



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2565 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498

APR 02 2013

OFFICE OF
AIR AND RADIATION

Lora Snyder, President
Snyder Technology, Inc.
11B Technology Way
Steubenville, Ohio 43952

Douglas D. Snyder, C.E.O. and President
Snyder Systems, Inc. dba Wildfire Motors
Snyder Computer Systems, Inc. dba Wildfire Motors
11 Technology Way
Steubenville, Ohio 43952

Dear Ms. Snyder and Mr. Snyder:

This letter is to inform you that the U.S. Environmental Protection Agency (“EPA”) is voiding the certificates of conformity issued to Wildfire Motors Corporation (also known as Snyder Computer Systems, Inc. dba Wildfire Motors, hereinafter referred to as “Wildfire”) and to Snyder Technology, Inc. (hereinafter referred to as “Snyder Technology” or jointly with Wildfire as “Wildfire”¹) for the engine families listed in Attachment A to this letter. These certificates include the highway and off-highway motorcycle certificates issued to Snyder Technology in 2012, and the highway motorcycle, all-terrain vehicle, and off-road motorcycle certificates that were issued to Wildfire Motors Corporation in 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

These certificates were issued based upon information and statements you made in your applications for certification, as required by 40 CFR Parts 86 and 1051, as applicable. In your certificate applications, you asserted full compliance with the applicable statutory and regulatory requirements. Specifically, Mr. Douglas Don Snyder, C.E.O. and President of Wildfire, stated in all of the applications for Wildfire certificates that “[t]he test vehicle with respect to which data are submitted has been tested in accordance with the applicable US EPA test procedures, meets the requirements of such tests, and conforms to the requirements of the regulations in 40 CFR, subpart 86 [*sic*]. The vehicle described herein has been tested in accordance with the provisions of applicable subparts, and on the basis of these tests is in conformance with the specified regulations. All data and records required by subpart 86 [*sic*] are on file and are available for inspection by the Administrator.” Similarly, in each of Snyder Technology’s

¹ For ease of reference, we will refer to these entities jointly as “Wildfire.” While we understand that these may be two separate corporate entities, as explained in greater detail in Attachment B, it is appropriate to jointly reference them as “Wildfire” due to the interrelatedness of the companies and the overlapping set of facts which prompted this action.

certificate applications, Ms. Lora Snyder, President of Snyder Technology, stated: “[t]he test vehicle with respect to which data are submitted has been tested in accordance with the applicable US EPA test procedures, meets the requirements of such tests, and conforms to the requirements of the regulations in 40 CFR, subpart 86[sic]. The vehicle described herein has been tested in accordance with the provisions of applicable subparts, and on the basis of these tests is in conformance with the specified regulations. All data and records required by subpart 86 [sic] are on file and are available for inspection by the Administrator.”

EPA’s decision to issue the certificates of conformity was based on our review of the information and statements in your certificate applications, and most importantly, our presumption that the information and statements in the applications were true and complete. After completing our review of the applications, we concluded that the engine families met all requirements of 40 CFR Parts 86 or 1051, as applicable, and the Clean Air Act. Consequently, we issued the certificates of conformity.

After issuing these certificates of conformity, EPA received information concerning the certification practices used by your certification consultant, System Launch Associates, including information suggesting that no testing had actually been done on your vehicles. Based on our investigation, which included repeated requests for information from Wildfire, assertions from your test labs that they had not done any testing for Wildfire or Snyder Technology, and your consistent lack of ability to produce any documents to verify that any testing actually occurred, it appeared to EPA that the testing referenced throughout Wildfire’s and Snyder Technology’s certificate applications never occurred. Because the testing information included with Wildfire’s and Snyder Technology’s applications appeared fabricated, it necessarily appeared that Wildfire and Snyder Technology knowingly and/or intentionally submitted false, incomplete, or inaccurate information in your applications for certification. Furthermore, because the accuracy and authenticity of testing information and supporting data was integral to our determination that your vehicles met emission standards and otherwise conformed to applicable statutory and regulatory requirements, which resulted in our decision to issue you certificates of conformity, it appeared to EPA that Snyder Technology’s and Wildfire’s certificates of conformity were issued based on the knowing and/or intentional submission of false, incomplete, or inaccurate information in your applications for certification. Additionally, it appeared that Snyder Technology and Wildfire failed to maintain appropriate records, as required by the applicable regulations, contrary to the assertions in the above-quoted certificate applications.

On November 14, 2012, EPA sent you a letter to inform you of these concerns pertaining to your certificates of conformity. At that time, we gave you advanced notice of those concerns – which were set forth in greater detail throughout that letter and its attachments – and provided you with an opportunity to demonstrate or achieve compliance with all of the applicable requirements governing these certificates of conformity. We specifically requested that you provide us with evidence that would support the statements of compliance made in your original certification applications.

In response, EPA received a three-page letter from your attorney, Mr. David W. T. Carroll, dated December 14, 2012. EPA has not received any correspondence or other communication directly from Snyder Technology or Wildfire. The December 14, 2012 letter from Mr. Carroll states that it “addresses [EPA’s] letter of November 14, 2012 and its attachments,” but that response does not demonstrate that the statements in your certification applications were accurate or that your vehicles comply with the applicable regulations. The December 14, 2012 letter does not address or contradict EPA’s underlying concerns regarding the apparently fabricated testing information or the lack of records. The letter from

Mr. Carroll does not provide any evidence that the statements made in your certificate applications were accurate by providing any further explanation or information regarding the testing of your vehicles. As we explained in our November 14, 2012 letter, it appears that none of your vehicles were ever tested. Mr. Carroll's letter does not refute this finding; instead, his letter asserts that your consultant, Systems Launch Associates, should bear the responsibility for these testing failures, not Snyder Technology or Wildfire. This demonstrates that you knowingly and/or intentionally submitted false, incomplete, or inaccurate information in your applications for certification, which is our basis for voiding these certificates under 40 CFR §§ 86.442-78(c) and 1051.255(e).

