UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Rural King Inc.
4216 Dewitt Avenue
Mattoon, Illinois 61938

ATTENTION:

Alex Melvin, CEO

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Rural King Inc. (Rural King or you) to submit certain information about your operations and facilities. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within **thirty (30) calendar days** after you receive this request, unless otherwise noted below.

We are issuing this information request under Section 208(a) of the Clean Air Act (CAA), 42 U.S.C. § 7542(a). Section 208(a) authorizes the Administrator of EPA to require the submission of information from any person who is subject to the CAA, 42 U.S.C. §§ 7521-7590. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Rural King owns and operates a transportation business headquartered in Mattoon, Illinois. We are requesting this information to assist in determining whether your fleet of heavy-duty diesel vehicles, and work done on your heavy-duty diesel vehicles, is compliant with the CAA.

Rural King must send all required information to:

> Attn: Compliance Tracker, AE-18J
> Air Enforcement and Compliance Assurance Branch
> U.S. Environmental Protection Agency
> Region 5
> 77 W. Jackson Boulevard
> Chicago, Illinois 60604

Rural King must submit all required information under an authorized signature with the following certification:

> 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 and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, 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, 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 and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C 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.

We 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 Rural King 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 Ethan Chatfield by email at chatfield.ethan@epa.gov or by phone at 312-886-5112.

1/22/18
Date

Edward Nam
Director
Air and Radiation Division

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 and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.

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 EPA as soon as possible.

7. Where a person at an entity other than Rural King is responsible for a response to a request in Appendix C, clearly indicate in your response which entity is providing the response, as well as the person.

8. Please provide the Statement(s) of Certification (Appendix D) in hard copy form with your response.

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 Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the

document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

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 (CBI) 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 Request for Information 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 Engine, and Non-Road Regulations including those found at 40 C.F.R. Parts 85, 86, 1039, and 1068.

1. The terms "document" and "documents" means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer 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.

2. The term "Rural King" or "you" or "your" includes, but is not limited to, Rural King Inc. and any parent or other related organization, affiliate, predecessor, successor, and assignee organization at any location.

3. The term "defeat device" shall mean a motor vehicle Part or Component, including an ECM tuning program or device, whose principal effect is to bypass, defeat, or render inoperative a motor vehicle emission control device or Element of Design, including such emission control devices or elements required by 40 C.F.R. § 86.1806-05.

4. The term "diesel particulate filter" or "DPF" refers to an exhaust after-treatment emission control component that physically traps PM and removes it from the exhaust stream, typically using a porous ceramic or cordierite substrate or metallic filter.

5. 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.

6. 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.

7. 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 significantly increase emissions.

8. 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.

9. 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).

10. The term "selective catalytic reduction" or "SCR" refers to an emission control component that includes systems (the diesel exhaust fluid (DEF) 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 (N_2) and water (H_2O).

11. The term "tuned" shall mean the altering, and/or replacing of 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 ECM. ECM tuning shall also

include the replacement of a ECM chip with a modified ECM chip that has been reprogrammed to allow for similar altering and/or replacing.

12. The term "retune" shall mean to remove all ECM tuning and other defeat devices, return the ECM chip back to applicable manufacturer specifications for that vehicle, and reinstall any missing or modified emission control parts or components (including but not limited to EGR, DPF, and/or SCRs).

13. The term "personnel" shall mean any person(s) employed, hired, or contracted by Rural King, including, but not limited to any parent or other related organization, affiliate, predecessor, or successor or any company hired by Rural King to perform work or services.

Appendix B

Information You Are Required to Submit to EPA

Rural King (RK) must submit the following information pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, as it pertains to activities and purchases at any location owned, leased, and/or operated by RK:

1. As discussed during the conference on December 20, 2017 regarding the Finding of Violation (FOV), provide an updated, Excel-compatible, unlocked spreadsheet of Rural King's current fleet, including the newly purchased vehicles (in other words please update your response to EPA's May 31, 2017 Information Request, Req. no. 1) and an updated, Excel-compatible, unlocked spreadsheet of tuned and/or modified vehicles (i.e. updated response to EPA's November 6, 2017 Information Request, Req. no. 1), with corrected VIN numbers, as discussed at the FOV conference.

