

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR



MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF:

JEFFREY B. JORDAN/)	ADMINISTRATIVE CONSENT
GREELEY’S GARAGE, INC.)	AGREEMENT
ANDROSCOGGIN COUNTY)	(38 M.R.S. § 347-A)
AUBURN, MAINE)	(38 M.R.S. § 585-O)
MAINE STATUTE VIOLATION)	
ES #311, 01-23)	

This Agreement, by and among Jeffrey B. Jordan and Greeley’s Garage, Inc., and the State of Maine, Department of Environmental Protection (“Department” or “DEP”), as approved by the Maine Board of Environmental Protection (“Board”), and the Office of the Attorney General (“OAG”) is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S. §§ 347-A(1) and 341-D(6).

THE PARTIES AGREE AS FOLLOWS:

1. Jeffrey Jordan is the owner and president of Greeley’s Garage, Inc. Greeley’s Garage, Inc. is a Maine business corporation that conducts repairs and sales on mostly diesel trucks with its principal location at 741 Washington Street, Auburn, Maine.
2. During the periods of time addressed by this Agreement, Jeffrey B. Jordan/Greeley’s Garage, Inc., as a certified dealer of motor vehicles in the State of Maine, was subject to *Maine’s Motor Vehicle Emission Control System Tampering law*, 38 M.R.S. § 585-O.
3. On October 24, 2021, staff from the Maine Department of Environmental Protection (DEP), Bureau of Air Quality (BAQ) were informed by the Maine State Police that a truck was impounded at Bouchard & Sons Towing, Inc. (Bouchard’s), located at 12 Southgate Drive in North Hermon, Maine, and that the truck had had its emission control system tampered with. The truck was a black 2016 GMC Sierra 3500HD Denali diesel pick-up truck (Truck).
4. On October 27, 2021, while the Truck was still being held at Bouchard’s, BAQ staff conducted an inspection of the Truck to determine if the Truck’s emission control systems had been tampered with or removed.
5. The BAQ inspection included a visual assessment of the exhaust system underneath the Truck and the Truck’s engine compartment to determine if the original equipment was still installed, as well as a digital assessment of the vehicle’s electrical control unit (ECU).

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6. The Truck was originally equipped from the factory with a DMAX manufactured Duramax 6.6L V8 turbo diesel engine. The Truck (vin # 1GT42YE87GF209025) was manufactured to conform to California emission standards and equipped with the following emission control system components:
- a. Diesel particulate filter (DPF);
 - b. Diesel oxidation catalyst (DOC) with selective catalytic reduction (SCR) using diesel exhaust fluid (DEF);
 - c. Exhaust gas recirculation (EGR); and
 - d. Temperature and oxygen (O₂) sensors.
7. The inspection resulted in a determination that the Truck's emission control system had been tampered with, both physically and digitally. Factory-installed emission control system components had been removed and replaced with add-on equipment or altered. The DPF and DOC with SCR had been completely removed. Sensor cables that would have been attached to temperature and oxygen sensors and would have delivered temperature and oxygen data to the engine's ECU had been cut and left dangling. The delivery system that delivered DEF to the exhaust stream had been disconnected. Bypass piping had been installed that effectively bypassed the delivery of exhaust gas to the EGR for combustion air mixing. The ECU had been flashed (original software had been deleted) and replaced with new software (a tune) that changed the Truck's original manufacturer software designed and certified to meet California emission standards.
8. The current owner of the Truck, who was present during the inspection, provided a bill of sale for the Truck, which indicated that, on October 21, 2021, Christopher Reese (Mr. Reese), who resides at 101 Hurd Point Road, Dedham, Maine, purchased the Truck from Jeff Jordan (Jordan), who resides at 114 Hebron Road, Oxford, Maine.
9. Documents filed with the Maine Secretary of State's Bureau of Corporations, Elections and Commissions in 2021 indicate that Jeffrey B. Jordan was President, Secretary, and Director of Greeley's Garage, Inc. Greeley's Garage, Inc. is licensed with the Bureau of Motor Vehicles as a licensed used car dealer whose dealer number is 694 and was licensed during the events in question described in this notice of violation.
10. *Maine's Motor Vehicle Emission Control System Tampering law*, 38 M.R.S. § 585-O(1)(E) and (2)(B) state in relevant part:
1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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E. “Tamper” means to deactivate, dismantle, defeat, bypass, alter, modify, remove, or otherwise render inoperable, in whole or in part, mechanical or electronic components of the emission control system that is installed on or in a motor vehicle by the original manufacturer of the motor vehicle.

2. **Tampering prohibited.** Tampering with the emission control system of a motor vehicle is prohibited as provided in this subsection.

