017	09:17 AM	Out For Delivery Today
	10/24/2017	06:00 AM	Destination Scan
	10/24/2017	04:51 AM	Destination Scan
Hendersonville, NC, United States	10/23/2017	09:55 AM	The receiver was not available at the time of the second delivery attempt. A final attempt will be made.
	10/23/2017	09:13 AM	Out For Delivery Today

	10/23/2017	05:19 AM	Destination Scan
Hendersonville, NC, United States	10/20/2017	06:31 PM	The street number is incorrect. This may delay delivery. We're attempting to update the address / The address was corrected.
	10/20/2017	09:48 AM	The receiver was not available at the time of the first delivery attempt. A second attempt will be made
	10/20/2017	09:23 AM	Out For Delivery Today
	10/20/2017	08:09 AM	Destination Scan
	10/20/2017	08:00 AM	Arrival Scan
Greer, SC, United States	10/20/2017	06:53 AM	Departure Scan
Greenville, SC, United States	10/20/2017	05:30 AM	Arrival Scan
Raleigh, NC, United States	10/20/2017	04:33 AM	Departure Scan
	10/20/2017	03:50 AM	Arrival Scan
Louisville, KY, United States	10/20/2017	02:35 AM	Departure Scan
Louisville, KY, United States	10/19/2017	11:43 PM	Arrival Scan
Linthicum, MD, United States	10/19/2017	10:14 PM	Departure Scan
	10/19/2017	09:36 PM	Arrival Scan
Landover, MD, United States	10/19/2017	08:50 PM	Departure Scan
	10/19/2017	07:24 PM	Origin Scan
Landover, DC, United States	10/19/2017	04:20 PM	Pickup Scan
	10/19/2017	10:55 AM	The shipment has been dropped off and is now at The UPS Store®.
United States	10/19/2017	09:59 AM	Order Processed: Ready for UPS
Tracking results provided by UPS 10/24/2017 2:38 P.M. Eastern Time			

NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.



ATTN : DAVID ALEXANDER
PHONE : (202)564-2109

DELIVERY NOTIFICATION

INQUIRY FROM: EPA HQ
1200 PENNSYLVANIA AVE NW FLR 1
WASHINGTON DC 20460

SHIPMENT TO:	MATTHEW GEOUGE SPARTAN DIESEL TECHNOLOGIES, 107 EDUCATION DR FLAT ROCK NC 28731
Shipper Number.....	A43F82
Tracking Identification Number	1ZA43F82A292471530

According to our records 1 parcel was delivered on **10/24/17** at **10:10 A.M.**, and left at your **CUSTOMER'S FRONT DESK**. The shipment was received by **LEE** as follows:

SHIPPER NUMBER	PKG ID NO	PACKING NUMBER	ADDRESS	REMARKS
A43F82		1ZA43F82A292471530	107 EDUCATION DR FLAT ROCK NC	



Proof of Delivery

Close Window

Dear Customer,

This notice serves as proof of delivery for the shipment listed below

Tracking Number:	1ZA43FB2A292471530
Service:	UPS Next Day Air®
Special Instructions:	Adult Signature Required
Weight:	5.00 lbs
Shipped/Billed On:	10/19/2017
Delivered On:	10/24/2017 10:10 A.M.
Delivered To:	FLAT ROCK, NC, US
Received By:	LEE
Left At:	FRONT DESK

Thank you for giving us this opportunity to serve you

Sincerely,

UPS

Tracking results provided by UPS 01/30/2018 1:06 PM ET

Alexander, David

From: UPS Quantum View <pkginfo@ups.com>
Sent: Friday, October 20, 2017 10:22 AM
To: Alexander David
Subject: UPS Exception Notification. Tracking Number 1ZA43F82A290190927



The status of your package has changed.

Rescheduled Delivery Date: Monday, 10/23/2017

Exception Reason: The receiver was not available at the time of the first delivery attempt. A second attempt will be made.

Exception Resolution: Package not eligible for UPS Access Point delivery. Will be at least delivery at the original address.

At the request of David Alexander, the delivery address for this shipment has changed.

Shipment Details

Tracking Number:

Ship To: 225 (Box 1 M)
Suite 107
5427 ROCK, NC 28714
US

UPS Service: UPS NEXT DAY AIR

Number of Packages: 1

Package Weight: 5.00 LB

Exception Date: 10/20/2017

Exception Time: 10:22 AM

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From: [UPS Quantum View](#)
To: [Alexander, David](#)
Subject: UPS Status Notification, Tracking Number 1ZA43F82A290190927
Date: Tuesday, October 24, 2017 2:39:03 PM



Please see below for package information and current transit status.

Delivery Date: Tuesday, 10/24/2017

UPS My Choice driver

Shipment Details

Tracking Detail

Tracking Number: [1ZA43F82A290190927](#)
Status: Delivered
Shipped To: FLAT ROCK, NC, US
UPS Service: UPS Next Day Air®
Weight: 5.0 lbs

Package Progress			
Location	Date	Local Time	Description
FLAT ROCK, NC, US	10/24/2017	10:10 AM	Delivered
Hendersonville, NC, United States	10/24/2017	09:17 AM	Out For Delivery Today
	10/24/2017	06:00 AM	Destination Scan
	10/24/2017	04:51 AM	Destination Scan
Hendersonville, NC, United States	10/23/2017	09:55 AM	The receiver was not available at the time of the second delivery attempt. A final attempt will be made
	10/23/2017	09:13 AM	Out For Delivery Today

	10/23/2017	06:00 AM	Destination Scan
	10/23/2017	04:14 AM	Destination Scan
Hendersonville, NC, United States	10/20/2017	09:48 AM	The receiver was not available at the time of the first delivery attempt. A second attempt will be made.
	10/20/2017	09:23 AM	Out For Delivery Today
	10/20/2017	09:21 AM	Destination Scan
	10/20/2017	09:21 AM	The receiver has moved. We're attempting to obtain a new delivery address for this receiver. / The address was corrected.
	10/20/2017	09:11 AM	Out For Delivery Today
	10/20/2017	08:09 AM	Destination Scan
	10/20/2017	08:00 AM	Arrival Scan
Greer, SC, United States	10/20/2017	06:53 AM	Departure Scan
Greenville, SC, United States	10/20/2017	05:30 AM	Arrival Scan
Raleigh, NC, United States	10/20/2017	04:33 AM	Departure Scan
	10/20/2017	03:50 AM	Arrival Scan
Louisville, KY, United States	10/20/2017	02:35 AM	Departure Scan
Louisville, KY, United States	10/19/2017	11:43 PM	Arrival Scan
Linthicum, MD, United States	10/19/2017	10:14 PM	Departure Scan
	10/19/2017	09:36 PM	Arrival Scan
Landover, MD, United States	10/19/2017	08:50 PM	Departure Scan
	10/19/2017	07:24 PM	Origin Scan
Landover, DC, United States	10/19/2017	04:20 PM	Pickup Scan
	10/19/2017	10:55 AM	The shipment has been dropped off and is now at The UPS Store®.
United States	10/19/2017	08:47 AM	Order Processed: Ready for UPS

Tracking results provided by UPS.10/24/2017 2:37 P.M. Eastern Time

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ATTN : DAVID ALEXANDER
PHONE : (202)564-2109

DELIVERY NOTIFICATION

INQUIRY FROM: EPA HQ
1200 PENNSYLVANIA AVE NW FLR 1
WASHINGTON DC 20460

SHIPMENT TO:	MATTHEW GEORGE SPARTAN DIESEL TECHNOLOGIES 107 EDUCATION DR FLAT ROCK NC 28731
Shipper Number.....	A43F82
Tracking Identification Number...	1ZA43F82A290190927

According to our records 1 parcel was delivered on 10/24/17 at 10:10 A.M., and left at your CUSTOMER'S FRONT DESK. The shipment was received by LEE as follows:

SHIPPER NUMBER	PKG ID NO.	TRACKING NUMBER	ADDRESS (NO/STREET,CITY)	SIGNATURE
A43F82		1ZA43F82A290190927	107 EDUCATION DR FLAT ROCK	



Proof of Delivery

Close Window

Dear Customer,

This notice serves as proof of delivery for the shipment listed below

Tracking Number:	1ZA43FB7A290190927
Service:	UPS Next Day Air®
Special Instructions:	Adult Signature Required
Weight:	5.00 lbs
Shipped/Billed On:	10/19/2017
Delivered On:	10/24/2017 10:10 A.M.
Delivered To:	FIAT ROCK NC, US
Received By:	EE
Left At:	FRONT DESK

Thank you for giving us this opportunity to serve you

Sincerely,

UPS

Tracking results provided by UPS 01/30/2018 1:14 PM ET



ATTN : DAVID ALEXANDER
PHONE : (202)564-2109

DELIVERY NOTIFICATION

INQUIRY FROM: EPA HQ
EPA HQ
1200 PENNSYLVANIA AVE NW FLR 1
WASHINGTON DC 20460

SHIPMENT TO:	MATTHEW GEOUGE, MEMBER SPARTAN DIESEL TECHNOLOGIES, 328 TRENHOLM RD HENDERSONVILLE NC 28739
Shipper Number.....	A43F82
Tracking Identification Number...	1ZA43F82A293578709

According to our records 1 parcel was delivered on 10/20/17 at 9:40 A.M., and left at RESIDENTIAL. The shipment was received by DONA as follows:

SHIPPER NUMBER	PKG ID NO	TRACKING NUMBER	ADDRESS (NO/STREET,CITY)	SIGNATURE
A43F82		1ZA43F82A293578709	328 TRENHOLM RD HENDERSONVILLE	<i>Dona</i>

PZD1AMB:000A0000



Proof of Delivery

Close Window

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z445 80A2941 860
Service:	UPS Next Day Air
Special Instructions:	Adult signature required
Weight:	0.55kg
Shipped/Billed On:	12/18/2018
Delivered On:	01/30/2019 11:51 AM
Delivered To:	GEN PERSOUL, 1111 US
Received By:	GENA
Left At:	8500VTA

Thank you for giving us this opportunity to serve you.

Sincerely,

JPS

Tracking results provided by UPS on 1/30/2019 1:21 PM EST

Alexander, David

From: Rothman, Rick R. <rick.rothman@morganlewis.com>
Sent: Friday, September 16, 2016 3:53 PM
To: Alexander, David
Cc: Tenpas, Ronald J.
Subject: Spartan Diesel Communication
Attachments: Geouge Declaration 09 09 2016.pdf

Follow Up Flag: Follow up
Due By: Wednesday, September 28, 2016 6:00 PM
Flag Status: Flagged

David,

In furtherance of our discussions regarding a potential settlement of the issues EPA has identified and asserted associated with Spartan Diesel's sale of tuners, I am providing the attached declaration. The declaration provides information on Spartan Diesel and other Spartan entities in response to your request.

In addition, at your request, I am providing estimates of the net profits and gross sales (in dollars) for Spartan Diesel for the years 2013, 2014, and 2015, pending the delivery of more formal documentation (i.e. tax returns).

According to Spartan Diesel, a reasonable estimate of profit and gross sales for each year are as follows:



Please let me know if you have any questions. I would suggest that once you have an opportunity to review this information, that we schedule a call, or perhaps a meeting that my Washington D.C. partner, Ron Tenpas, could attend in person.

Thanks.