Additionally, the December 14, 2012 letter from Mr. Carroll did not provide any emission testing records or supporting documentation to support the assertion in your certificate applications regarding your compliance with recordkeeping requirements. Instead Mr. Carroll states that Snyder Technology and Wildfire have not maintained any records beyond what System Launch Associates may have maintained on their behalf. As we explained in our November 14, 2012 letter, we found no evidence that Systems Launch Associates maintained any of the required records for Snyder Technology or Wildfire. Your assurance in your certificate applications that these records would be maintained not only informed our decision to issue the certificates of conformity, which contributes to EPA's belief that Snyder Technology and Wildfire knowingly and/or intentionally submitted false, incomplete, or inaccurate information in your applications for certification, but is also a separate regulatory requirement. Failure to maintain these records is further basis for voiding certificates under 40 CFR § 1051.255(d).

For the reasons set forth above and as described in greater detail in Attachment B to this letter, EPA concludes that you knowingly and/or intentionally submitted false, incomplete, or inaccurate information in your applications for certification, and that you failed to maintain the records as required by our regulations.

Therefore, EPA is voiding your certificates of conformity for the engine families listed in Attachment A, effective immediately. By voiding your certificates of conformity, the certificates are deemed void from the beginning of the applicable model year. 40 CFR § 1068.30. Accordingly, all vehicles introduced into U.S. commerce under those certificates are considered noncompliant.

Sections 203 and 213(d) of the Clean Air Act prohibit the sale of vehicles and engines unless such vehicles and engines are covered by a valid certificate of conformity. *See also* 40 CFR §§ 86.407-78, 1068.101(a)(1). Each introduction of a vehicle or engine into U.S. commerce under these certificates is a separate violation of sections 203 and 213 of the Clean Air Act, and you may face civil penalties up to \$37,500 per vehicle or engine, as well as criminal penalties. CAA §§ 203(a)(1), 205(a), and 213(d); 40 USC §§ 7522, 7524, and 7547; 40 CFR §§ 86.407-78 and 1068.101(a)(1).

You may request a hearing on EPA's decision to void your certificates in accordance with the procedures set forth in 40 CFR §§ 86.442, 86.443, 86.444, 86.1853-01, 1051.820 and 1068.601. A request for a hearing must be in writing, signed by the certificate holder or authorized representative of the certificate holder, and include a statement, with supporting data, specifying objections to the action taken by EPA. The request must be received by EPA within 30 calendar days of your receipt of this letter and should be addressed to:

Mr. Cleophas Jackson, Director
Gasoline Engine Compliance Center
U.S. EPA, Office of Transportation and Air Quality
2000 Traverwood Drive
Ann Arbor, Michigan 48105

Please contact Mr. Cleophas Jackson or my staff at (734) 214-4824 or jackson.cleophas@epa.gov, should you have any questions.

Sincerely,



Byron Bunker, Director
Compliance Division
Office of Transportation and Air Quality

ENCLOSURES: (2)

cc: Mr. Michael Johnson
System Launch Associates, LLC
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Phillip Brooks, Director
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Office of Enforcement and Compliance Assurance
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Room 1117C
Washington, DC 20460

Paul Jacobs, Chief
Mobile Sources Enforcement Branch
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812

ATTACHMENT A

Affected Certificates

As stated in our letter, the U.S. Environmental Protection Agency (“EPA”) is voiding the certificates of conformity issued to Wildfire and Snyder for the following engine families:

