

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

In the Matter of:)	
)	
Wacker Neuson Corporation.)	Administrative Settlement Agreement
)	
Respondent)	AED/MSEB # 7880
)	

Purpose

1. The United States Environmental Protection Agency (EPA) and Wacker Neuson Corporation (Wacker Neuson) enter into this Administrative Settlement Agreement (Agreement) to resolve 177 alleged violations of section 213 of the Clean Air Act (Act), 42 U.S.C. §§ 7522 and 7547, and 40 C.F.R. Parts 90, 1039, and 1054.

Statutory and Regulatory Authority

2. Sections 203(a) and 213(d) of the Act, 42 U.S.C. §§ 7542(a) and 7547(d), prohibit manufacturers from selling, offering for sale, introducing, or delivering for introduction into commerce, or any person from importing, any nonroad vehicle or engine after the applicable effective date of the regulations unless such vehicle or engine is covered by a certificate of conformity (COC) issued (and in effect) under regulations promulgated for nonroad engines.
3. 40 C.F.R. Part 90 regulates spark-ignition (SI) nonroad engines subject to Phase 2 standards.

4. 40 C.F.R. § 90.114 requires the manufacturer of certified SI engines to install, at the time of manufacture, an emission control information (ECI) label that contains, among other things, an identification of the emission control system, which can be satisfied by using abbreviations approved by the Society of Automotive Engineers.
5. 40 C.F.R. § 90.1003(a)(1)(ii) prohibits any person from importing into the United States any nonroad spark-ignition (SI) engine subject to Phase 2 standards and manufactured after the applicable effective date of the regulations, unless such engine is covered by a valid COC.
6. 40 C.F.R. § 90.1003(a)(4)(ii) prohibits a manufacturer from selling, offering for sale, or introducing or delivering for introduction into commerce, a nonroad engine subject to the Phase 2 standards unless a label or tag is affixed to the engine in accordance with regulations under 40 C.F.R. Part 90.
7. 40 C.F.R. Part 1054 regulates nonroad SI engines subject to Phase 3 standards that are manufactured after the applicable effective date of the regulations.
8. 40 C.F.R. Part 1054 incorporates 40 C.F.R. Part 1068, General Compliance Provisions for Nonroad Engines, in its entirety.
9. 40 C.F.R. § 1054.135(c) requires that the ECI label contain specific information such as the manufacturer's name, trademark, fuel type, lubricant requirements, exhaust emission control system abbreviations, and the date of manufacture (e.g., day (optional), month and year).
10. 40 C.F.R. Part 1039 regulates nonroad compression-ignition (CI) engines subject to Tier IV standards that are manufactured after the applicable effective date of the regulations.

11. 40 C.F.R. Part 1039 incorporates 40 C.F.R. Part 1068, General Compliance Provisions for Nonroad Engines, in its entirety.
12. 40 C.F.R. § 1039.135(c) requires that all engines certified to the Tier IV standards bear an ECI label that contains, among other things, the following information: a description of the engine emission control system, using the applicable terms and abbreviations as described in 40 C.F.R. § 1068.45; a fuel statement regarding required use of low sulfur diesel or ultra low sulfur diesel, as applicable; and the power category band, as defined in 40 C.F.R. § 1039.101.
13. The General Compliance Provisions at 40 C.F.R. § 1068.101(a)(1), prohibit any person from importing into the United States any applicable SI or CI nonroad engine unless such engine bears a permanently affixed EPA emissions label and is covered by an EPA-issued COC.
14. Any violation of the prohibited acts in 40 C.F.R. § 90.1003(a)(1)(ii) or 40 C.F.R. § 1068.101(a)(1) constitutes a violation of sections 203 and 213(d) of the Act, 42 U.S.C. §§ 7522 and 7547(d).
15. A person who imports an engine in violation of 40 C.F.R. § 90.1003(a)(1)(ii) or 40 C.F.R. § 1068.101(a)(1) is subject to a civil penalty of not more than \$37,500 for each such engine. 40 C.F.R. § 90.1006(a) and 40 C.F.R. § 1068.101(h).
16. Rather than referring a matter to the United States Department of Justice to commence a civil action, EPA may assess a civil penalty through its own administrative process if the penalty sought is less than \$295,000. 42 U.S.C. § 7524(c); 40 C.F.R. § 90.1006(c) and 40 C.F.R. § 1068.125(b).

Alleged Violations

Alleged Adjustable Parameter Violations:

17. On or about September 19, 2010, Wacker Neuson imported into the United States the 23 nonroad SI engines contained in construction equipment as specified in Table 1 under Entry Number 420-0852393-0.
18. On or about October 1, 2010, Wacker Neuson imported into the United States the 48 nonroad SI engines contained in construction equipment and 1 stand-alone nonroad SI engine as specified in Table 1 under Entry Number 420-0852667-7.
19. On or about January 10, 2011, Wacker Neuson imported into the United States a single nonroad SI engine contained in construction equipment as specified in Table 1 under Entry Number 420-0111640-1. The engines imported by Wacker Neuson on September 19, 2010, October 1, 2010, and January 10, 2011, that are listed in Table 1 are collectively referred to as the "Uncertified Equipment." The engine serial numbers for the Uncertified Equipment are listed in Exhibit B.

