



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

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In re Double R Diesel, LLC) Docket No. CAA-2024-8453
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_____)

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA’s Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD



Ammie Roseman-Orr
Environmental Appeals Judge

Dated: September 24, 2024

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Aaron P. Avila, Wendy L. Blake, and Ammie Roseman-Orr.

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:

DOUBLE R DIESEL LLC

Respondent.

Docket No.
CAA-2024-8453

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

1. This is a civil administrative penalty assessment proceeding instituted under Section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1). The issuance of this Consent Agreement and attached Final Order (“CAFO”) simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
2. Complainant in this matter is the United States Environmental Protection Agency (“EPA” or “Complainant”). On the EPA’s behalf, Mary E. Greene, Director, Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized by lawful delegation to institute and settle civil administrative penalty assessment proceedings under Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). EPA Delegation 7.6.A.
3. Respondent in this matter is Double R Diesel, LLC. (“DRD” or “Respondent”). Respondent is a Limited Liability Corporation organized under the laws of the State of North Carolina with an office at [REDACTED]. Among other things, the Respondent manufactures and sells automotive parts.
4. The EPA and Respondent (referred to collectively as “Parties” and individually as “Party”), having agreed to settle this action, consent to the entry of this CAFO.
5. The Parties agree to settle this case without taking testimony and without adjudication of any

issues of law or fact herein, and agree to comply with the terms of this CAFO.

Jurisdiction

6. This Consent Agreement is entered into under Sections 205(c)(1), 42 U.S.C. § 7524(c)(1) and 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”).
7. The EPA may administratively assess a civil penalty if the penalty sought is less than \$460,926. CAA § 205(c)(1); 40 C.F.R. § 19.4.
8. The Consolidated Rules provide that where the Parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a CAFO. 40 C.F.R. §§ 22.13(b), 22.18(b).
9. The Environmental Appeals Board is authorized to issue consent orders memorializing settlements between the EPA and Respondent resulting from administrative enforcement actions under the CAA, and to issue final orders assessing penalties under the CAA. 40 C.F.R. §§ 22.4(a)(1); 22,18(b)(3).

Governing Law

10. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521–54, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, generally including non-methane hydrocarbons (“NMHC”), particulate matter (“PM”), oxides of nitrogen (“NO_x”), and carbon monoxide (“CO”). The Alleged Violations of Law, stated below, concern motor vehicles and motor vehicle engines, specifically light and medium heavy-duty diesel engine trucks, and the manufacture and sale of products commonly referred to as “Defeat Devices” in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

11. “Motor vehicle” is defined in section 216(2) of the CAA, 42 U.S.C. § 7550(2), as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” *See also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”).
12. Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity (“COC”).
13. The EPA issues COCs to vehicle manufacturers (also known as “original equipment manufacturers” or “OEMs”) 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.
14. Under section 202 of the CAA, 42 U.S.C. § 7521, the EPA promulgated emission standards for NMHC, PM, NO_x, and CO. *See generally* 40 C.F.R. Part 86.
15. To obtain a COC for a given motor vehicle test group or engine family, the OEM must demonstrate that each motor vehicle or motor vehicle engine will not exceed established emission standards for NMHC, PM, NO_x, CO, and other pollutants. 40 C.F.R. §§ 86.004-21, 86.1811-04, 86-1844.01.
16. The COC application must describe, among other things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. This includes all auxiliary emission control devices (“AECDs”), which are defined as “any element of design which sense temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purposes of activating, modulating, delaying, or deactivating the operation of any part of the emission control system” of the motor vehicle. 40 C.F.R. §§ 86.094-21, 86.1844-01.
17. “Elements of Design” means “any control system (*i.e.*, computer software, electronic control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R.

§ 86.094-2. For example, OEMs employ various ignition timing and fueling strategies to control emissions (*e.g.*, retarded fuel injection timing) as a primary emission control system for NO_x. OEMs also employ certain hardware devices as emission control systems to manage and treat exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air. Such devices include exhaust gas recirculation (“EGR”), diesel oxidation catalyst (“DOC”), diesel particulate filter (“DPF”), and selective catalytic reduction (“SCR”) systems.