Certificate Number CSYDC0.58NFG-001. On July 18, 2011, EPA issued Snyder Technology, Inc. a certificate of conformity for the highway motorcycle engine family CSYDC0.58NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number CSYDX0.05NFG-001. On August 17, 2011, EPA issued Snyder Technology, Inc. a certificate of conformity for the off-road motorcycle engine family CSYDX0.05NFG. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number CWLDX0.04R9V-001. On March 22, 2012, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family CWLDX0.04R9V. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number CWLDC0.6565T-001. On November 10, 2011, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family CWLDC0.6565T. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.05ART-007. On August 13, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.05ART. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 6WLDC0.05MME-007. On August 17, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.05MME-001. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.05MME-001-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.05MME-001-R02. On July 31, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.05MME-001. On April 16, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number BWLDC0.05MME-002. On May 10, 2011, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family BWLDC0.05MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 6WLDC0.15MME-009. On August 17, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.15MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number BWLDC0.15MME-003. On May 10, 2011, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family BWLDC0.15MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.15MME-002. On April 16, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.15MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.15NFG-005. On May 26, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDC0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 6WLDC0.05JNK-004. On July 14, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.05JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.05NFG-009. On December 18, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.05NFG-005. On August 13, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 6WLDC0.11NFG-001. On July 14, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.11NFG-007. On December 18, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.11NFG-006. On August 13, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDX0.30NFG-006. On January 10, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.30NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.30NFG-002. On April 15, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.30NFG. This certificate issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.80NFG-005. On January 10, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATV engine family 8WLDX0.80NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 9WLDC0.17NFG-003. On April 16, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.17NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.25JNK-006. On July 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.25JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDC0.25NFG-001. On February 14, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.25NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDC0.30NFG-004. On April 18, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.30NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDC0.65NFG-002. On April 16, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.65NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDC0.65NFG-002-R01. On April 16, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.65NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDC0.80NFG-005. On May 27, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 9WLDC0.80NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 9WLDX0.50NFG-001. On April 16, 2008, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATV engine family 9WLDX0.50NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDC0.05JNK-008. On December 18, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.05JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.05JNK-004. On July 8, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.05JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 6WLDC0.20NFG-003. On July 14, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.20NFG-004. On February 21, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.20NFG-004-R01. On June 13, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.20NFG-009. On August 13, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 6WLDC0.25NFG-005. On July 14, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 6WLDC0.25NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.25MME-003. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.25MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDC0.25MME-003-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family 8WLDC0.25MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.25MME-003. On April 16, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.25MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number AWLDC0.25NFG -010. On September 25, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family AWLDC0.25NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number 8WLDX0.04JNK-004. On December 11, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.04JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04JNK-001. On April 15, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.04JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04MME-005. On August 25, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.04MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04MME-005-R01. On August 25, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.04MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04MME-005-R02. On August 25, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.04MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04MME-005-R03. On August 25, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.04MME. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.04NFG-003. On December 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.04NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.04NFG-001. On April 15, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.04NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.05JNK-007. On November 5, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.05JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 6WLDX0.05NFG-001. On May 19, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 6WLDX0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.05NFG-001. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.05NFG-001-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.05NFG-001-R02. On July 31, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.05NFG-003. On April 16, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.05NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.08NFG-004. On August 13, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.08NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.09NFG-009. On November 10, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.09NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 6WLDX0.15NFG-003. On August 2, 2006, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 6WLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.15JNK-008. On November 5, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.15JNK. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.15NFG-002. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.15NFG-002-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.15NFG-002-R02. On July 31, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.15NFG-002-R03. On September 6, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.15NFG-005. On May 26, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.15NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.25NFG-006. On May 26, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.25NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 6WLDX0.11NFG. On June 4, 2012, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 6WLDX0.11NFG. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Family 8WLDX0.11NFG-001. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Family 8WLDX0.11NFG-001-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.11NFG-001-R02. On July 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.11NFG-002. On April 16, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.11NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.11JNK-006. On May 5, 2010, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family AWLDX0.11JNK. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number AWLDX0.20NFG-004. On April 20, 2009, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family AWLDX0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.12NFG-002. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.12NFG. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.12NFG-002-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family 8WLDX0.12NFG. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.20NFG-003. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number 8WLDX0.20NFG-003-R01. On February 12, 2007, EPA issued Wildfire Motors Corporation a certificate of conformity for the ATVA engine family 8WLDX0.20NFG. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number BWLDC0.15MME-003. On May 10, 2011, EPA issued Wildfire Motors Corporation a certificate of conformity for the highway motorcycle engine family BWLDC0.15MME. This certificate was issued pursuant to section 206 of the Clean Air Act and 40 CFR part 86.

Certificate Number BWLDC0.04MME-001. On May 6, 2011, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family BWLDC0.04MME. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

Certificate Number CWLDC0.04R9V-001. On March 22, 2012, EPA issued Wildfire Motors Corporation a certificate of conformity for the off-road motorcycle engine family CWLDC0.04R9V. This certificate was issued pursuant to section 213 of the Clean Air Act and 40 CFR parts 1051, 1065 and 1068.

ATTACHMENT B

I. Summary of EPA's Concerns

As a result of EPA's investigation into Wildfire's recordkeeping practices, as well as the practices of your certification consultant, System Launch Associates (hereinafter "SLA"),² EPA believes that the specific facts and actions, as described below, warrant the voiding of the certificates of conformity that EPA issued to Snyder Technology and Wildfire Motors Corporation. First, EPA believes that the information that was submitted to EPA in Snyder Technology's and Wildfire's applications was false or incomplete. EPA's reliance on the veracity of that information led to EPA's decision to issue certificates to Snyder Technology and Wildfire. As described in more detail below, our investigation has revealed that the information we received from SLA, on Snyder Technology's and Wildfire's behalf, was not truthful, and should not have been relied upon. Second, our investigation has also revealed that Snyder Technology and Wildfire have not maintained the appropriate records, as required by our regulations.

II. Statutory and Regulatory Background

Section 203 of the Clean Air Act ("CAA" or "the Act") prohibits a manufacturer from selling, offering for sale, introducing, or delivering for introduction into commerce, or any person from importing, a new motor vehicle or new motor vehicle engine "unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under" the prescribed regulations. 42 U.S.C. § 7522(a)(1); 40 CFR §§ 86.407-78, 1051.201. To obtain such a certificate of conformity, an application must be submitted to EPA. Title 40, Parts 86 and 1051, of the U.S. Code of Federal Regulations (CFR), contain the applicable requirements for on-highway motorcycles and for recreational vehicles (such as all-terrain vehicles (ATVs) and off-highway motorcycles), respectively. For example, Part 86, subparts E and F, prescribe the requirements for on-highway motorcycles, including what specific information must be included in an application for a certificate of conformity (40 CFR § 86.416-80), what emissions testing must be performed for demonstrating compliance with applicable emission standards (40 CFR § 86.501-78 *et seq.*), and what records must be kept and made available to EPA (40 CFR § 86.440-78). Likewise, Part 1051 prescribes the requirements for ATVs and off-highway motorcycles, including what specific information must be included in the application (40 CFR § 1051.205), what emissions testing must be

² According to EPA's records, as submitted by Snyder Technology and Wildfire, Snyder Technology and Wildfire hired System Launch Associates ("SLA") to act as its consultant. SLA was specifically authorized by Snyder Technology and Wildfire to serve as their authorized representative on all matters related to the EPA application and certification process. For example, in Snyder Technology's and Wildfire's certification applications, it included the following statement:

System Launch Associates LLC has compiled the following Application utilizing the best data and specifications made available to it and in no way shall be held responsible for any errors, omissions or inaccuracies in this Application. Snyder Technology is aware of the contents of this report and concurs with their presentation therein. For questions please call Mr. Mike Johnson of SLA at 248-212-7919, or email systemlaunch@yahoo.com.

Therefore, all acts committed by SLA on Snyder Technology's and Wildfire's behalf are imputed to Wildfire and Snyder as the certificate holders. *See* 40 CFR §§ 86.416-80(a)(2) and 1051.201(e).

performed for demonstrating compliance with the applicable emissions standards (40 CFR § 1051.235), and what records must be kept and made available to EPA (40 CFR § 1051.250).

