



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 13, 2021

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

John Coughlin, President
JEG'S Automotive, Inc.
751 East 11th Avenue
Columbus, Ohio 43211

Email: john.coughlin@JEGS.com

Dear Mr. Coughlin:

Enclosed please find a file-stamped Consent Agreement and Final Order (CAFO) which resolves JEG'S Automotive, Inc. ("JEGS"), docket no. CAA-05-2021-0030. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on September 13, 2021.

Pursuant to paragraph 32 of the CAFO, JEGS must pay the civil penalty within 30 days of the filing date. Your check/on-line payment must display the case name and case docket number.

Please feel free to contact Christopher Grubb at (312) 886-6831, or grubb.christopher@epa.gov, if you have any questions regarding the enclosed document or if you have any other questions about the program. Thank you for your assistance in resolving this matter.

Sincerely,

Brian
Dickens

Digitally signed by Brian
Dickens
Date: 2021.08.30
11:09:25 -05'00'

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail
Coyle.ann@epa.gov

Regional Hearing Clerk/via electronic mail
R5hearingclerk@epa.gov

Christopher Grubb/via electronic mail
Grubb.christopher@epa.gov

James Kavalec, OEPA
James.kavalec@epa.ohio.gov

Kelly Toth, OEPA
Kelly.toth@epa.ohio.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2021-0030
)	
JEG’S Automotive, Inc.)	Proceeding to Assess a Civil Penalty
Delaware, Ohio)	Under Section 205(c)(1) of the Clean Air
)	Act, 42 U.S.C. § 7424(c)(1)
Respondent.)	
<hr/>)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 205(c)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7424(c)(1), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is JEG’S Automotive, Inc. (Respondent or JEGS), a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution.

10. Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing parts or components whose principal effect is to bypass, defeat, or render inoperative a motor vehicle emission control device or element of design (“defeat device”), where the person knows or should know that the part is being offered for sale or installed for such use.

11. Violations of CAA section 203(a)(3)(B) are subject to civil penalties of up to \$3,750 per defeat device for violations that occurred after December 6, 2013 through November 2, 2015, and up to \$4,619 for violations that occur after November 2, 2015, where penalties are assessed on or after January 15, 2018. CAA § 205, 42 U.S.C. § 7524 and 40 C.F.R. Part 19.

12. EPA may refer a case to the U.S. Department of Justice (DOJ) to commence a civil action to assess and recover civil penalties for violations of Title II of the CAA. 42 U.S.C. § 7524(b). Alternatively, EPA may seek an administrative resolution if the penalty at issue is below \$385,535. *Id.* § 7524(c)(1) (setting the administrative penalty cap at \$200,000); 40 C.F.R. § 19.4, amended at 85 Fed. Reg. 1751 (Jan. 13, 2020) (increasing the cap to \$385,535 for

penalties assessed on or after January 13, 2020). EPA and DOJ may, however, jointly determine that a larger penalty amount is appropriate for an administrative resolution and thereby waive the penalty cap. 42 U.S.C. § 7524(c)(1). In this case, EPA and DOJ have jointly determined to waive the penalty cap.

13. Definitions:

(a) Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines "person" as "an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof."

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

14. The CAA requires EPA to prescribe and revise, by regulation, standards applicable to the emission of any air pollutant from new motor vehicles or new motor vehicle engines which cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare. CAA §§ 202(a)(1) and (3)(8), 42 U.S.C. §§ 7521(a)(1) and (3)(8).

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

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

17. Motor vehicle manufacturers employ many devices and elements of design to meet these emission standards. Certain hardware devices serve as emission control systems to manage and treat exhaust from motor vehicles, in order to reduce levels of regulated pollutants from being created or emitted into the ambient air. Such devices include catalytic converters.

Factual Allegations and Alleged Violations

18. Respondent is a corporation organized under the laws of the State of Ohio with its primary place of business located at 101 JEGS Blvd., Delaware, Ohio 43015 (the Facility).

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

20. On December 26, 2018, EPA issued a request for information to Respondent pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, requesting documents related to services and/or parts or components manufactured, sold, or installed by JEGS.

21. Based on Respondent's March 29, 2019 response to EPA's information request, EPA issued a Finding of Violation (FOV) to Respondent on July 31, 2019 for violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

22. On September 4, 2019, representatives from EPA and Respondent met by phone to discuss the FOV.

23. JEGS supplemented its response to EPA's request for information on March 27, 2020, June 19, 2020, and July 23, 2020. In its supplemental responses, JEGS identified previously undisclosed records related to sales of automotive parts that impacted emission control devices and elements of design.

