UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

A.J. D'Angelo (3RC30)
Sr. Asst. Regional Counsel

Direct Dial: (215) 814-2480
E-Mail: dangelo.aj@epa.gov

VIA UPS NEXT DAY AIR, ***Adult Signature Required*** January 16, 2020
(Tracking No. 1Z A43 F71 24 9773 2015)

Mr. Thomas M. Hassler
d/b/a Hassler Diesel Performance
261 Airport Road
Bethel, PA 19507

Re: Clean Air Act Section 307(a) SUBPOENA NO. 001 (*Subpoena Duces Tecum*)
Requiring Production of Papers, Books and Documents
Pursuant to Section 307(a) of the Clean Air Act, 42 U.S.C. § 7607(a)

Dear Mr. Hassler:

The United States Environmental Protection Agency, Region III ("EPA" or the "Agency") is issuing you the enclosed *Subpoena Duces Tecum* under the authority of Clean Air Act ("CAA" or "Act") Section 307(a), 42 U.S.C. § 7607(a). The documents and information requested by EPA in the enclosed *Subpoena Duces Tecum* pertain to the Agency's ongoing investigation of your compliance with CAA statutory and regulatory requirements and prohibitions, identified below, at the Hassler Diesel Performance (or "HDP") general automotive repair shop and vehicle and engine service facility located at 261 Airport Rd., Bethel, Berks County, Pennsylvania 19507 (the "Facility").

Under the Act, it is a violation "for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use." CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B). This provision is commonly known as the "defeat device" prohibition. It is additionally a CAA violation "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser." CAA § 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A). This provision is generally known as the "tampering" prohibition. It is also a violation to cause any of the foregoing acts. CAA § 203(a), 42 U.S.C. § 7522(a).

On its web site, Hassler Diesel Performance claims that it "do[es] everything from service and repair, to full engine builds and transmission rebuilds" and "specialize[s] in heavy-duty diesel engines for light-duty trucks. On its web site, HDP offers related services that include: "Service/Repair",

"Performance", "Transmission Rebuilds", "Motor Builds", "Injectors", "Bulletproofing/ Headgaskets", and "Custom Made Performance Parts" and it specifically advertises that it "offer[s] a wide variety of tuning options for your vehicle make and model." To the extent that you engage in the above-described activities at the HDP Facility, you are subject to the requirements and prohibitions of the Act, including but not limited to Section 203(a)(3) of the Act and the regulations promulgated thereunder.

Section 114(a) of the Act permits EPA and its authorized representatives to enter and conduct inspections for the purpose of carrying out the provisions of the Act. 42 U.S.C. § 7414(a). In particular, CAA Section 114(a) authorizes the EPA Administrator to require any "person" subject to the Act to "provide such other information as the Administrator may reasonably require" and further authorizes the EPA Administrator, or his authorized representative, upon presentation of his credentials, to "have a right of entry to, upon, or through any premises of such person or in which any records required to be maintained . . . are located . . . and may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required. . . and sample any emissions which such person is required to sample . . . ." 42 U.S.C. §§ 7414(a)(1)(G), 7414(a)(2). Section 208(a) of the Act additionally requires that "persons subject to the requirements of [Title II, Part A] shall ... make reports and provide information the [EPA] Administrator may reasonably require to determine whether the . . . person . . . has acted or is acting in compliance with [Title II, Part A]... and, shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to and copy such records." 42 U.S.C. § 7542(a).

On October 1, 2019, duly-authorized EPA inspectors made an attempt to inspect the HDP Facility pursuant to Sections 114(a)(1) and (2) of the Act, 42 U.S.C. §§ 7414(a)(1) and (2). After providing initial consent for the inspection, you subsequently withdrew that consent, asked the EPA inspectors to wait outside the Facility entrance, terminated the inspection and denied the EPA inspectors further access to the Facility, vehicles at the Facility for service and to the Facility records they sought to review. As a result, the EPA inspectors were unable to perform a full and comprehensive Facility inspection in furtherance of the Agency's investigation of your compliance with the tampering and defeat device prohibitions of CAA § 203(a), 42 U.S.C. § 7522(a). Through your legal counsel, you subsequently objected to, and refused to provide relevant, timely, and appropriate information and responses to, a subsequent EPA Request for Information that was issued to you by a duly-authorized EPA representative, on October 9, 2019, pursuant to EPA's CAA Section § 208(a), 42 U.S.C. § 7542(a), information collection authorities.

You are receiving this *Subpoena Duces Tecum* because of your prior failures and refusals to allow duly-authorized EPA representatives to complete an authorized Facility inspection and because of your related failures and refusals to make available to them, and to permit their access to and their copying of, records and information bearing upon EPA's investigation as to whether you have complied with the tampering and the defeat device prohibitions of CAA Sections 203(a)(3)(A) and (B), 42 U.S.C. § 7522(a)(3)(A) and (B), and regulations promulgated thereunder.

YOU ARE HEREBY REQUIRED TO PROVIDE THE DOCUMENTS AND INFORMATION SPECIFIED IN THE ENCLOSED *SUBPOENA DUCES TECUM* TO EPA WITHIN FOURTEEN (14) CALENDAR DAYS OF YOUR RECEIPT OF THIS SUBPOENA.

Your failure or refusal to fully and truthfully submit the information required by the enclosed Subpoena, within the stated time-frame, may subject you to an order, by the district court in which venue is proper, to comply with this Subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

Your response to this Subpoena is required to be signed and attested to under oath. An Affidavit for your completion and signature accompanies this Subpoena as *Attachment A*. Your response to this Subpoena shall be sent to EPA representative Amelie Isin, at the address and in the manner specified therein, *unless it contains confidential business information ("CBI")*. In that event, you are directed to follow the instructions set forth in the Subpoena regarding the submission of information claimed to contain CBI.