Under 40 CFR § 86.440-78, an on-highway motorcycle manufacturer must establish, maintain, and retain certain adequately organized and indexed records, including a complete record of all emission tests performed, including test results, the date and purpose of each test, and the distance accumulated on the vehicle, “for a period of six (6) years after the issuance of all certificates of conformity to which they relate.”³ Section 86.442-78 specifies what actions EPA may take regarding your certificates of conformity for on-highway motorcycles. Under 40 CFR § 86.442-78(a)(1), the “Administrator may... suspend or revoke any... certificate which has been issued...with respect to any such vehicle(s) if...[t]he manufacturer submits false or incomplete information in his application for certification thereof.” Section 86.442-78(c) provides the following option:

In any case in which a manufacturer knowingly submits false or inaccurate information, or knowingly renders inaccurate or invalid any test data, or commits any fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

A voided certificate is one that is considered never to have been granted and all engines or vehicles introduced into commerce under that certificate are considered noncompliant. *See e.g.*, 40 CFR § 1068.30. No additional engines or vehicles may be introduced into commerce using a voided certificate, and the holder of the voided certificate is liable for all engines or vehicles introduced into U.S. commerce under the voided certificate and may face civil and criminal penalties. 42 U.S.C. §§ 7413, 7522, and 7524; *see also, e.g.*, 40 CFR §§ 86.407-78, 1068.30, 1068.101, and 1068.125.

For off-highway motorcycles and ATVs, under 40 CFR § 1051.250(b), a recreational vehicle manufacturer must establish, maintain, and retain certain adequately organized and indexed records, including a detailed history of each emission-data vehicle, and all emission tests, for at least eight years following the issuance of the associated certificate of conformity.⁴ Section 1051.201(b) states that “the application must...not include false or incomplete statements or information.” Section 1051.255 describes what decisions EPA may make regarding your certificates of conformity for recreational vehicles. Under 40 CFR § 1051.255(d), “we may void your certificate if you do not keep the records we require or [you] do not give us information as required under this part or the Act.” Furthermore, under 40 CFR § 1051.255(e), “we may void your certificate if we find that you intentionally submitted false or incomplete information.” A voided certificate is one that is considered never to have been granted, and all engines introduced into commerce under a voided certificate are considered noncompliant. 40 CFR § 1068.30. No additional vehicles may be introduced into commerce using a voided certificate, and the

³ Routine emission test records must be maintained for a period of one year after issuance of all certificates of conformity to which they relate. All other emission tests and records must be maintained and retained by the manufacturer for six years from the issuance of the applicable certificate of conformity to which they relate. *See* 40 CFR § 86.440-78(a)(3).

⁴ As specified in 40 C.F.R. § 1051.250(c), data from routine emission tests (such as test cell temperatures and relative humidity readings) must be kept for one year after issuance of the associated certificate of conformity. All other emission tests and other specified records must be kept for eight years from the issuance of the applicable certificate of conformity.

holder of the voided certificate is liable for all engines/equipment introduced into U.S. commerce under the voided certificate and may face civil and criminal penalties. 40 CFR §§ 1068.30, 1068.101, and 1068.125.

III. Facts Which Warrant Voiding the Certificates

As a result of EPA's investigation into Wildfire's certification and recordkeeping practices, including practices by your consultant, SLA, EPA believes that the specific facts and actions, as described below, show that Snyder Technology's and Wildfire Motor Corporation's certificates of conformity were issued based on the knowing and/or intentional submission of false, incomplete, or inaccurate information. EPA also believes that Snyder Technology and Wildfire failed to maintain appropriate records. As explained above, both of these reasons warrant EPA voiding these certificates.

A. Summary of EPA's Investigation

EPA Information Request to SLA

On September 12, 2008, EPA's Office of Enforcement and Compliance Assurance (OECA) issued an information request to SLA under section 208 of the CAA. 42 U.S.C. § 7542. The information request was initiated after EPA received a tip that SLA was violating CAA requirements. In the information request, EPA asked SLA to provide information, including a variety of emissions test records and data for each certification application that SLA had prepared and/or submitted to EPA, including those certification applications submitted on behalf of Snyder Technology and Wildfire. In his April 12, 2009 response, SLA's president and sole member, Michael Johnson, asserted that he had no records other than paper or electronic copies of certification applications in the exact same form as he had submitted them to EPA, adding that EPA should contact his client-manufacturers (including Wildfire and Snyder Technology) directly to obtain the requested records. In that same response, Mr. Johnson then asserted that SLA only "assembles" applications, and that "[e]very single piece of information incorporated into an Application is provided solely by the Applicant" and that if the applicant provides information that is false, erroneous, or incomplete, it is the responsibility of the applicant.

EPA Onsite Inspection of Records at SLA

On May 26, 2009, EPA directed its contractor, the Bionetics Corporation, to conduct an onsite inspection of SLA's office. During the course of the inspection, Bionetics discovered that SLA's office was also Mr. Johnson's apartment residence and that Mr. Johnson only had in his possession a single box of records which contained certification applications. Mr. Johnson stated at that time that he was in the process of relocating to Michigan as explanation of why he only had one box of records. Mr. Johnson did not provide any electronic records or electronic copies of certification applications. He also stated that the best source for the requested records would be with the vehicle manufacturer or certifying party (here, Snyder Technology and Wildfire).