Rick R. Rothman

Morgan, Lewis & Bockius LLP
300 South Grand Avenue, Suite 2200 | Los Angeles, CA 90071-3132
Direct: +1.213.680.6590 | Main: +1.213.612.2500 | Fax: +1.213.680.6499
rick.rothman@morganlewis.com | www.morganlewis.com
Assistant: Pamela W. Holman | +1.213.680.6509 | pamela.holman@morganlewis.com

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Anne Wick, U.S. Environmental Protection Agency
June 13, 2013

Enclosure E

Sales by Item Summaries for 2011, 2012, and 2013

3:54 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies,LLC
Sales by Item Summary
January through December 2011

	Jan - Dec 11			
	Qty	Amount	% of Sales	Avg Price
Parts				
Dealer Pricing				
4" Exhaust 6.4-D				
AFE Delete Pipe-D				
AFE Delete Pipe 6.7 D				
AFE Full Exhaust 6.7 D				
Console Tuner 6.4-D				
Console Tuner 6.7 D				
Delete Pipe 6.4-D				
Total Dealer Pricing				

3:54 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies, LLC
Sales by Item Summary
January through December 2011

	Qty	Amount	% of Sales	Avg Price
Retail List				
4" Exhaust 6.4-R				
AFE Delete Pipe 6.7 R				
AFE Full Exhaust 6.7 R				
AFE Pipe 6.4-R				
Console Tuner 6.7 R				
Packages				
Tuner 6.4-R				
Total Retail List				
Total Parts				
TOTAL				

3:52 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies,LLC
Sales by Item Summary
January through December 2012

	Qty	Amount	Jan - Dec 12	% of Sales	Avg Price
Parts					
Dealer Pricing					
4" Exhaust 6.4-D					
AFE Delete Pipe-D					
AFE Delete Pipe 6.7 D					
AFE Full Exhaust 6.7 D					
Console Tuner 6.4-D					
Console Tuner 6.7 D					
Total Dealer Pricing					

3:52 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies,LLC
Sales by Item Summary
January through December 2012

Jan - Dec 12

	Qty	Amount	% of Sales	Avg Price
Retail List				
4" Exhaust 6.4-R				
AFE Delete Pipe 6.7 R				
AFE Full Exhaust 6.7 R				
AFE Pipe 6.4-R				
Console Tuner 6.7 R				
Packages				
Tuner 6.4-R				
Total Retail List				
Total Parts				
TOTAL				

3:51 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies,LLC
Sales by Item Summary
January through April 2013

	Qty	Amount	Jan - Apr 13	% of Sales	Avg Price
Parts					
Dealer Pricing					
4" Exhaust 6.4-D					
AFE Delete Pipe-D					
AFE Delete Pipe 6.7 D					
AFE Full Exhaust 6.7 D					
Console Tuner 6.4-D					
Console Tuner 6.7 D					
Total Dealer Pricing					

3:51 PM
06/11/13
Accrual Basis

Spartan Diesel Technologies, LLC
Sales by Item Summary
January through April 2013

	Jan - Apr 13			
	Qty	Amount	% of Sales	Avg Price
Retail List				
4" Exhaust 6.4-R				
AFE Delete Pipe 6.7 R				
AFE Full Exhaust 6.7 R				
AFE Pipe 6.4-R				
Console Tuner 6.7 R				
Tuner 6.4-R				
Total Retail List				
Total Parts				
TOTAL				



[6.7L POWER STROKE](#)

[6.4L POWER STROKE](#)

[6.0L POWER STROKE](#)

[7.3L POWER STROKE](#)

[3.0L POWER STROKE](#)

[SERVICE/REPAIR TECH](#)

POWER STROKE HORSEPOWER & TORQUE

POWER STROKE HP/TORQUE TIMELINE

Horsepower and torque for the 7.3L, 6.0L, 6.4L, and 6.7L Power Stroke diesel engines organized by model year. Timeline covers all years for the "Power Stroke" diesel engine family, beginning for the 1994 model year and continuing through present day.

RELATED TOPICS:

- [Power Stroke Comparison](#)
- [Power Stroke Buyers Guide](#)
- [Power Stroke Diesel FAQ](#)
- [7.3L Power Stroke Specs](#)
- [6.0L Power Stroke Specs](#)
- [6.4L Power Stroke Specs](#)
- [6.7L Power Stroke Specs](#)

Model Year	HP @ RPM	Torque (lb ft) @ RPM	Notes
1994	210 @ 3,000	425 @ 2,000	7.3L direct injection turbocharged 17.5:1 compressor
1995	210 @ 3,000	425 @ 2,000	CA trucks receive split shot injectors
1996	215 @ 3,000	450 @ 2,000	
1997	225 @ 3,000	450 @ 2,000	
1998	225 @ 3,000	450 @ 2,000	All 7.3L Power Strokes receive split shot injectors
1999	235 @ 2,700	500 @ 1,600	7.3L receives intercooler, larger injectors
2000	235 @ 2,700	500 @ 1,600	
2001	250 @ 2,600 (auto trans) 275 @ 2,800 (man trans)	505 @ 1,600 (auto trans) 525 @ 1,600 (man trans)	7.3L calibration increases horsepower and torque
2002	250 @ 2,600 (auto trans) 275 @ 2,800 (man trans)	505 @ 1,600 (auto trans) 525 @ 1,600 (man trans)	
2003 (7.3L)	250 @ 2,600 (auto trans) 275 @ 2,800 (man trans)	505 @ 1,600 (auto trans) 525 @ 1,600 (man trans)	Arrival of the 6.0L Power Stroke. Both 6.0L and 3L offered for 2003 model year
2003 (6.0L)	325 @ 3,300	560 @ 2,000	VGT FGR OHV 4v 6.0
2004	325 @ 3,300	550 @ 2,000	7.3L discontinued, no longer available
2005	325 @ 3,300	570 @ 2,000	6.0L Torque increases by 10 lb ft, horsepower remains at 325
2006	325 @ 3,300	570 @ 2,000	
2007	325 @ 3,300	570 @ 2,000	
2008 (6.4L)	350 @ 3,000	650 @ 2,000	Common rail, sequential turbocharged 6.4L introduced
2009	350 @ 3,000	650 @ 2,000	
2010	350 @ 3,000	650 @ 2,000	
2011 (6.7L)	390 @ 2,800 (original) 400 @ 2,800 (updated)	735 @ 1,600 (original) 800 @ 1,600 (updated)	Ford built 6.7L Power Stroke replaces International built 6.4L Power Stroke. Horsepower & torque upgraded in August/September
2012	400 @ 2,800	800 @ 1,600	
2013	400 @ 2,800	800 @ 1,600	
2014	400 @ 2,800	800 @ 1,600	
2015	440 @ 2,800	850 @ 1,600	2015 upgrades include a single turbocharger, revised injection pump and new injector design
2016	440 @ 2,800	850 @ 1,600	
2017	440 @ 2,800	925 @ 1,600	All aluminum bodied Super duty released with 925 lb ft of torque

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Anne Wick, U.S. Environmental Protection Agency
June 13, 2013

Enclosure B

Advertisements

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Introducing the Spartan Phalanx – Delivering the most powerful Diesel tuning thru the most advanced dashboard display.

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Powering the world's fastest Ford 6.4L trucks with full custom engine and transmission tuning

TUNING FOR:

- Towing
- Power
- Fuel Economy
- Drag Racing
- Sled Pulling
- Dyno Competition

POWER LEVELS

- 40HP
- 75HP
- 120HP
- 150HP
- 175HP

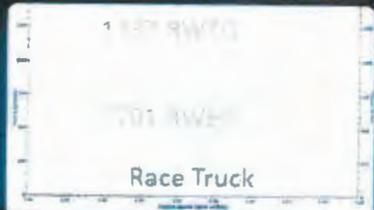
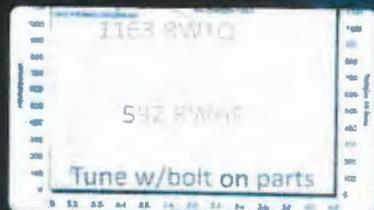


Monitor EGT, Boost, Fuel Economy, Power, and hundreds of OBD2 sensors.

Customize your own digital gauges, audio alerts, and perform advanced diagnostics

Enjoy MP3/Digital Video Player and optional GPS navigation

Flash tuning supports Ford 6.4L, 6.0L, 7.3L Diesel. Monitor works on all OBD2 vehicles.



Available at the following distributors (full dealer list available on website)

Street Diesel Performance
Connecticut
860-250-6082

Rudy's Performance Parts
North Carolina
866-757-6537

Coy's Diesel Specialties
Louisiana
225-505-9355

Dirty Diesel Customs
Canada
403-346-2282

App 030
App 030

SPARTAN

DIESEL TECHNOLOGIES

Flash Tune your new 6.7L Ford Diesel



Increase Power with new tunes

Save Fuel with economy tuning

Improve Towing with more torque

Harness the 6.7's Full Potential



Spartan is proud to be the first to offer engine and transmission tuning for your Ford 6.7L diesel. Whether you want to show your friends blistering power and torque, get better fuel economy, or just improve your new truck, we have the right solution for you.

Spartan Tuning is for Ford 6.7L, 6.4L, and 6.0L Diesels.

Available at the following distributors (full dealer list available on website)

Xtreme Diesel
Performance (XDP)
New Jersey
888-DIESEL4

River City
Diesel
Illinois
309-699-2488

Street Diesel
Performance
Connecticut
860-250-6082

Rudy's Diesel
Performance
North Carolina
866-757-6537

Rock and Roll
Offroad
Texas
877-765-8774

Rip It
Customs
Canada
780-449-3900

www.spartandieseltech.com

Investigation Summary Report

Spartan Diesel Technologies, Inc.

November 07, 2014

Submitted to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
William Jefferson Clinton Building, 1200 Pennsylvania Ave., NW.
Washington, DC 20004



Submitted by:

Eastern Research Group, Inc.
14555 Avion Parkway, Suite 200
Chantilly, VA 20151

EPA Contract No. EP-W-12-007
EPA WA-1-1

EXECUTIVE SUMMARY

In December 2013, a compliance inspection team comprised of staff from EPA and EPA's contractor, Eastern Research Group, Inc. (ERG) conducted emissions tests of the Spartan Diesel Technologies (Spartan) 6.7L Phalanx diesel engine tuner. This report summarizes EPA's investigation of the engine control module (ECM) tuner sold by Spartan which included conducting emissions testing with a Spartan tuner installed on a Ford F-350 test vehicle with a 6.7 Liter Ford Powerstroke turbo diesel engine. The test results confirm that the tuner alters the engine's operational design and increase regulated exhaust emissions of the vehicles on which they are installed. Further, the manufacturer of these tuners has not provided EPA any emissions test results demonstrating that these tuning devices do not adversely affect emissions.

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I. INTRODUCTION

A compliance inspection team comprising staff from EPA and EPA's contractor, ERG, investigated Spartan for manufacturing and selling potential defeat devices for on-highway engines. The investigation included purchasing one of Spartan's engine computer module (ECM) tuning devices, evaluating calibration modifications, installing tuner calibrations on a test vehicle using the tuner, and performing emissions testing. ERG and EPA traveled to Ford Motor Company (Ford) the week of 2 December 2013 to conduct emission testing on a Ford F-350 test vehicle. The purpose of this testing was to identify which engine controls are altered by each tuner and how use of these tuners, along with defeat devices designed to physically bypass the emission control devices, affect emissions of regulated pollutants.

EPA Representatives: Anne Wick, MSEB, EPA Headquarters
Anthony Miller, MSEB, EPA Headquarters
David Alexander, MSEB, EPA Headquarters

EPA Contractors: Brent Ruminski, ERG
Michael Sabisch, ERG
Alan Stanard, ERG
Andrew Loll, ERG

Ford Representatives: Mark Kobetis, Ford

This report is organized as follows:

- Section II provides the background on Spartan and the purpose of this investigation.
- Section III describes the Spartan 6.7L Phalanx tuner and Flo-Pro aftertreatment delete pipe purchased by ERG as evidence during this investigation.
- Section IV provides descriptions of the test vehicle and procedures followed during emission testing at Ford.
- Section V provides the results of emissions testing at Ford including OBD and live engine data evaluation results.
- Appendix A contains photographs taken during the investigation. Photographs are referenced in the report as Photograph [#].
- Appendix B contains a memorandum documenting ERG's purchase of the Spartan tuner referred to as the 6.7L Phalanx in this report.
- Appendix C contains communication with Spartan for activating the 6.7L Phalanx tuner.
- Appendix D is a memorandum summarizing Bosch's analysis of the 6.7L Phalanx emission equipment-present calibration modifications.
- Appendix E is a table containing a chronological order of emissions testing activities performed by ERG, EPA, and Ford.
- Appendix F contains emails documenting miscellaneous investigation information.

