UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE
ASSURANCE DIVISION

Reply To: 20-C04

RETURN RECEIPT REQUESTED

Mr. Travis Turner
Owner
Pure Addiction Diesel Performance LLC
1458 Northeast 25th Avenue, Suite 160
Hillsboro, Oregon 97124

Re: Requirement to Provide Information Pursuant to Section 208(a) of the Clean Air Act

Dear Mr. Turner:

The United States Environmental Protection Agency (EPA) hereby requires Pure Addiction Diesel Performance LLC ("Pure Addiction") and any of its parent organizations, subsidiary organizations, affiliated organizations, predecessors, successors, agents and assignees (collectively, "Pure Addiction" or "you")[1] to provide the information specified below. EPA is conducting an investigation to determine your compliance with Sections 203(a) and 213(d) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a) and 7547(d), and the applicable motor vehicle regulations at 40 C.F.R. Parts 85 and 86. Examples of vehicles or engines regulated under these Parts include, but are not limited to, automobiles, pickup trucks and nonroad engines.

EPA issues this Information Request under Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), EPA may require any person who is subject to the CAA, Title II, Part A Motor Vehicle Emission and Fuel Standards (CAA Sections 202 – 219, 42 U.S.C. §§ 7521-7554), to perform tests and provide information necessary to determine whether the person is acting or has acted in compliance with the CAA and the regulations promulgated thereunder.

You are required to provide the specified information and documents in accordance with the enclosed Information Request within 45 days of receipt of this request. Please contact EPA within 15 days of your receipt of this request if you need additional time to respond.

Enclosure A provides instructions for your response to this Information Request, including for submission of electronic records, as well as definitions used in this Information Request. Enclosure B contains the information you are required to submit. Enclosure C contains the form with which a duly authorized officer or agent of Pure Addiction is required to certify the truth, accuracy and completeness of your response. Enclosure D is an electronic file that provides the required format for your response to this Information Request. Please carefully review the instructions, definitions and specific questions as you prepare your response.

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[1] *See* definition 1 in Enclosure A.

Failure to timely respond fully and truthfully to this Information Request may subject you to a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b), as well as additional inquires. Pursuant to Sections 208 and 307 of the CAA, 42 U.S.C. §§ 7542, 7607, EPA may require additional information, inspections or depositions. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Your response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

EPA's Small Business Resources Information Sheet, which provides information on compliance assistance that may be helpful to you, is enclosed.

Currently, EPA Region 10 is not accepting any hard copy document deliveries. We ask you to upload all required information to the secured web link to be shared with you. Please identify the email address you would like to use to receive this secured web link and Enclosure D to John Keenan at keenan.john@epa.gov or (206) 553-1817.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact John Keenan. For legal matters or questions from legal counsel, please contact Brandon Cobb at (206) 553-6917 or by email at cobb.brandon@epa.gov.

Sincerely,

MORGAN JENCIUS

Digitally signed by MORGAN JENCIUS
Date: 2021.04.27 14:46:59 -07'00'

Morgan Jencius, Chief
Air and Land Enforcement Branch

Enclosures

ENCLOSURE A
INFORMATION REQUEST

When providing the information specified in Enclosure B, use the following instructions and definitions.

INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question set forth in Enclosure B. Mark each answer with the number of the question (and subpart, if applicable) to which it corresponds.

2. For each question, provide a copy of each document relied on or referred to in the preparation of the response or that contains information responsive to the question.

3. Indicate on each document produced or in some other reasonable manner, the number of the question to which it corresponds.

4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.

5. If the specified information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, if you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.

6. Provide the name, title and business contact information for each person who prepared or was consulted in the preparation of your response. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained in this Information Request or who may be able to provide additional responsive documents, provide the name, title and business contact information for each such person and the additional information or documents that they may have.

7. If you believe a question is not applicable, explain the reason for that belief.

8. The information requested must be provided whether or not you regard part or all of it as a trade secret or confidential business information. You may assert a confidentiality claim covering part or all of the information submitted, pursuant to Section 208 of the Clean Air Act (CAA), 42 U.S.C. § 7542 and 40 C.F.R. Part 2, by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary" or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA.

Information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. See 40 C.F.R. § 2.301 for additional rules governing certain information obtained under the CAA. Note that certain categories of information, including "emission data," are not entitled to confidential treatment. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by EPA without further notice to you. See also 41 Fed. Reg. 36902 (Sept. 1, 1976).

ELECTRONIC SUBMISSIONS

To aid in our electronic recordkeeping efforts, please provide all documents responsive to this Information Request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise required in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions require the submission of data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, using Enclosure D, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission to the secure web link provided by EPA.

4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.

5. Documents claimed as confidential business information must be submitted in separate file folders apart from the non-confidential information. The name of the separate file folders should clearly indicate that the contents contain information you claim as confidential business information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as confidential. Please follow the instructions above for claiming information as confidential business information.