EPA Information Request to Wildfire

On April 28, 2010, EPA sent Wildfire a letter requesting information under section 208 of the CAA, to determine Wildfire's compliance with sections 203 and 213 of the CAA, and applicable motor vehicle and non-road engine regulations. Wildfire provided an incomplete response to EPA's information request via emails in July and August of 2010. Wildfire's response did not include narrative responses to EPA's questions. Instead, Wildfire responded to a subset of questions by providing a spreadsheet which referred to information contained in Wildfire's certification applications. Wildfire's response also included about 33 certification applications which contained only a single page synopsis of final emissions test results. Wildfire did not provide any of the underlying emissions test data for any of the emissions tests purportedly conducted at Texas Environmental Technologies, LLC (TET), as EPA requested. To date, Wildfire has not provided copies of the actual emissions test reports, despite EPA's repeated requests for the data and despite Wildfire having indicated to EPA in its spreadsheet response that its certification consultant would contact the emissions lab to obtain additional information.⁵

It therefore appears that Wildfire's recordkeeping practices have failed to comply with 40 CFR §§ 86.440-78 and 1051.250. When EPA requested documentation to show compliance with these recordkeeping requirements, Wildfire was either unwilling or unable to produce the requested information. As explained above, 40 CFR § 86.440-78 specifies that manufacturers of highway motorcycles must maintain records for at least six years following issuance of the associated certificate (i.e., carryover, carry-across, and original certificates). Similarly, 40 CFR § 1051.250 requires manufacturers to maintain, for at least eight years following issuance of the associated certificate, a detailed history of each emission-data vehicle, here off-highway motorcycles and ATVs. However, based on the information we have collected (or been unable to collect), it appears that Wildfire has failed to maintain records for any of these vehicle-types, in violation of 40 CFR §§ 86.440-78 and 1051.250.

Information Provided by Texas Environmental Technologies

⁵ EPA clarified what data and information it was seeking, and repeatedly asked for such data, in several telephone conferences that were held with Wildfire's counsel, David Carroll, and in emails from EPA attorney Meetu Kaul to David Carroll dated December 20, 2011, February 15, 2012, April 19, 2012, and May 24, 2012. In a January 10, 2012 email from David Carroll to Meetu Kaul, Mr. Carroll asserted that the records Wildfire had not yet supplied to EPA had been available all along at Wildfire's premises for EPA inspection and copying. Subsequently, Ms. Kaul tried to schedule a site visit to Wildfire to review such records (see March 30, 2012 email from Meetu Kaul to David Carroll). However, Mr. Carroll indicated that any site visit and record review activity by EPA be put on hold pending settlement discussions involving other related litigation. Mr. Carroll subsequently asserted that Wildfire's lab results were maintained by Mr. Michael Johnson (see April 16, 2012 email from David Carroll to Meetu Kaul). After Wildfire pulled out of settlement negotiations, Ms. Kaul again attempted to schedule a site visit to Wildfire to review responsive records (see September 12, 2012 email from Ms. Kaul to Mr. Carroll). In a September 27, 2012 email to Ms. Kaul, Mr. Carroll indicated that his client had already provided all responsive information to EPA. However, in subsequent telephone conversations with Ms. Kaul, Mr. Carroll has indicated that Wildfire had located documents responsive to EPA's original information request and that Wildfire was attempting to copy and send the responsive documents to EPA. Given the inconsistent and conflicting statements Wildfire has made with respect to what records it has or does not have, and what records it has produced or made available for production, EPA conducted a site visit to Wildfire on October 23-25, 2012, to conduct a records review. During this site visit, Wildfire did make certain importation records available to EPA for review and copying. However, Wildfire was not able to provide any emissions test results or any detailed information on the emissions tests and test vehicles that were used in their certification applications. Furthermore, Wildfire confirmed that it had previously provided all such records in the company's possession.

Because many of Wildfire's certification applications indicated that TET was the test lab that conducted the supporting emissions tests, on May 11-12, 2010, as part of a lab audit of TET, EPA requested that TET provide emissions test records for vehicles it had tested for certification by Wildfire. William Rucker, owner of TET, stated that he had not tested any Wildfire vehicles and therefore did not have any related records.

On October 26, 2010, EPA sent an information request, pursuant to CAA section 208, to TET requesting emissions tests and calibration records related to any emissions tests conducted at TET. In April and May of 2011, Mr. Rucker provided EPA with some test data in response to this request but none of that test data was for any of Wildfire's vehicles. Furthermore, on November 16, 2011 and February 16, 2012, EPA sent TET two additional follow-up letters seeking additional test data and other information. In these letters, EPA explicitly identified the unique test numbers and specific test dates of emissions tests purportedly conducted at TET and referenced in several of Wildfire's certification applications, in which TET was identified as the test lab. Mr. Rucker responded to these requests in January and March of 2012, respectively. In his responses, Mr. Rucker again stated that TET did not have any records or information that indicated TET had ever tested the relevant Wildfire engine families. Mr. Rucker also stated that TET had not conducted any emissions tests for Wildfire. Additionally, in his responses, Mr. Rucker indicated that the unique test identification numbers listed in the Wildfire certification applications were not test numbers used by TET, and that furthermore, the dates of the emissions tests listed in the certification applications did not match TET records of dates that emissions testing was actually conducted at the TET lab.

Given these statements by TET, in combination with both Wildfire's and SLA's inability to produce relevant records, it appears that the certification applications submitted by Wildfire to EPA in which TET was listed as the testing laboratory are likely false, and that all the test information, including test data and test results cited in the certification applications are likely fabricated in their entirety.

Additional Information Provided by Wildfire

On April 11, 2012, almost two years after the EPA sent its original information request to Wildfire, Wildfire provided EPA with some vehicle service logs corresponding to several of the vehicles that were purportedly tested at TET. However, the veracity of these service logs are questionable based on the statements from TET described above that TET did not conduct any emissions testing for Wildfire at its lab. Additionally, the description of the maintenance performed on the test vehicles is vague, and the frequency of maintenance appears inconsistent with the intervals specified in Wildfire's owner's manuals for those vehicles.

