UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

01 APR 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roger Edward Krechel, Registered Agent
R.T.R. Roger's Truck Repair, LLC
116 Elk Run Drive
Eureka, Missouri 63025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roger Edward Krechel
112 Little Bussen Drive
Fenton, Missouri 63026

Request to Provide Information Pursuant to the Clean Air Act

Dear Mr. Krechel:

The U.S. Environmental Protection Agency requests certain information from R.T.R. Roger's Truck Repair, LLC (herein referred to as "RTR" or "you") about RTR's operations in Fenton, Missouri. Appendix A provides the instructions needed to answer this information request. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a). Section 208(a) authorizes the Administrator of the EPA to require the submission of information from any person who is subject to the emission standards for moving sources under Parts A and C of Subchapter II of the CAA, 42 U.S.C. §§ 7521-7554; 7581-7590. The Administrator has delegated this authority to the Director of the Enforcement Compliance and Assurance Division, Region 7. The ECAD Director has re-delegated this authority to the Air Branch Chief of ECAD, Region 7.

Based on the information currently available to the EPA, RTR manufactures, sells, and/or installs motor vehicle engine parts or components and is subject to Section 208(a) of the CAA. We are requesting this information to determine whether you are complying with Section 203 of the CAA, 42 U.S.C. § 7522, and the regulations promulgated under Subchapter II of the CAA, 42 U.S.C. §§ 7521-7590.

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This is the second attempt to contact RTR via mail. The EPA previously sent RTR this information request on February 5, 2021 to the addresses listed above.

RTR must send all required information to:

Tyler Salamasick
Compliance Officer
Salamasick.Tyler@epa.gov
or
U.S. EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

RTR must submit all required information under an authorized signature with the required certification found at Appendix C.

As explained more fully in Appendix D, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, the EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 208(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment. Appendix D provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

The EPA may use any information submitted in response to this request in an administrative, civil or criminal action. Failure to comply fully with this information request may subject RTR to an enforcement action under Section 205 of the CAA, 42 U.S.C. § 7524.

You should direct any questions about this information request to Tyler Salamasick at 913-551-5142 or Salamasick.Tyler@epa.gov.

Sincerely,

WENDY LUBBE

Digitally signed by WENDY LUBBE
Date: 2021.03.31 10:36:20 -05'00'

Wendy Lubbe
Acting Branch Chief Air Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Richard Swartz, Compliance & Enforcement Section Chief, MoDNR
Richard.Swartz@dnr.mo.gov

Appendix A

When providing the information requested in Appendix 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 Appendix B.

2. Precede each answer with the number of the question to which it corresponds.

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. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.

6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify the EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you 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 searchable Portable Document Format or similar format, unless otherwise requested in specific questions. Submitters providing secured PDFs should also provide unsecured versions for the EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel. To obtain an example Excel spreadsheet, please contact Tyler Salamasick at 913-551-5142 or Salamasick.Tyler@epa.gov.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.

4. Provide a table of contents for each compact disk or flash drive containing 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.* In addition, each compact disk or flash drive should be labeled appropriately (*e.g.*, Company Name, Disk 1 of 4 for Information Request Response, Date of Response).

5. Documents claimed as confidential business information must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.

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 the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the applicable mobile source regulations, including those at 40 C.F.R. Parts 85, 86, 1039, and 1068, unless otherwise provided in this information request.

1. The term "affiliated entity" means any organization or entity associated with RTR as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization or entity with common officers, directors, or acting in lieu of RTR or any of the entities described in definition no. 3, below.

2. The terms "document" and "documentation" means any object that records, stores, or presents information, and includes: email; writings; memoranda; contracts; agreements; records; or information of any kind, whether handwritten or typed, or in computer format, memory, or storage device, or in hardcopy. All documents in hard copy shall also include attachments to or enclosures with any document.

3. The terms "RTR," "R.T.R. Roger's Truck Repair, LLC," or "you" or "your" includes any assumed business names, agents, representatives, employees, contractors, or other entities that performed work or acted in any way on behalf of, are related to, or acted at the direction of R.T.R. Roger's Truck Repair, LLC.

