

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-12-8007

Respondent: VBN Sales LLC (VBN Sales)
7106 South 220th Street
Kent, Washington 98032

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 \$1,000, 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 this 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: 6/20/12

APPROVED BY RESPONDENT:

Name (print): Alexsey Malynukh

Title (print): President

Signature:  _____

Date: 7/1/12

RATIFIED BY EPA:

 for

Phillip A. Brooks, Director, Air Enforcement Division

Date: 8/8/12

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
November 2/November 16, 2011		C A A - 1 2 - 8 0 0 7	
Inspection Location:		Entry/Inspection Number(s)	
MacMillan Piper CES		U P S - 6 5 4 6 7 4 8 - 5	
Address:			
1762 Sixth Avenue South			
City:		Inspector(s) Name(s):	
Seattle		Kathleen Mar, John Keenan	
State:	Zip Code:	EPA Approving Official:	
WA	98134	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
VBN Sales Inc.		Julie Vergeront (R10), 206-553-1497	

Table 2 - Description of Violation and Vehicles/Engines

The equipment described below was found to be uncertified with respect to both engine and equipment standards: (1) the catalyst on the imported auger engines has nearly 25% less volume and 50% less cell density than the certified catalyst design for engine family BYAMS.0525ST, a material difference that affects emissions, and (2) the augers fail to meet the design specifications for evaporative family BYAMPHHEQEST because the gasoline tank is plastic rather than metal, and because there is no label describing the equipment certification. The presence of the plastic tank is a material difference that affects emissions. A certificate of conformity (COC) covers only those engines or equipment that are materially the same as the certified design. For this reason, the augers are not covered by the exhaust COC for engine family BYAMS.0525ST, nor is the equipment covered by the evaporative COC for evaporative family BYAMPHHEQEST. By importing the augers, VBN Sales committed 40 violations of 40 C.F.R. §§ 1068.101(a)(1) and 1068.101(b)(5).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Earth Auger	BYAMS.0525ST	Yongkang Apollo Motive Force Industrial Co., Ltd.	2011	40

Table 3 - Penalty and Required Remediation

Penalty	\$1,000
Required Remediation	VBN Sales must provide EPA with a report and documentation showing that the 40 augers described in Table 2 have been destroyed or exported to a country other than Canada or Mexico.