Table 1

Uncertified Equipment

Entry No.	Entry Date	Engine Manufacturer As Shown on VECI Label	Equipment Model Number	Model Year	Displacement (cc)	No. of Units
420-0852393-0	September 19, 2010	Thai Honda Manufacturing Co., Ltd.	0610403	2010	270	11
420-0852393-0	September 19, 2010	Thai Honda Manufacturing Co., Ltd.	0610361	2010	270	12
420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	0610242	2010	389	3

420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	0008885	2010	389	2
420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	0610340	2010	163	24
420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	GX390	2010	389	1
420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	0610403	2010	270	2
420-0852667-7	October 1, 2010	Thai Honda Manufacturing Co., Ltd.	0610361	2010	270	16
420-0111640-1	January 10, 2011	Wacker Neuson Corporation	0610243	2010	404	1

20. The Uncertified Equipment contains engines models for which EPA issued valid COCs. EPA alleges that the Uncertified Equipment does not conform to the specifications in the engine manufacturers' applications for COCs. Specifically, each of the applications for COCs issued for the engine models contained in the Uncertified Equipment describes an idle mixture screw with a limited range of adjustment.
21. EPA alleges that when the Uncertified Equipment was imported into the United States, the removal of the cap on a sampled engine from each entry and model exposed an idle mixture screw that was capable of being adjusted over a full range of adjustment.
22. All of the engines in the Uncertified Equipment are covered by the nonroad SI regulations in 40 C.F.R. Part 90. The engines in the Uncertified Equipment are neither exempt nor excluded from the certification requirements in 40 C.F.R. Part 90.
23. Because EPA alleges that the engines in the Uncertified Equipment are materially different from those described in the applications for COCs that cover these models, the engines are not covered by valid COCs.

24. Therefore, EPA alleges that Wacker Neuson committed 72 violations of 40 C.F.R. § 90.1003(a)(1)(ii) and 42 U.S.C. §§ 7522 and 7547 when it imported the engines in the Uncertified Equipment.

Alleged Label Content Violations:

25. On or about November 23, 2010, Wacker Neuson imported into the United States the 15 nonroad CI engines contained in construction equipment as specified in Table 2 under Entry Number 420-0111341-6.

26. On or about January 10, 2011, Wacker Neuson imported into the United States the 24 nonroad CI engines and 65 nonroad SI engines contained in construction equipment as specified in Table 2 under Entry Numbers 420-0111637-7, 420-0111641-9, 420-0111638-5, and 420-0111639-3. The equipment and engines imported by Wacker Neuson on November 23, 2010, and January 10, 2011 listed in Table 2 are collectively referred to as the “Misabeled Equipment.” The engine serial numbers for the Misabeled Equipment are listed in Exhibit C.

Table 2

Mislabeled Equipment

Entry No.	Entry Date	Engine Manufacturer As Shown on VECI Label	Equipment Model Number	Model Year	Displacement (cc) and CI or SI	No. of Units
420-0111341-6	November 23, 2010	Hatz Diesel	0610357	2010	667 CI	15
420-0111637-7	January 10, 2011	Hatz Diesel	0610357	2010	667 CI	5
420-0111641-9	January 10, 2011	Hatz Diesel	0610357	2010	667 CI	15

420-0111641-9	January 10, 2011	Hatz Diesel	0215020	2010	667 CI	1
420-0111638-5	January 10, 2011	Hatz Diesel	0610357	2010	667 CI	2
420-0111638-5	January 10, 2011	Lombardini (a Kohler Company)	0610344	2010	954 CI	1
420-0111639-3	January 10, 2011	Wacker Neuson	0610387	2010	80 SI	65

27. EPA alleges that when the Mislabeled Equipment was imported into the United States, the ECI labels on the engines did not include information about the emission control system. In addition, the ECI labels on the engines manufactured by Hatz Diesel were missing statements about the power category and the requirement to use low sulfur diesel fuel.
28. All of the CI engines in the Mislabeled Equipment are covered by the nonroad CI regulations in 40 C.F.R. Part 1039, and all of the SI engines in the Mislabeled Equipment are covered by the nonroad SI regulations in 40 C.F.R. Part 1054.
29. The engines in the Mislabeled Equipment are neither exempt nor excluded from the certification requirements in 40 C.F.R. Part 1039 or 1054.
30. Because EPA alleges that the ECI labels on the engines in the Mislabeled Equipment are missing required information, Wacker Neuson committed 104 violations of 40 C.F.R. § 1068.101(a)(1) and 42 U.S.C. §§ 7522 and 7547 when it imported the engines in the Mislabeled Equipment.