24. Based on Respondent's responses to EPA's information request and additional information gathered during EPA's investigation, Respondent sold various exhaust gas

recirculation (EGR) block plates, pipe kits, and electronic control module reprogrammers (“tuners”) identified in Attachment 1 of this CAFO.

25. The EGR block plates identified in Attachment 1 block the portion of the exhaust gas stream that is diverted back to the engine’s air intake system. The pipe kits identified in Attachment 1 enable the removal of a catalytic converter and/or a diesel particulate filter (DPF) from the motor vehicles for which they were designed. The tuners identified in Attachment 1 prevent the OBD from sending trouble codes to activate the check engine light and/or limp mode.

26. The EGR block plates, pipe kits, and tuners identified in Attachment 1 of this CAFO were designed and marketed for use on various motor vehicles, and intended to bypass, defeat, or render inoperative emission related devices or elements of design that are installed on those motor vehicles to meet the CAA emission standards, resulting in emissions of nitrogen oxides (“NOx”) and particulate matter above applicable mobile source emission limits.

27. Between June 1, 2016 to July 23, 2020, Respondent sold at least 1,892 pipe kits, EGR block plates, and tuners to customers located throughout the United States.

28. EPA alleges that, in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), Respondent sold at least 1,892 parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component was to bypass, defeat or render inoperative elements of design that control emissions, and/or other elements of design on motor vehicles and motor vehicle engines, and that Respondent knew or should have known that such parts or components were being offered for sale or installed for such use or put to such use.

29. On May 12, 2021, Respondent's counsel notified EPA that Respondent had removed all violative products from the JEGS website.

30. In agreeing to the terms of this CAFO, including the amount of the civil penalty below, EPA is relying on Respondent's certifications.

Civil Penalty

31. Based on analysis of the factors specified in Section 205(c) of the CAA, 42 U.S.C. § 7524(c), the facts of this case, and Respondents' cooperation, prompt return to compliance, and agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is \$300,000.

32. Respondents must pay \$300,000 within 30 calendar days of the effective date of this CAFO. Respondents must pay the civil penalty by check or online payment, as follows: sending a cashier's or certified check, payable to "Treasurer, United States of America," via U.S. mail to:

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

(the check must note Respondents' names and the docket number of this CAFO);

sending a cashier's or certified check, payable to "Treasurer, United States of America," via non-U.S. Postal Service to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

(the check must note Respondent's name and the docket number of this CAFO);

Or by going to www.pay.gov. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields (including Respondents' names and the docket number of this CAFO).

33. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Christopher Grubb (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Grubb.Christopher@epa.gov

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

34. This civil penalty is not deductible for federal tax purposes.

35. If Respondent does not timely pay the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action under Section 205(c)(6) of the CAA, 42 U.S.C. § 7524(c)(6)(B). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

36. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly

nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7524(c)(6)(B).

Other Conditions

37. By signing this Consent Agreement, Respondent certifies that from the date of its signature, Respondent (i) will not manufacture, sell, offer for sale, or install any aftermarket defeat devices, including electronic control module (ECM) tuning products where a principal effect of the device is to bypass, defeat, or render inoperative any emission-related device or element of design installed on or in a motor vehicle or motor vehicle engine, and (ii) will not remove or render inoperative any emissions-related device or element of design installed on or in a motor vehicle or motor vehicle engine. Respondent also certifies that it has reviewed EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

38. Respondent certifies that as of May 12, 2021, it stopped selling all defeat devices, and it has permanently destroyed or returned to the manufacturer any and all defeat devices in its inventory and/or possession, or otherwise under its control, including but not limited to ECM tuning products, EGR block plates, etc. by compacting or crushing the defeat devices and all of the associated parts and components to render them useless.

39. Within 14 calendar days from the effective date of this CAFO, Respondent shall post a publicly-accessible announcement about Respondent's settlement with EPA on all current websites and social media pages that are accessible and controlled by Respondent, including, but not limited to: "jegas.com," and all Facebook, Twitter, Pinterest, and Instagram accounts associated with JEGS. The announcement shall remain posted for at least 90 calendar days from

the date the announcement is posted. Respondent shall use the text contained in Appendix B (Announcement), or another notice reviewed and approved by EPA, to provide such announcement. Respondent shall provide EPA with proof of posting the announcement within 30 calendar days from the effective date of this CAFO.