EPA has determined that your business may be a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). Please see the *U.S. EPA Small Business Resources Information Sheet* enclosed herein, which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the *U.S. EPA Small Business Resources Information Sheet*, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to this Subpoena or to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this investigation. To preserve your legal rights, you must comply with all rules governing the administrative investigation process. The Ombudsman and fairness boards do not participate in any EPA investigation or in the resolution of any subsequent EPA enforcement action.

Your immediate review of, and your prompt attention and timely response to, this *Subpoena Duces Tecum* is recommended and appreciated.

Sincerely,

A.J. D'Angelo
Sr. Assistant Regional Counsel
U.S. EPA, Region III

Attachment & Enclosure

cc: Mr. William A. DeStefano, Esq
Stevens & Lee
1818 Market Street, 29th Floor
Philadelphia, PA 19103
(via UPS Next Day Air, Adult Signature Required – w/Attachment & Enclosure)
Tracking No. 1Z A43 F71 24 9694 7027*)*

Amelie Isin (3ED21) - *w/Attachment & Enclosure*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS NEXT DAY AIR
ADULT SIGNATURE REQUIRED

IN RE:

Mr. Thomas M. Hassler
d/b/a Hassler Diesel Performance
261 Airport Road
Bethel, PA 19507

Clean Air Act Section 307(a)

SUBPOENA NO. 001

Subpoena Duces Tecum

This Subpoena (or "*Subpoena Duces Tecum*") is issued under the authority of Section 307(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7607(a). You are hereby required to provide the information specified below to Region III (the "Region") of the United States Environmental Protection Agency ("EPA" or the "Agency") ***within FOURTEEN (14) calendar days of your receipt of this Subpoena.***

In carrying out its obligations under the Act, including but not limited to any investigation, compliance inspection or administrative enforcement proceeding under CAA Sections 114, 205 and 208, 42 U.S.C. §§ 7414, 7524 and 7542, the EPA Administrator is authorized, under CAA Section 307(a), 42 U.S.C. § 7607(a), to require by subpoena the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and to administer oaths. The Administrator has duly delegated the authority to issue subpoenas and to administer oaths under CAA Section 307(a), 42 U.S.C. § 7607(a), to the Regional Administrators (pursuant to HQ Delegation 7-33; 1200 TN 350, 5/11/1994) and the Regional Administrator of EPA Region III has further delegated that authority to the Region's Enforcement and Compliance Assurance Division ("ECAD") Director, Air and Radiation Division Director and Regional Judicial Officer, respectively (pursuant to Regional Delegation 7-33; 1200 TN RIII 207; 4/15/2019).

Your failure or refusal to fully and truthfully submit the information required by this Subpoena within the stated time frame may subject you to an order, by the district court in which venue is proper, to comply with this Subpoena and any failure to obey such order of the court may be punished by such court as contempt thereof.

Pursuant to CAA Section 113, 42 U.S.C. § 7413, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, EPA is authorized to seek civil penalties, on a per day basis, for each violation of any CAA Subchapter I requirement or prohibition and criminal sanctions, as provided in CAA Section 113(c), 42 U.S.C. § 7413(c), for knowing or willful violations of the Act.

The Purpose behind EPA's issuance of this *Subpoena Duces Tecum* is set forth in **Section I** ("**Purpose of this Subpoena**"), below. Definitions governing your required response to this *Subpoena Duces Tecum* are set forth in **Section II** ("**Definitions**"), below. General instructions pertaining to your required submission of responsive materials, including the submission of materials claimed by

you to contain confidential business information, are set forth in **Section III** ("**Instructions for Responses**") and in **Section IV** ("**Confidential Business Information**"), below. The information requested by EPA (*e.g.*, papers, books, and documents), to which you are required to submit full and complete certified responses, is set forth in **Section V** ("**Documents and Information to be Produced**"), below, of this Subpoena. If you have any questions pertaining to your production request obligations pursuant to this *Subpoena Duces Tecum*, you are directed to the EPA legal representative identified in Section VI ("**EPA Point of Contact**"), below.

Your response to this Subpoena is required to be signed and certified under oath. A *Statement of Certification* (*Attachment A*) accompanies this *Subpoena Duces Tecum.* It should be completed, signed/certified by you, and returned to EPA with your responsive document and information production, in accordance with **Section III** ("**Instructions for Responses**"), below, of this *Subpoena Duces Tecum.*

The issuance of this document does not preclude the issuance of further subpoenas relating to this matter to you or to any other person.

I. Purpose of this Subpoena

Hassler Diesel Performance (or "HDP"), located at 261 Airport Road, Bethel, Berks County, Pennsylvania 19507 (the "Facility") is a business that is privately owned by Thomas M. Hassler (or "Mr. Hassler"). Hassler Diesel Performance operates as a self-described general automotive repair shop and vehicle and engine service facility and its web site claims that it "do[es] everything from service and repair, to full engine builds and transmission rebuilds" and "specialize[s] in Ford Powerstroke, Dodge Cummins, and Chevy Duramax" heavy-duty diesel engines for light-duty trucks. On its web site, HDP offers services that include: "Service/Repair", "Performance", "Transmission Rebuilds", "Motor Builds", "Injectors", "Bulletproofing/Headgaskets", and "Custom Made Performance Parts" and HDP specifically advertises that it "offer[s] a wide variety of tuning options for your vehicle make and model."

Under the Act, it is a violation "for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use." CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B). This provision is commonly known as the "defeat device" prohibition. It is additionally a CAA violation "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser." CAA § 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A). This provision is generally known as the "tampering" prohibition. It is also a violation to cause any of the foregoing acts. CAA § 203(a), 42 U.S.C. § 7522(a).

