



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

SENT VIA ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

Tim Porco
T & R Performance Solutions
60 W Easy St # 4
Simi Valley, CA 93065

MARCH 4, 2021

Re: Docket No. R9-CAA-20-1016

Dear Mr. Porco:

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 the information we currently have, 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**30 calendar days** of its receipt, and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn, with no need of additional notice to you, and without prejudice to the EPA's ability to file any other enforcement action for the violation(s) identified in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 \$4,876 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 Kingsley Adeduro at (415) 947-4182 or Adeduro.kingsley@epa.gov with any questions.

Sincerely,

CLAIRE
TROMBADORE

Digitally signed by
CLAIRE TROMBADORE
Date: 2021.03.04
10:12:08 -08'00'

Claire Trombadore, Assistant Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 9

Enclosure

Enclosure

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R9-CAA-20-1016

Respondent: T & R Performance Solutions
60 W Easy St # 4
Simi Valley, CA 93065

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, pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), 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 \$2,926 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 compliance measures, specified in Table 3 and incorporated into this Agreement by reference, have 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 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:

CLAIRE TROMBADORE Digitally signed by CLAIRE TROMBADORE
Date: 2021.03.04 10:13:15 -08'00'

Claire Trombadore, Assistant Director

Date: 3/4/2021

APPROVED BY RESPONDENT:

Name (print): Timothy Perce

Title (print): Owner

Signature: [Handwritten Signature]

**Just for the record, we deny doing any wrong doing, and are only agreeing to this as a way to settle the case, which we never and will never*

Email (print): trpr4manse@sbcglobal.net

Date: 3/31/21

RATIFIED BY EPA:

CLAIRE TROMBADORE Digitally signed by CLAIRE TROMBADORE
Date: 2021.04.06 08:18:10 -07'00'

Claire Trombadore, Assistant Director

Date: 4/6/2021

install non-compliant parts

Table 1 - Information Collection	
Date(s) Information Collected:	Docket Number:
June 14, 2017	R 9 C A A 2 0 1 0 1 6
Respondent Location:	
60 W Easy St # 4	
City:	Inspector(s) Name(s):
Simi Valley	Andrew Zellinger and Andrew Chew
State: Zip Code:	EPA Approving Official:
CA 93065	Claire Trombadore
Respondent:	EPA Enforcement Contact(s):
T & R Performance Solutions	Kingsley Adeduro

Table 2 - Description of Violations and Vehicles/Engines				
EPA obtained evidence that Respondent sold the defeat device products listed below which render inoperative emission control systems on EPA-certified motor vehicles. 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, or install a defeat device(s) intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed 6 violations of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).				
Defeat Device Violation(s)				
Defeat Device Description	Make	Invoice #	Quantity	Date
Bully Dog tuner	Derive	555813	1	7/26/2016
magnaflow turboback exhaust system	magnaflow	555795	1	7/14/2016
Flo-Pro downpipe back exhaust	Flo-Pro	555771	1	6/17/2016
MBRP Stainless downpipe exhaust	MBRP	555984	1	1/7/2017
MBRP Dual Stack	MBRP	556051	1	2/25/2017
AFE Atlas EXHAUST PIPE	AFE	556151	1	5/11/2017

Table 3 - Penalty and Required Compliance Measures	
Penalty	\$2,926
Required Compliance Measures	In addition to paying the monetary penalty, Respondent must comply with the prohibitions under Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3), including to cease and refrain from selling or offering to sell any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by the EPA. Respondent certifies that it has reviewed EPA's November 23, 2020 "EPA Tampering Policy - The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act"

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 T&R Performance Solutions Docket Number R9-CAA-20-1016.” 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 T&R Performance Solutions, 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-20-1016

Within 30 days from your receipt of the Agreement, you must email Adeduro.Kingsley@epa.gov a scanned copy of the original signed Agreement, 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 Kingsley Adeduro at (415) 947-4182. 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 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 CAA, including any outstanding violation(s) identified in the enclosed Table 2. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to ensure compliance and seek penalties of up to \$4,876 per violation pursuant to 40 C.F.R. § 19.4.