40. Failure to comply with Paragraph 37 of this CAFO may constitute a violation of CAA Section 203(a)(3) and Respondents could be subject to penalties of up to \$4,819 per violation.

Supplemental Environment Project

41. Within 270 calendar days from the effective date of this CAFO, Respondent must spend at least \$275,000 to complete a Supplemental Environmental Project (SEP) designed to protect public health and the environment by implementing the diesel emission reduction project in Appendix A. The parties expect this project will reduce emissions of NO_x and particulate matter, as well as reducing additional sulfur dioxide emissions, in an area impacted by excess emissions from JEGS's alleged CAA violations.

42. With regard to the SEP, Respondent certifies under penalty of law the truth and accuracy of each of the following:

- a. That all cost information provided to the EPA in connection with the EPA's approval of the SEP is complete and accurate and that Respondent in good faith estimates that the cost to implement the SEP is \$275,000;
- b. That, as of the effective date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation and is not required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;
- c. That the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

- d. That Respondent has not received and will not receive credit for the SEP in any other enforcement action;
- e. That Respondent will not receive reimbursement for any portion of the SEP from another person or entity;
- f. That for federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP;
- g. Respondent would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project, if the Agency were precluded by law from accepting a diesel emissions reduction Supplemental Environmental Project.

43. EPA may inspect the Facility and/or request records at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

44. Respondent must submit a SEP completion report to EPA within 300 calendar days from the effective date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the SEP documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions).
- f. For any diesel engine permanently destroyed in accordance with Paragraph 5 of Appendix A:
 - i. The method in Paragraph 5 of this Appendix used to permanently destroy the engine;

- ii. Photographs demonstrating the engine was permanently destroyed using one of the methods in Paragraph 5 of Appendix A;
- iii. The date on which the engine was permanently destroyed;
- iv. The names and titles of the Columbus City School District (“CCSD”) officers, employees, or agents who permanently destroyed the engine; and,
- v. The names of any third parties that permanently destroyed the engine.

45. Respondent must submit all notices and reports required by this CAFO by e-mail to the Air Enforcement and Compliance Assurance Branch at the address r5airenforcement@epa.gov.

46. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

47. Following receipt of the SEP completion report described in Paragraph 44, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 calendar days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under Paragraph 52.

48. If EPA exercises option b above, Respondent may object in writing to the deficiency notice within 10 calendar days of receiving the notice. The parties will have 30

calendar days from EPA’s receipt of Respondent’s objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA’s decision, Respondent will pay stipulated penalties to the United States under Paragraph 52, below.

49. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. If Respondent fails to satisfactorily complete the SEP as required by Paragraph 41 and Appendix A, Respondent shall pay a stipulated penalty of \$300,000.
- b. If Respondent fails to comply with the deadlines in Paragraph 41 and Appendix A for implementing the SEP, Respondent shall pay stipulated penalties for each failure to meet an applicable deadline, as follows:

<u>Penalty per violation per calendar day</u>	<u>Period of violation</u>
\$500	1 st through 14 th calendar day
\$750	15 th through 30 th calendar day
\$1,000	31 st calendar day and beyond

- c. If Respondent did not submit timely the SEP completion report required by Paragraph 44, Respondent must pay penalties in the following amounts for each calendar day after the report was due until it submits the report:

<u>Penalty per violation per calendar day</u>	<u>Period of violation</u>
\$500	1 st through 14 th calendar day
\$750	15 th through 30 th calendar day
\$1,000	31 st calendar day and beyond

50. EPA’s determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent. Where the SEP has not been satisfactorily completed, but the Respondent can demonstrate that the partially completed SEP provides some of the expected environmental

and/or public health benefits, the EPA may, in its discretion, choose to reduce or waive stipulated penalties otherwise due under this CAFO.

51. EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this CAFO.

52. Respondent must pay any stipulated penalties within 15 calendar days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in Paragraph 32, above, and will pay interest and nonpayment penalties on any overdue amounts.

53. Any public statement that Respondent makes referring to the SEP must include the following language: "JEGS Automotive, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's civil enforcement action against JEGS Automotive, Inc. for violations of Sections 203(a)(3)(B) of the Clean Air Act."

54. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 calendar days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

General Provisions

55. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1).

56. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: grubb.christopher@epa.gov (for Complainant), and whayes@fbtlaw.com (for Respondent).

57. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

58. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 57, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

59. Respondent certifies that it is complying fully with Sections 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (a)(3)(B).

60. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

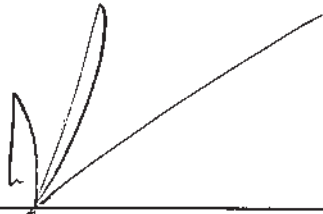
61. This CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history under Section 205 of the CAA, 42 U.S.C. § 7524, in any subsequent enforcement actions.

62. The terms of this CAFO bind Respondent, its successors and assigns.
63. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
64. Each party agrees to bear its own costs and attorneys fees in this action.
65. This CAFO constitutes the entire agreement between the parties.
66. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer and filing with the Regional Hearing Clerk.

Consent Agreement and Final Order
In the Matter of: **JEG'S Automotive, Inc.**
Docket No. **CAA-05-2021-0030**

JEG'S Automotive, Inc., Respondent

08/11/2021
Date



John Coughlin, President
JEG'S Automotive, Inc.

Consent Agreement and Final Order
In the Matter of: **JEG'S Automotive, Inc.**
Docket No. **CAA-05-2021-0030**

United States Environmental Protection Agency, Complainant

Harris,
Michael

Digitally signed by Harris,
Michael
Date: 2021.09.02
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Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: **JEG'S Automotive, Inc.**
Docket No. **CAA-05-2021-0030**

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2021.09.13
08:12:22 -05'00'

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Attachment 1

Defeat Device Product	JEGS Product Number	Manufacturer	Motor Vehicles	Effect on Motor Vehicle and Emission Controls and Elements of Design
Catalytic/DPF delete pipe	048-49-42020	aFe Power	2007-2012 Dodge Cummins 2500/3500 6.7L 07.5-10	Enables the removal of the OEM catalytic converters and DPF
Catalytic/DPF Delete Exhaust Pipe	048-49-04022	aFe Power	2007-2010 GM Diesel V8 6.6L	Enables the removal of the OEM catalytic converters and DPF
Catalytic/DPF delete pipe	048-49-43031	aFe Power	2008-2010 Ford F-250/F-350 Super Duty	Enables the removal of the OEM catalytic converters and DPF
Catalytic/DPF delete pipe	048-49-43027	aFe Power	Ford P/S F-250/350 6.4L 08-10 4 w/Flg	Enables the removal of the OEM catalytic converters and DPF
Catalytic by-pass pipe	071-FPOR-0930	Billy Boat Performance	2004-07 Porsche Cayenne Twin Turbo	Enables the removal of the OEM catalytic converters
Cat Test Pipe	071-FPOR-7300	Billy Boat Performance	1983-89 Porsche 944	Enables the removal of the OEM catalytic converters
Cat Test Pipe	071-FPOR-7000	Billy Boat Performance	1995 Porsche 993	Enables the removal of the OEM catalytic converters
Cat Test Pipe	071-FPIM-0543	Billy Boat Performance	2005-08 Audi B7 A4 2.0L Turbo	Enables the removal of the OEM catalytic converters
Cat Test Pipe	071-FPOR-7100	Billy Boat Performance	1990 Porsche 911 Carrera 2/Carrera 4	Enables the removal of the OEM catalytic converters
Cat Delete Pipes	071-FDOM-0335	Billy Boat Performance	2009-2014 Cadillac CTS-V	Enables the removal of the OEM catalytic converters

Cat Delete Pipes	071-FCOR-0266	Billy Boat Performance	1997-04 Corvette C5	Enables the removal of the OEM catalytic converters
Smog Pump Eliminator	809-10129569	Coughlin GM	1992-93 Chevy/GMC 3/4 and 1 ton trucks	Removal of smog pump
Ford Performance Air Pump Idler Bracket	397-M-8604-A50	Ford Motor Company	1979-93 Mustang	Removal of air pump
Cat Delete Kit	555-30580	Ningbo GNS Auto Parts	2011-2014 Mustang GT 5.0L Coyote	Enables the removal of the OEM catalytic converters
Cat Delete Kit	555-30581	Ningbo GNS Auto Parts	2011-2014 Mustang GT 5.0L Coyote	Enables the removal of the OEM catalytic converters
Air Pump Eliminator Kit	957-555-3335	Steeda	1979-1995 Mustang 5.0L	Removal of air pump
EGR block-off plate	236-2100	UMI Performance	1993-1997 LT1 EGR block-off plate camaro/firebird	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14901	Spaceloc	1987-1992 Chevrolet 5 & 5.7 liter TPI & LT1 TB block-off plate	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14902	Spaceloc	1970-1996 Chevrolet small block TPI/LT1	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14915	Spaceloc	1996-2004 Ford 4.6L	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14905	Pinnacle Tool	1993-1997 GM LT1	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14911	Pinnacle Tool	1987-1993 Ford 5.0L	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	555-14910	Daugherty Machine, Inc.	1987-1993 Ford 5.0L	Removes recirculation of exhaust gas from entering manifold.
EGR eliminator bracket	555-14555	Philadelphia Racing Products	1986-1993 Mustang 5.0L Mustang 70mm	Removes recirculation of exhaust gas from entering manifold.