II. BACKGROUND

Spartan offers two different models of their ECM tuner for use with on-highway heavy-duty diesel engines. This includes the 6.7L Phalanx tuner designed for the 6.7 Liter Ford Powerstroke diesel engine found in Model Year 2010 and newer Ford F Series trucks. Spartan also offers the 6.4L Phalanx tuner

designed for the 6.4 Liter Powerstroke diesel engine found in Model Year 2008 through 2010 Ford F Series trucks. EPA focused this investigation on the 6.7L Phalanx tuner. Spartan advertises these devices to increase performance and fuel economy. To date, Spartan has not submitted any documentation to EPA of completed emissions testing demonstrating that these tuning devices do not adversely affect emissions.

For this investigation, EPA was primarily concerned with investigating the following:

- *Emissions equipment-present calibrations*: Determining what engine parameters these types of calibrations alter and if these alterations adversely affect emissions.
- *Emissions equipment-removed calibrations*: Determining if each tuner is able to render inoperative or bypass emission control devices such as exhaust gas recirculation (EGR), selective catalytic reduction (SCR), oxidation catalyst (OC), diesel particulate filter (DPF) and devices involved in engine control. This includes determining what engine parameters these types of calibrations alter and if these alterations adversely affect emissions. More specifically, this includes determining whether the tuners:
 - Disable or alter functions of the ECM and OBD to allow the engine to operate after the user physically removes the emission control devices (applies to OC, SCR, and DPF); and
 - Disable or alters functions of the ECM and OBD to defeat (i.e., electronically turn off) the EGR system without physically removing the EGR system.¹

III. PURCHASE OF ECM TUNER AND AFTERTREATMENT DELETE PIPE

ERG purchased a 6.7L Phalanx Spartan as a typical customer. Later, with the assistance of EPA and Ford, ERG performed emissions testing with this tuner on a test vehicle. See Sections IV and V for emissions testing procedures and results, respectively. ERG also acquired an aftertreatment delete pipe (i.e., straight pipe) to support the investigation. The following subsections include the information listed below.

- Section III.A documents ERG's purchase 6.7L Phalanx ECM tuner. This ECM tuner was later tested on a Ford F-350 with a 6.7 Liter Ford Powerstroke diesel engine the week of 2 December 2013.
- Section III.B documents ERG's purchase of a Flo-Pro aftertreatment delete pipe (i.e., straight pipe) used to test emissions equipment-removed calibrations on the Ford F-350.

Once received, ERG handled the tuners as evidence, completed chain-of-custody forms for each upon receipt, and properly maintained the documentation and evidence throughout the investigation.

A. 6.7L Phalanx

On 13 September 2013, ERG purchased the Spartan 6.7L Phalanx tuner through Rudy's Diesel Performance website.² The memorandum in Appendix B describes the purchasing process. Photograph [1] shows the Spartan tuner out of the box as received by ERG on 19 September 2013. Photographs [2] and [3] show the product description and the serial number as 018914130513Q. The Spartan company name and tuner model name (i.e., Phalanx) are not printed anywhere on the box, tuner, or instruction manual. The only company name observed on the product is Drew Technologies, Inc and the model name

¹ As determined by ERG during this investigation, this may or may not require the user to unplug wiring to the EGR valve depending on the tuner.

² More information on Rudy's Diesel Performance is available online at: www.rudysdiesel.com.

is the DashDAQ-XL. However, Spartan's website clearly names their tuners as the 6.4L Phalanx and 6.7L Phalanx.

At the time of purchase, the Spartan 6.7L Phalanx tuner ERG purchased was compatible with the Model Years 2011 and newer 6.7 Liter Ford Powerstroke diesel engine. The 6.7 Powerstroke is typically installed in Model Years 2011 and newer offered by Ford in their F-250 models and larger (e.g., F-350, F-450). A different version of the Spartan Phalanx was available that is compatible with the 6.4 Liter Powerstroke. The 6.4 Liter Powerstroke engine is typically installed on Model Years 2008 to 2010 Ford truck models F-250 and larger.³

B. Flo-Pro Aftertreatment Delete Pipe

ERG originally ordered a Flo-Pro aftertreatment delete pipe with the Part Number 857 NB for the Ford 6.7 Liter Ford Powerstroke from USA Performance Exhaust⁴ located in Butte, Montana. ERG purchased this delete pipe to evaluate the Spartan 6.7L Phalanx emission equipment-removed calibration on the test vehicle at Ford the week of 2 December 2013.

The aftertreatment delete pipe received the week of testing was Flo-Pro Part Number 837 NB, which is the Ford 6.4 Liter Powerstroke model, instead of Part Number 857 NB that ERG ordered on the website for the 6.7 Liter Ford Powerstroke model. Photograph [4] shows the box received from USA Performance. Photograph [5] shows the document received with the aftertreatment delete pipe verifying that it is the incorrect Part Number 837 NB. ERG also confirmed it was the incorrect part by measuring the full length of the aftertreatment delete pipe. It was approximately one foot shorter than the stock bolt-on aftertreatment system.

ERG researched local performance shops in the Detroit area that Flo-Pro lists as certified dealers and identified Wolf Diesel Performance located at 396555 Willow Road, New Boston, Michigan. ERG called Wolf Diesel Performance on 3 December 2013 and ordered a Part Number 857NB aftertreatment delete pipe with overnight shipping. ERG returned the incorrect aftertreatment delete pipe to USA Performance and later received a full refund from the company.

On 4 December 2013, ERG received a call from a Wolf Diesel Performance⁵ representative stating that the system arrived at their location. At that time, the representative requested that ERG pick up the system at Jimmy John's Gourmet Sandwiches located at 22211 West Road, Woodhaven, Michigan. When the contact met ERG and EPA in the parking lot, the contact was able to swipe a credit card for a payment of \$255 to a PNC business account and immediately emailed a receipt to ERG. The Wolf Diesel Performance representative noted that he wanted to meet at Jimmy John's because his family owns the restaurant and he had to begin a work shift. He also stated that he typically ships parts to his customers for future reference. ERG and EPA arrived back at Ford in the afternoon of 4 December 2013 with the Flo-Pro 857 NB aftertreatment delete pipe.

Photograph [6] shows the box containing the Flo-Pro aftertreatment delete pipe as received by Wolf Diesel Performance. Photograph [7] shows the Flo-Pro aftertreatment delete pipe out of the box. This is a two piece system and contains no bungs.⁶ The two main pipes have Part Numbers 31112NB and 31114NB. Photograph [8] shows that Wolf Diesel Performance's distributor is called Thunder Diesel

³ During the purchase process, there was some confusion on whether the tuner could be used on the 6.7 or 6.4 Liter Ford Powerstroke. The receipt ERG received indicated the tuner was for a 6.4 Liter. ERG called a sales representative at Spartan who indicated the desired tuner could be used on the 6.7 Liter. Upon receipt, ERG confirmed the tuner that was received could be used on the 6.7 Liter. The representative also indicated that the device could allow an EGR/DPF delete.

⁴ USA Performance Exhaust's website is: <http://www.usaperformanceexhaust.com/home>.

⁵ Wolf Diesel Performance does not have a website.

⁶ The bungs in the OEM exhaust pipe are threaded holes for sensors.

Table 10. LA4 Test Results for Model Year 2011 6.7 Liter Ford Powerstroke at Ford with the Spartan 6.7L Phalanx

Test Scenario	EO NOx		SO NOx		SO NMHC		EO CO		SO CO		PM		Fuel Economy	
	Result (g/mi)	% Diff ^a	Result (g/mi)	% Diff ^a	Result (g/mi)	% Diff ^a	Result (g/mi)	% Diff ^a	Result (g/mi)	% Diff ^a	Result (g/mi)	% Diff ^a	Result (mpg)	% Diff ^a
Baseline	1.036	--	0.0303	--	0.0005	--	5.384	--	0.0255	--	0.0017	--	13.16	--
Equip-Present ^b	1.087	5	0.0579	91	0.0005	0	5.035	-6	0.0269	5	0.0025	47	13.54	3
Equip-Removed ^c	-- ^d	-- ^d	10.5344	34,667	0.5678	113,460	-- ^d	-- ^d	3.3177	12,911	0.0649	3,718	14.58	11

EO – Engine out

SO – System Out (tailpipe)

Red – Large increase from baseline (based on engineering judgment)

Yellow – Potential increase from baseline (any increase)

a – Percent difference of the result compared to baseline (or stock OEM). Negative values represent decreases. Positive values represent increases

b –Emissions equipment-present calibration

c –Emissions equipment-removed calibration

d – No EO data was available when emission equipment was removed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:

SPARTAN DIESEL TECHNOLOGIES,
LLC,

Respondent.

Docket No.
CAA-HQ-2017-8362

Affidavit of David E. Alexander

I, David E. Alexander, declare as follows:

1. Since February 1998 I have served as an attorney-advisor in the Air Enforcement Division, Office of Civil Enforcement, United States Environmental Protection Agency (EPA).
2. I am an attorney in good standing admitted to practice law in the District of Columbia.
3. Since approximately calendar year 2014 I have served as the EPA attorney-advisor assigned to the investigation and enforcement activities in the above-captioned matter.
4. On August 5, 2015, EPA issued a Notice of Violation to Spartan Diesel Technologies, LLC (Spartan) for violations of section 203(a)(3) of the Clean Air Act, 42. U.S.C. § 7522(a)(3).
5. The penalties in EPA's recent settlements in cases involving violations of section 203(a)(3) of the Clean Air Act have often been limited by the violators' ability to pay. Consequently, during settlement negotiations in this matter, I made numerous requests for documentation pertinent to Spartan's ability to pay a penalty.

6. Before July 2016, I made several oral requests to Spartan's counsel that Spartan submit documentation of ability to pay a penalty.
7. On July 14, 2016, I followed up on my oral requests for financial information in an email to counsel and stated, in pertinent part, "We look forward to . . . receipt . . . of the past three filed tax returns . . ." App. 42.
8. I further followed up on my oral requests for financial information in another email to Spartan's counsel on July 27, 2016, and stated, in pertinent part, ". . . I hope the requested financial information for Spartan is not far behind." App. 43.
9. On September 2, 2016, I made another oral request for financial information to Spartan's counsel. I memorialized my oral request in a contemporaneous note to the case file. App. 44. That note to the file also memorializes Spartan's counsel's statements regarding the limited documentation that Spartan had available.¹
10. On September 16, 2016, Spartan's counsel responded by email to my September 2, 2016 request for information. Counsel's email contained estimates of Spartan's gross sales and profits for calendar years 2013, 2014 and 2015, and was stated to be "pending delivery of more formal documentation (i.e. tax returns)." App. 45. However, no formal documentation of any kind has been submitted to EPA to date. Spartan's counsel also attached a declaration by Matthew Geouge containing statements regarding the interrelationship between several entities owned by Mr. Geouge, but did not bear upon Spartan's ability to pay. App. 46. The declaration was signed by Matthew Geouge as "President" of Spartan.

¹ The note to the file also contains arguably sensitive information that is outside the scope of this matter. Thus, App. 45 is redacted to preserve Spartan's privacy. An unredacted copy can be made available to the Presiding Officer under seal if required.

11. On June 5, 2017, I emailed Spartan's counsel to confirm that I had "again requested telephonically, [sic] any ability-to-pay documentation and evidence that Mr. Geouge wishes that EPA consider in our pending enforcement case" App. 47.
12. On July 5, 2017, I emailed Spartan's counsel to confirm that I "haven't received a response from you or your client regarding the request . . ." for ability to pay documentation. App. 48.
13. On October 5, 2017, EPA received an email from Spartan's new counsel alleging that "Spartan Diesel tech [sic] has ceased to exist as an entity." App. 49.²
14. On October 13, 2017, I emailed Spartan's new counsel to "again request that Spartan . . . provide probative evidence of inability to pay a penalty" with an attachment listing the documentation that would be useful. (App.50). I also advised that ability to pay information could be presented during the alternative dispute resolution phase which I expected would occur after filing the Complaint in this matter. *Id.*
15. It appears that Spartan is now unrepresented (App. 53-54). My multiple additional attempts to reach Spartan (i.e. Matthew Geouge) have not been successful. App. 52.

