



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 10, 2015

Volkswagen AG  
Audi AG  
Volkswagen Group of America, Inc.  
Through:

<b>Notice of Violation Docket #:</b>	12936
<b>Site Location:</b>	State of Washington

David Geanacopoulos  
Executive Vice President Public Affairs  
and General Counsel  
Volkswagen Group of America, Inc.  
2200 Ferdinand Porsche Drive  
Herndon, VA 20171

Stuart Johnson  
General Manager  
Engineering and Environment Office  
Volkswagen Group of America, Inc  
3800 Hamlin Road  
Auburn Hill, MI 48326

Re: Notice of Violation

Dear Mr. Geanacopoulos and Mr. Johnson:

The Department of Ecology is issuing the enclosed Notice of Violation to you for violating provisions of:

- Chapter 173-421 Washington Administrative Code (WAC) – Motor Vehicle Emission Control Systems
- Chapter 70.120A Revised Code of Washington (RCW) – Motor Vehicle Emission Standards
- Chapter 173-423 Washington Administrative Code (WAC) – Low Emission Vehicles
- Chapter 70.94 Revised Code of Washington (RCW) – Washington Clean Air Act

If you have questions please contact Brett Rude at [brett.rude@ecy.wa.gov](mailto:brett.rude@ecy.wa.gov) or (360) 407-6847.

Sincerely,

Stuart A. Clark  
Manager, Air Quality Program

Enclosure: Notice of Violation Docket #12936

By certified mail: 91 7108 2133 3939 7067 5013  
91 7108 2133 3939 7067 5020





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE )  
WITH WASHINGTON STATE CLEAN AIR ) NOTICE OF VIOLATION  
LAWS AND RULES ) DOCKET #12963

To: David Geanacopoulos  
Executive Vice President Public Affairs  
and General Counsel  
Volkswagen Group of America, Inc.  
2200 Ferdinand Porsche Drive  
Herndon, VA 20171

Stuart Johnson  
General Manager  
Engineering and Environment Office  
Volkswagen Group of America, Inc.  
3800 Hamlin Road  
Auburn Hills, MI 48326

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- Chapter 173-421 Washington Administrative Code (WAC) – Motor Vehicle Emission Control Systems
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- Chapter 173-423 Washington Administrative Code (WAC) – Low Emission Vehicles
- Chapter 70.94 Revised Code of Washington (RCW) – Washington Clean Air Act

Ecology has the authority to issue this Notice of Violation under RCW 70.94.141, RCW 70.94.331, and RCW 70.94.332.

**FINDINGS OF FACT**

Effective January 1, 2005 and as authorized by 42 U.S.C. Sec. 7507 (section 177 of the Federal Clean Air Act), the Washington State Legislature adopted by reference the California motor vehicle emission standards in Title 13 of the California Code of Regulations. *See* RCW 70.120A. The Washington State Department of Ecology (Ecology) subsequently adopted rules implementing the California emission standards for passenger cars, light duty trucks, and medium duty passenger vehicles. *See* Chapter 173-423 WAC. These rules provide, among other things:

*“Starting with the 2009 model year, no vehicle shall be registered, leased, rented, licensed or sold for use in the state of Washington unless such vehicle is certified to California emission standards...”*

WAC 173-423-050(1)

To be certified to California emission standards, a vehicle must demonstrate that its exhaust and evaporative emission control systems are durable and comply with the emission standards for the vehicle's useful life. This is done through durability and certification testing of the prototype

certification vehicle(s). Compliance with on-board diagnostics, anti-tampering, fuel tank fill-pipe and openings, crankcase emissions, etc., as applicable, must be demonstrated also. An application for certification must be submitted to, and approved by, the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA).

Beginning in about 2008, Volkswagen (VW) manufactured and installed defeat devices in certain model year 2009 through 2015 light duty diesel vehicles equipped with 2.0 liter engines. These defeat devices bypass, defeat, or render inoperative elements of the vehicles' emission control systems that are necessary to enable the vehicles to comply with EPA, California, and Washington State motor vehicle emission standards.

EPA and CARB uncovered the defeat device software after independent analysis by researchers at West Virginia University, working with the International Council on Clean Transportation, a non-governmental organization, raised questions about emissions levels, and the agencies began further investigations into the issue. In September, 2015 after EPA and CARB demanded an explanation for the identified emission problems, Volkswagen admitted that the cars contained defeat devices.

Affected diesel models include, at least:

- Jetta (MY 2009 – 2015)
- Jetta Sportwagen (MY 2009-2014)
- Beetle (MY 2012 – 2015)
- Beetle Convertible (MY 2012-2015)
- Audi A3 (MY 2010 – 2015)
- Golf (MY 2010 – 2015)
- Golf Sportwagen (MY 2015)
- Passat (MY 2012-2015)

According to EPA, a sophisticated software algorithm on certain Volkswagen vehicles detects when the car is undergoing official emissions testing, and turns full emissions controls on only during the test. The effectiveness of these vehicles' pollution emissions control devices is greatly reduced during all normal driving situations. This results in cars that meet emissions standards in the laboratory or testing station, but during normal operation, emit nitrogen oxides, or NOx, at up to 40 times the standard.

NOx pollution contributes to nitrogen dioxide, ground-level ozone, and fine particulate matter. Exposure to these pollutants has been linked with a range of serious health effects, including increased asthma attacks and other respiratory illnesses that can be serious enough to send people to the hospital. Exposure to ozone and particulate matter has also been associated with premature death due to respiratory-related or cardiovascular-related effects. Children, the elderly, and people with pre-existing respiratory disease are particularly at risk for adverse health effects from these pollutants.

Additionally, due to the existence of the defeat devices in these vehicles, these vehicles do not conform to the vehicle specifications described in the applications for the certificates (EPA's certificates of conformity; California's Executive Orders) that purportedly cover them.

Motor vehicles equipped with defeat devices, which reduce the effectiveness of the emission control system during normal driving conditions, cannot be certified. Such vehicles, therefore, cannot be sold for use in Washington.

## II. DETERMINATION OF VIOLATIONS

Ecology is basing this notice on the violations listed below:

### Violation 1:

**Date(s) of violation:** Model years 2009 through 2015  
**Description:** Violation of Washington State motor vehicle emission standards  
**Rule citation:** Chapter WAC 173-423  
**Law citation:** RCW 70.94.040; Chapter 70.120A RCW

### Violation 2:

**Date(s) of violation:** Model years 2009 through 2015  
**Description:** Tampering with motor vehicle emission control systems  
**Rule citation:** WAC 173-421-100  
**Law citation:** RCW 70.94.040.

## III. OPPORTUNITY TO MEET WITH ECOLOGY

Ecology may issue a penalty of up to \$10,000 per day per violation under RCW 70.94.431 and a penalty of up to \$5,000 per vehicle under WAC 173-423-140 to further address the violations described in this Notice of Violation. We encourage you to contact us within the next 30 days, to discuss these violations before we make a decision on a penalty.

If you would like to schedule a meeting to discuss the facts of these violations, please contact Brett Rude at [brett.rude@ecy.wa.gov](mailto:brett.rude@ecy.wa.gov) or (360) 407-6847.

## IV. MORE INFORMATION

- **Chapter 70.94 RCW, Washington Clean Air Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.94>
- **Air Quality Rules**  
[www.ecy.wa.gov/laws-rules/ecywac.html#air](http://www.ecy.wa.gov/laws-rules/ecywac.html#air)

## V. SIGNATURE

  
Stuart A. Clark  
Manager, Air Quality Program

11/10/15  
Date

