

**Reed Zars**  
Attorney at Law  
910 Kearney Street  
Laramie, WY 82070  
307-760-6268

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October 3, 2016

VIA CERTIFIED MAIL

Diesel Brothers  
1955 S 1800 W  
Woods Cross, UT 84087

Dear Diesel Brothers,

We are writing on behalf of the Utah Physicians for a Healthy Environment (UPHE) to supplement our notice letter to you of July 27, 2016. Our initial, and these supplemental allegations apply to the identified actions taken or caused by Diesel Brothers (as previously defined) over the last five years at 1955 S 1800 W, Woods Cross, Utah, 976 W 850 S, Woods Cross, Utah, any predecessor or associated location, and any other time or location identified in our initial notice letter. Our allegations apply to all of Diesel Brothers' "giveaway" trucks conveyed as sweepstake prizes between 2013 and the present, including the dates and locations of each truck's modifications and operation as described at <https://www.dieselsellerz.com> and associated promotional videos. Our allegations also apply to all vehicles Diesel Brothers have "built," owned, operated, and/or sold.

First, as a result of Diesel Brothers' tampering, and the use of defeat devices, as described in Sections III.A. and III.B. in our initial notice letter, we intend additionally to allege that Diesel Brothers have violated, and continue to violate, Utah's federally-enforceable SIP regulation R307-201-2, 40 C.F.R. § 52.2320(c)(59), by owning and/or operating diesel vehicles registered in Utah that do not have all of their federally-required crankcase and exhaust emissions controls intact and operational at all times such vehicles are being operated. We intend further to allege, with respect to the same descriptions in Sections III.A. and III.B., that in Utah Diesel Brothers have been violating Utah SIP regulation R307-201-2 by removing, or making inoperable, emissions systems on diesel vehicles, and not installing other replacement systems or devices of equal or better effectiveness in reducing emissions to the atmosphere.

Utah SIP regulation R307-201-2 is set forth below.


**R307-201-2. Automobile Emission Control Devices.**

Any person owning or operating any motor vehicle or motor vehicle engine registered in the State of Utah on which is installed or incorporated a system or device for the control of crankcase emissions or exhaust emissions in compliance with the Federal motor vehicle rules, shall maintain the system or device in operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. No person shall remove or make inoperable within the State of Utah the system or device or any part thereof, except for the purpose of installing another system or device, or part thereof, which is equally or more effective in reducing emissions from the vehicle to the atmosphere.

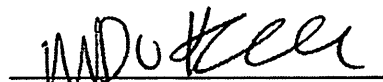
Second, with respect to all actions taken or caused by Diesel Brothers that we describe in our July 27, 2016 notice letter as violating Sections 203(a)(3)(A) and (B) of the Clean Air Act, those acts also violate 40 C.F.R. §§ 86.1854-12(a)(3)(i) and (ii).

Finally, we clarify that Diesel Brothers' civil penalty liability pursuant to CAA Section 205(a), 42 U.S.C. § 7524(a), is up to \$3,750 for each violation of CAA Sections 203(a)(3)(A) and 203(a)(3)(B) occurring on or after January 13, 2009, and up to \$4,454 for each violation of CAA Sections 203(a)(3)(A) and 203(a)(3)(B) occurring on or after November 2, 2015. 40 C.F.R. § 19.4; 81 Fed.Reg. 43,092, 43,095 (July 1, 2016). Pursuant to 42 U.S.C. § 7524(a), any violation of CAA Section 203(a)(3)(A) shall constitute a separate offense with respect to each motor vehicle or engine, and any violation of CAA Section 203(a)(3)(B) shall constitute a separate offense with respect to each part or component. Diesel Brothers' civil penalty liability for violations of Utah SIP regulation R307-201-2 are higher: \$37,500 per day for each violation between January 12, 2009 and November 1, 2015, \$93,750 per day for each violation after November 2, 2015. Clean Air Act Sections 304(a) and 113(b); 81 Fed.Reg. 43,091, 43,095.

Yours Sincerely,



Reed Zars  
Attorney at Law  
910 Kearney Street  
Laramie, WY 82070  
(307) 760-6268  
reed@zarslaw.com



Meghan Dutton  
Meghan Dutton Law LLC  
299 South Main Street #1300  
Salt Lake City, Utah 84111  
(801) 673-2300  
meghan@megduttonlaw.com

cc by Certified Mail:

Gina McCarthy, Administrator Environmental Protection Agency Mail Code 1101A 1200 Pennsylvania Avenue, N.W. Washington, DC 20460	Cannon Law Group Registered Agent for Dieselsellerz.com LLC 53 South 600 East Salt Lake City, UT 84102
Shaun McGrath, Regional Administrator EPA Region 8 Environmental Protection Agency 1595 Wynkoop St. Denver, CO 80202-1129	David Sparks Registered Agent for Diesel Power Gear 3160 S 400 E Bountiful, UT 84010
Governor Gary Herbert Utah State Capitol Complex 350 North State Street, Suite 200 PO Box 142220 Salt Lake City, Utah 84114-2220	David Sparks Registered Agent for 4X4 Anything LLC 1955 S 1800 W Woods Cross, UT 84087
Bryce Bird, Director Division of Air Quality Multi Agency State Office Building 195 North 1950 West Salt Lake City, Utah 84116	B&W Auto LLC Registered Agent for Sparks Motors LLC 1955 S 1800 W #2 Woods Cross, UT 84087
Dennis Keith, Air Quality Bureau Davis County Health Department P.O. Box 618 Farmington, Utah 84025	Joshua Stuart 1955 S 1800 W Woods Cross, UT 84087
David Sparks 1955 S 1800 W Woods Cross, UT 84087	Keaton Hoskins 1955 S 1800 W Woods Cross, UT 84087
David Kiley 1955 S 1800 W Woods Cross, UT 84087	