I declare under penalty of perjury that the foregoing is true and correct.

Executed

2/9/18



David E. Alexander

² The email arguably contains a settlement offer. Although it was not claimed as such, it is outside the scope of this matter. Thus, App. 49 is redacted in deference to Spartan, who is now unrepresented by counsel. An unredacted copy can be made available to the Presiding Officer under seal if required.

From: Alexander, David
To: Johnson, Paul R.
Subject: Spartan extended tolling agreement
Date: Thursday, July 14, 2016 6:43:00 PM
Attachments: [Spartan Diesel Extended Tolling Agreement 7-14-16.pdf](#)

Rick,

Thank you for a productive discussion this evening. Attached please find an Extended Tolling Agreement to allow us to resolve these issues. Thank you for your cooperation in that regard.

We look forward to hearing your client's thoughts on his business going forward, and receipt of his certified description regarding the relationship of his corporations and business entities, loans and payments between the companies, and the past three filed tax returns for Spartan Diesel Technologies, LLC

I look forward to the possibility of meeting you in August.

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
1200 Pennsylvania Ave. (WJC South Rm. 1111-B)
Washington, DC 20044
telephone: (202) 564-2109
email: alexander.david@epa.gov

From: [Alexander, David](#)
To: [Holman, Pamela W.](#)
Cc: [Rothman, Rick R.](#)
Subject: RE: Sent on Behalf of Rick Rothman | Morgan Lewis
Date: Wednesday, July 27, 2016 8:28:00 PM

Rick,

Thank you for forwarding this. I assume the hardcopy is following, and hope the requested financial information for Spartan is not far behind.

Best,
David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242 A)
1200 Pennsylvania Ave. (WJC South Rm 1111-B)
Washington, DC 20044
telephone: (202) 564-2109
email alexander.david@epa.gov

From: Holman, Pamela W. [<mailto:pamela.holman@morganlewis.com>]
Sent: Tuesday, July 26, 2016 7:36 PM
To: Alexander, David <Alexander.David@epa.gov>
Cc: Rothman, Rick R. <rick.rothman@morganlewis.com>
Subject: Sent on Behalf of Rick Rothman | Morgan Lewis

Re: Spartan Diesel Technologies, Inc.

Pam Holman
Legal Secretary
Morgan, Lewis & Bockius LLP
355 S. Grand Avenue, Suite 4500 | Los Angeles, CA 90071-3107
Direct: +1.213.680.6509 | Main: +1.213.680.6400 | Fax: +1.213.680.6499
pamela.holman@morganlewis.com | www.morganlewis.com
Assistant to Rick R. Rothman

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Confidential attny client. FILENAME spartan conversation re financials.txt
Spartan, with Rick Sept. 2, 2016

re financials. Want to talk about it first.

Have info for *3* Spartan entities, including loans betw. two of them. Will offer
declaration.

CAN'T provide: doesn't have [REDACTED] for past few years!! Can provide
net sales, gross profit to get started.

I accepted the approximate representation pending official documents.

Alexander, David

From: Rothman, Rick R. <rick.rothman@morganlewis.com>
Sent: Friday, September 16, 2016 3:53 PM
To: Alexander, David
Cc: Tenpas, Ronald J.
Subject: Spartan Diesel Communication
Attachments: Geouge Declaration 09 09 2016.pdf

Follow Up Flag: Follow up
Due By: Wednesday, September 28, 2016 6:00 PM
Flag Status: Flagged

David,

In furtherance of our discussions regarding a potential settlement of the issues EPA has identified and asserted associated with Spartan Diesel's sale of tuners, I am providing the attached declaration. The declaration provides information on Spartan Diesel and other Spartan entities in response to your request.

In addition, at your request, I am providing estimates of the net profits and gross sales (in dollars) for Spartan Diesel for the years 2013, 2014, and 2015, pending the delivery of more formal documentation (i.e. tax returns).

According to Spartan Diesel, a reasonable estimate of profit and gross sales for each year are as follows:



Please let me know if you have any questions. I would suggest that once you have an opportunity to review this information, that we schedule a call, or perhaps a meeting that my Washington D.C. partner, Ron Tenpas, could attend in person.

Thanks.

Rick R. Rothman

Morgan, Lewis & Bockius LLP
300 South Grand Avenue, Suite 2200 | Los Angeles, CA 90071-3132
Direct: +1.213.680.6590 | Main: +1.213.612.2500 | Fax: +1.213.680.6499
rick.rothman@morganlewis.com | www.morganlewis.com
Assistant: Pamela W. Holman | +1.213.680.6509 | pamela.holman@morganlewis.com

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DECLARATION OF MATT GEOUGE

I, Matt Geouge, declare as follows:

1. I am the President of Spartan Diesel Technologies, LLC ("Spartan Diesel") and a resident of the State of North Carolina. I have personal knowledge of the facts set forth in this declaration and if called upon to do so, I could and would competently testify hereto.

2. Spartan Diesel was incorporated in North Carolina in 2010 and started doing business in 2011 as a small volume manufacturer and distributor of specialty products that are designed exclusively for use on late-model Ford diesel pickup trucks. The products sold by Spartan Diesel are predominantly performance tuners.

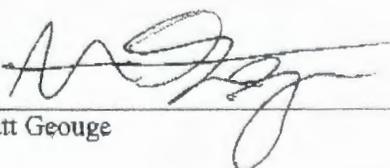
3. Spartan Truck Solutions, LLC was incorporated in North Carolina in 2015 and is a company that shares an address with Spartan Diesel as it shares part of the building with Spartan Diesel. Spartan Truck Solutions, LLC is in the business of performing truck maintenance and repair on both diesel and gasoline powered trucks. Spartan Truck Solutions, LLC does not do racing modifications to trucks and does not install performance tuners.

4. Spartan Tactical Weapons Systems is a company that does not share an address with either of the other Spartan entities and is a wholly unrelated business involving weapons manufacturing and sales.

5. Spartan Truck Solutions, LLC has provided loans to Spartan Diesel over the past year, starting in May of 2016, with an outstanding balance of a total of two hundred and four thousand five hundred dollars (\$204,500).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of September 2016, in Flat Rock, North Carolina.



Matt Geouge

Alexander, David

From: Alexander, David
Sent: Monday, June 05, 2017 6:00 PM
To: Rothman, Rick R.
Cc: Alexander, David
Subject: Ability to pay by Spartan and Mr. Geouge

Rick

This is a first written confirmation that I have again requested telephonically, any ability-to-pay a penalty documentation and evidence that Mr. Geouge wishes that EPA consider in our pending enforcement case to reduce the penalty calculated under our Vehicle and Engine/defeat device penalty policy.

I hope to receive something from you this week.

Thank you,

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
1200 Pennsylvania Ave. (WJC South Rm. 1111-B)
Washington, DC 20044
telephone: (202) 564-2109
email: alexander.david@epa.gov

Alexander, David

From: Alexander, David
Sent: Wednesday, July 05, 2017 11:50 AM
To: Rothman, Rick R.
Subject: Tolling Agreement and Ability to pay by Spartan and Mr. Geouge

Importance: High

Rick,

I haven't received a response from you or your client regarding the request below.

In any case, to allow more time please advise whether you'd be amendable to executing another Tolling Agreement extension to September 2017, and I will forward.

Thanks,
David

P.S. Did I understand from the receptionist that you still use a Blackberry? I'm so behind, I didn't think they were still around.

David E. Alexander, Attorney
WJC South Room 1111-B
OECA/Air Enforcement Division (2242-A)
(202) 564-2109

From: Alexander, David
Sent: Monday, June 05, 2017 6:00 PM
To: 'Rothman, Rick R.' <rick.rothman@morganlewis.com>
Cc: Alexander, David <Alexander.David@epa.gov>
Subject: Ability to pay by Spartan and Mr. Geouge

Rick

This is a first written confirmation that I have again requested telephonically, any ability-to-pay a penalty documentation and evidence that Mr. Geouge wishes that EPA consider in our pending enforcement case to reduce the penalty calculated under our Vehicle and Engine/defeat device penalty policy.

I hope to receive something from you this week.

Thank you,

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
1200 Pennsylvania Ave. (WJC South Rm. 1111-B)

From: [Jack Lyda](#)
To: [Alexander, Dawn](#)
Subject: Spartan Diesel Tech
Date: Thursday, October 05, 2017 4:44:20 PM

Mr. Alexander,

I reviewed the proposed settlement and passed it along to my client.

[REDACTED]

[REDACTED]

Spartan Diesel tech has ceased to exist as an entity. Mr. Geouge has only kept the corporate filings current with the North Carolina Secretary of State pending the outcome of these negotiations. Under the terms of the tolling agreement his understanding is that he needed to keep the corporation legally in existence. Spartan Diesel no longer has any employees or any assets. This is almost exclusively due to the company ceasing operations when they received the notice of violation. No income and high overhead soon translates to no assets and no employees. If the goal of the EPA was to shutter the business, that goal has been met. If that was not the goal, it has nevertheless been the result.

[REDACTED]

[REDACTED] If you would like, I can send you the list of creditors who are currently taking action to collect outstanding debts from both Mr. Geouge and Spartan Diesel Tech. At this point, most of his assets have been traded away to satisfy creditors. [REDACTED]

[REDACTED] my client says he may be able to borrow \$5,000 to \$7,500. [REDACTED]

[REDACTED]

Thanks,

Jack Lyda

--

Jack A. Lyda
Attorney-at-Law

The Lyda Law Firm

308 Martin Luther King Jr Blvd

Hendersonville, NC 28792

From: [Alexander, David](mailto:Alexander.David@epa.gov)
To: [Jack Lyda](mailto:jack.lyda@spartandiesel.com)
Cc: [Keul, Mesta](mailto:Keul.Mesta@spartandiesel.com); [Alexander, David](mailto:Alexander.David@epa.gov)
Subject: Spartan Diesel Technologies; Clean Air Act violations and ability to pay penalty
Date: Friday, October 13, 2017 6:58:57 PM
Attachments: [Spartan inability to pay information.pdf](#); [FORM MK2 \(08-15-2017\).pdf](#)

Dear Mr. Lyda,

Thank you for your email dated October 5, 2017. I am writing to again request that your client, Spartan Diesel Technologies, LLC, provide probative evidence of inability to pay a penalty. To that end please see the attached letter which spells out the documentation that is needed to support a claim of inability to pay.

Please also be advised that, since the Fourth Extended Tolling Agreement expires on October 27, 2017, and since we have been unable to obtain evidence pertinent to ability to pay from your client, I have been instructed to initiate with the EPA's Office of Administrative Law Judges (OALJ) an administrative enforcement action in this matter. I anticipate filing that action next week. After an answer is filed, the OALJ customarily offers alternative dispute resolution, during which an inability to pay a penalty may be demonstrated. Therefore, would you kindly send me a statement of representation executed by your client, and advise whether you can accept process on its behalf.

Thank you,

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242 A)
1200 Pennsylvania Ave. (WJC South Rm. 1111 B)
Washington, DC 20044
telephone: (202) 564-2109
email: alexander.david@epa.gov

From: Jack Lyda [<mailto:jack@jacklyda.com>]
Sent: Thursday, October 05, 2017 4:43 PM
To: Alexander, David <Alexander.David@epa.gov>
Subject: Spartan Diesel Tech

Mr. Alexander,

I reviewed the proposed settlement and passed it along to my client.

[REDACTED]

[REDACTED]

[REDACTED]

Spartan Diesel tech has ceased to exist as an entity. Mr. Geouge has only kept the corporate filings current with the North Carolina Secretary of State pending the outcome of these negotiations. Under the terms of the tolling agreement his understanding is that he needed to keep the corporation legally in existence. Spartan Diesel no longer has any employees or any assets. This is almost exclusively due to the company ceasing operations when they received the notice of violation. No income and high overhead soon translates to no assets and no employees. If the goal of the EPA was to shutter the business, that goal has been met. If that was not the goal, it has nevertheless been the result.