B. A dealer may not sell, lease or rent, or offer to sell, lease or rent, or transfer title or right of possession of a motor vehicle if a person has tampered with the emission control system of the motor vehicle.

- 11. The sale information that BAQ staff initially obtained from Mr. Reese included the original Certificate of Title indicating that the owner of the Truck was Jeffrey B. Jordan. That Certificate of Title was issued on August 10, 2016, to Jeffrey B. Jordan. BAQ staff subsequently obtained information from the Maine Secretary of State which indicated that the original Application for Certificate of Title was submitted to the Maine Bureau of Motor Vehicles (BMV) on July 13, 2016, and the application was approved on July 25, 2016. A second Application for Certificate of Title was submitted to the BMV on April 27, 2021. This application was approved on September 14, 2021, listing a transfer of ownership from Jeffrey B. Jordan to Greeley’s Garage, Inc. The approval of the second Application for Certificate of Title occurred prior to the sale of the Truck to Mr. Reese.
- 12. **By transferring title from Jeffrey B. Jordan to Greeley’s Garage, Inc., Jeffrey B. Jordan and Greeley’s Garage, Inc. violated Maine’s prohibition on transferring title or right of possession of a motor vehicle that has had its emission control system tampered with as established in 38 M.R.S. § 585-O(2)(B).**
- 13. On October 21, 2021, Mr. Jordan, on behalf of Greeley’s Garage, Inc., sold the Truck, Vin # 1GT42YE87GF209025, to Mr. Reese. A subsequent Application for Certificate of Title was submitted to the Maine Secretary of State requesting transfer of title from Greeley’s Garage, Inc. to Mr. Reese.
- 14. **By selling the tampered-with Truck and by transferring title from Greeley’s Garage, Inc. to Mr. Reese, Jeffrey B. Jordan and Greeley’s Garage, Inc. violated Maine’s prohibition on selling and transferring title or right of possession of a motor vehicle that has had its emission control system tampered with as established in 38 M.R.S. § 585-O(2)(B).**

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15. On August 11, 2023, the Department issued a Notice of Violation to Greeley’s Garage, Inc. for the activities described in Paragraphs 11, 13 and 14 of this Agreement, in accordance with 38 M.R.S. § 347-A(1)(B).
16. This Agreement is not effective until it is approved and signed by the Board and the OAG.
17. To resolve the violations referred to in Paragraphs 12 and 14 of this Agreement, Jeffrey B. Jordan and Greeley’s Garage, Inc. agree to pay to the *Treasurer, State of Maine*, immediately upon signing this Agreement, a civil monetary penalty in the amount of ten thousand dollars (\$10,000), with all but four thousand dollars (\$4,000.00) suspended, provided Jordan and Greeley’s Garage, Inc. timely complies with all requirements of this Agreement to the satisfaction of the Department in its sole discretion. In the event Jordan/Greeley’s Garage, Inc. violates the Agreement in any way, as determined by the Department in its sole discretion, then the suspended portion of the original penalty will immediately become unsuspended and the full amount of the original penalty amount (\$10,000) will immediately become due and owing by Jordan/Greeley’s Garage, Inc., with all defenses to such liability and the collection of the full penalty liability waived by Jordan/Greeley’s Garage, Inc. With regard to any and all penalties stated in this Paragraph, Jeffrey B. Jordan and Greeley’s Garage, Inc. are jointly and severally liable.
18. The Department and the OAG grant a release of their causes of action against Jeffrey B. Jordan and Greeley’s Garage, Inc. for the specific violations listed in Paragraphs 12 and 14 of this Agreement on the express condition that all actions listed in Paragraph 17 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. This release shall not become effective until all requirements of this Agreement have been satisfied as determined by the Department and the OAG in their sole discretion.
19. Any non-compliance with any term or condition of this Agreement, as determined by the Department or the Office of the Attorney General in their sole discretion, voids the releases set forth in Paragraph 18 of this Agreement and may lead to an enforcement action pursuant to applicable law, including 38 M.R.S. §§ 347-A(1)(A), 347-A(5), and 348, as well as the pursuit of other remedies.
20. By signing and executing this agreement, Jeffrey B. Jordan and Greeley’s Garage, Inc. knowingly, voluntarily, intentionally, permanently, and irrevocably waive any and all defenses related to the enforcement of this Agreement, including enforcement by the Department or the OAG.

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- 21. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, and orders including but not limited to licensing requirements.
- 22. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of five (5) pages:

JEFFREY B. JORDAN AND GREELEY'S GARAGE, INC.

BY:  DATE: 1-18-24
JEFFREY B. JORDAN, PRESIDENT, SECRETARY AND DIRECTOR OF GREELEY'S GARAGE, INC.

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
SUSAN LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
EMMA AKRAWI, ASSISTANT ATTORNEY GENERAL

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