Section 114(a) of the Act permits EPA and its authorized representatives to enter and conduct inspections for the purpose of carrying out the provisions of the Act. 42 U.S.C. § 7414(a). In particular, Section 114 authorizes: (1) the EPA Administrator to require any "person" subject to the Act to "provide such other information as the Administrator may reasonably require"; and (2) the EPA Administrator or his authorized representative, upon presentation of his credentials, to "have a right of entry to, upon, or through any premises of such person or in which any records required to be maintained . . . are located . . . and may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required. . . and sample any emissions which such person is required to sample . . . ." 42 U.S.C. §§ 7414(a)(1)(G), 7414(a)(2). Section 208(a) of the Act additionally requires that "persons subject to the requirements of [Title II, Part A] shall … make reports and provide information the [EPA] Administrator may reasonably require to determine whether the . . . person . . . has acted or is acting in compliance with [Title II, Part A]… and, shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times to have access to and copy such records." 42 U.S.C. § 7542(a).

Mr. Thomas M. Hassler, d/b/a/ Hassler Diesel Performance, is a "person" within the meaning of the Act and engages in automotive service and repair work at the Facility that includes full engine builds and transmission rebuilds of heavy-duty diesel engines for light-duty trucks, and who offers a wide variety of tuning options for such vehicles. Mr. Hassler and HDP are therefore subject to the Act's defeat device and tampering prohibitions. Mr. Hassler and HDP are also subject to the requirements and prohibitions of Sections 114(a)(1) and (2), and 208(a), of the Act, 42 U.S.C. §§ 7414(a)(1) and (2) and 7542(a), which provide EPA with the authority to conduct an inspection of the HDP Facility and to seek and obtain information from Mr. Hassler as part of an EPA investigation to determine his/HDP's 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.

On October 1, 2019, Mr. Hassler refused to allow duly-authorized EPA inspectors to conduct a full and complete inspection of the HDP Facility pursuant to Sections 114(a)(1) and (2) of the Act, 42 U.S.C. §§ 7414(a)(1) and (2). Mr. Hassler, through his legal counsel, additionally objected to, and refused to comply with, a Request for Information issued to him by a duly-authorized EPA representative on October 9, 2019 (pursuant to EPA's CAA Section § 208(a), 42 U.S.C. § 7542(a), information collection authorities).

Through the issuance of this *Subpoena Duces Tecum*, EPA seeks relevant documents and information from you regarding the Agency's current investigation of your compliance with the tampering prohibition (which prohibits the installation of devices that defeat emission controls) of CAA Section 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A) and the defeat device prohibition (which prohibits the sale, offer of sale, or installation of any part or component intended to ". . . bypass, defeat or render inoperative any device or element of design installed on or in a motor vehicle . . .") of CAA Section 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B), and regulations promulgated thereunder.

II. Definitions

1. All terms used in this *Suboena Duces Tecum* will have their ordinary meaning unless such terms are defined in 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, 90, 1051, and 1068.

2. The terms "document" and "documents" mean any object that records, stores, or presents information, and includes, without limitation, email, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer or other electronic format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer or other electronic 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 in hard copy shall also include attachments to or enclosures with any document.

3. The term "entity" means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization, or association.

4. The term "person" includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

5. The terms "you," "your," "Hassler Diesel Performance," and "HDP", include, but are not limited to, you as an individual, or as a sole proprietor (of Hassler Diesel Performance or any other entity) or as a partner in any partnerships in which you maintain an interest, any closely-held corporations in which you are an officer or a shareholder, any parent organizations, affiliates, predecessors, successors, and assignee organizations that you operate, and any association of one or more business entities doing business as, or operating under the name of, Hassler Diesel Performance.

6. The term "affiliate" means any organization or entity associated with you as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization or entity acting in lieu of you or of Hassler Diesel Performance and any parent organizations, affiliates, predecessors, successors, and assignee organizations of Hassler Diesel Performance.

7. The term "sale" means the transfer of ownership of and title to property from one person to another for a price, including operations and activities involved in the promoting and selling of goods or services, and pertains to *all* sales, of any type, made through any medium or platform (*e.g.*, sales made online through eBay or any other online sales platform, sales made in person, sales made in bulk to distributors, as well as mail order tunes provided to customers in association with the purchase of a tuner).

8. The term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway. *See* Section 216 of the CAA, 42 U.S.C. § 7550(2).

9. The term "applications" means all vehicle or engine configurations.

10. The term "emission-related part(s)" means those parts or components installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance as defined in 40 C.F.R. § 85.2102.

11. The term "element of design" means any control system (*e.g.*, 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 or motor vehicle engine, as defined in 40 C.F.R. § 86.094-2.

12. The term "part(s) or component(s)" includes any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine (*e.g.*, electronic control module ("ECM"), element of design, tuner, tune, calibration map, or software that is installed on or designed for use in such vehicles or engines).

13. The term "electronic control module" or "ECM" means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Other ECMs may be incorporated separately with multiple units used to control various engine, vehicle, or equipment functions. Examples of electronic control modules include, but are not limited to: Engine Control Modules, on-board diagnostic Control Modules ("OBDCM"), Powertrain Control Modules ("PCM"), Transmission Control Modules ("TCM"), Body Control Modules ("BCM"), and after-treatment control modules. Any or all of these modules may be combined into a single unit.

14. The term "engine tuner" or "tuner" 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), coding, or other content or information stored within or used by an electronic control module.

15. The term "engine tune" or "tune" 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 electronic control module.

16. The term "selective catalytic reduction" or "SCR" includes systems that inject a reductant, such as diesel exhaust fluid ("DEF"), into the exhaust stream where it reacts with a catalyst to convert nitrogen oxides ("NO_x") emissions to nitrogen gas ("N_2") and water ("H_2O").

17. The term "onboard diagnostics" or "OBD" includes systems that monitor components that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life, and assists repair technicians in diagnosing and fixing problems

with the computerized engine controls. If a problem is detected, the OBD system illuminates a warning lamp on the vehicle instrument panel to alert the driver.

18. The term "exhaust gas recirculation" or "EGR" includes systems that direct, usually by use of a valve, a portion of engine exhaust back into the engine's combustion chamber in order to control combustion temperatures and pressures, thereby reducing the production of NO_x. The EGR system may include a cooler that cools the recirculated exhaust.