EGR eliminator bracket	555-14557	Philadelphia Racing Products	1986-1993 Mustang 5.0L Mustang 75mm	Removes recirculation of exhaust gas from entering manifold.
Custom EGR block-off plate	579-9125BO	Kooks Headers	1997-2004 Chevy small block LS1	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	707-R2300	Racing Power Company	Chrome small block chevy manifold	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	720-7631	Holley Mr. Gasket	Fits 1973-1986 Chevrolet 262-400 small block intake manifolds.	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	809-6269414	Coughlin GM/Mopar	Covers EGR valve port on 350 HO manifold, ZZ4 engines	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	925-9001 (satin color)	Holley Weiand	EGR block-off plate for 300-111 LS-1 manifolds	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	925-9001P (polished)	Holley Weiand	EGR block-off plate for 300-111 LS-1 manifolds	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	925-9007	Holley Weiand	Carbureted Chevrolet small block manifolds	Removes recirculation of exhaust gas from entering manifold.
EGR eliminator bracket	957-555-3107	Steeda	1986-93 Mustangs, EGR elimination bracket 70mm	Removes recirculation of exhaust gas from entering manifold.
EGR block-off plate	969-2056	Trans Dapt Performance	Chevy small block chevy (chrome)	Removes recirculation of exhaust gas from entering manifold.
Catalytic delete pipe	679-S6004409	MBRP Performance Exhaust	01-07 Chevy/GMC 2500/3500 6.6L Duramax, EC/CC, 4" single side	Enables the removal of the OEM catalytic converters
Electronic boost builder	1515932	BD Diesel Performance	2001 Dodge Ram 2500/3500 5.9L 6 Cyl	Prevents setting an over-boost trouble code
Electronic boost builder	1515935	BD Diesel Performance	2003/2004 Dodge Ram 2500/3500 5.9L 6 Cyl	Prevents setting an over-boost trouble code
Electronic boost builder	1515936	BD Diesel Performance	2004-2007 Dodge Ram 2500/3500 5.9L 6 Cyl	Prevents setting an over-boost trouble code

Electronic boost builder	1515937	BD Diesel Performance	2008-2012 Dodge Ram 2500/3500 5.9L 6 Cyl	Prevents setting an over-boost trouble code
Electronic boost builder	1516000	BD Diesel Performance	2003-2007 Ford F250/F350/F450/F550 Super Duty 6.0L V8	Prevents setting an over-boost trouble code
Smarty Jr Programmer	MADJ06	BD Diesel Performance	2003-2007 Dodge 5.9L	Prevents setting an over-boost trouble code
Smarty Jr Programmer	MADS03	BD Diesel Performance	Dodge 1998.5-2002 5.9L 24 Valve	Prevents setting an over-boost trouble code
Smarty Jr Programmer 5.9L	MADS06POD	BD Diesel Performance	Dodge 2003-2007 5.9L	Prevents setting an over-boost trouble code
EGR Cooler delete system	46-90071	aFe Performance	Dodge Ram 07-08 6.7L L6	EGR Cooler delete system
EGR Cooler delete system	46-90072	aFe Performance	Dodge Ram 10-12 6.7L Turbo Diesel	EGR Cooler delete system
EGR Track Kit	46-90076	aFe Performance	Ford Diesel Trucks 03-07 V8 6.0L	Replaces OEM EGR system

Appendix A

Diesel Emission Reduction SEP

1. Within 270 calendar days of the Effective Date of the CAFO, JEGS, in consultation with the Columbus Ohio City School District ("CCSD"), shall spend at least \$275,000 to replace at least three CCSD school buses from the following list:

Item	Vehicle Identification Number	Model Year	Make	Model
1	1HVBBPEM4NH468890 (Bus 390)	1992	International	3800
2	1HVBBPEM6NH468891 (Bus 584)	1992	International	3800
3	1HVBBPEM5NH468896 (Bus 589)	1992	International	3800

This list hereafter shall be called the "Vehicle List."

