



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

August 9, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

and

VIA ELECTRONIC MAIL:
sales@ecodieselusa.com

IN THE MATTER OF:
EcoDiesel USA

ATTENTION TO:
Randy Ziegelbauer
215088 Scout Road
Mosinee, Wisconsin 54455

RE: Request for Information Under Sections 114(a)(1) and 208(a) of the Clean Air Act, 42 U.S.C. §§ 7414(a)(1) and 7542(a)

The United States Environmental Protection Agency (“EPA”) hereby requires you as an individual as well as EcoDiesel USA and any of its parent organizations, affiliated organizations, predecessors, successors, and assignees, including, but not limited to, Reckless Motorsports USA (collectively “You” or “EcoDiesel”), to provide the information requested below.

The EPA issues this Information Request under Sections 114(a)(1) and 208(a) of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7414(a)(1) and 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with the CAA’s requirements pertaining to vehicles and engines, including but not limited to the tampering and defeat device prohibitions of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3), and regulations promulgated thereunder. Section 114(a)(1) authorizes the Administrator to require any person subject to the CAA’s requirements or who the Administrator believes may have information necessary for the purposes of carrying out the CAA, other than manufacturers subject to sections 7525(c) or 7542 with respect to a provision of Title II, to provide information reasonably required to carry out the CAA’s provisions. The Administrator has delegated this authority to the undersigned Chief of the Vehicle and Engine Enforcement Branch in the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

Appendix A provides definitions. Appendix B provides instructions for Your responses to this Request for Information. Appendix C specifies the information that You must provide. Appendix D provides information about asserting a claim of confidentiality over information You provide in response to this Request for Information. Appendix E contains a certification, which must be signed and accompany your response to this RFI, attesting to the truth and completeness of your response. Appendix F, not included with this mailed Request for Information, is an Excel workbook provided by EPA to organize Your responses to Requests 1 through 11. Upon receipt of this Request for Information, contact Nathan Dancher, Environmental Engineer, Air Enforcement Division, EPA at (202) 564-0346, or dancher.nathan@epa.gov to provide your email address, and Mr. Dancher will email Appendix F to You.

You must submit this information to Mr. Dancher within **thirty (30) calendar days** from the date of signature of this Request for Information. Please submit the requested information electronically. You may do so via email to Mr. Dancher at dancher.nathan@epa.gov. Please note that the EPA email server will allow attachments up to 20 MB. Alternatively, you may want to provide documents in response to this Request for Information by way of a secure file sharing site. Please let Mr. Dancher know how you want to proceed with submitting Your response.

Please carefully review the instructions, definitions, and specific Requests as You prepare Your response. If You anticipate being unable to fully respond to this Request for Information by this deadline, You must contact Mr. Dancher within ten (10) calendar days of the date of signature of this Request for Information and, with an appropriate justification, request an extension of time to answer some or all of the Requests below. If timely submitted, the EPA will review Your request and may extend the time in which Your response must be provided.

Failure to provide the requested information may result in a civil action pursuant to Sections 113(a)(3) and 205(b) of the CAA, 42 U.S.C. §§ 7413(a)(3) and 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. Pursuant to Sections 114, 208, and 307 of the CAA, 42 U.S.C. §§ 7414(a)(1), 7542(a)–(b), and 7607(a), the EPA may request additional information, inspections, or depositions. It is important that Your responses be clear, accurate, organized, and complete. The EPA will regard any information that is misleading, false, incomplete, or provided without regard to its accuracy as a violation of the CAA and/or criminal statutes.

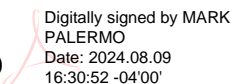
You must provide all requested information under an authorized signature with a properly executed Statement of Certification, as provided in Appendices E for EcoDiesel USA.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accord with the procedures described in the Confidentiality of Business Information (“CBI”) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to Your CBI claim. Appendix D of this Request for Information specifies the assertion requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

The EPA may use any information provided in response to this Request for Information in an administrative, civil, or criminal action.

Questions concerning this Request for Information should be directed to Mr. Dancher, or your counsel may contact Ian Altendorfer, the EPA Attorney-Adviser assigned to this matter, at (202) 564-6032 or altendorfer.ian@epa.gov.

MARK
PALERMO

A red digital signature scribble is positioned over the text 'MARK PALERMO' and extends slightly to the right, overlapping the start of the date and time information.

