

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7913

Respondent: Kristian Lindholm
Coldwater Tractors, Inc.
274 Dekay Road
Hoquiam, Washington 98550

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent's conduct described in Table 2. Respondent does not contest the findings detailed therein, and waives any objections Respondent may have to EPA's jurisdiction.
3. Respondent consents to the payment of the penalty in the amount specified in Table 3, attached, incorporated into the Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, EPA approves the findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to the terms of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 3/22/2010


APPROVED BY RESPONDENT:

Name (print): Kristian Lindholm

Title (print): Owner

Signature: 

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 4/19/2010

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
October 30, 2009		C A A - 1 0 - 7 9 1 3	
Inspection Location:		Entry/Inspection Number(s)	
U.S. CBP's MacMillan Piper Warehouse		1 0 1 - 8 3 6 6 6 1 2 - 1	
Address:			
1762 6th Avenue South			
City:		Inspector(s) Name(s):	
Seattle		Kathleen Mar	
State:	Zip Code:	EPA Approving Official:	
WA	98134	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Coldwater Tractors, Inc.		Jocelyn Adair 202-564-1011	

Table 2 - Description of Violation and Vehicles/Engines

In October 2009, Coldwater Tractors Inc. imported eight tractors containing nonroad compression-ignition (CI) engines with a named model year (MY) of 2007. Current emission control standards, effective beginning in MY 2008, are more stringent than those for MY 2007 engines. For this reason, the tractor engines are deemed to be MY 2008 under 40 C.F.R. § 1068.360(b), which dictates that the MY of an engine is no more than one year older than the calendar year of the importation (here, 2009), regardless of the production date of the engine, when emission control requirements applicable in the year of importation (Tier 4 standards apply in 2008 and beyond) are different than for engines or equipment in the named MY (Tier 3 standards applied for MY 2007 engines).

EPA has determined that these tractors are uncertified because they are not covered by a MY 2008 certificate of conformity (COC). Coldwater Tractors Inc. committed eight violations under the Clean Air Act Sections 203 and 213, 42 U.S.C. §§ 7522(a)(1) and 7547(a), and regulations at 40 C.F.R. § 1068.101(a) for importing eight nonroad CI engines that were not covered by an EPA-issued COC.

Equipment Description	Engine Family	Manufacturer	Model Year of Tractors/Engines	Quantity
JINMA 284 Tractor (nonroad CI engine)	7SHLL1.53LDE	Jiangsu Yueda Yancheng Tractor Manufacturing Co., Ltd.	2009/ 2007, deemed to be 2008 (see above)	8

Table 3 - Penalty and Required Remediation

Penalty	\$3,300
Required Remediation	Either destroy or export the eight tractors to a country other than Canada or Mexico.