19. The term "Diesel Particulate Filter" or "DPF" refers to an exhaust after-treatment device that physically traps particulate matter ("PM") and removes it from the exhaust stream of diesel fueled vehicles and equipment, typically using a porous ceramic or cordierite substrate or metallic filter.

20. The term "engine derate" or "limp-home mode" means an electronic control module mode that reduces the engine power after the On-Board Diagnostic system identifies a problem with the emission control equipment.

21. The term "catalysts" includes systems that contain parts or chemical elements that 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.

III. <u>Instructions for Responses</u>

1. Provide, in electronic form (*e.g.*, compact disc or flash drive) and format (*e.g.*, .qbx or .qba for QuickBooks accounting software files;.xlsx, .xlsm or .xls for Excel software files) whenever possible and practicable, *complete, unedited, true and correct copies* of the documents and information requested in response to each of the production requests set forth in **Section V** ("**Documents and Information to be Produced**"), below, of this *Subpoena Duces Tecum.* All responsive documents and materials (*e.g.*, copies of print media, electronic files and spreadsheets, audio, and visual material) must be provided as an accurate and legible copy (in searchable format when available).

2. Please fully complete, sign, date and return the original "Statement of Certification" (Attachment A) in hard copy form with your response to this Subpoena Duces Tecum.

3. You must promptly supplement your response to any question in **Section V** ("**Documents and Information to be Produced**") of this *Subpoena Duces Tecum* in the event you learn that you possess responsive documents and/or information not yet produced or if you gain possession, custody, or control of responsive information after initially responding to this *Subpoena Duces Tecum.*

4. For each responsive document production or submission that you provide, *please also provide the corresponding Production Request paragraph (and, where applicable, subparagraph) number(s) to which that document production or submission responds.* **Where documents and/or information are responsive to more than one numbered information Production**

Request, you may provide the responsive documents or information only once, but you must then indicate on the responsive material each of the Production Request paragraph (and, where applicable, subparagraph) number(s) to which that document production or submission is responsive and which portion or portions of each document and/or information submitted responds to each identified Production Request paragraph (and, where applicable, subparagraph) number.

5. Where documents or information necessary for a response exist, but are not in your possession, custody, or control, indicate in your response why such documents or information are not available to you or are not in your possession, custody, or control, and identify any source that either possesses or is likely to possess such information.

6. All submitted documents (*other than* the Attachment A "Statement of Certification" that you are required to complete, date, sign, certify under oath, and return in the original) should be copies and not original documents.

7. In the event that you have previously submitted documents and/or information to the EPA that is also the subject of any of the production request(s) required by this *Subpoena Duces Tecum*, please:

   (a) re-submit those documents and/or information in accordance with this Section III "Instructions for Responses"; and

   (b) identify the material that was previously provided, the date on which it was provided, how those documents and/or information were provided (*e.g.*, electronically, faxed, mailed, e-mailed), and the individual at EPA to whom it was provided.

8. Where a person at an entity other than Hassler Diesel Performance has provided HDP with any documents or information responsive to any of the production requests required by this Subpoena, clearly indicate in your response the full name of each person, and each associated entity, that has provided HDP with such responsive documents and/or information and clearly identify each documents and/or piece of information that was provided to Hassler Diesel Performance by each such person and entity.

9. **Unless it contains confidential business information**, your response to this *Subpoena Duces Tecum* shall be submitted to EPA by United States first class mail, *(including certified mail, return receipt requested, Overnight Express and Priority Mail),* or by any reliable commercial delivery service, addressed to:

   Ms. Amelie Isin
   Enforcement and Compliance Assurance Division (3ED21)
   U.S. Environmental Protection Agency, Region III
   1650 Arch Street
   Philadelphia, PA 19103-2029.

Any response containing material that is claimed by you as business confidential shall be sent to Ms. Isin in the manner, and in accordance with the additional instructions, set forth in Section IV ("Confidential Business Information"), immediately below.

IV. Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this *Subpoena Duces Tecum* for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, Subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, Subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this *Subpoena Duces Tecum* as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this *Subpoena Duces Tecum*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

If you assert a claim of business confidentiality in connection with any documents or information provided to EPA in response to this *Subpoena Duces Tecum*, then in accordance with 40 C.F.R. § 2.204(e)(4), EPA requests that you answer each of the following associated questions concerning the documents or information for which you are asserting a claim of business confidentiality:

a. What specific portions of the documents or information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

b. For what period of time do you request that the information be maintained as confidential (*e.g.*, until a certain date, until the occurrence of a specified event, or permanently)? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.

c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

e. Has any governmental body made a determination as to the confidentiality of the information? If so, please submit a copy of the determination to EPA.

f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?

g. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. See 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If information claimed as business confidential is to be provided in electronic format, it should be burned to a compact disc that is conspicuously marked as business confidential. All responsive information that is claimed by you as business confidential should be placed in an envelope addressed to Ms. Amelie Isin at the address indicated in **Section III ("Instructions for Responses")**, paragraph 10, above, of this Subpoena. This envelope should be marked "Confidential - To be Opened by Addressee Only." The envelope should then be placed in a second, "outer" envelope, also addressed to Ms. Isin at the address indicated in Section III ("**Instructions for Responses**"), paragraph 10, above. The "outer" envelope should **not** be marked with any indication that it contains information claimed as business confidential. Any accompanying non-confidential documents (*e.g.*, cover letter) also may be placed in the outer envelope. The complete package containing the information claimed as business confidential, and any accompanying non-confidential documents, then should be submitted

to EPA by United States first class mail, *(including certified mail, return receipt requested, Overnight Express and Priority Mail),* or by any reliable commercial delivery service. **Responsive documents and information claimed by you to contain business confidential information should, under no circumstances, be transmitted to EPA over the internet.**

