



REGION 9

SAN FRANCISCO, CA 94105

VIA ELECTRONIC MAIL

Kacee Fish and Charlie Fish
KC Turbos LLC
2954 W 4th Ave #2, Ste. E
Apache Junction, AZ 85120
Charlie@kcturbos.com

Re: Docket No. R9-CAA-24-1023

Dear Kacee Fish and Charlie Fish:

An authorized representative of the United States federal government conducted an inspection to determine your company's compliance with the Clean Air Act ("CAA") and regulations promulgated thereunder. The details of this inspection are outlined in the enclosed Clean Air Act Vehicle and Engine Expedited Settlement Agreement ("Agreement"). As a result of the inspection, it was determined that your company failed to comply with the CAA and the associated regulations. The Agreement describes the violations.

Based upon our current information, it appears your company has not previously been found in violation of the CAA. Because of this, you may resolve violations using an expedited process that involves significantly lower penalties than those sought through the normal settlement process. The United States Environmental Protection Agency ("EPA") is authorized to enter into the Agreement under the authority vested in the EPA Administrator by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). Should your company violate the CAA in the future, the EPA does not intend to offer this expedited process again. After the Agreement becomes effective, the EPA will take no further civil penalty action against your company for the violation(s) described in the Agreement. However, the EPA does not waive any rights to take an enforcement action for any other past, present, or future violations of the CAA or of any other federal statute or regulation.

If you do not sign and return the enclosed Agreement as presented within **30 calendar days** of its receipt, and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn, with no need of additional notice to you, and without prejudice to the EPA's ability

to file any other enforcement action for the violation(s) identified in the Agreement and seek penalties of up to \$57,617 per violation pursuant to 40 C.F.R. § 19.4. Please refer to “CAA Vehicle and Engine Expedited Settlement Agreement Instructions,” attached, for instructions on accepting this Agreement.

Please contact Janice Chan at (415) 972-3308 or chan.janice@epa.gov with any questions.

Sincerely,

Morimoto,
Kaoru

Digitally signed by
Morimoto, Kaoru
Date: 2024.04.29
16:18:26 -07'00'

Kaoru Morimoto, Assistant Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Enclosure

Enclosure
CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R9-CAA-24-1023

Respondent: KC Turbos LLC
2954 W 4th Ave # 2, Ste. E
Apache Junction, AZ 85120

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (“Agreement”) in order to settle the civil violation(s) discovered as a result of the inspection(s) specified in Table 1, attached, incorporated into this Agreement by reference. The civil violation(s) that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicle(s)/engine(s) specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent’s conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein, and waives any objections Respondent may have to the EPA’s jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of **\$43,524**. Respondent has followed the instructions in “CAA Vehicle and Engine Expedited Settlement Agreement Instructions,” attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 3 and incorporated into this Agreement by reference, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection(s) and alleged violation(s) set forth in Table 1 and Table 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties signing below, and it becomes effective on the date of the EPA Delegated Official’s ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent’s e-mail noted below.

APPROVED BY EPA:

Morimoto,
Kaoru

Digitally signed by
Morimoto, Kaoru
Date: 2024.04.29
16:18:46 -07'00'

Date: _____

Kaoru Morimoto, Assistant Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

APPROVED BY RESPONDENT:

Signature: Kacee Fish Date: 5/6/2024

Name (print): Kacee Fish

Title (print): Owner Email (print): Kacee@kcturbos.com

RATIFIED BY EPA:

Morimoto, Kaoru  Digitally signed by Morimoto,
Kaoru
Date: 2024.05.09 08:02:03 -07'00'

Date: _____

Kaoru Morimoto, Assistant Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Table 1 - Information Collection	
Date(s) Information Collected: November 4, 2022	Docket Number: R 9 - C A A - 2 4 - 1 0 2 3
Respondent Location: 2954 W 4th Ave #2, Ste. E	
City: Apache Junction	Inspector(s) Name(s): Janice Chan
State: AZ Zip Code: 85120	EPA Approving Official: Kaoru Morimoto
Respondent: KC Turbos LLC	EPA Enforcement Contact(s): Janice Chan and Ethan Hessler

Table 2 - Description of Violations and Vehicles/Engines					
<p>EPA obtained evidence that KC Turbos LLC (“Respondent”) sold, and/or offered for sale defeat devices, products listed below, which render inoperative emission control systems on EPA-certified motor vehicles. On November 4, 2022, EPA issued an information request to Odawgs Diesel Performance, Inc. (“ODP”). Respondent, who was in the process of acquiring ODP, responded to the request on January 3, 2023 (“Respondent’s Response”). Respondent’s Response provided that between June 1, 2020, and November 4, 2022, Respondent sold 78 parts or components where a principal effect of the part or component is to bypass, defeat, or render inoperative an emissions control device or element of design installed on motor vehicles or engines. It is a violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) to sell, offer for sale, and install defeat devices intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed 78 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).</p>					
Defeat Device Violation(s)					
Defeat Device Description	Make Model Years, and Models	Part #	Quantity	Sold, installed, and/or offered for sale?	Date Range
Lack the required port for the EGR valve and would require the deletion of the EGR	2003-2010 Ford F250, F350, F450, F550	Odawgs S3R 6.04 Ported Intake Manifold	2	Sold	June 1, 2020- November 4, 2022
Lack the required port for the EGR valve and would require the deletion of the EGR	2003-2007 Ford F250, F350, F450, F550	Odawgs S3R 6.0 Ported Intake Manifold	76	Sold	June 1, 2020- November 4, 2022

Table 3 - Penalty and Required Remediation

Penalty	\$43,524
Required Remediation	In addition to paying the monetary penalty, Respondent must cease and refrain from purchasing, selling, or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by the EPA. Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent acknowledges receipt of the EPA Tampering Policy, available at https://www.epa.gov/enforcement/epa-tampering-policy-epa-enforcement-policy-vehicle-and-engine-tampering-and .

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

On the same day after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for KC Turbos LLC Docket Number R9-CAA-24-1023." Attach a copy of the Agreement and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with KC Turbos LLC, and the Docket Number listed below, with a copy of the Agreement to:

U. S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Attn: Docket Number R9-CAA-24-1023

Within 30 days from your receipt of the Agreement, you must email chan.janice@epa.gov a scanned copy of the original signed Agreement, the documentation of your Required Remediation corrective action(s) taken, and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Janice Chan at (415) 972-3308 or chan.janice@epa.gov. The EPA will consider whether to grant an extension on a case- by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective

action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violation(s) specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$57,617 per violation pursuant to 40 C.F.R. § 19.4.