Information Provided by Roush Laboratories

On May 16, 2012, SLA submitted certification applications to EPA on behalf of Snyder Technology for model year 2013 motorcycles. As outlined in more detail in the November 14, 2012 letter sent to

Snyder Technology,⁶ EPA identified issues with the test data supplied in these applications and thus contacted the test labs listed in the certification applications. For example, Roush Industries (“Roush”) was identified as the test lab for the newest data set of test information supplied by Snyder Technology. However, on May 10, 2012, EPA received a statement from Roush confirming that Roush had not performed emissions tests for Snyder Technology’s two model year 2013 engine families (DSYDC0.05727 and DSYDC0.15VV6).

Subsequently, EPA asked Roush to confirm whether it had conducted emissions testing for Wildfire in 2009, as Wildfire had also held out Roush as being the test lab that had conducted retesting of Wildfire model 650T motorcycles in 2009 (engine family 9WLDC0.65NFG). On June 7, 2012, Roush confirmed that it had not conducted the 2009 emissions testing submitted by Wildfire to EPA. Not only did Wildfire submit this retest data to EPA in 2009, but Wildfire also included this 2009 emissions test data in its 2011 application for engine families CWLDC0.6565T. Given these statements by Roush, it appears that false emissions test data was likely submitted to the Agency by Wildfire in 2009, as well as in Wildfire’s 2011 certification application.

Additional Information Provided by TET and SLA

As outlined in more detail in the November 14, 2012 letter sent to Snyder Technology, the model year 2013 certification applications (engine families DSYDC0.05727 and DSYDC0.15VV6) also include “carryover” test results from 2006 for emissions tests that Wildfire asserts were performed at TET. However, TET has represented to the Agency that such 2006 emissions tests were not conducted at TET laboratories. Furthermore, Snyder Technology’s certification consultant, Mr. Michael Johnson of SLA, confirmed that the information included in Snyder Technology’s 2013 certification applications is not accurate. During a May 21, 2012 telephone conference call with EPA’s Office of Transportation and Air Quality, Mr. Johnson stated that he did not run tests at TET after May 2005. Therefore, EPA believes that the carry-over test results submitted by Snyder Technology in support of its 2013 model year certificate applications are likely false. Furthermore, Wildfire has submitted several other certification applications to EPA that allege that emissions testing for Wildfire occurred at TET after May 2005. Given both TET’s denial of any testing for Wildfire at any time, and Mr. Johnson’s statement that he did not run any testing at TET after May 2005, the EPA believes that false information was likely submitted by Wildfire in several of Wildfire’s 2009 and 2010 model year applications.⁷

Information Provided by Northern California Diagnostic Labs, Inc.

⁶ On November 13, 2012, EPA sent a letter to Lora Snyder, President of Snyder Technology, Inc. regarding Snyder Technology’s applications for certificates of conformity for engine families DSYDC0.05727 and DSYDC0.15VV6. EPA identified several concerns with information submitted in those applications and provided Snyder Technology an opportunity to respond and submit additional information to address EPA’s concerns. Snyder Technology has subsequently withdrawn the two applications.

⁷ For example, in its certificate applications for engine families AWLDX0.08NFG, AWLDC0.25NFG, and AWLDX0.11JNK, Wildfire listed TET as the testing laboratory, with unique test identification numbers and test dates from July 10, 2007 through July 22, 2009.

On August 17, 2011, SLA submitted an application for certification to EPA on behalf of Snyder Technology for model year 2011 off-road motorcycle engine family CSYDX0.05NFG. The test lab listed in the application is Northern California Diagnostic Labs, Inc. (NCDL), and copies of two emissions test reports were submitted with the application. EPA contacted NCDL to verify this test information. In response, on August 7, 2012, EPA received a statement from NCDL confirming that NCDL had never conducted any emission test project for SLA. This information from NCDL, along with all of the other information obtained by EPA and outlined in this letter, provides additional support for EPA's belief that it is likely that all applications submitted by SLA, including those submitted on behalf of Snyder Technology and Wildfire, included false information.

EPA's November 14, 2012 Letter to Snyder Technology and Wildfire

On November 14, 2012, EPA sent a letter to Snyder Technology and Wildfire providing an opportunity to demonstrate or achieve compliance. In response, EPA received a letter from David W. T. Carroll, counsel for Snyder Technology and Wildfire, on December 14, 2012. Although Mr. Carroll makes several points, none of his statements demonstrate any level of compliance with regulatory requirements. Mr. Carroll first asserts it is incorrect to refer to Snyder Technology, Inc. and Snyder Computer Systems, Inc. jointly as "Wildfire" because "[o]nly Snyder Computer Systems, Inc. does business as Wildfire Motors." EPA referenced both companies jointly as "Wildfire" in its November 14, 2012 letter for simplicity and continues to do so throughout this letter, although we have identified each company specifically by name when referencing their respective certificates and applications. While we understand that Snyder Technology and Wildfire may be two separate corporate entities, we believe it is appropriate to jointly reference them as "Wildfire" due to the interrelatedness of the companies and the overlapping set of facts which prompted this action. For example, although Snyder Technology submitted certificate applications as "Snyder Technology," its applications included test results that were carried over from prior year Wildfire certificate applications. As described above, we have now determined that those test results were fabricated. Furthermore, although the name "Snyder Technology" is used as the applicant's name in the Snyder Technology certificate applications, the name "Wildfire" appears throughout the applications (e.g., Snyder Technology's contractual agreement with the original engine manufacturers in China are for "Wildfire" vehicles, and the Snyder Technology vehicles are branded as "Wildfire" vehicles). Additionally, for one of Snyder Technology's applications, the certification fee was paid not by Ms. Lora Snyder as President of Snyder Technology, but by Mr. Douglas D. Snyder, President and C.E.O. of Wildfire. Furthermore, although Mr. Carroll asserts that it is incorrect to refer to the companies jointly as Wildfire, he has offered no evidence or information to support this assertion. Due to the significant overlaps between Snyder Technology and Wildfire, we find it appropriate to address them jointly as Wildfire.