V. Documents and Information to be Produced

Hassler Diesel Performance shall submit to EPA, pursuant to CAA Section 307(a), 42 U.S.C. § 7607(a), and in accordance with each of the following *Subpoena Duces Tecum* production requests, the following papers, books, documents and other information, including documents and information maintained by HDP in electronic (*e.g.*, QuickBooks accounting software) format, regarding vehicle parts or components that HDP either manufactured (*i.e.*, created, wrote, programmed, fabricated, produced, or modified), purchased, offered for sale, sold, and/or installed, ***since January 1, 2017***:

1. For the period of January 1, 2017 through the date of your receipt of this Subpoena, provide complete, unedited, true and correct copies of:

    a. Documents identifying the current form (by type) of the business entity known as, and operated under the name of, Hassler Diesel Performance;

    b. Documents identifying all name variations or business aliases used by the business entity known as, and operated under the name of, Hassler Diesel Performance;

    c. Documents identifying the name(s) of the current owner or owners of the business entity known as, and operated under the name of, Hassler Diesel Performance;

    d. Documents identifying each of the current officers, directors and/or partners of Hassler Diesel Performance;

    e. Documents identifying each of the individuals, entities and/or affiliates that maintain a current financial interest in the business entity known as, and operated under the name of, Hassler Diesel Performance;

    f. Any current certificate of good standing for Hassler Diesel Performance; and

    g. Any articles of incorporation, by-laws, and partnership or membership agreements, if any and as applicable, for Hassler Diesel Performance.

2. Provide complete, unedited, true and correct copies of any and all federal and/or State business registration documents that have been filed with any federal or State department, agency or instrumentality for the business entity known as, and operated under the name of, Hassler Diesel Performance.

3. Provide a complete, unedited, true and correct copy of each customer *work order, service order and each other document*, including any modifications/addendums thereto, prepared by HDP personnel for each vehicle serviced by HDP personnel at the Facility during the period of January

1, 2017 through the date of your receipt of this Subpoena, that includes any or all of the following information:

a. The *date and time* that the work order, service order or other document was *created*;

b. The *invoice or work order number*, if any, assigned;

c. The customer name, address, telephone number and any other *billing information*;

d. The *make, model and model year* of the subject vehicle;

e. The *vehicle mileage* or odometer reading at the time of intake and service;

f. The *vehicle identification number* (or "VIN");

g. The vehicle's *license plate number* (and State where licensed);

h. A description of any *parts or components*, including emission-related parts sold, or installed in the vehicle, by HDP or HDP personnel;

i. A list of the *part or component names, and part numbers*, of any parts or components sold, or installed in the vehicle, by HDP or HDP personnel;

j. A *description of the work, services and/or labor* performed on the vehicle by HDP personnel; and

k. The name(s), initials or other *information used to identify the HDP employee(s) who performed the work,* service(s) and/or labor on the vehicle.

4. Provide a complete, unedited, true and correct copy of *each customer invoice, bill and other document,* including any modifications/addendums thereto, and any associated receipts and/or other documentation prepared by HDP personnel for each vehicle serviced by HDP personnel during the period of January 1, 2017 through the date of your receipt of this Subpoena, *that includes any or all of the following information* (regardless of whether HDP prepared a corresponding customer work order or service order for the subject customer and/or vehicle):

a. The *date* that the invoice, bill or other document was *created*;

b. The *invoice number or billing number* assigned;

c. The customer name, address, telephone number and any *other billing information*;

d. The *make, model and model year* of the subject vehicle;

e. The *vehicle mileage* or odometer reading at the time of intake and service;

f. The *vehicle identification number* (or "VIN");

g. The vehicle's *license plate number* (and State where licensed);

h. A *description of any parts or components*, including emission-related parts sold, or installed in the vehicle, by HDP or HDP personnel

i. A list of the *part or component names, and part numbers*, of any parts or components sold, or installed in the vehicle, by HDP or HDP personnel;

j. A *description of the services, work and/or labor performed* on the vehicle by HDP personnel;

k. The name(s), initials or other *information used to identify the HDP employee(s) who performed the work,* service(s) and/or labor on the vehicle; and

l. The *dollar cost of the work performed* and billed to the customer by HDP.

5. For the period of January 1, 2017 through the date of your receipt of this Subpoena, provide a complete, unedited, true and correct copy of *each purchase order made by, and each purchase invoice or receipt received by, Hassler Diesel Performance that reflects* <u>*HDP's purchase, from a parts or component manufacturer or supplier*</u>*, of each motor vehicle part or component* (including, but not limited to, engine parts, exhaust system components, emission-related parts, power packages, computer tuning, calibration, element of design, tuner, tunes, software coding, or devices) *which has the ability to, or may otherwise function in a manner that*:

   a. Can change, affect, modify, bypass, or otherwise allow for the deletion, or partial deletion, of a motor vehicle's emission-related parts including, but not limited to, any of the following motor vehicle systems:

      i. diesel particulate filter system ("DPF");

      ii. exhaust gas recirculation system ("EGR");

      iii. catalytic converter system ("catalyst");
      iv. on-board diagnostic system ("OBD");

      v. selective catalytic reduction system ("SCR"); and/or

      vi. sensors, signals, or records related to the DPF, EGR, catalyst, OBD, or SCR.

   b. Can simulate the operation of any emission-related parts including, but not limited to, parts or components of any of the following motor vehicle systems: the DPF; EGR; the catalyst; the OBD; the SCR; and/or sensors, signals, or records related to these systems.

c. Can be programed to modify engine operating or emission control parameters or OBD functions including, but not limited to, those parameters sensed or controlled by the electronic control module ("ECM"); and/or

d. Can have the effect of permanently or temporarily changing, affecting, bypassing, defeating, or rendering inoperative any emission control device, element of design, or emission related part or component.