Digitally signed by MARK
PALERMO
Date: 2024.08.09
16:30:52 -04'00'

Mark J. Palermo
Branch Manager, Vehicle and Engine Enforcement Branch
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined below or in the CAA, 42 U.S.C. §§ 7401–7671q, or the Motor Vehicle and Non-Road Regulations found at 40 C.F.R. Parts 85, 86, 89, 90, 1036, 1037, 1039, 1048, 1051, and 1068, in which case they shall have their meanings as defined therein.

1. The term “information” includes any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intraoffice communications, electronic mail (“email”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting, or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, presentations, spreadsheets, and worksheets. The term “information” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term “information” also includes any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back-up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. Information bearing any notation not part of the original text is considered to be separate information. A draft or non-identical copy is separate information within the meaning of this term.
2. 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.
3. The term “person” includes an individual, corporation, partnership, or association. See Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
4. A reference to any entity by name includes the entity and any of the entity’s affiliated organizations, predecessors, successors, and assignees.

5. The terms “You” or “EcoDiesel” mean, collectively, EcoDiesel USA and any of its parent organizations, affiliated organizations, predecessors, successors, and assignees, including, but not limited to, Reckless Motorsports USA.
6. The term “affiliated organization” means any organization or entity associated with another entity as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization or entity acting in lieu of another entity.
7. The term “applications” means all vehicle or engine configurations.
8. The term “emission related parts” means those parts 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.
9. 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 and 86.1803- 01.
10. The term “electronic control module” or “ECM” means a device that receives inputs from various sensors and puts out signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. Multiple electronic control modules may be incorporated in a single unit to control various engine, vehicle, or equipment functions. ECM is used in this Information Request as a generic term, but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Examples of ECMs include, but are not limited to, the Engine Control Module, OBD Control Modules, Powertrain Control Module (“PCM”), Transmission Control Module (“TCM”), Body Control Module (“BCM”) and aftertreatment control module.
11. 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 ECM.
12. 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 ECM.
13. The term “product” includes any software code, software, hardware, program, element of design, calibration, tune, tuner, device, part, or component.
14. The term “selective catalytic reduction” or “SCR” system means exhaust aftertreatment systems which inject a reductant, such as diesel exhaust fluid (“DEF”), into the exhaust stream

where it reacts with a catalyst to convert Nitrogen Oxides (“NOx”) emissions to Nitrogen Gas (“N₂”) and Water.

15. The term “onboard diagnostics” or “OBD” system means systems which monitor components’ emission-related systems and assist repair technicians in diagnosing and fixing problems with those emission-related systems. A functioning OBD system may record Diagnostic Trouble Codes (“DTCs”), illuminate Malfunction Indicator Lights (“MILs”) or other warning lamps on the vehicle instrument panel, and/or provide information to the ECM which induces Engine Derate due to malfunctioning or missing emission-related systems.
16. The term “exhaust gas recirculation” or “EGR” means systems which redirect, usually by use of an EGR valve, a portion of engine exhaust back into the engine’s combustion chamber to cool and reduce peak combustion temperatures and pressures. The EGR system may include an EGR cooler to cool the recirculated exhaust to further reduce the combustion temperature.
17. The term “diesel particulate filter” or “DPF” means an exhaust aftertreatment device that physically traps particulate matter (“PM”) and removes it from the exhaust stream of diesel fueled vehicles and equipment.
18. The term “manufacture” includes the creation, design, development, alteration, fabrication, production, or programming of a software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
19. The term “engine derate” or “limp-home mode” means an ECM mode that reduces the engine power after the OBD system identifies a problem with an emission-related system.
20. The term “catalysts” means systems or devices which increase the rate of a chemical reaction but are not one of the original reactants or final products, i.e., the catalyst is not consumed or altered in the reaction. The term “catalysts” includes emission control catalysts that are exhaust aftertreatment devices such as Diesel Oxidation Catalysts (“DOCs”).

Appendix B

When providing the information requested in Appendix C, use the following instructions and definitions.