18. “On-Board Diagnostic System” or “OBD,” is a monitoring system, including components and sensors, designed to detect, record, and report malfunctions of all monitored emission-related powertrain systems or components. 40 C.F.R. § 86.1806-05(b).
19. Under section 202(m) of the CAA, 42 U.S.C. § 7521(m), the EPA promulgated regulations requiring manufacturers of heavy-duty truck engines to install OBD systems on vehicles beginning with the 2007 model year. *See* 40 C.F.R. §§ 86.005-17, 86.007-17, 86.1806-05. The regulations require the OBD system to monitor emission control components for any malfunction or deterioration causing exceedance of certain emission thresholds. When the OBD system detects a problem, a check-engine light on the dashboard of the vehicle alerts the driver that a certain repair or repairs are needed. 40 C.F.R. §§ 86.1806.05, 86.1807.17. Thus, OBD is a critical element of design of the motor vehicle.
20. Under the CAA, the term “Person” includes individuals, corporations, partnerships, associations, states, municipalities, and political subdivisions of a states. 42 U.S.C. § 7602(e).
21. Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B) prohibits any person:

[T]o 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
22. It is also a violation for any person to cause any of the prohibited acts set forth in section 203(a)

of the CAA, 42 U.S.C § 7522(a).

23. Persons violating section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), are subject to a civil penalty of up to \$5,761 for each violation that occurred on or after November 2, 2015, where penalties are assessed on or after December 27, 2023. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. §19.4; Civil Monetary Penalty Inflation Adjustment Rule, 88 Fed. Reg. 89309 (Dec. 27, 2023).
24. Any violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), shall constitute a separate offense with respect to each part or component. CAA § 205(a), 42 U.S.C. § 7524(a).

Definitions

25. Definitions, as the terms are used in this CAFO:
 - (a) “Defeat Device” means a part or component, including Defeat Tuning Products and Exhaust Aftertreatment Delete Pipes, 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 a motor vehicle or motor vehicle engine emission control device or element of design required by regulation under Title II of the CAA. *See* CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B).
 - (b) “Electronic Control Module” or “ECM” is a computer and primary emission control component installed in a motor vehicle that determines how the motor vehicle functions. An ECM receives input signals from multiple sensors in the motor vehicle. Based upon the input signals, and according to the map(s)/tune(s) installed on the ECM, an ECM sends output signals that direct vehicle functions including ignition timing and fueling strategy. The ECM continuously monitors engine and other operating parameters and controls the emission control elements of design such as fueling strategy and emission control device operation.
 - (c) “Exhaust Gas Recirculation” or “EGR” is an element of design in motor vehicles that

reduces NO_x emissions, which are formed at high temperatures during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and thereby NO_x emissions. The EGR (including the EGR valve, EGR cooler, and associated throttle valve) consists of all hardware, parts, sensors, subassemblies, software, AECDs, ECM software (calibrations), and other components that collectively constitute the system for implementing the strategy for adjusting the volume of exhaust gas in the engine cylinders. The EGR is a “device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with [CAA] regulations” within the meaning of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

- (d) “Diesel Particulate Filter” or “DPF” is a filter that captures soot from engine exhaust, thereby decreasing PM emission. By design, soot that collects in the DPF is periodically burned off by elevated exhaust temperatures in a process referred to as active or passive regeneration. The DPF includes all hardware, parts, sensors, subassemblies, AECDs, ECM software (calibrations), and other components that collectively constitute the system for implementing this emission control strategy. The DPF is a “device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with [CAA] regulations” within the meaning of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).
- (e) “Diesel Oxidation Catalyst” or “DOC” is a precious-metal coated, flow-through honeycomb structure. As exhaust gas passes through the DOC, the coating precious metal causes a catalytic reaction that breaks down CO and NMHCs in the exhaust into their less harmful components. The DOC includes all hardware, parts, sensors, subassemblies, AECDs, ECM software (calibrations), and other components that collectively constitute the system for implementing the emissions control strategy. The DOC is a “device or element of design installed on or in a motor vehicle or motor vehicle engine in

compliance with [CAA] regulations” within the meaning of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

