Message

From: Darrel Fannin [fannintrucking@libertybb.com]
Sent: 3/8/2018 2:02:43 PM
To: Healy, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1638b0a30364c7d98ea7af410a9cb2a-Healy, Stephen]
Subject: Re: Small Business exemption Certificate
Attachments: 03081801.PDF

On Wed, Mar 7, 2018 at 1:33 PM, Healy, Stephen <healy.stephen@epa.gov> wrote:

Darrel,

Could you please clarify a couple of items in your letter. First please state how many gliders you built each year from 2010 through 2014. Your letter states that you buil[redacted] but does not state the years or timeframe that these builds took place. Secondly please state how many gliders you sold in 2014 not he dollar amount. I have to ask you for these edits so your letter specifically addresses each point in the regulation.

Please let me know if you have any questions.

Thank you,

Stephen Healy

Mechanical Engineer

EPA OTAQ Compliance Division

Diesel Engine Compliance Center

734--214-4121

From: Darrel Fannin [mailto:fannintrucking@libertybb.com]
Sent: Tuesday, March 06, 2018 4:21 PM
To: Healy, Stephen <healy.stephen@epa.gov>
Subject: Re: Small Business exemption Certificate

Good Afternoon,

I believe this is what you are looking for?

Lynn Staggs

Fannin Trucking

On Tue, Feb 27, 2018 at 2:17 PM, Healy, Stephen <healy.stephen@epa.gov> wrote:

Darrel,

EPA regulations allow small businesses to build gliders using older (pre-2010) engines under certain conditions and restrictions. First, the company must qualify as a small business according to the applicable regulations and they must have built gliders in the time period of 2010 through 2014 and sold at least one to another company or person in 2014. You would be limited in the number of gliders you can build per year to the maximum number you built in any single year 2010 through 2014. The regulations (40 CFR 1037.150(c)) require a small business to notify EPA that they intend to utilize the small business provisions. We ask small businesses to send us a letter of notification annually that includes a number of bits of information justifying that they qualify for the small business allowances. A short letter that contains the following information is all that is needed:

- A statement that your 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.) Currently the size threshold for Heavy Duty Truck Manufacturers is 1500 employees – this is what is listed for NAICS Code 336120. The total number of employees includes that of the company and its affiliates (see 13 CFR 121 link below).
- A statement that your company is solely owned by (owner's name) and if there are multiple owners state each owner and the percentage ownership for each. Also describe any affiliations with other companies or state that there are no affiliations – assuming that is true.
- State the number of employees for each of the past 3 years.
- State the number of gliders that your company has built each year 2010 through 2014.
- Signed by the owner(s) or company official.

You should 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 (just substitute in the actual company name) if that helps. You can then show the EPA reviewed letter to the truck manufacturer as proof you have notified the EPA.

For your reference 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

Please give me a call if you have further questions.

Thank you,

Stephen Healy

Mechanical Engineer

EPA OTAQ Compliance Division

Diesel Engine Compliance Center

734--214-4121

From: Darrel Fannin [mailto:fannintrucking@libertybb.com]
Sent: Tuesday, February 27, 2018 12:36 PM
To: Healy, Stephen <healy.stephen@epa.gov>
Subject: Small Business exemption Certificate

Good Afternoon,

I am sending you paper work in reference to Small Business exemption Certificate.

If you need to contact me, you can call me on my cell: 606-202-0778.

Thanks

Darrel Fannin, owner

Fannin Trucking