Instructions

1. Provide a complete, detailed response to each of the requests in Appendix C, below. Provide any narrative responses or lists in English. Where noted in Appendix C, provided answers in the specified format (e.g., electronic unlocked spreadsheet). Appendix F, which can be provided to You via email by contacting Nathan Dancher, Environmental Engineer, at dancher.nathan@epa.gov, consists of an Excel workbook in which You are requested to organize Your responses to Requests 1 through 11. Please populate the workbook with Your responses to Requests 1 through 11 in accordance with all instructions. Requests 1 through 11 are summarized in Appendix F for Your convenience only. The Request summaries in Appendix F are not substitutes for the full text of the Requests in Appendix C.
2. If a given spreadsheet response field requested does not apply or is not available, list “n/a” for the corresponding cell.
3. This Request for Information is a continuing request. You must promptly supplement Your response to any request in Appendix C in the event You learn that You possess responsive information not yet produced or if You gain possession, custody, or control of responsive information after initially responding to this Request for Information Request.
4. For each answer, provide the number of the request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, provide the number of the request to which it responds.
5. When a response is provided in the form of a number, specify the units of measure corresponding to the number.
6. Where documents or information necessary for a response is not in Your possession, custody, or control, indicate in Your response why such documents or information are not available or in your possession, custody, or control, and identify any source that either possesses or is likely to possess such information.
7. Where a request allows or requires documents to be provided in response, provide all documents electronically in a folder specific to that request and labeled with the number of the request. Follow any other formatting or naming conventions specified by the request. All submitted documents should be copies and not original documents.
8. Where You have previously submitted information to the EPA that is also the subject of the Request for Information, re-submit that information in accord with these

instructions. (Appendix B). Identify the material that was previously provided, the date on which it was provided, how the information was provided (e.g., electronically, fax, mail), and the individual at EPA to whom it was provided.

9. Provide Your response to this Request for Information in electronic form. All responsive documents and materials (e.g., copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable unlocked format, number stamped in sequential order (e.g., BATES stamped). Where spreadsheets are responsive to a Request, produce them in unlocked electronic .xlsx spreadsheet format (locked files are unacceptable).

Appendix C
Information Request

Provide the following information to the EPA, pursuant to Sections 114(a)(1) and 208(a) of the CAA, 42 U.S.C. §§ 7414(a)(1) and 7542(a).

Provide the following information in Appendix F, worksheet 1.

1. In Appendix F, worksheet 1, identify each product that EcoDiesel manufactured, sold, installed, or offered for sale during the period January 1, 2021, through the date of signature of this Information Request, that, individually or in conjunction with other products:
 - a. permanently or temporarily bypasses, removes, deletes, replaces, or interferes with a motor vehicle's emission related parts, including but not limited to the EGR, DPF, DOC, OBD system, SCR system, or any sensors, signals, or records related to those systems; or
 - b. bypasses, removes, deletes, replaces, reprograms, overwrites, or interferes with a motor vehicle's ECM, software programming, or calibrations.

Examples of such products include, but are not limited to, tuners, tunes, block off plates, re-route plates, re-route pipes, performance exhaust systems, delete pipes, race pipes, straight pipes, upgrade pipes, delete kits, or upgrade kits.

2. For each product identified in response to Request 1, provide the:
 - a. Part Number, Item Code, or other unique identifier used by EcoDiesel;
 - b. Product manufacturer;
 - c. Price EcoDiesel paid for each product;
 - d. Name of each person or entity who EcoDiesel purchased each product from;
 - e. Quantity EcoDiesel manufactured or sold during the period January 1, 2021, through the date of signature of this Information Request;
 - f. Average EcoDiesel sale price;
 - g. Quantity EcoDiesel installed during the period January 1, 2021, through the date of signature of this Information Request;
 - h. Business entity or person (*e.g.*, Reckless Motorsports USA or EcoDiesel USA) that received a portion or all of the revenue from the sale of each product;
 - i. Point of Sale (*i.e.* ecodieselusa.com, recklesstx.com, ram1500diesel.com, YouTube, Facebook, in-store)
 - j. California Air Resources Board Executive Order number, if any.
3. For each product identified in response to Request 1, provide the product's vehicle applications by make, model, engine type, and year.
4. For each product identified in response to Request 1, indicate whether EcoDiesel indicated to

customers that the product is only for testing, maintenance, racing, off-road, or other restricted use.

5. For each product identified in response to Request 1, indicate whether the product:
 - a. Affects the operation of the EGR System;
 - b. Affects the exhaust aftertreatment system;
 - c. Affects the OBD system or related sensors;
 - d. Affects ECM calibrations regarding fuel timing.
 - e. Is a tuner sold without tunes;
 - f. Is a tuner sold with tunes
 - g. Is a tune sold without a tuner; or
 - h. If the answer to all the previous seven questions is no, describe the product in detail.

