

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7905

Respondent: Robert Suchon, President
E1 Dynamics, Inc.
96 Beachwalk Boulevard
Conroe, TX 77304

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered during 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 inspection findings and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the date ratified by the EPA Air Enforcement Division Director.

APPROVED BY EPA:


for Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 11/24/2009

APPROVED BY RESPONDENT:

Name (print): ROBERT A SUCHON 12/18/09

Title (print): PRESIDENT

Signature: 

RATIFIED BY EPA:


Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 1/8/10

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
July 30, 2009		C A A - 1 0 - 7 9 0 5	
Inspection Location:		Entry/Inspection Number(s)	
Talleyrand Marine Terminal		2 6 7 - 5 1 6 9 7 5 2 - 0	
Address:			
3001 Talleyrand Avenue			
City:		Inspector(s) Name(s):	
Jacksonville		Officer Karol Palenik	
State:	Zip Code:	EPA Approving Official:	
FL	32206	Pamela J. Mazakas	
Respondent:		EPA Enforcement Contact:	
Robert Suchon, President		David Alexander	

Table 2 - Description of Violation and Vehicles/Engines

On July 19, 2009, E1 Dynamics, Inc. (E1) imported one nonroad diesel engine into the port of Jacksonville, Florida. Based on an inspection conducted by the U.S. Department of Homeland Security's Bureau of Customs and Border Protection (CBP), EPA has determined that this diesel engine bears an EPA emission label (Label) that can be removed without defacing or destroying and therefore does not conform to the requirements of 40 C.F.R. § 89.110(a). 40 C.F.R. § 89.1003(a)(4)(ii) prohibits anyone from importing a nonroad diesel engine unless it bears the required label. Thus, E1 is liable for a total of one violation under the Clean Air Act Section 203(a)(1), 42 U.S.C. § 7522(a)(1), and regulations at 40 C.F.R. § 1003(a)(4)(ii), for importing one diesel engine without a conforming Label.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Diesel Engine Model 16V4000 G83 Engine Serial No. 527.105596	8MDDL95.4XTR	MTU Detroit Diesel	2008	1

Table 3 - Penalty and Required Remediation

Penalty	\$2900
Required Remediation	<ol style="list-style-type: none"> 1. Accept a CBP conditional release to a single pre-identified facility. 2. Request MTU Detroit Diesel Inc. (MTU) to provide a sample conforming Label to EPA for approval before the label is affixed. 3. Request MTU (or its authorized representative) to remove and destroy the original Label and permanently affix the approved Label to the engine. 4. Take digital photographs of the original Label, and the approved Label when affixed. Forward these photographs to EPA at siegler.mark@epa.gov. 5. Complete with MTU a statement affirming that the engine has been relabeled with an approved Label. 6. Provide to EPA, at siegler.mark@epa.gov, a letter from MTU identifying the certification status and appropriate certificate of conformity (COC) covering the engine, providing an explanation of any recalibration, derating, or other engine manufacturer actions, and providing any other facts that may affect the applicability or validity of the COC.