6. For the period of January 1, 2017 through the date of your receipt of this Subpoena, provide a complete, unedited, true and correct copy of *each work order, service order, invoice or bill issued by HDP personnel to any HDP customer that reflects HDP's sale to an HDP customer, or installation in any HDP customer motor vehicle, of any of the following vehicle parts or components:*

   a. MBRP Part Numbers S61160PLM, S6104, C6147PLM, 6212PLM, 6044P, 6049P and/or FAL462;

   b. AFE Power Part Number 49-03001NM;

   c. FloPro Part Number 21124;

   d. P1 Race Exhaust Part Numbers C6260PLM, CFAL457, CFAL462 and/or C6262P;

   e. Diamond Eye Part Number 125113; or

   f. SCT Part Numbers 7015, X4 and/or BDX.

7. For the period of January 1, 2017 through the date of your receipt of this Subpoena and with *specific reference to each of the parts or components identified and listed in Production Request 6.a – 6.f., immediately above*, provide complete, unedited, true and correct copies of *each of the following related documents that are in your possession or control*:

   a. Copies of *any documents that identify each of these vehicle parts or components, and the quantities of each of them,* that:

      i. are in current physical inventory at the HDP Facility; or

      ii. were in physical inventory at the HDP Facility but were sold, returned to the seller/supplier, or otherwise removed from inventory at the HDP Facility within the 120-day period immediately preceding your receipt of this Subpoena;

   b. Copies of any advertisements, including advertisements on websites and in other media, pertaining to the performance of, or recommending or soliciting the use, purchase or installation of, any such parts or components;

c. Copies of any installation or operation instructions, guides, or manuals for any such parts or components; and

d. Any other documentation that identifies or describes what any such part or component is designed to do, explains how it operates and/or evaluates how well it performs.

8. For the period of January 1, 2017 through the date of your receipt of this Subpoena, provide a complete, unedited, true and correct copy of *each work order, service order, invoice or bill issued by HDP personnel to any HDP customer that reflects HDP's sale to an HDP customer, or installation in any HDP customer motor vehicle, of any other vehicle part or component* that is not listed in production requests 6.a through 6.f. (including, but not limited to, engine parts, power packages, computer tuning, calibration, element of design, tuner, tunes, software coding, or devices) above, but *which also has the ability to, or may otherwise function in a manner that:*

   a. Can change, affect, modify, bypass, or otherwise allow for the deletion, or partial deletion, of a motor vehicle's emission-related parts including, but not limited to, any of the following motor vehicle systems:

      i. the DPF;

      ii. EGR;

      iii. the catalyst;

      iv. the OBD;

      v. the SCR; and/or

      vi. sensors, signals, or records related to the DPF, EGR, catalyst, OBD, or SCR.

   b. Can simulate the operation of any emission-related parts including, but not limited to, the DPF, EGR, catalyst, OBD, SCR, or sensors, signals, or records related to these systems;

   c. Can be programed to modify engine operating or emission control parameters or OBD functions including, but not limited to, those parameters sensed or controlled by the electronic control module ("ECM"); and/or

   d. Can have the effect of permanently or temporarily changing, affecting, bypassing, defeating, or rendering inoperative any emission control device, element of design, or emission related part or component.

9. For the period of January 1, 2017 through the date of your receipt of this Subpoena and with specific reference to each of those *work orders, service orders, invoices, bills or other documents* that are responsive to Production Request 8 (and its various subparts), immediately above, *highlight, mark or otherwise identify each specific part or component that is listed or otherwise*

referenced therein, which is capable of:

a. changing, affecting, modifying, bypassing, rendering inoperative, or allowing for the deletion or partial deletion of a vehicle's DPF;

b. changing, affecting, modifying, bypassing, rendering inoperative, or allowing for the deletion or partial deletion of a vehicle's EGR;

c. changing, affecting, modifying, bypassing, rendering inoperative, or allowing for the deletion or partial deletion of a vehicle's catalyst;

d. changing, affecting, modifying, bypassing, rendering inoperative, or allowing for the deletion or partial deletion of a vehicle's OBD;

e. changing, affecting, modifying, bypassing, rendering inoperative, or allowing for the deletion or partial deletion of a vehicle's SCR;

f. simulating the operation of any emission related parts including, but not limited to, the DPF, EGR, catalyst, OBD, SCR, or sensors, signals, or records related to these systems;

g. being programed to modify engine operating or emission control parameters or OBD functions including, but not limited to, those parameters sensed or controlled by the ECM;

h. or may have the effect, of permanently or temporarily changing, affecting, bypassing, defeating, or rendering inoperative any emission control device, element of design, or emission-related part;

i. disabling or allowing the removal of the EGR without illuminating a Malfunction Indicator Light ("MIL") or setting any on-board Diagnostic Trouble Code ("DTC");

j. allowing removal of a DPF without illuminating a MIL or setting any DTC;

k. allowing removal of a DPF without any engine derating;

l. allowing removal of a Diesel Oxidation Catalyst without illuminating a MIL or prompting any DTC;

m. allowing removal of a Diesel Oxidation Catalyst without any engine derating;

n. allowing removal of a SCR system without illuminating a MIL or setting any DTC;

o. allowing removal of a SCR system without any engine derating;

p. altering any fuel specification including, but not limited to, fuel timing, duration, and mass; or

q. bypassing or altering parameters to prevent DTCs or MILs from being recorded or illuminated.

10. For the period of January 1, 2017 through the date of your receipt of this Subpoena and with *specific reference to each of the parts or components highlighted, marked or otherwise identified by you in response to Production Request 9* (and its various subparts), immediately above provide complete, unedited, true and correct copies of *each of the following related documents that are in your possession or control*:

    a. Copies of *any documents that identify each of these vehicle parts or components, and the quantities of each of them,* that:

        i. are in current physical inventory at the HDP Facility; or

        ii. were in physical inventory at the HDP Facility but were sold, returned to the seller/supplier, or otherwise removed from inventory at the HDP Facility within the 120-day period immediately preceding your receipt of this Subpoena;

    b. Copies of any advertisements, including advertisements on websites and in other media, pertaining to the performance of, or recommending or soliciting the use, purchase or installation of, any such parts or components;

    c. Copies of any installation or operation instructions, guides, or manuals for any such parts or components; and

    d. Any other documentation that identifies or describes what any such part or component is designed to do, explains how it operates and/or evaluates how well it performs.

