

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Borla Performance Industries, Inc.)	Docket No. CAA-R9-2020-0044
)	
Respondent.)	

Complainant’s First Amendment and Correction to Prehearing Exchange

The Director of the Region 9 Enforcement and Compliance Division of the U.S. Environmental Protection Agency (“Complainant”) files this Complainant’s First Amended Prehearing Exchange, in accord with the Tribunal’s Prehearing Order and section 22.19(f) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the “Consolidated Rules”).

Pursuant to the Prehearing Order for this matter, dated October 19, 2020, Complainant may file this First Amended Prehearing Exchange without an accompanying Motion to Supplement the Prehearing Exchange so long as the scheduled hearing is more than 60 days after the date of such a filing. Because the hearing has not yet been scheduled, Complainant believes this filing is timely.

Complainant is adding or amending 17 exhibits to its Prehearing Exchange, together with an updated exhibit index numbered CX000-2. The CX designations for these exhibits, and the reason for adding or amending them, is as follows:

CX 24: This is a new exhibit to add the Notice of Violation issued in this matter.

CX 41: This exhibit is being amended to add an Application for Certification for MY 2009 inadvertently omitted in initial PHE.

- CX 42: This exhibit is being amended to correct inaccurate MYs in the comparative diagram.
- CX 47: This exhibit is being amended to remove MY 2005.
- CX 53: This is a new exhibit to provide the correct Borla installation manual.
- CX 57: This exhibit is being amended to provide the appropriate Borla diagram.
- CX 62: This exhibit is being amended to add OEM diagrams and documents for parts 60515 and 60516 inadvertently omitted in initial PHE.
- CX 74: This exhibit is being amended to add additional COCs inadvertently omitted in initial PHE.
- CX 75: This is a new exhibit of diagram comparison documents inadvertently omitted in initial PHE.
- CX 85: This exhibit is being amended to add missing CSI for MY 2015 inadvertently omitted in initial PHE.
- CX 89: This exhibit is being amended to add COCs for MYs 2007-09 inadvertently omitted in initial PHE.
- CX 160: This exhibit is being amended to provide correct MYs for OEM diagrams and documents.
- CX 265: This exhibit is being amended to provide the correct reference to the source of the diagram comparison (ALLDATA vs OEM).
- CX 278: This is a new exhibit of diagram comparison documents inadvertently omitted in initial PHE.
- CX 288: This exhibit is being amended to add a CSI inadvertently omitted in initial PHE.
- CX 298: This exhibit is being amended to change “1/31/2015” to “12/31/2015” in a column heading.
- CX 355: This is a new exhibit to provide background on the history of vehicle emission regulations.

Complainant is also filing a revised Exhibit Index along with the new and revised exhibits.

Respectfully Submitted,

April 22, 2021

Date

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