[REDACTED]

If you would like, I can send you the list of creditors who are currently taking action to collect outstanding debts from both Mr. Geouge and Spartan Diesel Tech. At this point, most of his assets have been traded away to satisfy creditors.

the ink is c

[REDACTED]

my client says he may be able to borrow \$5,000 to \$7,500.

[REDACTED]

Thanks,

Jack Lyda

Jack A. Lyda

Attorney-at-Law

The Lyda Law Firm

308 Martin Luther King Jr Blvd

Hendersonville, NC 28792

Phone: (828) 697-7491

Facsimile: (828)697-0123

E-Mail:

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From: Alexander, David
To: ["Jack Lyda"](#)
Cc: [Kaul, Meetu](#)
Subject: RE: Spartan complaint filed and served; respondent representation
Date: Tuesday, October 31, 2017 1:58:00 PM

Mr. Lyda,

Thank you kindly for your reply.

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242 A)
1200 Pennsylvania Ave. (WJC South Rm. 1111-B)
Washington, DC 20044
telephone: (202) 564-2109
email: alexander.david@epa.gov

From: Jack Lyda [mailto:jack@jacklyda.com]
Sent: Tuesday, October 31, 2017 11:16 AM
To: Alexander, David <Alexander.David@epa.gov>
Cc: Jack Lyda <jack@jacklyda.com>; Kaul, Meetu <Kaul.Meetu@epa.gov>
Subject: Re: Spartan complaint filed and served; respondent representation

The only phone number I have is the (828) 782-0188. I quite frequently get the "mailbox is full" message. It has been full for several years now. The email address I have for him is Matt@spartandieselttech.com. It worked when I emailed him a copy of the draft settlement agreement you provided. As far as I know it still does.

Thanks.

Jack Lyda

On Tue, Oct 31, 2017 at 10:37 AM, Alexander, David <Alexander.David@epa.gov> wrote:

Dear Mr. Lyda,

Thanks for the response, below. I left a message for Mr. Geouge at [\(828\) 692-9967](tel:8286929967), the number that comes up as being for Spartan Diesel Technologies LLC in a google search. If you have an email address, or another phone number for him I'd be grateful if you'd provide either or both.

We also tried a number provided by a gentleman at Patriot Diagnostic Systems, tech support, who said Mr. Geouge never came in but we should try him at [\(828\) 782-0188](tel:8287820188). We did not get through and could not leave a message because the voice mailbox at the number was full.

When you reply, I would appreciate it if you'd reply to "all". (i.e. include my colleague Meetu Kaul)

as I will be out of the office for the rest of this week.

Thank you in advance,

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
[1200 Pennsylvania Ave.](#) (WJC South Rm. 1111-B)
Washington, DC 20044
telephone: [\(202\) 564-2109](tel:(202)564-2109)
email: alexander.david@epa.gov

From: Jack Lyda [mailto:jack@jacklyda.com]
Sent: Friday, October 27, 2017 8:21 AM
To: Alexander, David <Alexander.David@epa.gov>
Subject: Re: Spartan complaint filed and served; respondent representation

I am not aware of any new counsel. Please feel free to contact Mr. Geouge directly.

Thanks,

Jack Lyda

On Thu, Oct 26, 2017 at 8:35 PM, Alexander, David <Alexander.David@epa.gov> wrote:
Dear Mr. Lyda,

As indicated in our email to you dated October 13, 2017, and acknowledged by your emailed response dated October 13, 2017 and pasted below, we have filed an Administrative complaint against Spartan Diesel Technologies, LLC (Spartan). Copies of the complaint were served on October 20, 2017 and October 24, 2017. Under the rules of practice an answer is due within thirty days after receipt of service of the complaint (see e.g. 40 C.F.R. § 22.15).

Would you please advise me whether Spartan has secured new counsel, or whether despite your anticipation expressed on October 13 you will continue to represent Spartan, or whether they are now unrepresented and we may therefore contact Spartan directly.

Thank you,

David

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
[1200 Pennsylvania Ave.](#) (WJC South Rm. 1111-B)

Washington, DC 20044
telephone: [\(202\) 564-2109](tel:(202)564-2109)
email: alexander.david@epa.gov

From: Jack Lyda [mailto:jack@jacklyda.com]
Sent: Monday, October 16, 2017 8:49 AM
To: Alexander, David <Alexander.David@epa.gov>
Subject: Re: Spartan Diesel Technologies; Clean Air Act violations and ability to pay penalty

Mr. Alexander. I will pass your letter on to Mr. Geouge. I am not authorized to accept service on his behalf. I do not anticipate representing him in any enforcement actions. I was engaged for the limited purpose of finalizing, if possible, any negotiations to resolve this matter prior to litigation.

Thank You.

Jack Lyda

On Fri, Oct 13, 2017 at 6:58 PM, Alexander, David <Alexander.David@epa.gov> wrote:

Dear Mr. Lyda,

Thank you for your email dated October 5, 2017. I am writing to again request that your client, Spartan Diesel Technologies, LLC, provide probative evidence of inability to pay a penalty. To that end please see the attached letter which spells out the documentation that is needed to support a claim of inability to pay.

Please also be advised that, since the Fourth Extended Tolling Agreement expires on October 27, 2017, and since we have been unable to obtain evidence pertinent to ability to pay from your client, I have been instructed to initiate with the EPA's Office of Administrative Law Judges (OALJ) an administrative enforcement action in this matter. I anticipate filing that action next week. After an answer is filed, the OALJ customarily offers alternative dispute resolution, during which an inability to pay a penalty may be demonstrated. Therefore, would you kindly send me a statement of representation executed by your client, and advise whether you can accept process on its behalf.

Thank you,

David E. Alexander, Attorney
U.S. Environmental Protection Agency
Air Enforcement Division (Mailcode 2242-A)
[1200 Pennsylvania Ave.](#) (WJC South Rm. 1111-B)
Washington, DC 20044
telephone: [\(202\) 564-2109](tel:(202)564-2109)
email: alexander.david@epa.gov

From: Jack Lyda [mailto:jack@jacklyda.com]

Live Report : SPARTAN DIESEL TECHNOLOGIES, LLC

D-U-N-S® Number: 02-227-9762

Endorsement/Billing Reference: Rivera-Olds.Josue@epa.gov

D&B Address

Address 518 S Allen Rd
Moved From: 578 Upward
Rd Unit 7, Flat Rock, Nc
Flat Rock, NC, US - 28731

Phone 828 692-9967

Fax

Location Type Single Location

Web

Added to Portfolio: 12/07/2017

Last View Date: 01/22/2018

Endorsement : Rivera-Olds.Josue@epa.gov

Company Summary

Currency: Shown in USD unless otherwise indicated

Score Bar



Detailed Trade Risk Insight™

Days Beyond Terms Past 3 Months



Dollar-weighted average of 3 payment experiences reported from 3 Companies

Recent Derogatory Events

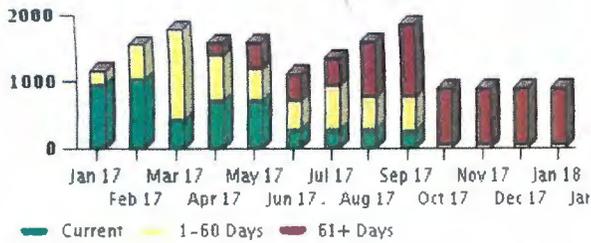
	Nov-17	Dec-17	Jan-18
Placed for Collection			
Bad Debt Written Off			

Total Amount Current & Past Due - 13 Month Trend

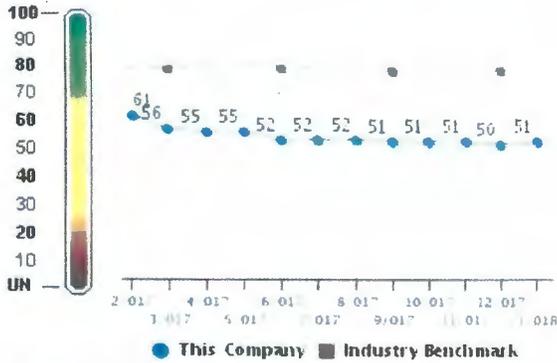
D&B Viability Rating



D&B Company Overview



PAYDEX® Trend Chart



This is a single location

Manager MATTHEW GEOUGE, PRIN
Year Started 2009
Employees 3
SIC 7538
Line of business General auto repair
NAICS 811111
History Status INCOMPLETE

FirstRain Company News

This Company is not currently tracked for Company News

Powered by FirstRain

Public Filings

The following data includes both open and closed filings found in D&B's database on this company.

Record Type	Number of Records	Most Recent Filing Date
Bankruptcies	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	4	07/06/15

The public record items contained herein may have been paid, terminated, vacated or released prior to today's date.

Commercial Credit Score Class



Financial Overview

Based on your financial statement preference setting and the availability of financial data from the sources, no financial statements are available.

D&B PAYDEX®



When weighted by amount, Payments to suppliers average 29 days beyond terms

Financial Stress Score Class



D&B 3-month PAYDEX®



When weighted by amount, Payments to suppliers average 36 Days Beyond Terms

D&B Viability Rating Summary

The D&B Viability Rating uses D&B's proprietary analytics to compare the most predictive business risk indicators and deliver a highly reliable assessment of the probability that a company will go out of business, become dormant/inactive, or file for bankruptcy/insolvency within the next 12 months. The D&B Viability Rating is made up of 4 components.



Viability Score



Compared to All US Businesses within the D&B Database:

- Level of Risk: **Moderate Risk**
- Businesses ranked 6 have a probability of becoming no longer viable: **13 %**
- Percentage of businesses ranked 6: **30 %**
- Across all US businesses, the average probability of becoming no longer viable: **14 %**



Portfolio Comparison



Compared to All US Businesses within the same MODEL SEGMENT:

- Model Segment : **Established Trade Payments**
- Level of Risk: **High Risk**
- Businesses ranked 8 within this model segment have a probability of becoming no longer viable: **11 %**
- Percentage of businesses ranked 8 with this model segment: **13 %**
- Within this model segment, the average probability of becoming no longer viable: **5 %**



Data Depth Indicator



Data Depth Indicator:

- ✓ Rich Firmographics
- ✓ Extensive Commercial Trading Activity
- ✗ Basic Financial Attributes

Greater data depth can increase the precision of the D&B Viability Rating assessment.



Company Profile

Not Available Available (3+ Trade) Small Established

Company Profile Details:

- Financial Data: **Not Available**
- Trade Payments: **Available** (3+ Trade)
- Company Size: **Small** (Employees: <10 and Sales: <\$10K or Missing)
- Years in Business: **Established** (5+)

Credit Capacity Summary

This credit rating was assigned because of D&B's assessment of the company's creditworthiness. For more information, see the

D&B Rating Key

D&B Rating : --

The blank rating symbol should not be interpreted as indicating that credit should be denied. It simply means that the information available to D&B does not permit us to classify the company within our rating key and that further enquiry should be made before reaching a decision. Some reasons for using a "--" symbol include: deficit net worth, bankruptcy proceedings, insufficient payment information, or incomplete history information.

Below is an overview of the company's rating history since 06-26-2012

Number of Employees Total: 3

D&B Rating	Date Applied
--	06-26-2012

Payment Activity:	(based on 9 experiences)
Average High Credit:	510
Highest Credit:	1,000
Total Highest Credit:	2,700

D&B Credit Limit Recommendation

Due to adverse or incomplete information, we are unable to provide a Credit Limit Recommendation for this business. Please contact your sales representative or D&B's Customer Resource Center at 800-234-3867 for assistance.

The Credit Limit Recommendation (CLR) is intended to serve as a directional benchmark for all businesses within the same line of business or industry and is not calculated based on any individual business. Thus, the CLR is intended to help guide the credit limit decision, and must be balanced in combination with other elements which reflect the individual company's size, financial strength, payment history, and credit worthiness, all of which can be derived from D&B reports

Risk is assessed using D&B's scoring methodology and is one factor used to create the recommended limits. See Help for details.