- (f) “Selective Catalytic Reduction” or “SCR” system reduces NO_x emissions by chemically converting NO_x in exhaust gas into nitrogen and water through the injection of diesel exhaust fluid, typically composed of urea. The SCR includes all hardware, parts, sensors, subassemblies, AECs, ECM software (calibrations) and other components, that collectively constitute the system for implementing this emissions control strategy. The SCR is a “device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with [CAA] regulations” within the meaning of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).
- (g) “Defeat Tuning Product” means an aftermarket ECM programmer (including hardware commonly referred to as “tuners” and software commonly referred to as “tunes”) that modify ECM programming or calibrations and/or OBD operation, where a principal effect of the product is to bypass, defeat, or render inoperative emission control devices or elements of design, including EGR, DOC, DPF, SCR, or OBD systems, or fuel injection timing calibrations, installed on or in motor vehicle engines in compliance with regulations promulgated under Title II of the CAA.
- (h) “Exhaust Aftertreatment Delete Pipe” means a component that is designed to physically remove, disable, or bypass an aftertreatment emission control device or element of design, such as a DPF, DOC, or SCR, from the exhaust system installed on or in a motor vehicle or motor vehicle engine in compliance with regulations promulgated under Title II of the CAA.

Stipulated Facts

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

27. On October 12, 2023, the EPA issued a Notice of Violation to Respondent alleging Respondent offered for sale, or caused the offer for sale, of multiple products that have a principal effect of bypassing, defeating, or rendering inoperative emission control devices or elements of design certified to control emissions on motor vehicles or motor vehicle engines.
28. Additionally, the EPA sent an information request (hereinafter the “Information Request”) on October 12, 2023, pursuant to section 208(a) of the CAA, 42 U.S.C. § 7542(a), to Respondent regarding tunes, tuners, and hardware Respondent sold since January 1, 2020.
29. On December 20, 2023, Respondent submitted a response to EPA’s Information Request.
30. In its December 20, 2023 response, Respondent provided information indicating that Respondent has sold or offered for sale Exhaust Aftertreatment Delete Pipes and has manufactured, sold, or offered for sale Defeat Tuning Products as described in Paragraphs 31–36 below.
31. Using RaceMe Warp Tuning software, Respondent has manufactured and sold custom ECM calibration files, or “tunes,” which are designed to modify the programming on ECMs of 6.7 liter Cummins Inc. (“Cummins”) diesel engines used in light and medium heavy-duty Dodge Ram trucks (“Custom Warp Tunes”).
32. Respondent has sold the Custom Warp Tunes either by installing the tunes preloaded onto an MM3 Power tuner and shipping the tuner to the customer or sent out via prepared SD card or email.
33. Among the Custom Warp Tunes manufactured and sold by Respondent are tunes that alter fuel timing maps with the ECM’s electronic calibrations and/or modify the ECM’s programming governing emission control devices to disable and/or allow for removal of a DOC, DPF, and/or SCR system without illuminating a malfunction indicator lamp in the OBD system, prompting any diagnostic trouble code in the OBD system, or causing any engine derating or malfunction due to deactivation or removal of an emission control device.

34. Between January 1, 2020 and December 20, 2023, Respondent sold at least 4,154 Defeat Tuning Products, which are identified in Appendix A of this CAFO.
35. Between January 1, 2020 and December 20, 2023, Respondent sold at least 743 Exhaust Aftertreatment Delete Pipes, which are identified in Appendix A of this CAFO.
36. The Defeat Devices identified in Paragraphs 30–35 above were designed and marketed for use with Dodge Ram light heavy-duty and medium heavy-duty motor vehicles with motor vehicle engines manufactured by Cummins. Cummins obtained COCs from the EPA and certified that the motor vehicles comply with applicable federal emission standards. The elements of design these motor vehicles employ to control emissions include fuel timing maps, EGR, DOC, DPF, SCR, and OBD systems.
37. In an October 16, 2023 letter, Respondent indicated that it had removed all violative products from the DRD website and was no longer manufacturing, selling, or installing violative products.

