Message

From: Kyle Hesby [KyleHesby@butlermachinery.com]
Sent: 2/21/2017 5:42:36 PM
To: Healy, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1638b0a30364c7d98ea7af410a9cb2a-Healy, Stephen]
Subject: RE: Question
Attachments: Butler Machinery Company.pdf

Stephen, Please see attached document and see if it fulfills our requirements. Thanks

Kyle Hesby | Butler Machinery Company | Technical Communicator
3401 33rd St SW | Fargo, ND, 58104 | P 701-298-1716 | C 701-793-7437
Butler Values | Our Team • Customer Driven • Accountability • Integrity • Excellence • Safety
www.butlermachinery.com

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From: Healy, Stephen [mailto:healy.stephen@epa.gov]
Sent: Tuesday, February 14, 2017 3:40 PM
To: Kyle Hesby
Subject: RE: Question

Kyle,

The small business exclusion requires a notification letter to the EPA. I think a short letter that contains the following information:

- A statement that Butler Machinery Company meets the small business criteria listed in 40 CFR 1037.150 (c) and the small business criteria specified in 13 CFR 121.201. (Assuming this is true.) You should double check this, but the threshold for Heavy Duty Truck Manufacturers appears to be 1500 employees – this is what is listed for NAICS Code 336120.
- A statement that Butler Machinery Company is solely owned by (owners name) and if there are multiple owners state each owner and the percentage ownership for each. Also state that Butler Machinery Company is not affiliated with any other company (assuming that is true). If there is an affiliation state what that is.
- State the number of employees for each of the past 3 years.
- State the number of gliders that Butler Machinery Company has built each year 2010 through 2014.
- Signed by the owner(s).

It's quickest for us if you can scan the signed letter and send the PDF file to me. I will then review it, stamp it and return it to you. You can use the wording I used above if that helps. Don't need anything fancy. Please let me know if you have further questions.

Here are a number links to regulations that are applicable:

40 CFR 1037.150 Interim Provisions – this covers the small business exclusion requirements (1037.150(c)) and the new interim glider requirements (1037.150(t)):
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7b7047abdd965bd6a1b219b7b036fad9&mc=true&n=pt40.36.1037&r=PART&ty=HTML#se40.36.1037_1150

40 CFR 1037.635 – Glider kits and glider vehicles:
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7b7047abdd965bd6a1b219b7b036fad9&mc=true&n=pt40.36.1037&r=PART&ty=HTML#se40.36.1037_1635

13 CFR Part 121
Small business general provisions: describes how to determine affiliations and determine employee count:
http://www.ecfr.gov/cgi-bin/text-idx?SID=266ad73e48d34146461d5b3cc2a0d1ab&mc=true&node=sg13.1.121.a.sg0&rgn=div7

Size standards for small business:
http://www.ecfr.gov/cgi-bin/text-idx?SID=266ad73e48d34146461d5b3cc2a0d1ab&mc=true&node=se13.1.121_1201&rgn=div8

I will ask our enforcement group about your other question.

Thanks

Stephen Healy
Mechanical Engineer
EPA OTAQ Compliance Division
Diesel Engine Compliance Center
734--214-4121

From: Kyle Hesby [mailto:KyleHesby@butlermachinery.com]
Sent: Tuesday, February 14, 2017 3:38 PM
To: Healy, Stephen <healy.stephen@epa.gov>
Subject: Question

Steve, Thanks for taking my call today and helping with my questions. You had mentioned you might be able to help me by finding someone to answer this question:

If a customer removes a 2007 EPA engine in his/her 2007 truck and installs a 2002 engine (new reman) in this vehicle can we perform warranty work on the 2002 engine. It is in a 2 year warranty period but it is a non-compliant engine in this newer chassis?

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