Financial Stress Class Summary

The Financial Stress Score predicts the likelihood of a firm ceasing business without paying all creditors in full, or reorganization or obtaining relief from creditors under state/federal law over the next 12 months. Scores were calculated using a statistically valid model derived from D&B's extensive data files

The Financial Stress Class of 4 for this company shows that firms with this class had a failure rate of 0.84% (84 per 10,000), which is 1.75 times higher than the average of businesses in D & B's database.

Financial Stress Class :



Moderately higher than average risk of severe financial stress, such as a bankruptcy or going out of business with unpaid debt, over the next 12 months

Probability of Failure:

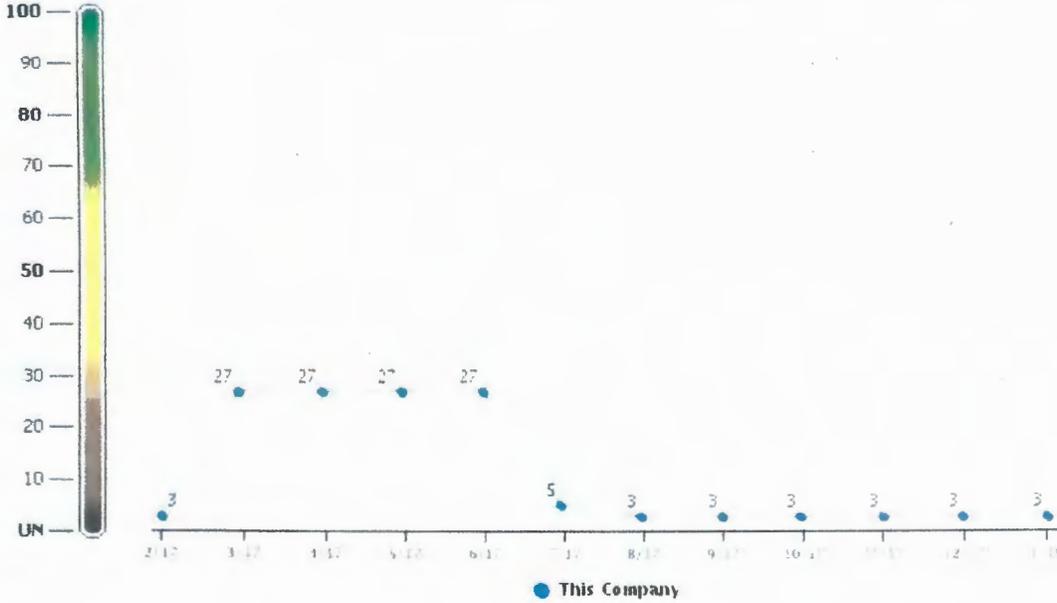
Risk of Severe Financial Stress for Businesses with this Class: **0.84 %** (84 per 10,000)
Financial Stress National Percentile : **2** (Highest Risk: 1; Lowest Risk: 100)
Financial Stress Score : **1345** (Highest Risk: 1,001; Lowest Risk: 1,875)
Average Risk of Severe Financial Stress for Businesses in D&B database: **0.48 %** (48 per 10,000)

The Financial Stress Class of this business is based on the following factors:

Low proportion of satisfactory payment experiences to total payment experiences.

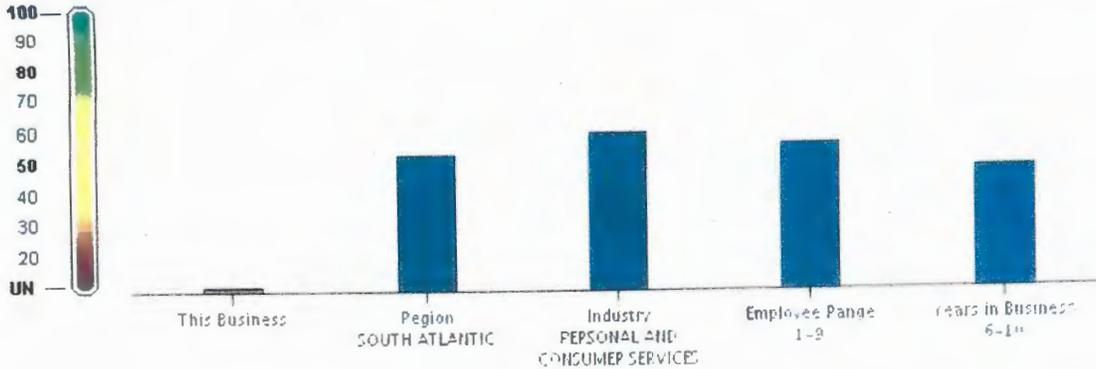
High proportion of past due balances to total amount owing
 Limited time under present management control
 Low Paydex Score.
 Higher risk legal structure.
 UCC Filings reported.

Financial Stress Percentile Trend:



Notes:

The Financial Stress Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience financial stress.
 The Probability of Failure shows the percentage of firms in a given Class that discontinued operations over the past year with loss to creditors. The Probability of Failure - National Average represents the national failure rate and is provided for comparative purposes.
 The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&Bs file.
 The Financial Stress Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.



Norms	National %
This Business	2
Region: SOUTH ATLANTIC	48
Industry: PERSONAL AND CONSUMER SERVICES	56
Employee range: 1-9	52
Years in Business: 6-10	43

This Business has a Financial Stress Percentile that shows:

Higher risk than other companies in the same region.

Higher risk than other companies in the same industry.

Higher risk than other companies in the same employee size range.

Higher risk than other companies with a comparable number of years in business.

Credit Score Summary

The Commercial Credit Score (CCS) predicts the likelihood of a business paying its bills in a severely delinquent manner (91 days or more past terms).

The Credit Score class of 5 for this company shows that 53.1% of firms with this class paid one or more bills severely delinquent, which is 5.21 times higher than the average of businesses in D & B's database.

Credit Score Class :



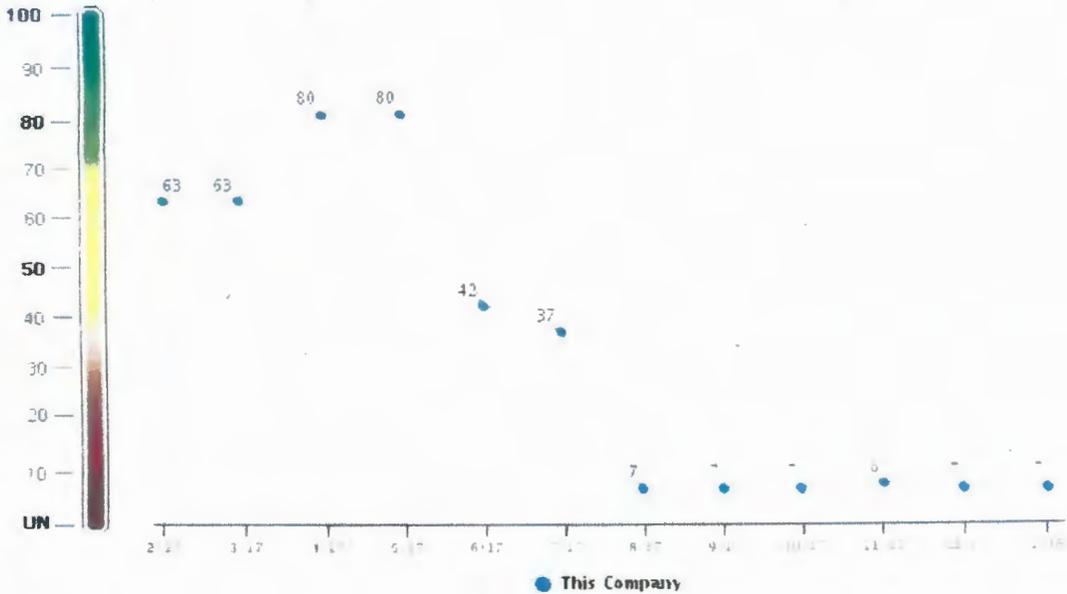
Incidence of Delinquent Payment

Among Companies with this Classification: **53.10 %**
 Average compared to businesses in D&B's database: **10.20 %**
 Credit Score Percentile : **7** (Highest Risk: 1; Lowest Risk: 100)
 Credit Score : **368** (Highest Risk: 101; Lowest Risk: 670)

The Credit Score Class of this business is based on the following factors:

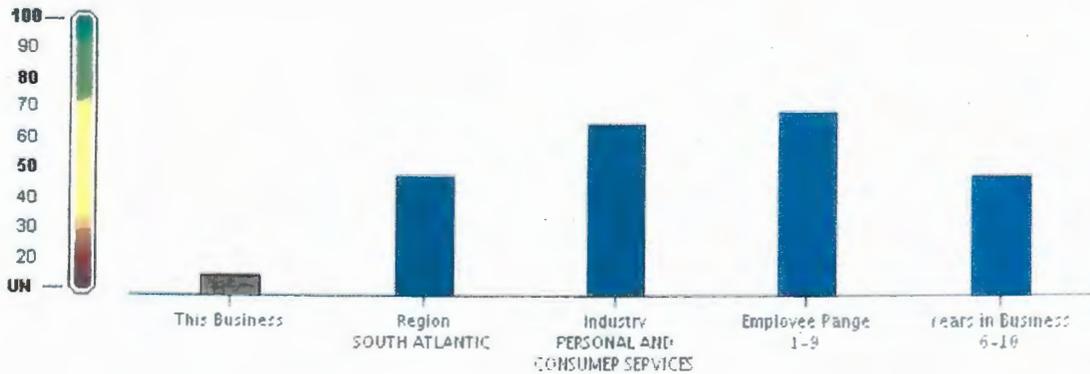
- Increase in proportion of delinquent payments in recent payment experiences
- Proportion of past due balances to total amount owing
- Limited time under present management control
- Higher risk industry based on delinquency rates for this industry
- Evidence of recent payment experiences paid later than 30 days
- Recent high balance past due

Credit Score Class Percentile Trend:



Notes:

The Commercial Credit Score Risk Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience severe delinquency
 The Incidence of Delinquent Payment is the percentage of companies with this classification that were reported 91 days past due or more by creditors. The calculation of this value is based on D&B's trade payment database.
 The Commercial Credit Score percentile reflects the relative ranking of a firm among all scorable companies in D&B's file
 The Commercial Credit Score offers a more precise measure of the level of risk than the Risk Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.



Norms	National %
This Business	7
Region: SOUTH ATLANTIC	43
Industry: PERSONAL AND CONSUMER SERVICES	62
Employee range: 1-9	66
Years in Business: 6-10	43

This business has a Credit Score Percentile that shows:

- Higher risk than other companies in the same region.
- Higher risk than other companies in the same industry.
- Higher risk than other companies in the same employee size range.
- Higher risk than other companies with a comparable number of years in business.

Trade Payments

Currency: Shown in USD unless otherwise indicated 

D&B PAYDEX®

The D&B PAYDEX is a unique, weighted indicator of payment performance based on payment experiences as reported to D&B by trade references
 Learn more about the D&B PAYDEX

Timeliness of historical payments for this company.