6. Certify that the attached files have been scanned for viruses and indicate what program was used.

DEFINITIONS

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request, the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Motor Vehicle and Non-Road Regulations found at 40 C.F.R. Parts 85, 86, 89, 1036, 1037, 1039, 1051 and 1068. For purposes of this Information Request:

1. "Pure Addiction Diesel Performance, LLC", "Pure Addiction", "you", and "your" includes Pure Addiction Diesel Performance, LLC and any assumed or related business names, parent organizations, subsidiary organizations, affiliated organizations, predecessors, successors, agents and assignees or other entities that performed work or acted in any way on behalf of, are related to or acted at the direction of Pure Addiction Diesel Performance, LLC.

2. "Document" means any object that records, stores or presents information and includes, without limitation, email, writings, memoranda, contracts, agreements, records or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory or storage device or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents shall also include attachments to or enclosures with any document.

3. "Catalyst" means a system, such as a catalytic converter or diesel oxidation catalyst (DOC), that contains parts or chemical elements which increase the rate of a chemical reaction but are not one of the original reactants or final products, i.e., are not consumed or altered in the reaction. Catalysts consist of a flow-through structure that is coated with an active metal catalyst and surrounded by a stainless-steel housing.

4. "Diesel particulate filter" or "DPF," also known as a "periodic trap oxidizer" or "PTOX," means an exhaust after-treatment emission control component that physically traps particulate matter (PM) and removes it from the exhaust stream, typically using a porous ceramic or cordierite substrate or metallic filter.

5. "Electronic control module" or "ECM" means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. ECM programming relies on calculations and tables of information to provide appropriate outputs. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles, equipment and engines. ECMs may be incorporated separately with multiple units or may be combined into a single unit.

6. "Element of design" means any control system (i.e., computer software, electronic control system, emission control system, computer logic) and/or control system calibrations and/or the results of systems interaction and/or hardware items on a motor vehicle, motor vehicle engine, nonroad equipment or nonroad engines.

7. "Emission control component" means any part or component and its associated fluids, sensors, signals, components, and control systems that function primarily for emission control and whose deviation from original manufacturer specifications and/or failure may significantly increase emissions.

8. "Exhaust gas recirculation" or "EGR" and "clean gas induction" or "CGI" mean emission control components that direct a portion of engine exhaust back into the engine's combustion chamber to control combustion temperatures and pressures, thereby reducing the production of nitrogen oxides (NOx). The EGR and CGI systems may include a cooler, which cools the recirculated exhaust.

9. "On-Board Diagnostics" or "OBD" means an ECM that monitors emission control and emission-related components and systems along with certain engine components, such as the fuel delivery system and the engine control module. When the OBD detects a malfunction or deterioration that could affect emissions, it may illuminate a malfunction indicator light and produces diagnostic trouble codes to aid in repair.

10. "Part or component" includes any part or component intended for use with or as part of, a motor vehicle, motor vehicle engine, nonroad equipment or nonroad engine (e.g., ECM, element of design, calibration map, tune, tuner or software that is installed on or designed for use in such vehicles, equipment or engines).

11. "Product" means any service, part or component, or other items, including engine parts, manifolds, turbos, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes or devices, that are manufactured (*i.e.*, created, written, programmed, fabricated, produced, assembled or modified), purchased, imported, distributed, downloaded, offered for sale, sold, provided, performed and/or installed by your company that are intended for use with, or as part of, a motor vehicle, motor vehicle engine, nonroad equipment or nonroad engine.

12. "Selective catalytic reduction" or "SCR" means an emission control component that includes systems, such as the diesel exhaust fluid (DEF) tank, urea quality sensor, DEF injection system, SCR catalysts and other associated sensors, which inject a reductant, such as DEF, into the exhaust stream where it reacts with catalysts to convert NOx emissions to nitrogen gas (N_2) and water (H_2O).

13. "Service" means any action to change, affect, modify, bypass, render inoperative, remove, download and/or install one or more parts or components (*e.g.*, emission control components) or other items, including engine parts, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes, software, code or devices.

14. The term "tune" and/or "calibration" means any combination of software programming, calculations, computer logic, tables of information (e.g., fuel timing maps), coding or other content or information, stored in any form, capable of affecting or controlling an ECM.

15. The term “tuner” or “EM Product” means any device or product capable of accessing, altering or replacing the software programming, calculations, computer logic, tables of information (e.g., fuel timing maps), code or other content stored within or used by an ECM. Tuners also include any modules that are physically wired into the ECM, the engine, an emission control component or other element of design capable of accessing, altering or replacing the calibrations or operations of the engine or emission control component.

ENCLOSURE B
INFORMATION REQUEST

<u>INFORMATION YOU ARE REQUIRED TO SUBMIT TO EPA</u>

Pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, you are required to submit the following information to EPA as it pertains to activities at any location owned, leased and/or operated by Pure Addiction or to any activities by Pure Addiction, regardless of location, for the time period from January 1, 2019, to the date of this request.

