Clark, Sarah

From: Daugavietis, Andre
Sent: Monday, December 10, 2018 2:10 PM
To: Kushner, Adam M.
Cc: Graae, Hannah M.; Chatfield, Ethan; Clark, Sarah
Subject: River City Diesel - Incomplete Information Response

Dear Adam:

We thank your client, River City Diesel (RCD), for the timely response to EPA's October 29, 2018 information request. However, the following information is missing from the response.

In Request 1 of EPA's October 29, 2018 information request, EPA requested that RCD provide "the exact date of the loss of such information…" Accordingly, in response to Request 1, please provide the date that Mr. Davis disposed of the old PC. Also, please either confirm that no other copies, fomats or backups of information responsive to Request No. 2 of EPA's February 15, 2018 information request, dated prior to January 2017, exist or existed in any format; or provide such information that was stored in other copies, formats or backups.

The November 21, 2018 Best Practices memo, mentioned in RCD's responses to Requests 2-4, does not limit the scope of authority of EPA information requests here. That memo provides that: 'Under Section 208(a) of the Clean Air Act (CAA), "…persons subject to the requirements of [Part A of the Act]…shall…provide information the [EPA] may **reasonably** require to determine whether the…person has acted or is **acting in compliance** with [Part A]." 42 U.S.C. § 7542(a)' (emphasis added). The records sought in Requests 2-4 of EPA's October 29, 2018 information request, are reasonable and relevant to determining compliance with the Clean Air Act (CAA). These requests are tailored to obtain information that may be required to determine compliance, consistent with the memo.

Please respond by COB December 17, with RCD's intent whether or not to respond, in full, to Requests 2-4 of EPA's October 29, 2018 information request, as set forth above.

If the December 17 date is not also adequate for completing the response to Reqest 1, please let us know how much more time your client needs.

Thank you, Andre