6. For each product identified in response to Request 1 that is a tune sold without a tuner, identify all compatible tuners that can be used to download the tune to the ECU.

7. For each product identified in response to Request 1 that is a tune or a tuner sold with tunes, indicate whether the product, upon installation and without post-sale modification, does or is capable of doing the following:
 - a. Disabling the EGR system without illuminating a MIL or prompting any on-board DTC;
 - b. Disabling the EGR system without any engine derating;
 - c. Allowing the removal of the EGR system without illuminating a MIL or prompting any on-board DTC;
 - d. Allowing the removal of the EGR system without any engine derating;
 - e. Disabling a DPF system without illuminating a MIL or prompting any on-board DTC;
 - f. Disabling a DPF system without any engine derating;
 - g. Allowing removal of a DPF system without illuminating a MIL or prompting any DTC;
 - h. Allowing removal of a DPF system without any engine derating;
 - i. Disabling a DOC system without illuminating a MIL or prompting any on-board DTC;
 - j. Disabling a DOC system without any engine derating;
 - k. Allowing removal of a DOC system without illuminating a MIL or prompting any DTC;
 - l. Allowing removal of a DOC system without any engine derating;
 - m. Disabling a SCR system without illuminating a MIL or prompting any on-board DTC
 - n. Disabling a SCR system without any engine derating;
 - o. Allowing removal of a SCR system without illuminating a MIL or prompting any on-board DTC;
 - p. Allowing removal of a SCR system without any engine derating;
 - q. Altering fuel timing maps within engine electronic calibrations; or
 - r. Preventing DTCs or MILs from being recorded or illuminated.

8. For each product identified in response to Request 1 that is a tune or a tuner sold with tunes, provide a description of the product, including the changes the product makes or claims to make to a stock calibration (*e.g.*, advertised horsepower improvement).

9. For each product identified in response to Request 1 that is not a tune or a tuner identify:
 - a. All stock components each product replaces;
 - b. Whether the product requires tuning or a tuner;
 - c. Whether the product physically replaces or allows the removal, bypass, or disabling of the DPF;
 - d. Whether the product contains a DPF;
 - e. Whether the product physically replaces or allows the removal, bypass, or disabling of the DOC;
 - f. Whether the product contains a DOC;
 - g. Whether the product physically replaces or allows the removal, bypass, or disabling of the SCR system;
 - h. Whether the product contains a SCR system;
 - i. Whether the product physically replaces, removes, bypasses, deactivates, or blocks off the EGR system;
 - j. Whether the product allows the EGR system to operate in its OEM stock configuration;
 - k. Whether the product physically replaces or allows the removal or bypass of sensors connected to the ECM or OBD system; and
 - l. Whether the product allows the ECM or OBD system to operate in their OEM stock configuration.

10. For each product identified in response to Request 1 that is not a tune or a tuner describe how each product differs from the stock components or specifically changes the stock configuration. You may provide owner's or installation manuals for a product in lieu of a narrative description. If providing the owners or installation manuals in an electronic format, identify the electronic file name associated with each manual provided.

Provide the following information in Appendix F, worksheet 2.

11. In Appendix F, worksheet 2, for each product identified in response to Request 1, that EcoDiesel sold during the period January 1, 2021, through the date of signature of this Information Request, provide the name, address, and phone number(s) of the purchaser, any invoice data, and all other commercial information for each sale to a purchaser. You may provide the requested information in a spreadsheet exported from an invoice or sales management program in lieu of using Appendix F.

Provide the following information.

12. Provide a detailed, written description of the current business structure of EcoDiesel USA, and their affiliated organizations, including an organizational chart depicting the parent and subsidiary companies affiliated with EcoDiesel USA, entities under common ownership with EcoDiesel USA, and relative ownership interests in each entity.

13. Provide a copy of the corporate documents of EcoDiesel USA, including but not limited to articles of incorporation, by-laws, certificates of good standing, and partnership or

membership agreements. Provide a list for EcoDiesel USA of their officers, directors, owners, shareholders, members, managers, or partners, as applicable.