- Current PAYDEX is** **51** Equal to 29 days beyond terms (Pays more slowly than the average for its industry of 3 days beyond terms)
- Industry Median is** **78** Equal to 3 days beyond terms
- Payment Trend currently is**  Unchanged, compared to payments three months ago

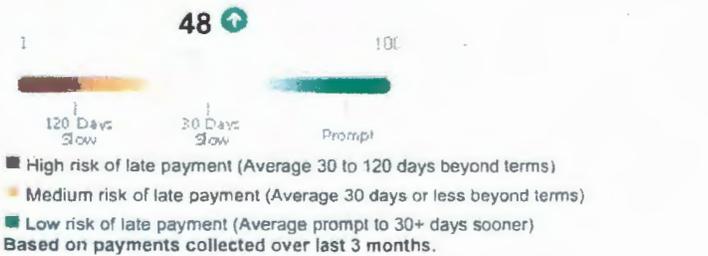
Indications of slowness can be the result of dispute over merchandise, skipped invoices etc. Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Total payment Experiences in D&Bs File (HQ)	9
Payments Within Terms (not weighted)	41 %
Trade Experiences with Slow or Negative Payments(%)	55.56%
Total Placed For Collection	0
High Credit Average	510
Largest High Credit	1,000
Highest Now Owing	500
Highest Past Due	500

D&B PAYDEX



3-Month D&B PAYDEX



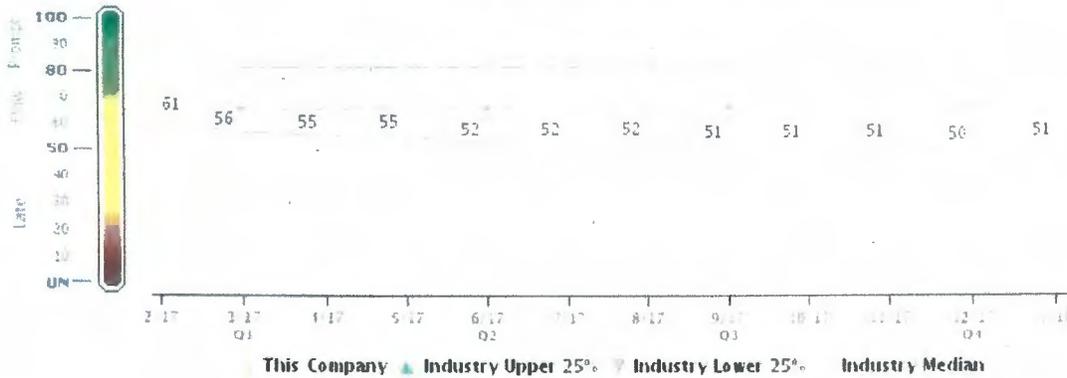
When weighted by amount, payments to suppliers average 36 days beyond terms

D&B PAYDEX® Comparison

Current Year

PAYDEX® of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is General auto repair, based on SIC code 7538.

Shows the trend in D&B PAYDEX scoring over the past 12 months.

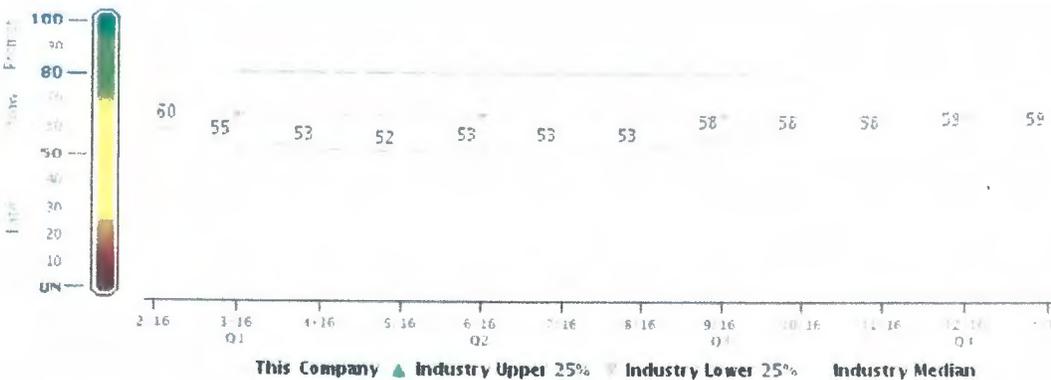


	2/17	3/17	4/17	5/17	6/17	7/17	8/17	9/17	10/17	11/17	12/17	1/18
This Business	61	56	55	55	52	52	52	51	51	51	50	51
Industry Quartiles												
Upper		80			80			80			80	
Median		79			79			78			78	
Lower		65			65			65			65	

Current PAYDEX for this Business is 51, or equal to 29 days beyond terms
 The 12-month high is 61, or equal to 22 DAYS BEYOND terms
 The 12-month low is 50, or equal to 30 DAYS BEYOND terms

Previous Year

Shows PAYDEX of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is General auto repair, based on SIC code 7538.



Previous Year	03/16 Q1'16	06/16 Q2'16	09/16 Q3'16	12/16 Q4'16
This Business	55	53	58	59
Industry Quartiles				
Upper	80	80	80	80
Median	79	79	79	79
Lower	65	65	65	65

Based on payments collected over the last 4 quarters

Current PAYDEX for this Business is 51 , or equal to 29 days beyond terms
 The present industry median Score is 78 , or equal to 3 days beyond terms
 Industry upper quartile represents the performance of the payers in the 75th percentile
 Industry lower quartile represents the performance of the payers in the 25th percentile

Payment Habits

For all payment experiences within a given amount of credit extended, shows the percent that this Business paid within terms. Provides number of experiences to calculate the percentage, and the total credit value of the credit extended

\$ Credit Extended	# Payment Experiences	Total Amount	% of Payments Within Terms
Over 100,000	0	0	0%
50,000-100,000	0	0	0%
15,000-49,999	0	0	0%
5,000-14,999	0	0	0%
1,000-4,999	1	1,000	50%
Under 1,000	4	1,550	2%

Based on payments collected over last 24 months.

All Payment experiences reflect how bills are paid in relation to the terms granted. In some instances, payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

Payment Summary

There are 9 payment experience(s) in D&Bs file for the most recent 24 months, with 6 experience(s) reported during the last three month period.

The highest Now Owes on file is 500 . The highest Past Due on file is 500

Below is an overview of the companys currency-weighted payments, segmented by its suppliers primary industries:

	Total Revd (#)	Total Amts	Largest High Credit	Within Terms (%)	Days Slow <31 31-60 61-90 90> (%) (%) (%) (%)			
Top Industries								
Misc publishing	1	1,000	1,000	50	0	0	50	0
Nonclassified	1	500	500	0	50	0	0	50
Ret auto supplies	1	500	500	0	50	50	0	0
Misc general gov't	1	500	500	0	100	0	0	0
Data processing svcs	1	50	50	50	0	50	0	0
Short-trlm busn credit	1	0	0	0	0	0	0	0
Other payment categories								
Cash experiences	3	150	100					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collections	0	N/A	0					
Total in D&B's file	9	2,700	1,000					

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Indications of slowness can be result of dispute over merchandise, skipped invoices etc.

Detailed payment history for this company

Date Reported (mm/yy)	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last Sale Within (month)
01/18	Ppt-Slow 60	50	0	0		4-5 mos
12/17	Ppt-Slow 90	1,000	0	0		2-3 mos
	Slow 30-60	500	500	500		6-12 mos
	Slow 30-120	500	500	500		6-12 mos
	(005)	50	0	0	Cash account	6-12 mos
11/17	(006)	0	0	0	Cash account	6-12 mos
08/17	(007)	100			Cash account	6-12 mos
05/17	Slow	500				1 mo
04/16	Ppt	0	0	0		1 mo

Payments Detail Key: ■ 30 or more days beyond terms

Payment experiences reflect how bills are paid in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc. Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

Public Filings

Currency: Shown in USD unless otherwise indicated

Summary

The following data includes both open and closed filings found in D&B's database on this company.

Record Type	# of Records	Most Recent Filing Date
Bankruptcy Proceedings	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	4	07/06/15

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source

UCC Filings

Collateral	Account(s) and proceeds - Chattel paper and proceeds - Contract rights and proceeds - General intangibles(s) and proceeds - Equipment and proceeds
Type	Original
Sec. Party	DEERE & COMPANY, JOHNSTON, IA
Debtor	SPARTAN DIESEL TECHNOLOGIES, LLC and OTHERS
Filing No.	20140048759A
Filed With	SECRETARY OF STATE/UCC DIVISION, RALEIGH, NC
Date Filed	2014-05-22
Latest Info Received	06/03/14

Collateral	Account(s) and proceeds - Chattel paper and proceeds - Contract rights and proceeds - General intangibles(s) and proceeds - Equipment and proceeds
-------------------	--

Type Original
Sec. Party DEERE & COMPANY, JOHNSTON, IA
Debtor SPARTAN DIESEL TECHNOLOGIES, LLC and OTHERS
Filing No. 20140047565F
Filed With SECRETARY OF STATE/UCC DIVISION, RALEIGH, NC

Date Filed 2014-05-20
Latest Info Received 06/03/14

Collateral Equipment and proceeds
Type Original
Sec. Party CATERPILLAR FINANCIAL SERVICES CORPORATION, NASHVILLE, TN
Debtor SPARTAN DIESEL TECHNOLOGIES, LLC
Filing No. 20130073720G
Filed With SECRETARY OF STATE/UCC DIVISION, RALEIGH, NC

Date Filed 2013-07-31
Latest Info Received 08/13/13

Collateral Leased Equipment and proceeds
Type Original
Sec. Party NMHG FINANCIAL SERVICES, INC., BILLINGS, MT
Debtor SPARTAN DIESEL TECHNOLOGIES, LLC
Filing No. 20150064689B
Filed With SECRETARY OF STATE/UCC DIVISION, RALEIGH, NC

Date Filed 2015-07-06
Latest Info Received 07/22/15

Government Activity

Activity summary

Borrower (Dir/Guar)	NO
Administrative Debt	NO
Contractor	NO
Grantee	NO
Party excluded from federal programs	NO

Possible candidate for socio-economic program consideration

Labour Surplus Area	N/A
Small business	YES (2017)
8(A) firm	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

Special Events

Special Events

01/28/2015

Business address has changed from 578 Upward Rd Unit 7, Flat Rock, NC, 28731 to 518 S Allen Rd, Flat Rock, NC, 28731.

History & Operations

Currency: Shown in USD unless otherwise indicated

Company Overview

Company Name:	SPARTAN DIESEL TECHNOLOGIES, LLC
Street Address:	518 S Allen Rd Moved From: 578 Upward Rd Unit 7, Flat Rock, Nc Flat Rock, NC, 28731
Phone:	828 692-9967
History	Is incomplete
Present management control	9 years

History

The following information was reported **01/28/2015**

Officer(s): MATTHEW GEOUGE, PRIN

The North Carolina Secretary of State's business registrations file showed that Spartan Diesel Technologies, LLC was registered as a limited liability company on September 28, 2010.

Business started 2009.

MATTHEW GEOUGE. Antecedents are unknown.

Business address has changed from 578 Upward Rd Unit 7, Flat Rock, NC, 28731 to 518 S Allen Rd, Flat Rock, NC, 28731.

Business Registration

CORPORATE AND BUSINESS REGISTRATIONS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF

Jan 12 2018

Registered Name:	SPARTAN DIESEL TECHNOLOGIES, LLC
Business type:	LIMITED LIABILITY COMPANY
State of Incorporation:	NORTH CAROLINA
Filing date:	Sep 28 2010
Registration ID:	1168828 -LLC
Duration:	PERPETUAL
Status:	ACTIVE
Where filed:	SECRETARY OF STATE/CORPORATIONS DIVISION, RALEIGH, NC
Registered agent:	GEOUGE, MATTHEW, 518 SOUTH ALLEN RD, FLAT ROCK, NC, 287319447

Operations

01/28/2015

Description: Operates general automotive repair shop.
 Terms are undetermined. Sells to undetermined. Territory Local.

Employees: 3 which includes partners.

Facilities: Occupies premises in building

SIC & NAICS

SIC:

Based on information in our file, D&B has assigned this company an extended 8-digit SIC. D&B's use of 8-digit SICs enables us to be more specific about a company's operations than if we use the standard 4-digit code.

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site. Links open in a new browser window.

7538 0000 General automotive repair shops

NAICS:

811111 General Automotive Repair

Financials

Company Financials: D&B

Additional Financial Data

The name and address of this business have been confirmed by D & B using available sources.

Request Financial Statements

Requested financials are provided by SPARTAN DIESEL TECHNOLOGIES, LLC and are not DUNSRight certified.

Key Business Ratios

D & B has been unable to obtain sufficient financial information from this company to calculate business ratios. Our check of additional outside sources also found no information available on its financial performance.

To help you in this instance, ratios for other firms in the same industry are provided below to support your analysis of this business.

Based on this Number of Establishments: 1

	Industry Norms Based On 28 Establishments		
	This Business	Industry Median	Industry Quartile
Profitability			
Return on Sales %	UN	3.1	UN
Return on Net Worth %	UN	15.3	UN
Short-Term Solvency			
Current Ratio	UN	2.8	UN
Quick Ratio	UN	1.7	UN

Efficiency

Assets to Sales %	UN	33.6	UN
Sales / Net Working Capital	UN	7.4	UN
Utilization			
Total Liabilities / Net Worth (%)	UN	49.6	UN

UN = Unavailable

View Snapshots

View Snapshots

Detailed Trade Risk Insight™

Detailed Trade Risk Insight provides detailed updates on over 1.5 billion commercial trade experiences collected from more than 260 million unique supplier/purchaser relationships.