11. For the period of January 1, 2017 through the date of your receipt of this Subpoena and with specific reference to those work orders, service orders, invoices or bills provided to EPA by HDP in response to Production Request 8 (and its various subparts), above, identify each such HDP work order, service order, invoice, bill or other document that *pertains to HDP's sale of, or that corresponds to any work, service or labor performed by HDP personnel at the Facility that involved HDP's installation of, any vehicle part or component that is itself, or that is a component of, any tuner with pre-loaded tunes.*

12. For each vehicle emission test performed by HDP at the Facility during the period of January 1, 2017 through the date of your receipt of this *Subpoena Duces Tecum*, provide a complete, unedited, true and correct *copy of each corresponding vehicle emission test report, and any associated documentation, that identifies, describes or otherwise contains or provides information as to*:

    a. The *date* of each vehicle emission test conducted at the Facility;

b. The *results* of each vehicle emission test conducted at the Facility;

c. The emissions *test equipment* used by HDP personnel to perform the vehicle emission test conducted at the Facility;

d. The name, title and/or position of the *person(s) that conducted each vehicle emission test* performed at the HDP Facility;

e. Any *test protocols* followed by the HDP personnel who conducted the vehicle emissions test;

f. The *emission equipment calibration procedures* used, if any, by HDP personnel who conducted the emissions testing at the Facility;

g. The *make, model and model year of each vehicle* that was the subject of each vehicle emission test conducted at the Facility;

h. The *EPA engine family* of each vehicle that was the subject of each vehicle emission test conducted at the Facility;

i. The *vehicle identification number* (or "VIN") of each vehicle that was the subject of a vehicle emission test conducted at the Facility;

j. The *license plate number* (and State where licensed) of each vehicle that was the subject of a vehicle emission test conducted at the Facility;

k. The *mileage or odometer reading* of each vehicle that was the subject of a vehicle emission test conducted at the Facility at the time that the emission test was conducted;

l. Any or all vehicle *parts or components that were installed in the vehicle by HDP* personnel prior to the performance of the vehicle emissions test on that vehicle at the HDP Facility.

m. Any *training or instructional materials* used by HDP at the Facility to educate employees and affiliated persons about how to perform vehicle emission tests;

n. The HDP *invoice number(s) or work order(s)* associated with each vehicle tested at the Facility;

o. The *name, address and telephone number of each customer* for whom HDP conducted a vehicle emission test at the Facility;

p. Whether the vehicle emission test conducted at the Facility took place before, or subsequent to, HDP's installation of any of the specific parts or components identified and listed in Production Request subparagraphs 6a. through 6.f, above; and

q. Whether the vehicle emission test conducted at the Facility took place before, or subsequent to, HDP's installation of any parts or components *which have the ability to, or may otherwise function in, a manner identified and described in* Production Request subparagraphs 8.a through 8.d, above.

13. Provide complete, unedited, true and correct copies of *any State of California Executive Orders*, and *any documents referencing any State of California Executive Order numbers*, that are in your possession or control and which exempt any vehicle components or parts purchased and/or sold by Hassler Diesel Performance during the period of January 1, 2017 through the date of your receipt of this Subpoena, from California's emission control system anti-tampering law, California Vehicle Code § 27156.

VI. EPA Points of Contact

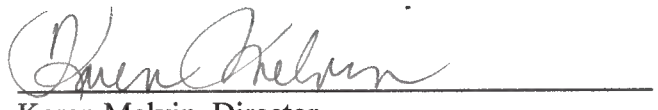
Please direct any questions you may have regarding your production request obligations under this *Subpoena Duces Tecum* to:

Ms. Amelie Isin
Enforcement and Compliance Assurance Division (3ED21)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Phone: (215) 814-2160
Email: isin.amelie@epa.gov

Alternatively, you may have your legal counsel direct any such questions to:

Mr. A.J. D'Angelo
Sr. Assistant Regional Counsel
Office of Regional Counsel (3RC30)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Phone: (215) 814-2480
Email: dangelo.aj@epa.gov

Issued in Philadelphia, Pennsylvania, this 16th day of January, 2020



Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Attachment/Enclosure

cc: Mr. William A. DeStefano, Esq
Stevens & Lee
1818 Market Street, 29th Floor
Philadelphia, PA 19103
(*via UPS Next Day Air – w/Attachment & Enclosure*)

ATTACHMENT A
to Clean Air Act Section 307(a) Subpoena 001

Statement of Certification

I understand that I am submitting the enclosed documents in response to a U.S. Environmental Protection Agency ("EPA" or the "Agency") *Subpoena Duces Tecum,* issued to Thomas M. Hassler and Hassler Diesel Performance, located at 261 Airport Road, Bethel, Berks County, Pennsylvania 19507 under the authority of Section 307(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7607(a), and in furtherance of the Agency's current investigation of HDP's compliance with the tampering prohibition (which prohibits the installation of devices that defeat emission controls) of CAA Section 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A) and the defeat device prohibition (which prohibits the sale, offer of sale, or installation of any part or component intended to ". . . bypass, defeat or render inoperative any device or element of design installed on or in a motor vehicle . . .") of CAA Section 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B), and regulations promulgated thereunder.

Check EACH *appropriate* box:

☐ I certify that I am fully authorized to provide the enclosed documents and information that are responsive to EPA's Clean Air Act Section 307(a) Subpoena 001 document production requests

☐ on behalf of Thomas M. Hassler.

☐ on behalf of Hassler Diesel Performance.

☐ I certify that I have been authorized by _____ [name of authorizing individual, including such individual's corporate, partnership or other official title and/or position] to provide the enclosed documents and information that are responsive to EPA's Clean Air Act Section 307(a) Subpoena 001 document production requests

☐ on behalf of Thomas M. Hassler.