Alleged Violations of Law

38. Based on information obtained from the Respondent described in Paragraphs 30 through 37, above, the EPA alleges that between January 1, 2020 and December 20, 2023, Respondent manufactured, sold, and/or offered for sale, at least 4,897 Defeat Devices, including Exhaust Aftertreatment Delete Pipes and Defeat Tuning Products, which are parts and components intended for use with, or as part of, motor vehicles or motor vehicle engines, where a principal effect of the parts or components is to bypass, defeat, render inoperative emission control devices or elements of design installed on or in a motor vehicle or motor vehicle engine. 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.
39. The EPA alleges that, between January 1, 2020, and December 20, 2023, Respondent committed at least 4,897 violations of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

Terms of Agreement

40. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that the EPA has jurisdiction over this matter as stated above;
 - (b) admits to the stipulated facts stated above;
 - (c) neither admits nor denies the alleged violations of law stated above;
 - (d) consents to the assessment of a civil penalty as stated below;
 - (e) consents to the conditions specified in this CAFO;
 - (f) waives any right to contest the alleged violations of law; and
 - (g) waives its rights to appeal the CAFO.
41. For the purpose of this proceeding, Respondent:
- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) 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 CAFO, including any right of judicial review under section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
 - (c) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to enforce this CAFO, and to seek an additional penalty for noncompliance with this CAFO, and agrees that federal law shall govern in any such civil action;
 - (d) consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Columbia;
 - (e) agrees that Respondent may not delegate duties under this CAFO to any other Party without the written consent of the EPA, which may be granted or withheld at EPA's unfettered discretion. If the EPA so consents, the CAFO is binding on the Party or Parties

to whom the duties are delegated;

- (f) acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (g) acknowledges that this CAFO will be available to the public and agrees that it does not contain any confidential business information or personally identifiable information;
- (h) acknowledges that its tax identification number may be used for collecting or reporting any delinquent monetary obligation arising from this CAFO (*see* 31 U.S.C. § 7701);
- (i) certifies that the information it has supplied concerning this matter was at the time of its submission true, accurate, and complete; and
- (j) acknowledges that there are significant penalties for knowingly submitting false, factitious, or fraudulent information, including the possibility of fines and imprisonment (*see* 18 U.S.C. § 1001).

42. For the purpose of this proceeding, the parties each agree that:

- (a) this Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof;
- (b) the undersigned representative is fully authorized by the Party whom he or she represents to bind that Party to this Consent Agreement and execute it on behalf of that Party;
- (c) each Party's obligations under this CAFO constitute sufficient consideration for the other party's obligations under this Consent Agreement; and
- (d) each party will bear their own costs and attorney fees in the action resolved by this CAFO.

43. Respondent agrees to pay a civil penalty in the amount of \$9,794 ("Assessed Penalty") within 30 days after the date the Final Order ratifying this Agreement is filed with Clerk of the Environmental Appeals Board ("Filing Date"). The EPA conducted an analysis of financial

information submitted by the Respondent and determined Respondent has a limited ability to pay. Consequently, in accord with applicable law, the EPA determined that the Assessed Penalty is an appropriate amount to settle this action.

44. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided at the following EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, visit the following webpage: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

45. When making a payment, Respondent shall:

- (a) Identify every payment with Respondent's name and the docket number of this Agreement, "Docket No. CAA-2024-8453."
- (b) Concurrently with any payment or within 24 hours of payment, Respondent shall send proof of such payment to the following persons:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
Via electronic mail to:
Clerk_EAB@epa.gov

Nathan Dancher, Environmental Engineer
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Via electronic mail to:
dancher.nathan@epa.gov

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

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate the payment has been made according to the EPA

requirements, in the amount due, and identified with the Respondent's name and "Docket No. CAA-2024-8453."

46. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7524(c)(6), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

(a) Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within 30 days, interest accrued is waived. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

(b) Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.

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

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

(a) Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14;

(b) Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government for, a person to

satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

- (c) Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.
- (d) Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7524(c)(6). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

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

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

50. Certification of Compliance. As a condition of settlement, Respondent agrees to the following: By signing this CAFO, Respondent certifies that from the date of its signature, Respondent will not manufacture, sell, offer for sale, or install any Defeat Device that defeats, bypasses, or otherwise renders inoperative any emissions-related device or element of design on a motor vehicle or motor vehicle engine subject to regulation under Title II of the CAA, as prohibited under section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), and Respondent 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 subject to regulation under Title II of the CAA, as prohibited under section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A). This includes, but

is not limited to, Defeat Tuning Products and Exhaust Aftertreatment Delete Pipes as defined in this CAFO.

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

Effect of Consent Agreement and Attached Final Order

52. In accord with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged above.
53. Penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes. 28 U.S.C. § 162(f).
54. This CAFO applies to and is binding upon the Complainant and Respondent. Successors and assigns of Respondent are also bound if they are owned, in whole or in part, directly or indirectly, or otherwise controlled by Respondent. Nothing in the previous sentence adversely affects any right of the EPA under applicable law to assert successor or assignee liability against Respondent's successors or assignees.
55. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CAA or other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
56. The EPA reserves the right to revoke this Consent Agreement and accompanying settlement penalty if and to the extent the EPA finds, after signing this Consent Agreement, that any information provided by Respondent was or is materially false or inaccurate, and the EPA reserves the right to pursue, assess, and enforce legal and equitable remedies for the Alleged

Violations of Law. The EPA shall give Respondent written notice of such termination, which will be effective upon mailing.

57. The Parties agree to submit this Consent Agreement to the Environmental Appeals Board with a request that it be incorporated into a Final Order.

Effective Date

58. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Environmental Appeals Board and filing with the Hearing Clerk.

APPENDIX A

DOUBLE R DIESEL, LLC VIOLATIONS OF 42 U.S.C § 7522 FOR THE PERIOD OF
JANUARY 1, 2020 THROUGH DECEMBER 20, 2023 FOR OFFERING FOR SALE OR SALE OF
4,897 AFTERTREATMENT DELETE HARDWARE AND TUNING PRODUCTS