2. In determining which vehicles to replace, JEGS and CCSD have given priority to older, higher-polluting vehicles that have high annual usage rates and/or vehicle miles travelled so that the pollution reductions obtained from the Project will be maximized. In addition, priority has been given to vehicles that service schools located in areas of Environmental Justice concern.

3. JEGS, in consultation with the CCSD, may request to include vehicles not on the Vehicle List by providing to EPA in writing a justification for the addition. Such vehicles shall be considered a part of the "Vehicle List" for purposes of this Appendix only if EPA agrees in writing.

4. Within 270 calendar days of the Effective Date of the CAFO, JEGS in consultation with the Columbus Ohio City School District ("CCSD"), shall spend at least \$275,000 to purchase three school buses to replace the school buses identified in the above Vehicle List. The replacement school buses shall be engine model year 2016 or newer powered

by a diesel or alternative fueled engine (including hybrids) certified to EPA emission standards, with an engine certified to meet California Air Resources Board's Optional Low-NOx Standard, or powered by a zero tailpipe emission source.

5. Any diesel engine in a school bus that is replaced through this project shall be permanently destroyed. For purposes of this Appendix, "permanently destroyed" shall mean to destroy a vehicle or engine using one of the following methods:

- a. (i) Remove (and dispose of appropriately) the engine oil from the crankcase, replace the oil with a 40 percent solution of sodium silicate ($\text{SiO}_2 / \text{Na}_2\text{O}$ with a weight ratio of 3.0 or greater); (ii) Run the engine at a low speed (approximately 2,000 rpm) until the engine stops; (iii) After allowing the engine to cool for an hour, try to start the engine; if the vehicle or engine contains a battery and that battery is charged and the engine will not operate at idle, the procedure is complete; (iv) If the engine starts, run the engine at a low speed (approximately 2,000 rpm) until the engine stops and then try to start the engine again after allowing the engine to cool for an hour. Repeat step (iv) in this process until the engine will not operate; (v) Remove and dispose of any remaining fuel in accordance with applicable law.
- b. Remove (and dispose of appropriately) all oil and fuel from the device. Using a drill bit of no less than 3/8 inch or a cutting torch: (i) drill or cut a hole through the lower crankcase of the engine so that it no longer retains oil; (ii) drill or cut a hole through the cylinder head into the combustion chamber; and (iii) drill or cut a hole through the cylinder or cylinder block through the cylinder liner.

- c. Compact or crush the engine and all of its parts or components to render them useless.

Consent Agreement and Final Order
In the Matter of: **JEG'S Automotive, Inc.**
Docket No. **CAA-05-2021-0030**

Appendix B
Website Announcement

On [Date], JEG'S Automotive, Inc. (JEGS) entered into a settlement with the United States Environmental Protection Agency (U.S. EPA) to resolve alleged violations of Section 203(a)(3)(B) of the Clean Air Act, which resulted from selling and/or offering to sell defeat devices for use with motor vehicle engines.

By signing a consent agreement with U.S. EPA, JEGS has certified that it (i) will not manufacture, sell, offer for sale, or install any aftermarket defeat devices, including ECM tuning products, where a principal effect of the device is to bypass, defeat, or render inoperative any emission-related device or element of design installed on or in a motor vehicle or motor vehicle engine, and (ii) will not remove or render inoperative any emissions-related device or element of design installed on or in a motor vehicle or motor vehicle engine.

JEGS will pay a penalty of \$300,000 and spend at least \$275,000 to replace older, higher-polluting buses that have high annual usage rates and service schools in areas of Environmental Justice concern through a diesel emission reduction supplemental environmental project. If you have any questions regarding this announcement, please contact _____.

Consent Agreement and Final Order
In the matter of: JEG'S Automotive, Inc.
Docket Number: **CAA-05-2021-0030**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA-05-2021-0030, which was filed on September 13, 2021, in the following manner to the following addressees:

Copy by E-mail to Respondent: JEG'S Automotive, Inc. c/o
William D. Hayes
whayes@fbtlaw.com

Copy by E-mail to Attorney for Complainant: Christopher Grubb
grubb.christopher@epa.gov

Copy by e-mail to Attorney for Respondent: William D. Hayes
whayes@fbtlaw.com

Copy by E-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: _____

LADAWN
WHITEHEAD

Digitally signed by LADAWN
WHITEHEAD
Date: 2021.09.13 08:52:25 -05'00'

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5