Mr. Carroll next correctly notes that two certificates listed in Attachment A to that letter were identified as issued to Snyder Technology, when they were actually issued to Wildfire Motors Corporation. EPA has corrected that inaccuracy that was contained in the November 14, 2012 letter; the certificates – now void – were issued to Wildfire, as noted in Attachment A to this letter. Mr. Carroll's third point is that EPA should have conducted interviews of Ms. Snyder and Mr. Snyder. However, based on Ms.

Snyder's and Mr. Snyder's inability to produce records or demonstrate regulatory compliance in response to our several requests for information, such an additional interview would have served little to no value. Furthermore, although Mr. Carroll asserts that "some of the significant alleged facts in Attachment B are wrong and must be corrected"; however, he in no way identifies or demonstrates how any of the allegations are wrong.

Mr. Carroll's fourth point is regarding Wildfire's choice of consultants. He explains that Wildfire chose TET for its EPA testing and certification, with Michael Johnson as its contact; that Mr. Johnson left TET to form System Launch Associates; that Mr. Johnson submitted all certificate applications for Wildfire and Snyder Technology; that neither Snyder Technology nor Wildfire ever reviewed their own certificate applications; that Snyder Technology and Wildfire expected Mr. Johnson to fulfill all of Snyder Technology's and Wildfire's certification, compliance, and recordkeeping requirements; and that if no tests were done, Wildfire and Snyder Technology are victims of Mr. Johnson. It appears that the sum of Mr. Carroll's points to this end is that although Mr. Johnson may have submitted false, incomplete or inaccurate information to EPA, it was not Snyder Technology and Wildfire who knowingly and/or intentionally submitted that false, incomplete or inaccurate information to EPA. EPA, however, did not issue certificates to Mr. Johnson; EPA issued certificates to Snyder Technology and Wildfire Motors Corporation. Snyder Technology and Wildfire were the entities who bore responsibility for EPA regulatory requirements, and it was Snyder Technology and Wildfire who reaped the benefits of EPA certification. That Snyder Technology and Wildfire may have been victimized by their consultant does not in any way address EPA's concerns that Snyder Technology and Wildfire do not appear to comply with any regulatory requirements. The information Mr. Carroll presents regarding the business relationship between Snyder Technology /Wildfire and Michael Johnson does not in any way resolve the issues we have with the false, incomplete or inaccurate information that was submitted to EPA. In no instance does Mr. Carroll rebut that information. Furthermore, Mr. Carroll does nothing to resolve the appearance that Snyder Technology and Wildfire have not complied with any of the certification, testing, or recordkeeping requirements. Snyder Technology and Wildfire have not produced their own certificate applications; instead, they continue to rely on the certificate applications that were submitted to EPA on Snyder Technology's and Wildfire's behalf by SLA through Michael Johnson. Snyder Technology and Wildfire relied on Mr. Johnson to obtain certificates of conformity on their behalf, further relied on those certificates to introduce their vehicles into U.S. commerce, and continue to this day to rely on those applications as their demonstration of compliance. In no instance does Mr. Carroll demonstrate that Snyder Technology or Wildfire actually complied with EPA regulations.

Mr. Carroll goes on to conclude that: "Under 40 U.S.C. §86.422-78(a)(1), if Michael Johnson did not perform or have the tests performed and/or properly report test results for which Wildfire and Snyder Technology paid for, USEPA may suspend or revoke certificates of conformity. USEPA has no proper grounds to void them under 40 U.S.C. §86.422-78(c)." We take Mr. Carroll's point to refer to the Code of Federal Regulations, and not the U.S. Code; we also take Mr. Carroll's point to refer to the provisions in 40 CFR § 86.442-78, since 40 CFR § 86.422-78 discusses the EPA Administrator's test fleet. We

note that Mr. Carroll only makes these points with respect to the on-highway motorcycle regulations and does not make any similar point with respect to EPA's proposed voiding of off-highway motorcycle and ATV certificates. Finally, we take Mr. Carroll's point to be that EPA should consider suspending or revoking Wildfire's and Snyder Technology's certificates – instead of voiding them – because Wildfire and Snyder Technology did not “intentionally” or “knowingly” submit false, incomplete, or inaccurate information in their certificate applications. However, according to EPA's records, as submitted by Snyder Technology and Wildfire, Snyder Technology and Wildfire hired SLA to act as their consultant. SLA was specifically authorized by Snyder Technology and Wildfire to serve as their authorized representative on all matters related to the EPA application and certification process. Based on these records, the intentional or knowing submission of false, incomplete or inaccurate information from SLA on Snyder Technology's and Wildfire's behalf imputes directly to Snyder Technology and Wildfire.

B. Basis for Voiding Certificates

EPA believes the specific facts and actions described above warrant the voiding of the certificates of conformity listed in Attachment A for two reasons. First, EPA believes that the information we have gathered demonstrates that Snyder Technology and Wildfire knowingly submitted false, incomplete, or inaccurate information in their certification applications. Second, EPA believes that Snyder Technology and Wildfire have failed to maintain required records. As previously stated, both the knowing submittal of false or incomplete information, and the failure to maintain required records, may be a basis for voiding certificates. 40 CFR §§ 86-442-78(c), 1051.255(d) and (e). Second, Snyder Technology's and Wildfire's recordkeeping practices have failed to comply with 40 CFR §§ 86.440-78 and 1051.250.