#	Product Description	Double R Diesel Part Number	Product Manufacturer	Quantity Sold
1	2007.5-2009 Custom Warp Tuning	07.5-09 CWT	DRD	36
2	07.5-09 MM3 Tuner - Complete Option Package With Accessory Options	07.5-09 MM3 COP	MM3 Power	28
3	07.5-09 MM3 Tuner - Express Option	07.5-09 MM3 EO	MM3 Power	10
4	07.5-9 MM3 Tuner - Lite Option	07.5-09 MM3 LOP	MM3 Power	33
5	07.5-09 Retuning Option	RE-TUNE07.5-09	DRD	19
6	07.5-12 RAM Pickup 6.7L Cummins DPF Race Pipe	835F	Flo Pro	10
7	07.5-12 RAM Pickup 6.7L Cummins DPF Race Pipe, Stainless	07.5-12-DRPS	Flo Pro	9
8	10-12 Custom Warp Tuning	10-12 CWT	DRD	124
9	10-12 MM3 Tuner - Full Tuning Package - Tuner Only	10-12 MM3	MM3 Power	26
10	10-12 MM3 Tuner - Complete Option Package With Accessory Options	10-12 MM3 COP	MM3 Power	58
11	10-12 MM3 Tuner - Express Option	10-12 MM3 EO	MM3 Power	20
12	10-12 MM3 Tuner - Lite Option	10-12 MM3 LOP	MM3 Power	117
13	10-12 Lite Option Upgrade To Full Tuning Complete	10-12 UPLTFT	DRD	4
14	10-12 Retuning Option	RE-TUNE10-12	DRD	4
15	10-12 RAM Pickup 6.7L Cummins 4" TBE, Aluminized	10-12-4TBE	Flo Pro	15
16	10-12 RAM Pickup 6.7L Cummins 5" TBE, Aluminized	10-12-5TBE	Flo Pro	5
17	10-12 RAM Pickup 6.7L Cummins 5" TBE, Stainless	SS1648	Flo Pro	4
18	10-12 RAM Pickup 6.7L Cummins 5" TBE, W/O Muffler, Stainless	SS1649	Flo Pro	7
19	10-12 RAM Pickup 6.7L Cummins 4" TBE, Stainless	SS1848	Flo Pro	8
20	10-12 RAM Pickup 6.7L Cummins 4" TBE, W/O Muffler, Stainless	SS1849	Flo Pro	2
21	13-18 Custom Warp Tuning	13-18 CWT	DRD	188
22	13-18 MM3 Tuner - Full Tuning Package - Tuner Only	13-18 MM3	MM3 Power	1
23	13-18 MM3 Tuner - Express Option	13-18 MM3 EO	MM3 Power	1
24	13-18 MM3 Tuner - Lite Option	13-18 MM3 LOP	MM3 Power	10
25	13-18 Lite Option Upgrade To Full Tuning Complete	13-18 UPLTFT	DRD	27
26	13-18 Custom Warp Tuning	13-18CWT	DRD	404
27	13-18 Single Tune Custom Warp Tuning	13-18SCWT	DRD	210
28	13-18 Emissions Tuning To Deleted Tuning	RE-TUNE/ET/DT	DRD	62

#	Product Description	Double R Diesel Part Number	Product Manufacturer	Quantity Sold
29	13-18 Retuning Option	RE-TUNE13-18	DRD	545
30	13-19 Retuning Option	RE-TUNE13-19	DRD	73
31	13-18 RAM Pickup 6.7L Cummins 5" Exhaust W/O Muffler, Stainless	SS1673	Flo Pro	57
32	13-18 RAM Pickup 6.7L Cummins 5" Exhaust W/Muffler, Stainless	SS1674	Flo Pro	50
33	13-18 RAM Pickup 6.7L Cummins 4" DP Back Race Kit Exhaust W/O Muffler, Stainless	SS1873	Flo Pro	11
34	13-18 RAM Pickup 6.7L Cummins 4" Exhaust W/Muffler, Stainless	SS1874	Flo Pro	62
35	13-18 RAM Pickup 6.7L Cummins DPF/SCR Race Pipe, Stainless	SS868NB	Flo Pro	55
36	13-18 RAM Pickup 6.7L Cummins 5" Exhaust W/O Muffler	1673	Flo Pro	104
37	13-18 RAM Pickup 6.7L Cummins 5" Exhaust W/Muffler	1674	Flo Pro	40
38	13-18 RAM Pickup 6.7L Cummins 4" DP Back Race Kit Exhaust W/O Muffler, Aluminized	1873	Flo Pro	23
39	13-18 RAM Pickup 6.7L Cummins 4" Exhaust W/Muffler	1874	Flo Pro	100
40	13-18 MM3 Tuner - Cab & Chassis	13-19 C&C	MM3 Power	65
41	13-18 MM3 Tuner - Full Tuning Package - Tuner Only	13-19 MM3	MM3 Power	153
42	13-18 MM3 Tuner - Complete Option Package With Accessory Options	13-19 MM3 COP	MM3 Power	379
43	13-18 MM3 Tuner - Express Option	13-19 MM3 EO	MM3 Power	166
44	13-18 MM3 Tuner - Lite Option	13-19 MM3 LOP	MM3 Power	731
45	13-19 Custom Warp Tuning	13-19 CWT	DRD	84
46	13-19 Lite Option Upgrade To Full Tuning Complete	13-19 UPLTFT	DRD	5
47	13-18 Cab & Chassis Deleted Tuning	13-19CCDT	DRD	83
48	13-18 RAM Pickup 6.7L Cummins DPF/SCR Race Pipe	13-19-DRP	Flo Pro	50
49	19-20 Beta Warp Tuning Option	19-20BWTO	DRD	12
50	19-21 Warp Tuning Option	19-21BWTO	DRD	113
51	19-21 MM3 Tuner - Beta Option - Power Tunes Now Included	19-CBO	MM3 Power	268
52	22 MM3 Tuner - (PCM Swap Procedure) Beta Option	22-PCMSPLF	MM3 Power	14
53	19-20 Beta Retuning Option	RE-TUNE19-20	DRD	10
54	19-21 Retuning Option	RE-TUNE19-21	DRD	71
55	19+ RAM Pickup 6.7L Cummins 5" Flexpipe Back Exhaust System - W/Muffler, Stainless	FLO-SS691	Flo Pro	27
56	19+ RAM Pickup 6.7L Cummins 4" Flexpipe Back Exhaust System - W/Muffler, Stainless	FLO-SS891	Flo Pro	31

