

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7939

Respondent: Tadahisa Omote, President
Kubota Engine America Corporation
505 Schelter Road
Lincolnshire, Illinois 60069

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 this 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 a penalty in the amount of \$6,400, further described in Table 3, attached, incorporated into this 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 Agreement to EPA, Respondent consents to the terms of the Agreement without further notice. Respondent acknowledges that this 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: 5/18/11

APPROVED BY RESPONDENT:

Name (print): Tadahisa Omote

Title (print): President

Signature: 

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 8/30/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 8, 2011/ March 17, 2011		C A A - 1 1 - 7 9 3 9	
Inspection Location:		Entry/Inspection Number(s)	
KPAC Warehouse		A J 6 - 0 3 4 2 6 2 8 - 6	
Address:			
2608 Port of Tacoma Road			
City:		Inspector(s) Name(s):	
Tacoma		Kathleen Mar and Mario Jorquera	
State:	Zip Code:	EPA Approving Official:	
WA	98421	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Kubota Engine America Corporation		Meetu Kaul (202) 564-5472	

Table 2 - Description of Violation and Vehicles/Engines

EPA has determined that the engines listed in this table were imported by Kubota Engine America Corporation (Kubota), and do not bear the Emission Control Information (ECI) labels required by 40 C.F.R. § 1039.135. Specifically, the manufacturer is required to either include the date of manufacture (DOM) on the ECI label or permanently stamp the DOM on the engine. If the manufacturer elects to permanently stamp the DOM on the engine, it must include the location of the DOM stamp in the application for certification. The ECI labels on these engines do not include the DOM, nor did Kubota describe in its application for certification where the DOM is stamped on the engines (in fact, the DOM is part of the engine serial number (ESN)). Thus, Kubota failed to comply with 40 C.F.R. § 1039.135(c)(6). The importation of engines that do not bear the required ECI labels is prohibited under 40 C.F.R. § 1068.101(a)(1).

Equipment Description Nonroad CI engines, 19-56 kW	Engine Family	Manufacturer	Model Year	Quantity
Model D1703-M-E3BG-ONAN-1	BKBXL02.2FCC	Kubota Corporation	2011	88
Model D1703-M-E3BG-ONAN-2	BKBXL02.2FCC	Kubota Corporation	2011	8
Model V2003-M-E3BG-ONAN-2	AKBXN02.0FCC	Kubota Corporation	2010	4
Model V2003-M-E3BG-ONAN-2	BKBXN02.0FCC	Kubota Corporation	2011	4
Model V2003-M-E3BG-ONAN-2V	BKBXN02.0FCC	Kubota Corporation	2011	4
Model V2003-M-E3BG-ONAN-1	BKBXL02.2FCC	Kubota Corporation	2011	4

Table 3 - Penalty and Required Remediation

Penalty	\$6,400
Required Remediation	Kubota must submit a modification (running change) to the application for certification for engine families AKBXN02.0FCC, BKBXL02.0FCC, and BKBXN02.0FCC to identify where the ESN is located on the engine and provide information on how to decipher the DOM from the ESN. Kubota must also update its website to include information for consumers on where to find and how to decipher the DOM from the ESNs on Kubota engines.