Intentional or Knowing Submission of False, Incomplete, or Inaccurate Information

As described above, most of the certificates listed in Attachment A indicate that TET conducted the underlying emissions testing. However, Mr. Rucker of TET has stated that TET never conducted any emissions testing for Snyder Technology or Wildfire. He also indicated that the test numbers and the test dates listed on the Snyder Technology and Wildfire certification applications do not match test numbers or formats used by TET, or dates on which any testing actually took place at TET. Furthermore, Mike Johnson of SLA also stated that he did not run any tests at TET after May of 2005. Thus, the Snyder Technology and Wildfire certification applications that refer to purported emissions tests conducted at TET, including for tests conducted after May of 2005, appear to contain false data and information. In addition to the statements and denials by TET, Roush Labs has also stated to EPA that it did not conduct the emissions testing for Snyder Technology or Wildfire that Snyder Technology and Wildfire included in several of their certification applications. Furthermore, Snyder Technology and Wildfire and their consultant, SLA, have not been able to produce any records to EPA that would indicate that such testing actually took place. Finally, EPA obtained statements from another laboratory (NCDL) which denies conducting tests that were referenced in applications submitted to EPA by SLA for Snyder Technology. The information from NCDL, in conjunction with all of the other information obtained by EPA, further calls into question the veracity of all applications submitted to EPA by SLA,

including those submitted on behalf of Wildfire and Snyder Technology. It therefore appears that Snyder Technology and Wildfire intentionally or knowingly submitted false, incomplete, or inaccurate information in their certification applications, on which EPA relied in issuing the certificates of conformity listed in Attachment A.

In response to EPA's November 14, 2012 letter providing Snyder Technology and Wildfire an opportunity to demonstrate or achieve compliance, Mr. Carroll does not in any way demonstrate that any testing actually occurred. Instead, Mr. Carroll explains that Snyder Technology and Wildfire "paid for tests and both believed in good faith that its contractor was submitting proper applications with proper test results." Such an explanation does nothing to address EPA's concerns about the certificate applications it received for Snyder Technology and Wildfire, and it in no way demonstrates that any testing was ever conducted on any of Snyder Technology's and Wildfire's vehicles.

Failure to Maintain Records

Snyder Technology's and Wildfire's recordkeeping practices have failed to comply with 40 CFR §§ 86.440-78 and 1051.250. When EPA requested documentation to show compliance with these recordkeeping requirements, Snyder Technology and Wildfire were either unwilling or unable to produce all of the requested information and instead only submitted a partial response. As part of its CAA section 208 information request, EPA requested that Wildfire submit, among other things, a report of the emissions test results and detailed information on the emissions tests and test vehicles that were used in their certification applications. Over two years later, Wildfire has still not supplied EPA with this information or made such information available to EPA. Most notably, in response to EPA's November 14, 2012 letter providing Snyder Technology and Wildfire an opportunity to demonstrate or achieve compliance with the recordkeeping provisions, EPA received a letter from your counsel in which Mr. Carroll states that Snyder Technology and Wildfire did not maintain any records. Mr. Carroll asserts that Snyder Technology and Wildfire hired SLA to maintain their records. Such an assertion in no way demonstrates compliance with recordkeeping requirements; it is an admission of non-compliance. Failure to maintain required records is a basis for voiding some of Wildfire's certificates (*see* 40 CFR § 1051.255(d)). Additionally, your failure to maintain records – as asserted in your certificate applications – also contributes to EPA's belief that Snyder Technology and Wildfire knowingly submitted false or incomplete statements or information to EPA in its certification applications, the submittal of which is also a basis for voiding Wildfire's certificates (*see* 40 CFR §§ 86.442-78(c), 1051.255(e)). Because Snyder Technology and Wildfire are unable to demonstrate compliance with these recordkeeping requirements, the statements in Snyder Technology's and Wildfire's several certification applications that "all data and records required by subpart 86 [*sic*] are on file and are available for inspection by the Administrator" is also viewed as a knowing submission of a false statement by Snyder and Wildfire.⁸

⁸ Snyder Technology and Wildfire included this statement in certificate applications filed with EPA pursuant to both Parts 86 and Part 1051. Such a statement is noteworthy in that Part 86 is not a "subpart," and is not the relevant legal authority for applications filed pursuant to Part 1051. These statements, when reviewed in the context of all Snyder Technology's and

IV. Snyder Technology's and Wildfire's Certificates are Void Effective Immediately

As explained above, based on your failure to keep records, which is in direct violation of 40 CFR § 1051.250, and your intentional and knowing submission of false, inaccurate, or incomplete information, EPA is voiding the certificates listed in Attachment A. Each certificate is now void pursuant to 40 CFR §§ 86.442-78(c), 1051.255(d), and 1051.255(e), as applicable. Each introduction of any vehicle into U.S. commerce under these certificates, at any time, is a violation of sections 203 and 213 of the Clean Air Act, and you may face civil penalties up to \$37,500 per vehicle, as well as criminal penalties. In addition, Snyder Technology and Wildfire may not introduce into commerce any additional vehicles covered by the voided certificates. 40 CFR § 1068.30.

You may request a hearing on EPA's decision to void your certificates in accordance with the procedures set forth in 40 CFR §§ 86.442, 86.443, 86.444, 86.1853-01, 1051.820 and 1068.601. A request for a hearing must be in writing, signed by the certificate holder or authorized representative of the certificate holder, and include a statement, with supporting data, specifying objections to the action taken by EPA. The request must be received by EPA within 30 calendar days of your receipt of this letter. It should be sent to Mr. Cleophas Jackson at the following address:

Mr. Cleophas Jackson, Director
Gasoline Engine Compliance Center
Compliance Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, Michigan 48105

We may decide to approve your request if we find that it raises a substantial factual issue. If we agree to hold a hearing, we will use the procedures specified in 40 CFR §§ 86.444, 86.1853-01 and 1051.820(c). Please contact Mr. Jackson at (734) 214-4824 or jackson.cleophas@epa.gov, should you have any questions.

Wildfire's submissions and lack of information regarding certification, suggest to the Agency that the statements were made as a function of "copy and paste" procedures without regard for the accuracy of such statements, and moreover reveal an ignorance with respect to the regulatory requirements associated with the statements and EPA's certification process.