4. The term "catalysts" refers to systems, such as catalytic converters, that contain 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.

5. The term "diesel particulate filter" or "DPF" refers to 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.

6. 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. 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 and engines. ECMs may be incorporated separately with multiple units or may be combined into a single unit.

7. 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 calibration, and/or the results of systems interaction, and/or hardware item on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. § 86.094-2.

8. The term "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 increase emissions.

9. The term "exhaust gas recirculation" or "EGR" refers to an emission control component that directs 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 nitrogen oxides (NO_x). The EGR system may include a cooler, which cools the recirculated exhaust.

10. The term "on-board diagnostics" or "OBD" refers to 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 illuminates a malfunction indicator light and produces diagnostic trouble codes to aid in repair.

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

12. The term "product" or "products" shall mean any service, part or component, or other item(s), including, but not limited to, engine parts, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes, software coding, or devices, that are manufactured (i.e., created, written, programmed, fabricated, produced, assembled or modified), purchased, imported, distributed, downloaded, offered for sale, sold, provided, and/or installed.

13. The term "selective catalytic reduction" or "SCR" refers to an emission control component that includes systems (the diesel exhaust fluid tank, urea quality sensor, DEF injection system, SCR catalyst(s), and other associated sensors), which inject a reductant, such as DEF, into the exhaust stream where it reacts with catalysts to convert NO_x emissions to nitrogen gas and water.

14. The term "service" means any action to change, affect, modify, bypass, render inoperative, remove, download and/or install one or more part(s) or component(s) (*e.g.*, emission control components) or other item(s), including, but not limited to, engine parts, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes, software, code, or devices.

15. The term "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), code, or other content stored within or used by an ECM.

Appendix B

Information You Are Required to Submit to the EPA

RTR must submit the following information pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a), as it relates to activities at any location owned, leased, and/or operated by RTR and any products or services that RTR manufactured, offered for sale, sold, provided, and/or installed from November, 1, 2018 **to the date of this request**:

1. Identify all persons consulted or who provided information in responding to this information request, including his/her title(s) and relationship to RTR (*e.g.*, employee, contractor).

2. List, in an **electronic, unlocked spreadsheet**, by product/service number and identifying product/service name, each product or service that:

   (a) Defeats, deletes, deactivates, bypasses, renders inoperative, or allows for the removal of any emission control component, element of design, or emission related part including, but not limited to, the DPF system, EGR system, catalyst system, OBD, SCR (including DEF systems), or sensors, signals, or records related to such systems;

   (b) Simulates, or can be programmed to simulate, the operation of any emission control component and/or related parts including, but not limited to, the DPF system, EGR system, catalyst, OBD, SCR (including DEF systems), or sensors, signals, or records related to these systems; and/or

   (c) Modifies, or can be programmed to modify, engine operating parameters, such as injection timing, fuel pressure, air/fuel ratio, fuel quantity, and/or pulse width, emission control parameters, or OBD functions including, but not limited to, those parameters sensed or controlled by the ECM.

3. For each product or service identified in response to Request 2, above, provide the following information in an **electronic, unlocked spreadsheet**:

   (a) The product or service number;

   (b) The identifying product or service name;

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

   (d) The product supplier's name and address (if different than manufacturer's) as listed on the shipping label(s) associated with the product's original packaging;

   (e) The type of vehicle for which the product is designed, used, or sold; including the make(s), model(s), model year(s), engine type(s), engine year(s), and expected use(s) (*e.g.*, agriculture, construction equipment, on-road diesel, etc.);

(f) For each product, a description of what the product does and how the product operates, and for each product that includes services, a description of the service and which other products are involved in the service;

(g) Indicate whether each product or service has the ability to alter, disable, modify, allow and/or bypass:

i. The removal of the EGR;
ii. The removal of a DPF;
iii. The removal of a catalyst;
iv. The removal of a SCR system;
v. Fuel timing;
vi. Engine calibrations for fuel injection pulse width;
vii. Engine calibrations for fuel injection pressure;
viii. Engine calibrations for air/fuel ratio during the combustion process;
ix. Engine calibrations for fuel quantity (amount of fuel injected into the cylinder per stroke); and
x. OBD parameters to prevent DTCs or MILs from being recorded or illuminated.