☐ on behalf of Hassler Diesel Performance

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Enclosure

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance
EPA-300-B-17-001 June 2017

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)
www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSBBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)
www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program
https://nationalsbeap.org

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage
www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers
www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture

Automotive Recycling
www.ecarcenter.org

Automotive Service and Repair
www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Surface Finishing
http://www.sterc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines and Clearinghouses
www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center
1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center
www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - http://nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC
FILED-16JAN2020PM3:45

IN RE:	:	
	:	
Mr. Thomas M. Hassler	:	**Clean Air Act Section 307(a)**
d/b/a Hassler Diesel Performance	:	
261 Airport Road	:	**SUBPOENA NO. 001**
Bethel, PA 19507	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to the Regional Hearing Clerk (3RC00), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Clean Air Act Section 307(a) Subpoena No. 001, of *Attachment A* ("Required Certification") thereto, and of the "U.S. EPA Small Business Resources Information Sheet" *Enclosure* issued therewith.

I further certify that on the date set forth below, I also caused true and correct copies of the aforementioned Clean Air Act Section 307(a) Subpoena No. 001, of *Attachment A* ("Required Certification") thereto, and of the "U.S. EPA Small Business Resources Information Sheet" *Enclosure* issued therewith, to be mailed via *United Parcel Service, Next Day Air, Adult Signature Required,* to each of the following persons, at the following addresses:

Mr. Thomas M. Hassler
d/b/a Hassler Diesel Performance
261 Airport Road
Bethel, PA 19507
(Tracking No. 1Z A43 F71 24 9773 2015)

Mr. William A. DeStefano, Esq
Stevens & Lee
1818 Market Street, 29th Floor
Philadelphia, PA 19103
(Tracking No. 1Z A43 F71 24 9694 7027)

January 16, 2020
Date

A.J. D'Angelo
Sr. Assistant Regional Counsel
Office of Regional Counsel (3RC50)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480
Email: dangelo.aj@epa.gov

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS**
   Customers with a Daily Pickup
   Your driver will pickup your shipment(s) as usual.

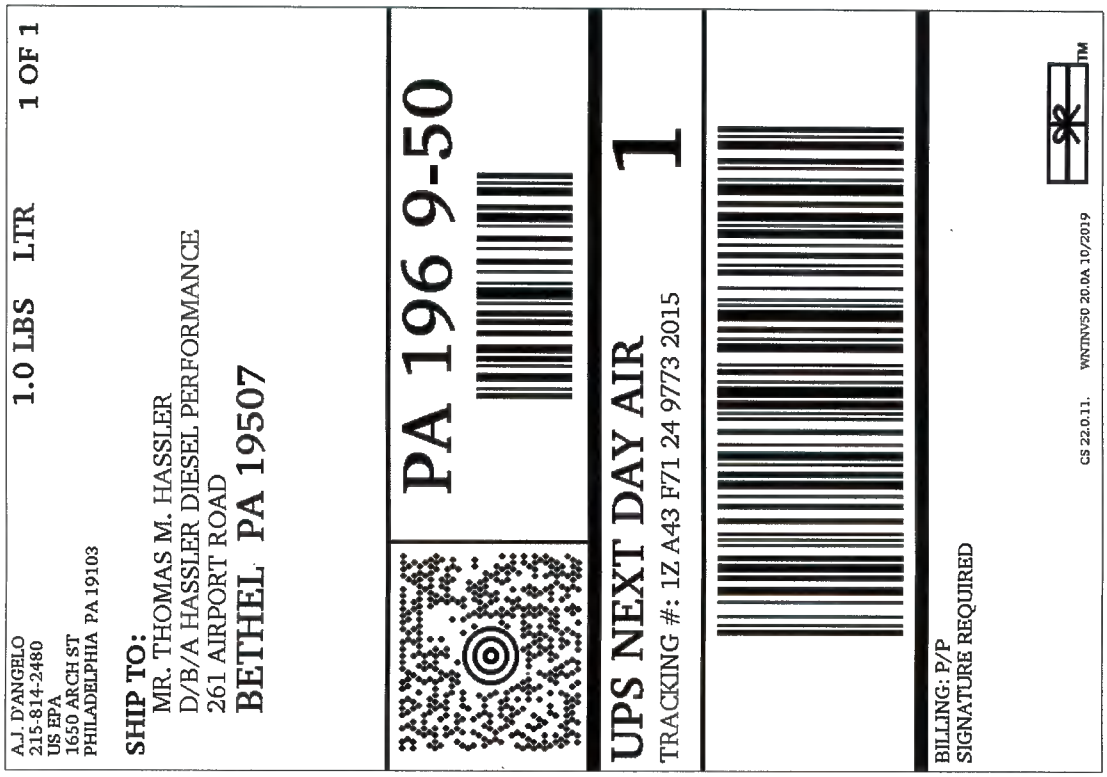
   Customers without a Daily Pickup
   Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.
   Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.
   Hand the package to any UPS driver in your area.

UPS Access Point™
THE UPS STORE
1735 MARKET ST
PHILADELPHIA ,PA 19103

UPS Access Point™
CVS STORE # 379
1424 CHESTNUT ST
PHILADELPHIA ,PA 19102

UPS Access Point™
THE UPS STORE
1229 CHESTNUT ST
PHILADELPHIA ,PA 19107

FOLD HERE



UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS**
   Customers with a Daily Pickup
   Your driver will pickup your shipment(s) as usual.

   Customers without a Daily Pickup
   Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.
   Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.
   Hand the package to any UPS driver in your area.

UPS Access Point™
THE UPS STORE
1735 MARKET ST
PHILADELPHIA ,PA 19103

UPS Access Point™
CVS STORE # 379
1424 CHESTNUT ST
PHILADELPHIA ,PA 19102

UPS Access Point™
THE UPS STORE
1229 CHESTNUT ST
PHILADELPHIA ,PA 19107

FOLD HERE