



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

July 2, 2024

VIA ELECTRONIC MAIL:

eddie.lewis@nortonrosefulbright.com

IN THE MATTER OF:

Global Component Technologies

ATTENTION TO:

Mr. Eddie Lewis
Norton Rose Fulbright US LLP
1301 McKinney, Suite 5100
Houston, Texas 77010-3095

RE: Request for Information Under Section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency (“EPA”) hereby requires Global Component Technologies, Inc. (“GCT” or “You” or “Your”),¹ to submit certain information as part of an EPA investigation to determine your compliance with Title II of the Clean Air Act (CAA) and the regulations promulgated thereunder, 42 U.S.C. §§ 7521-7590. The EPA issues this Request for Information (“RFI”) under Section 208(a) of CAA, 42 U.S.C. § 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, and the regulations promulgated thereunder. 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 of this letter provides definitions for terms used in this RFI. Appendix B provides instructions for your responses to this RFI. Appendix C specifies the information that you must provide in response to this RFI. Appendix D provides information about asserting a claim of confidentiality over information you submit in response to this RFI. 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.

You must submit this information to the EPA representative listed below by **August 2, 2024**. Please carefully review the instructions, definitions, and specific requests as you prepare your response. If you anticipate being unable to fully respond to this RFI by this date, you must contact Ian Altendorfer,

¹ See first definition in Appendix A.

Attorney-Advisor, via email at altendorfer.ian@epa.gov, within ten (10) days of receipt of this RFI 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 by the due date may result in a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. It is important that your responses be clear, accurate, organized, and complete. The EPA may regard the submission of information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA or of criminal statutes.

You are entitled to assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information, in accordance 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 emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence, or line and numeral when identifying the information subject to your CBI claim. Appendix D of this RFI specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.


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.

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

Please submit the requested information electronically via email to Mr. Mario Jorquera, Air Enforcement Division, U.S. Environmental Protection Agency, at jorquera.mario@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 RFI by way of a secure file sharing site. Please let us know how you want to proceed.

Questions concerning this request for information should be directed to Ian Altendorfer, Attorney-Advisor, of my staff at (202) 564-6032, or altendorfer.ian@epa.gov.

**MARK
PALERMO**

 Digitally signed by MARK
PALERMO
Date: 2024.07.02 15:18:53
-04'00'

Mark J. Palermo
Chief, 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 terms “GCT,” “You,” and “Your” include, but are not limited to, Global Components Technologies, and any of its parent corporations, subsidiaries, affiliates, predecessors, successors, and assignees that are involved with the engines identified in Appendix C.
3. The term “affiliate” means any entity involved with the engines identified in Appendix C that is: related to you by shareholdings or other means of control; associated with you as a parent, subsidiary, sibling, or predecessor entity; associated with you as an agent; or acting in lieu of you or the entities named in Definition 2.
4. 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.

5. "We," "us," and "our" means the delegate of the Administrator of the Environmental Protection Agency.

Appendix B

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

Instructions

1. Provide the response to this Information Request 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 format and should be number stamped in sequential order (e.g., BATES stamped). Where spreadsheets are responsive to a request, produce them in unlocked electronic spreadsheet format (locked files are unacceptable).
2. Provide a separate narrative response to each question and subpart of a question set forth in Appendix C.
3. 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.
4. When a response is provided in the form of a number, specify the units of measure of the number and tolerance where applicable 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 You have previously submitted information to 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.

Electronic Submissions

We request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 4 below. These submissions should be in lieu of hard copy. Please work with your certification representative to establish the best data submission process for this request.

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 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.
3. Provide a table of contents for each electronic submission in response to our request so that each document can be accurately identified in relation to your response to a specific question. Each record should identify company name and the question number it is responding to.
4. Documents claimed as confidential business information (CBI) must be submitted separately 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 E for designating information as CBI.

(b) (4) - CBI

(b) (4) - CBI

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(c), 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 Request for Information 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, 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 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)

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: _____