(h) The quantity of each product that was purchased and/or imported by you each calendar year (or partial year if full year not yet available);

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

(j) The quantity of each product or service that was offered for sale, and/or sold by you each calendar year (or partial year if full year not yet available); and

(k) The quantity of each product or service that was installed or performed by you each calendar year (or partial year if full year not yet available).

4. For each product or service identified in response to Request 2, above, provide the following:

(a) A list of media and/or locations through/at which RTR has advertised and/or provided product operating or installation instructions (*e.g.*, website, social media, newspaper, flyers, verbal offers, trucking shows, conventions etc.), specifying the name of the media and/or date of truck show or convention;

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

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

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

5. For each product or service identified in response to Request 2, above, provide copies of all receipts or invoices, organized by calendar year, for all products or services that were:

   (a) Purchased by you;

   (b) Manufactured or produced by you;

   (c) Distributed and/or sold by you; and/or

   (d) Installed or performed by you.

6. For each product or service identified in response to Request 2, above, provide any and all documentation that RTR collected from customers to verify or ensure that the vehicles receiving the product or service offered for sale by you are not for on-road use and are operated only off of public highways and/or roads.

7. For each product or service identified in response to Request 2, above, provide copies of any disclaimers, waivers, notices or releases of liability, assumption of risk and/or indemnity agreements, etc. signed by RTR, as well as its customers, dealers, distributors, and/or any manufacturers. Provide any and all documents relating to knowledge, liability and/or risk associated with the removal and/or modification of emission control components and/or engine parameters (as described in Request 2(a), (b), and (c), above). These documents are sometimes referred to as "liability waivers."

8. For each product or service identified in response to Request 2, above, state whether you or any other entity conducted tests measuring emissions of hydrocarbons, carbon monoxide, NO_x, and/or PM, including tests that measure the impact of the product on a vehicle's emission control components or elements of design. For each test, provide the following:

   (a) A description of the test, including identification of the component and vehicle, U.S. EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures; and

   (b) A copy of the test report which includes the date and location of the test, the name and position of the person who conducted the test, and the test results.

9. For each product or service identified in response to Request 2, above, state whether you or the manufacturer applied for an Executive Order to the California Air Resources Board and provide a copy of the application for each product. State whether each component received an Executive Order exempting the component from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the component received an Executive Order, provide the Executive Order number and state whether the California Air Resources Board required you to change the component or application to receive approval.

10. Provide the name and address of each location where you have stocked and/or are currently stocking each of the products identified in response to Request 2, above. The term "stocked" or "stocking" shall mean the temporary or long-term storage of materials for potential use, sale, or delivery. This definition includes the storage of materials within warehouses, vehicles, and/or shipping containers.

11. Provide the name and address of all sellers, distributors, dealers, or retailers of all products manufactured, produced, distributed or purchased for sale by RTR, and the quantities of each product shipped to each seller, distributor, dealer, or retailer each calendar year (or partial year if full year not yet available).

12. Provide the name and addresses of any RTR affiliated entity and the role and relationship of each such affiliated entity with respect to RTR.

Appendix C

Statement of Certification

RTR is submitting the enclosed documents in response to the EPA's "Section 208" request for information to determine whether RTR is following the Clean Air Act.

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine or imprisonment.

_____
(Signature)

_____
(Title)

_____
(Date)

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Appendix D

Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request 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, entities 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." 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. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. *See* 40 C.F.R. § 2.203(c).

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number 68HERH19C0004.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim 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 it provides its response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. 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).

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the public may constitute an invasion of privacy.

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Certificate of Mailing

I certify that a true and correct copy of the foregoing Section 208 Request for Information was sent this day in the following manner to the following addressee:

Copy via Certified Mail, Return Receipt Requested to Respondent:

R.T.R Roger's Truck Repair LLC
Roger Edward Krechel
116 Elk Run Drive
Eureka, Missouri 63025

Roger Edward Krechel
112 Little Bussen Drive
Fenton, Missouri 63026

Dated this _____ day of _____, _____.

_____
Signed