



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW
ATLANTA, GEORGIA 30303-8960

SENT VIA ELECTRONIC MAIL

Stewart D. Cables
Managing Partner
Hassan + Cables, LLC
1035 Pearl Street, Suite 200
Boulder, Colorado 80302
stewart@hassancables.com

Re: Full Force Diesel Performance – Murfreesboro, Tennessee
Notice of Potential Violation and Opportunity to Confer – Clean Air Act Title II

Dear Mr. Cables:

Information currently available to the U.S. Environmental Protection Agency (EPA) suggests that Full Force Diesel Performance (FFDP) may have committed violations of Section 203(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(3). By this letter, the EPA is extending to FFDP an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on November 26, 2019, an authorized representative of the EPA sent a Request for Information (RFI) to the FFDP facility located at 7822 Manchester Pike, Murfreesboro, Tennessee (the facility) to determine compliance with Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from knowingly removing or rendering inoperative (i.e., “tampering”) any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under subchapter II of the CAA¹ after sale and delivery to the ultimate purchaser. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative an EPA certified motor vehicle’s emission control device or element of design (i.e., a “defeat device”), where the person knows or should know that the part or component is being offered for sale or installed for such use or put to such use.

Under the CAA, “motor vehicle” is defined as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” CAA § 216(2), 42 U.S.C. § 7550(2); *see also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”). The Act’s prohibitions on tampering and defeat devices apply to all EPA certified “motor vehicles,” regardless of how the motor vehicle is ultimately used.

¹ Motor vehicles or motor vehicle engines in compliance with regulations under subchapter II of the CAA are referred to as “EPA certified.”

Based on information available to the EPA, including information submitted by FFDP under cover letters dated January 11, 2020, and May 8, 2020, in response to EPA's November 26, 2019, RFI, issued under Section 208(a) of the CAA, 42 U.S.C. § 7542(a), the EPA believes that FFDP: 1) may have tampered with EPA certified motor vehicles, in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A); and 2) may have sold and/or offered to sell defeat devices, in violation of section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

The EPA believes FFDP knew or should have known that these products were sold and/or offered for sale to bypass, defeat, or render inoperative devices or elements of design that control emissions of regulated air pollutants. In addition, in response to the EPA's RFI, FFDP identified which of its products function to change, affect, and/or bypass motor vehicle emission controls. A detailed summary of the EPA's areas of concern are provided in Enclosure 1.

The EPA has authority under Section 205 of the CAA, 42 U.S.C. § 7524, to seek penalties for violations of the prohibitions against tampering and/or the sale of defeat devices set forth in Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3). To discuss the areas of concern identified in the enclosure, the EPA requests that a representative of the facility contact Carrie Griffith, of my staff at 404-562-9175, or via email at griffith.carrie@epa.gov, within **fifteen (15) calendar days** of receipt of this letter to make arrangements to discuss the areas of concern and the EPA's possible enforcement action. Please note that the EPA may have legal representation during these discussions.

FFDP may voluntarily submit any documentation or information that you would like the EPA to review in advance of any in person meeting or teleconference on the matter to substantiate why you believe the EPA should not take an enforcement action with respect to the above-mentioned areas of concern. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the meeting or teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Ms. Griffith at the contact information identified above.

Sincerely,

TODD
GROENDYKE

Digitally signed by TODD
GROENDYKE
Date: 2021.03.08
11:41:10 -05'00'

Todd Groendyke
Chief
South Air Enforcement Section
Air Enforcement Branch

Enclosure