1. Respond **YES or NO**: Since January 1, 2019, have you manufactured, offered for sale, sold and/or installed any product, including any part or component, that, individually or in conjunction with other products, permanently or temporarily:

   (a) Bypasses, defeats or renders inoperative any emission control component, element of design or emission related part or component, including the DPF system, EGR or CGI systems, catalyst system, OBD, SCR or sensors, signals or records related to such systems;

   (b) Simulates the operation of any emission control component and/or related parts including the DPF system, EGR or CGI systems, catalyst, OBD, SCR or sensors, signals or records related to these systems; and/or

   (c) Modifies engine operating parameters, such as fuel injection timing, fuel rail pressure and/or pulse width, emission control parameters or OBD functions, including those parameters sensed or controlled by the ECM.

   Examples of such products include, but are not limited to, EGR block plate, straight exhaust pipe, tune, tuner, or ECM re-calibration. See Enclosure A, Definitions.

2. If you answered YES to any of the sub-questions in Question 1, above, use Enclosure D, Worksheet 1 to provide the following information for each product that meets any of the criteria in Question 1, above:

   (a) The product name;

   (b) The product number;

   (c) The product manufacturer's name and address;

   (d) The product supplier's name and address (if different than manufacturer's);

   (e) A description of what the product does and how the product operates, (e.g., straight pipe that allows for removal of the DPF and SCR or a tuner that alters fuel injection timing and rail pressure);

(f) The type of vehicles, equipment and engines for which the product is designed, used or sold; including the makes, models, model years, engine types, years and expected uses (e.g., agriculture, construction equipment, on-road diesel);

(g) The average cost to you of the product sold;

(h) Your average sale price for the product;

(i) The quantity of product that you manufactured each calendar year (or partial year if full year not yet available);

(j) The quantity of product that you purchased each calendar year (or partial year if full year not yet available);

(k) The quantity of product that you sold each calendar year (or partial year if full year not yet available);

(l) The quantity of product that you installed each calendar year (or partial year if full year not yet available); and

(m) Whether the product has been emissions tested and/or certified.

3. For each product included in the spreadsheet required by Question 2, above, provide copies of all purchase receipts/invoices, work orders, sales receipts/invoices and any other documents involving the purchase, sale and/or installation of each product.

4. For each product included in the spreadsheet required by Question 2, above, provide the following:

(a) A list of media through which you advertised (e.g., website, social media, newspaper, verbal, trucking shows, conventions), specifying the name of the media and/or date of truck show or convention;

(b) A list of the Universal Resource Locators (URLs) for any website or social media page that you use or have used to advertise any of the products and/or facilitate sales;

(c) Copies of any advertisements to sell, distribute or install each product, including advertisements on websites and in other media; and

(d) Copies of any installation or operation instructions, guides or manuals for each product.

5. Provide copies of all documents (including emails) between you and the manufacturer or supplier of each product included in the spreadsheet required by Question 2, above.

6. For each product included in the spreadsheet required by Question 2, above, provide copies of all disclaimers, waivers, notices or releases of liability, assumption of risk and/or indemnity agreements, signed by you, your customers, and/or any manufacturers. Provide any documents which relate to knowledge, liability and/or risk associated with the removal and/or modification of emission control components and/or engine parameters. Examples include, but are not limited to, statements that the product is only for testing, maintenance, racing, off-road, or other restricted use.

7. For each instance of installation of a product responsive to Question 2, above, use Enclosure D, Worksheet 2 to list vehicle specific information including: Customer Name; Vehicle Identification Number; date of service; vehicle/engine make, model, and year; and, any effect of the installed product on vehicle elements of design and/or emission components.

8. Provide a copy of all documents (including emails) that discuss or describe any work you have done on any vehicle, equipment or engine to alter, block, bypass, defeat, disconnect, delete, deactivate, remove (in part or in whole) or render inoperative in any way of any emission control component, element of design and/or emission related part of any vehicle, equipment or engine.

9. Provide a detailed, written description of the current business structure of Pure Addiction and its affiliated organizations, including all corporate officials, an organizational chart depicting the parent and subsidiary companies affiliated with Pure Addiction, entities under common ownership with Pure Addiction and relative ownership interests in each entity.

10. Provide a copy of your corporate documents, including articles of incorporation, by-laws, certificates of good standing and partnership or membership agreements.

11. Provide the location of any and all warehouses or storage facilities where you store products or inventory. If you drop ship products, identify the wholesalers, manufacturers or other entities you have drop shipping arrangements with, describe those arrangements and provide any and all supporting documentation (including contracts).

12. Provide a list of your current and former employees (including independent contractors), from January 1, 2019, to present, indicating each employee's dates of employment, job titles and job responsibilities.

ENCLOSURE C
INFORMATION REQUEST

STATEMENT OF CERTIFICATION

I certify that the enclosed responses to EPA's Information Request issued to Pure Addiction Diesel Performance, LLC are true, accurate and complete. I certify that the portions of these responses which I did not personally prepare were prepared by persons acting on behalf of Pure Addiction Diesel Performance, LLC under my supervision and at my instruction and that the information provided is true, accurate and complete. I am aware that there are significant penalties for submitting false information in response to this Information Request, including the possibility of fine and imprisonment.

_____
Signature

_____
Printed Name

_____
Title

_____
Date