



VIA U.S. MAIL AND ELECTRONIC MAIL

May 18, 2018

Volkswagen AG
Berliner Ring 2
38440 Wolfsburg, Germany
Attention: Group General Counsel
Attention: Company Secretary

Audi AG
Auto-Union Straße 1
85045 Ingolstadt, Germany
Attention: Company Secretary

Volkswagen Group of America, Inc.
2200 Ferdinand Porsche Dr.
Herndon, VA 20171
Attention: President
Attention: U.S. General Counsel
Attention: Company Secretary

Volkswagen Group of America
Chattanooga Operations, LLC
8001 Volkswagen Dr.
Chattanooga, TN 37416
Attention: Company Secretary

Dr. Ing. h.c. F. Porsche Aktiengesellschaft
Porscheplatz 1, D-70435 Stuttgart
Attention:
GR/Rechtsabteilung/ General Counsel

Porsche Cars North America, Inc.
1 Porsche Dr
Atlanta, GA 30354
Attention: Secretary

Robert J. Giuffra, Jr.
Sharon L. Nelles
Sullivan & Cromwell LLP
125 Broad Street
New York, New York 10004

Granta Nakayama
King & Spaulding LLP
1700 Pennsylvania Ave., N.W.,
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Washington, DC 20006

Cari Dawson
Alston & Bird LLP
One Atlantic Center
1201 Peachtree Street
Atlanta, GA 30309-3424

Re: Approved Emissions Modification: Generation 1.1 SUV of the 3.0 Liter Subject Vehicles

To Whom It May Concern:

In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB (JSC), United States District Court, Northern District of California.

Appendix B of the 3.0 liter (3.0L) Partial Consent Decree¹ entered on May 17, 2017 establishes how Defendants shall submit Proposed Emissions Modifications, and how the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) will approve or disapprove any such proposal that Defendants choose to submit. The EPA and CARB have been working with Defendants for many months to evaluate a potential remedy to reduce the NOx pollution from these vehicles. Over these months, Defendants have provided, and the agencies have reviewed, a significant amount of files, data, and materials in support of Proposed Emissions Modifications for Test Groups 9ADXT03.03LD and AADXT03.03LD covering model years 2009-2010 Volkswagen Touareg and Audi Q7 diesel vehicles.

After thoroughly reviewing these materials, including examining and evaluating test data, software descriptions and files, onboard diagnostic system functionality, durability demonstration results, auxiliary emission control device (AECD) descriptions, consumer disclosures, extended warranty plans, and various statements of compliance therein; and after conducting our own extensive testing of four vehicles equipped with the Proposed Emissions Modifications; and based upon the certifications of the Defendants that the materials submitted are true, correct and complete, the EPA and CARB have determined that the Proposed Emissions Modifications as described by the entirety of Defendants’ submissions satisfy the terms and conditions set forth in Appendix B of the 3.0L Partial Consent Decree. Thus, the EPA and CARB hereby approve Defendants’ Proposed Emissions Modifications for Test Groups 9ADXT03.03LD and AADXT03.03LD covering model years 2009-2010 Volkswagen Touareg and Audi Q7 diesel vehicles.

Defendants remain obligated to fulfill all other requirements set forth in Appendix B including, but not limited to, the Final OBD Demonstration Data, Continued Compliance, Extended Warranty, Defeat Device Prohibition, and any other applicable regulatory requirements. Any failure of terms, conditions, and regulatory requirements may be subject to stipulated penalties as specified in the Consent Decree.


Defendants shall, within ten days of the date of this approval, provide all Eligible Owners and Eligible Lessees with notice that the Emissions Modifications for Test Groups 9ADXT03.03LD and AADXT03.03LD of the 3.0 Liter Subject Vehicles is available, pursuant to the terms, and in accordance with the requirements of Appendix A and Appendix B of the 3.0L Partial Consent Decree.


¹ In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB (JSC), United States District Court, Northern District of California.

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Approved Emissions Modifications: Test Groups 9ADXT03.03LD and AADXT03.03LD, covering model years 2009-2010 Volkswagen Touareg and Audi Q7 diesel vehicles.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency


Byron Bunker, Director
Compliance Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

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Approved Emissions Modifications: Test Groups 9ADXT03.03LD and AADXT03.03LD, covering model years 2009-2010 Volkswagen Touareg and Audi Q7 diesel vehicles.

FOR THE CALIFORNIA AIR RESOURCES BOARD



Annette Hebert, Chief
Emissions Compliance
Automotive Regulations and Science Division
California Air Resources Board



Todd Sax, Chief
Enforcement Division
California Air Resources Board

In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB (JSC), United States District Court, Northern District of California.

cc:

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