

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7922

Respondent: Sean Baker, General Manager
Peinequip, LLC
2230 Pansy Street
Pasadena, TX 77503

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 a penalty in the amount of \$13,000, further described 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: 8/6/2010


APPROVED BY RESPONDENT:

Name (print): Michael Sean Baker

Title (print): General Manager

Signature: 

RATIFIED BY EPA:

for 
Phillip A. Brooks, Director, Air Enforcement Division

Date: 9/22/2010

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 2, 2010		C A A - 1 0 - 7 9 2 2	
Inspection Location:		Entry/Inspection Number(s)	
Port of Jacksonville		B E R - 4 0 4 4 9 9 2 - 6	
Address:			
2831 Talleyrand Ave.			
City:		Inspector(s) Name(s):	
Jacksonville		Office Karol Palenik	
State:	Zip Code:	EPA Approving Official:	
FL	32206	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Sean Baker		David E. Alexander (202) 564-2109	

Table 2 - Description of Violation and Vehicles/Engines

On or about March 26, 2009, Peinequip, LLC (Peinequip) imported one (1) bundle extractor machine containing a 131 HP diesel-fueled nonroad compression-ignition (CI Nonroad) engine (Subject Engine) into the Port of Galveston, Texas. The bundle extractor was then moved to St. Croix, VI, and returned to the continental United States at the Port of Jacksonville, Florida, where it was inspected and subsequently seized. Based on the U.S. Department of Homeland Security's Bureau of Customs and Border Protection (CBP) inspection of the bundle extractor at the Port of Jacksonville, EPA has determined that the Subject Engine does not conform to the requirements of 40 C.F.R. § 89.1003(a), which requires any regulated CI Nonroad engine to be covered by an EPA-issued certificate of conformity and 40 C.F.R. § 89.110, which requires any regulated CI Nonroad engine to bear an emission control information label. Peinequip's importation of the Subject Engine into the Port of Galveston constitutes one violation of the Clean Air Act §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and EPA's regulations at 40 C.F.R. §§ 89.1003(a) and 89.110.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
bundle extractor	none	Peinemann Equipment B.V.	2008	1

Table 3 - Penalty and Required Remediation

Penalty	\$13,000
Required Remediation	Peinequip must either export the bundle extractor to a location outside the United States, Canada, or Mexico; or destroy the bundle extractor and provide EPA with a report and documentation proving that such exportation or destruction has occurred.