#	Product Description	Double R Diesel Part Number	Product Manufacturer	Quantity Sold
57	19+ RAM Pickup 6.7L Cummins DPF/SCR Race Pipe, Stainless	FLO-SS892	Flo Pro	23
58	19+ RAM Pickup 6.7L Cummins 5" Flexpipe Back Exhaust System - W/Muffler	FLO691	Flo Pro	16
59	19+ RAM Pickup 6.7L Cummins 4" Flexpipe Back Exhaust System - W/Muffler	FLO891	Flo Pro	13
60	19+ RAM Pickup 6.7L Cummins DPF/SCR Race Pipe	FLO892	Flo Pro	21
Total				4897

The foregoing Consent Agreement in the matter of Double R Diesel, LLC, Docket No. CAA-2024-8453, is Hereby Stipulated, Agreed, and Approved for Entry.

For Double R Diesel, LLC:

[Redacted Signature]

Signature

5-15-2024
Date

Printed Name: *Raymond Wilson Rich*

Title: **Sole Member**

Address: [Redacted]

Respondent's Federal Tax Identification Number: [Redacted]

For Complainant:

MARY
GREENE

Digitally signed by MARY
GREENE
Date: 2024.07.02
10:46:52 -04'00'

Mary E. Greene, Director
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460-0001

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

In re:)	
)	
DOUBLE R DIESEL, LLC)	Docket No. CAA-2024-8453
)	
Respondent.)	
)	

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA’s Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Date: _____

[Official NAME OF LEAD JUDGE]
Environmental Appeals Board Judge

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges _____, _____, and _____.

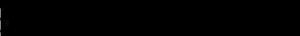
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing “Consent Agreement” and “Final Order” in the Matter of *Double R Diesel LLC*, Docket No. CAA-2024-8453 was filed and copies of the same were sent to the following persons in the manner indicated.

By email to:

Raymond Rich, Member
Double R Diesel, LLC



E-mail: 

Ian Altendorfer
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Mail Code 2243A
Washington, DC 20460
E-mail: altendorfer.ian@epa.gov

Dated: _____

Emilio Cortes
Clerk of the Board

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Consent Agreement" and "Final Order," in the matter of Double R Diesel, LLC, Docket No. CAA-2024-8453, were sent to the following persons in the manner indicated:

By E-mail:

Raymond Rich, Member
Double R Diesel, LLC

[REDACTED]

E-mail: [REDACTED]

Ian Altendorfer
Mark Palermo
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Mail Code 2243A
Washington, DC 20460
E-mail: altendorfer.ian@epa.gov
E-mail: palermo.mark@epa.gov

Dated: Sep 24, 2024

[REDACTED]

Emilio Cortes
Clerk of the Board