2. Provide a description of the fate of the two "out of service" trucks listed in RK's tuned vehicle spreadsheet (e.g. were the vehicles scrapped for parts, sitting idle, or sold as is and if so, on what date(s)).

3. Rather than limiting your response to EPA's November 6, 2017 request for maintenance records for RK's trucks 135, 158, and 166 to "the date of EPA's Clean Air Act Inspection on May 11, 2017" (see Request no. 7), provide all maintenance records, or narrative descriptions, for all work completed for the entire month of May for each vehicle to ensure all available, relevant work is described. Provide a detailed description for when (what date and time), why (the reason/what kind of maintenance), and how (through maintenance records and/or description) these trucks were located in or near the maintenance shop situated at Rural King's Waverly, Ohio distribution center (Shop).

4. Rural King's response to Request Number 7 of EPA's November, 6, 2017 information request was incomplete. As previously requested, provide information identifying who was involved in any communications and/or decision(s) to move each vehicle into the Shop, who was involved in moving and/or performing any work on the trucks; and who was involved in (communicating, sending, receiving or responding to) any decisions or communications about which vehicles to move into (or out of), or keep in (or out of), the Shop and/or make available for EPA inspection.

5. In response to EPA's November 6, 2017 Information Request, Req. No. 8, Rural King submitted 3 .pdf documents detailing the whereabouts of trucks 135, 158, and 166. Describe the origin of the spreadsheets and the means through which these records were generated. Provide headers (and a description, with units specified where applicable, of each column). For time stamps, specify the applicable time zone. Provide an explanation for how the start time and end times are determined for each day for each truck. Within the filename "RTK00002872-RTK00002872.pdf," for the time period '05/11/17 09:38'

to '05/11/17 15:38,' the font is too pale to read. Provide a legible copy of the original record.

6. In response to EPA's November 6, 2017 Information Request, Req. No. 8, Rural King stated that "Trucks 135 and 158 were not moved during the time frame of EPA's inspection." Define what you meant by 'time frame.' If either truck was moved for any reason on May 11, 2017, specify the time and exact location of each such movement. Truck 166 was "moved a short distance prior to EPA's arrival for maintenance purposes. After EPA arrived, it was moved once more for maintenance purposes." Provide a detailed description of these relocations, addressing the following questions:

   Prior to EPA's arrival:
   (a) where exactly was Truck 166 located and for what purpose?
   (b) to where was Truck 166 moved?
   (c) at what time was Truck 166 moved?
   (d) what was the approximate distance Truck 166 was moved?

   After EPA's arrival:
   (a) to where was Truck 166 moved?
   (b) at what time was Truck 166 moved?
   (c) what was the approximate distance Truck 166 was moved?

7. Did you move any trucks out from the Shop, from within the distribution center warehouse bays (located adjacent to the Shop), or from the parking areas just outside of the Shop on the day of the EPA inspection? And if so, which truck numbers and at what time were the trucks moved? Provide a detailed explanation of why, when, and where each truck was moved.

8. For any communications requested in EPA's May 31, 2017 and November, 6, 2017 information requests, or in this Request, for which Rural King is claiming "attorney client privilege", provide a description of the communication, its date and time, its participants (including ccs or bccs, on written communications) and why it is being claimed as privileged. Please provide any factual material (non-privileged) from such communications.

9. Has RK destroyed or disposed of any records related to ECM tuning, removal of any emission control component, or any record that discusses, references, or is associated in any way with EPA's May 11, 2017 inspection or its follow-up information requests? If yes, please describe what records were destroyed or disposed of, the date of such destruction/disposal and the reason for such destruction/disposal.

Appendix C

Confidential Business and Personal Privacy Information Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in Section 208(c) of the CAA, 42 U.S.C. § 7542 and 40 C.F.R. § 2.203(b).

Emission data provided under Section 208 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

> Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;
>
> Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and
>
> A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 208(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. 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 special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?

3. What measures have you taken to protect the information claimed as confidential? 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?

4. Is the information contained in any 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?

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

6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause 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 effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

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 general public may constitute an invasion of privacy.

Appendix D

Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by _____ [corporate affiliation] to provide the above information on its behalf to EPA.

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: _____

CERTIFICATE OF MAILING

I certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Alex Melvin, CEO
Rural King Inc.
4216 Dewitt Avenue
Mattoon, Illinois 61938

On the 23rd day of January 2018.

Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7660 6905