Days Beyond Terms - Past 3 & 12 Months

3 months from Sep 17 to Nov 17



Dollar-weighted average of 3 payment experiences reported from 3 companies

12 months from Oct 17 to Jan 18

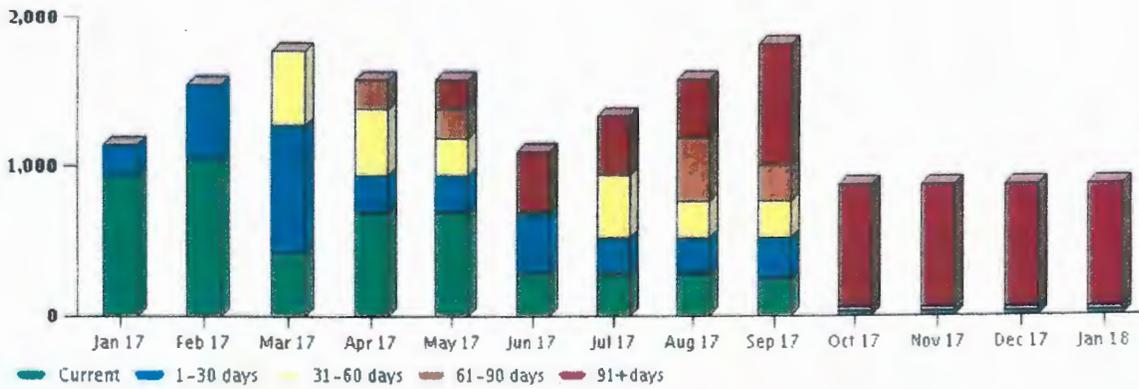


Dollar-weighted average of 5 payment experiences reported from 5 companies

Derogatory Events Last 13 Months from Jan 17 to Jan 18

No Derogatory trade Event has been reported on this company for the past 13 Months

Total Amount Current and Past Due - 13 month trend from Jan 17 to Jan 18



Status Jan-17 Feb-17 Mar-17 Apr-17 May-17 Jun-17 Jul-17 Aug-17 Sep-17

Total

Current

1-30 Days

Past Due

31-60 Days
Past Due

61-90 Days
Past Due

90+ Days
Past Due

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Patriot Diagnostics has acquired Spartan Diesel Technologies!

JANUARY 24, 2017 | POSTED IN DIESEL OPS BUSINESS NEWS, INDUSTRY NEWS | NO COMMENTS

Patriot Diagnostics has acquired Spartan Diesel Technologies!

Spartan Diesel Technologies has been at the top of Tuning Ford Powerstrokes for many years, we have all learned to love the precise tuning in economy, towing, and all out performance now [Patriot Diagnostics](#) is going to continue that!

Who is Patriot Diagnostics?

Spartan Diesel has come to the end of an era, but this does not mean the end of the products that we want to all continue to have! Patriot Diagnostics while is a new name it will not be long to be a household name. These guys are not new to the world. Coming from a heavily filled background with diesel knowledge this is a no brainer. The team at Patriot Diagnostics are some incredible people that you will see is not only great to work with but great to have backing and building the products that you want and continue to use:

What is new with Patriot Diagnostics taking over?

There is not much new with Patriot Diagnostics taking over except for one detail they are not only going to have all the product you know and love but will be adding in Tyrant Tunes for the 2011 and 2012 to start with; then moving to the later models. This is a game changer in many minds for Patriot Diagnostics. Because now not only will they be able to provide a product that we can know and trust but a product that will allow the end user to have the use of two different sets of amazing tunes from two of the best tuners in the industry this is a have your cake and eat it to style situation.

What about the Diesel ops customers who have bought in the past?

We at Diesel Ops take customer service and support very serious. This means even with the constant changes in our industry we WILL make sure you are covered best we can and we will make sure that you continue to be happy and continue to be covered without a doubt by the best warranty of any company here at Diesel Ops!

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Switch (2)

Tuner (2)

Price

\$199199 1499 \$1499

Patriot Diagnostics and Tuners - Powerstroke 6.4L and 6.7L Tuners/EZ Lynk from Patriot - Diesel Ops



Spartan Diesel Technologies has been at the top of Tuning Ford Powerstrokes for many years. We have learned to love the precise tuning in economy, towing, and all out performance. The time has come that Spartan Diesel Technologies will be acquired by Patriot Diagnostics. Their name has changed, but the same tuning and tuner (tuner writer) will remain the same. Under their new leadership they will be able to build their brand with a select few dealers. Diesel Ops is proud to be one of those select dealers carrying the NEW Patriot Diagnostics Tuning. Their thought process is to provide a smaller amount of dealers with a large customer base the same great product that above and beyond customer service. While working with a smaller network, they can teach and relay to their dealers more information so they can provide the end user with more information.

Not only will Patriot Diagnostics be providing the same Tuning that the Spartan Tuners currently have. They will have the addition of the Tyrant Tuners for the 2011 and 2012 to start with; then moving to the later models. They will be able to provide a product that will allow the end user to have the use of two different sets of amazing tuning from two of the best tuners in the industry

Diesel Ops will still support all of the Spartan Diesel Tuners and will be moving forward carrying the full line of tuners for Patriot Diagnostics. At this time, Patriot Diagnostics will have tuning for the 2008-2016 Powerstroke 6.4L & 6.7L. Their tuning will be sold on the nDash platform, as well as the EZ Lynk platform. For the EZ Lynk only 6.7L Powerstroke devices will be supported. A full list of their products can be seen here; the 2008-2010 Ford Powerstroke 6.4L Shift on the Fly Cable for the nDash will be a few weeks behind. But all other items are ready to go!!



Patriot Diagnostics
nDash Console Tuner for
Ford Powerstroke 6.4L & 6.7L



Patriot Diagnostics Shift
on the Fly for nGauge
Tuner Ford Powerstroke





NA

Home > BRANDS > Patriot Diagnostics >

Patriot nDash DPF/EGR Upgrade Tuner



LARGER PHOTO



Our Price: \$1,499.00

UPDATE PRICE

Availability: In Stock & Ready To Ship!
SKU: PATRIOT64P

Choose your options:

Exhaust: Please Select

Muffler: Please Select

Exhaust Tip: Please Select

Cold Air Intake: Please Select

EGR Kit: Please Select

Dash Mount: Please Select

OFF-ROAD USE ONLY*: I understand this product is for OFF-ROAD USE ONLY!

Qty: 1

ADD TO CART

ADD TO WISHLIST

Description

Each Phalanx Flash Console package below includes all 12 of the following custom tunes:

***Off Road Tunes***

- 40HP
- 75HP
- 120HP
- 150HP
- 175HP
- 210HP
- 250HP
- 275HP
- 300HP
- 310HP
- 350HP
- Stock DPF Delete

On Road Tunes

- 40HP
- 75HP
- 120HP
- 150HP

Introducing the new Patriot Phalanx Flash Console for the 6.4 Ford Powerstroke diesel. Our 6.4 custom tuning is the market's ONLY available true custom tuning for the new Ford diesel engine, and delivers power and fuel efficiency absolutely unrivaled to any other. With tuning options available from 40RWHP to 350RWHP gains, no other company can match our ability to fit our tuning to your needs- power, economy, throttle response, shift quality...if you can name it, we can deliver.

Along with its tuning ability, the Phalanx offers a full line of parameter monitoring and data logging, serving as a full set of digital AND analog gauges. with the ability to monitor:

- Exhaust Gas Temperature
- Engine Coolant Temperature
- Engine Oil Temperature
- Boost
- Transmission Temperature
- Fuel Rail Pressure
- Fuel Rail Temperature
- Injection Timing
- Fuel Delivery Volume
- Regeneration Status
- Diesel Particulate Filter Pressure
- Intake Air Temperature
- Charge Air Temperature
- and hundreds (literally) of other parameters

Based off of the DashDAQ electronic monitor from Drew Technologies (www.dashdaq.com), with the power and flexibility of true Patriot custom tuning abilities, the Phalanx Flash Console is hands-down the most capable, powerful, and economic electronic tuning devices in the diesel performance world.

With the ability to tune for the drivability and fuel economy provided by our DPF-enabled calibrations, along with the raw power enabled by DPF-delete calibrations, Patriot custom tuning blows away the competition. Unsurpassed flexibility allows for superior towing and lower fuel consumption and the ability to deliver completely unmatched power output levels for competition use.

Tested on the street, strip and pulls, the Phalanx Flash Console leaves no vehicle configurations or user needs unanswered. With proper support for all 2008 & 2009 6.4L, latest Ford "reflashes", Automatic AND Manual transmissions, along with infrastructure already in place for the upcoming 2011MY 6.7L "Scorpion" engines, we leave nothing on the table for the competition.

We work with only PowerStrokes, and the quality of our product reflects this dedication. A dedication held by only the finest in the diesel performance industry.

Technology Beyond Performance.

Note: All 6.4 liter DPF Delete tuning products are STRICTLY FOR OFF-ROAD USE ONLY. According to the EPA Clean Air Act, they are illegal for use on any Federal, State, or Local public highways and illegal use is punishable by the penalties enacted by the mentioned laws. We do not condone illegal use of these products, and an Environmental and Liability waiver must be signed in order to purchase any DPF Delete products.

Fitment: 2008-2010 Ford 6.4L Powerstroke Diesel

V.A.



Search... 0

Home > PERFORMANCE > PROGRAMMERS >

Patriot nGauge DPF/EGR Upgrade Tuner



LARGER PHOTO



Our Price: \$999.00

UPDATE PRICE

Availability: In Stock & Ready To Ship!
SKU: 67NGAUGE

Choose your options:

Shift On The Fly Cable: Please Select

Qty: 1

ADD TO CART

ADD TO WISHLIST

Description



Introducing the most comprehensive and compact... on the market. Patriot knows how to properly tune a Powerstroke, no one can refute that. And by combining... advanced interface of the nGauge, you have an... applicable program... device.

The nGauge tuning device from Patriot takes their proven Phalanx Console Tuner, and basically compresses it into a smaller package to deliver a heightened ease of installation and the ability to create a more factory looking installation. This tuner allows for full custom tuning and the ability to run a turbo back or down pipe back exhaust system, as well as complete EGR removal for unrivaled power, fuel economy, and overall reliability. With tuning options available from 40-200 additional rear wheel horsepower, no other tuning device can match the nGauge.

NOTE: Before the nGauge can be loaded into the vehicle, you are required to register the device. Once registered, Patriot will send the tunes to be loaded into the device, and then loaded into the vehicle.

With the nGauge, you are able to monitor such powertrain parameters as:

- Exhaust Gas Temperature
- Engine Coolant Temperature
- Engine Oil Temperature
- Boost
- Transmission Temperature
- Fuel Rail Pressure
- Fuel Rail Temperature
- Injection Timing
- Fuel Delivery Volume
- Regeneration Status
- Diesel Particulate Filter Pressure
- Intake Air Temperature
- Charge Air Temperature

Fitment: 2011-2017 Ford 6.7L Powerstroke Diesel

Related Items

GDP (Gorilla) EZ LYNK AutoAgent DPF/EGR Upgrade Tuner w/ Monitor Our Price: \$1,499.00



T5 Performance Switchable 6 Position Chip Our Price: \$229.95



Diablosport Extreme Power Puck Programmer Our Price: \$316.95



Edge Products Juice With Attitude CS2 Monitor Our Price: \$849.95



GDP Tuning EFI Live Autocal Tuner Our Price: \$949.00



MADS Smarty Junior Programmer Our Price: \$495.00



Edge Products Juice With Attitude CS2 Monitor Our Price: \$829.00



GDP Tuning EFI Live Autocal Tuner Our Price: \$949.00



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Company Info



Silver Spring, MD



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