14. For any part of EcoDiesel USA's business ownership or has been sold or transferred to another entity since January 1, 2021, identify each such entity, including location address and email, the date of the sale or transfer, and describe specifically what was sold or transferred.
15. Provide the location of any and all warehouses or other facilities where EcoDiesel USA manufactures, stores, or installs products or inventory. If EcoDiesel USA dropships products, identify the wholesalers, manufactures, or other entities they have drop shipping arrangements with, describe those arrangements, and provide any and all supporting documentation (including but not limited to contracts).
16. For each product identified in response to Request 1, provide:
 - a. A detailed written description of all methods by which the product has been promoted or publicized by EcoDiesel, including but not limited to, print media, commercial websites, point-of-sale webpages, event promotion or sponsorship, trade show promotion, social media promotion, or through cooperative advertising;
 - b. Provide copies of all advertisements for the product published in print or electronic media, including commercial websites, point-of-sale webpages, or social media; and
 - c. Provide all manuals available (e.g., owner's and installation).
17. For products identified in response to Request 1, state whether EcoDiesel or any other entity conducted tests measuring emissions of hydrocarbons, carbon monoxide, nitrogen oxides, or particulate matter, including tests that measure the impact of the product on motor vehicle emissions or that measure the impact of the product on a vehicle's emission control devices or elements of design. For each such test, provide the following information:
 - a. A description of the test, including identification of the product and vehicle, the EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures;
 - b. A sample test report and any training or instructional materials used for educating employees and affiliates about how to perform the test; and
 - c. The date and location of the test, the name and position of the person that conducted the test, and the test results.
18. For products identified in response to Request 1, state whether You submitted an application for an Executive Order to the California Air Resources Board and, if so, provide a copy of the application for each product. State whether each product received an Executive Order exempting the product from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the product received an Executive Order, state whether the California Air Resources Board required changes to the product or application to receive approval.

19. For products identified in response to Request 1, if EcoDiesel has indicated that a product is only for testing, maintenance, racing, off-road, or other restricted use, provide a detailed description of the mechanisms, if any, that EcoDiesel has implemented to ensure that the component is only used for such purposes, with any and all supporting documentation.
20. Provide a list of EcoDiesel's current and former employees (including independent contractors), without date restriction, indicating each employee's dates of employment, job title(s), and job responsibilities.
21. Describe the relationship between Reckless Diesel, LLC (filed with the Wisconsin Department of Financial Institutions) and EcoDiesel USA, and identify any owners, officers, or employees that they share or have shared in common.
22. Between January 1, 2021, and the date of signature of this Information Request, describe the respective role Reckless Motorsports USA and EcoDiesel Performance USA have in the below activities:
 - a. Maintaining and updating the website <https://www.recklesstx.com>;
 - b. Customer support for the website <https://www.recklesstx.com>;
 - c. Fulfilling orders made on the website <https://www.recklesstx.com>;
 - d. Providing customer support for the items and services sold on <https://www.recklesstx.com>;
 - e. Collecting payment for products or services sold on <https://www.recklesstx.com>;
 - f. Maintaining and updating the website <https://www.ecodieselusa.com>;
 - g. Customer support for the website <https://www.ecodieselusa.com>;
 - h. Fulfilling orders made on the website <https://www.ecodieselusa.com>;
 - i. Providing customer support for the items and services sold on <https://www.ecodieselusa.com>; and
 - j. Collecting payment for products or services sold on <https://www.ecodieselusa.com>.
23. List the online platforms EcoDiesel uses to advertise its business, including listservs, forums, websites, or content sharing platforms.
24. List the social media account names and account handles associated with EcoDiesel.
25. Provide the following information related to EcoDiesel's RecklessMotorsportsUSA YouTube account:
 - a. Identify the person, by name and business tile, who is commonly shown in YouTube videos. For example, the person seen in this video: <https://www.youtube.com/watch?v=SJd8eVkJRDyw>.
 - b. Identify the person(s) who help manages the account.
 - c. Identify the person(s) who help post videos on the account.
 - d. Identify the person(s) who comment or respond to messages on RecklessMotorsportsUSA published media, using user handle

“@recklessmotorsportsusa3443.”

26. Describe the relationship EcoDiesel has with the TikTok account “@TheDieselReaper.”
27. Identify each person responsible for responding to this Information Request Appendix C, including his or her title, and the Request(s) to which he or she responded.

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 Sections 114(c) and 208(c) of the CAA, 42 U.S.C. §§ 7414(c) and 7542(c), and 40 C.F.R. Part 2, subpart B. Under Sections 114(c) and 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 EPA only to the extent, and by means of the procedures, set forth in Sections 114(c) and 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 Request for Information when it is received by 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, 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 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 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)

Appendix E
Statement of Certification

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

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[s]] 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, complete, accurate and true. 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: _____