Alleged Missing Label Violation:

31. On or about January 10, 2011, Wacker Neuson imported into the United States a single nonroad SI engine contained in construction equipment, described in Table 3, and referred to as the "Unlabeled Equipment." The engine serial number for the Unlabeled Equipment is listed in Exhibit D.

Table 3

Unlabeled Equipment

Entry No.	Entry Date	Engine Manufacturer As Shown on VECI Label	Equipment Model Number	Model Year	Displacement (cc)	No. of Units
420-0111639-3	1/10/2011	Wacker Neuson	0610387	2010	80	1

32. When the Unlabeled Equipment was imported into the United States, the engine did not bear an ECI label.
33. The nonroad SI engine in the Unlabeled Equipment is covered by the regulations in 40 C.F.R. Part 1054.
34. The Unlabeled Equipment is neither exempt nor excluded from the certification requirements in 40 C.F.R. Part 1054.
35. Therefore, EPA alleges that Wacker Neuson committed one violation of 40 C.F.R. § 1068.101(a)(1) and 42 U.S.C. §§ 7522 and 7547 when it imported the engine in the Unlabeled Equipment.

Civil Penalty

36. Wacker Neuson shall pay to the United States a civil penalty of \$130,000 (EPA Penalty).

37. Wacker Neuson shall pay the EPA Penalty to the United States within the 30 calendar days immediately following the effective date of this Agreement (as defined in ¶ 46). Late payment is subject to interest and fees as specified in 31 U.S.C. § 3717, and such interest and fees shall be paid by Wacker Neuson on demand by the United States. Wacker Neuson shall pay the EPA penalty in the manner specified in subparagraph a. or b. below:

- a. Mail by United States Postal Service a certified check or cashier's check, payable to the United States of America, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
ATTN: AED/MSEB # 7880

This check shall be identified with case number AED/MSEB # 7880 and state that it is remitted by Wacker Neuson. Simultaneously, Wacker Neuson shall scan and email a copy of the check to Joanna Glowacki at glowacki.joanna@epa.gov.

- b. Wacker Neuson shall pay online through the Department of the Treasury using www.pay.gov. In the Search Public Form field, enter SFO 1.1, Wacker Neuson shall click EPA Miscellaneous Payments - Cincinnati Finance Center, and complete the SFO Form Number 1.1. Wacker Neuson shall identify the payment with case number AED/MSEB # 7880. Within 24 hours of payment, Wacker Neuson shall scan and email a copy of the receipt to glowacki.joanna@epa.gov.

38. In addition to the EPA Penalty, Wacker Neuson acknowledges that the United States Department of Homeland Security's Bureau of Customs and Border Protection (CBP) may assess separate penalties related to the equipment covered by this Agreement.

Remedial Action

39. Wacker Neuson shall export or destroy all of the Uncertified and Unlabeled Equipment from Tables 1 and 3. Wacker Neuson shall carry out all exportations under the supervision of CBP. Wacker Neuson shall submit to EPA a written certification that the Uncertified and Unlabeled Equipment was exported or destroyed and supporting documents issued by CBP proving exportation or destruction. Wacker Neuson shall complete each action listed in this paragraph within the 30 calendar days immediately following the effective date of this Agreement (as defined in ¶ 46), or within 30 calendar days of CBP's release of the equipment subject to this Agreement, whichever is later.
40. Before Wacker Neuson distributes, offers for sale, or sells in the United States, United States territories, Canada, or Mexico any of the Mislabeled Equipment, Wacker Neuson shall relabel each of the engines in the Mislabeled Equipment with compliant ECI labels approved in advance by EPA and provide documentation of the relabeling according to the requirements outlined in EPA's January 25, 2011 letter to Arthur Harrington¹ (Attachment A)

Stipulated Penalties

41. Wacker Neuson shall pay a stipulated penalty of:
- a. \$1,000 per day for its failure to timely pay the civil penalty or provide proof of such payment according to ¶ 37;

¹Table 2 updates the number of goods noted in the January 25, 2011 EPA letter to Arthur Harrington, regarding the Terms of the Conditional Release of Goods Imported by Wacker Neuson Corporation, to 104 units from 72 units.

- b. \$25,000 for each unit of Uncertified and/or Unlabeled Equipment in Tables 1 or 3 and Exhibits B and D that Wacker Neuson distributes, offers for sale, or sells in the United States, United States territories, Canada, or Mexico;
 - c. \$25,000 for each unit of the Uncertified Equipment or Unlabeled Equipment in Tables 1 and 3 and Exhibits B and D that Wacker Neuson causes to be distributed, offered for sale, or sold in the United States, United States territories, Canada, or Mexico; and
 - d. \$500 for each unit of the Mislabeled Equipment in Table 2 and Exhibit C that Wacker Neuson does not relabel in accordance with EPA approval and ¶ 40 before it distributes, offers for sale, or sells in the United States, United States territories, Canada, or Mexico.
42. Every stipulated penalty must be paid within 30 days of its corresponding precipitating event as listed in ¶ 41 and in the manner specified in ¶ 37 of this Agreement.

Effect of Agreement

43. On completion of the terms of this Agreement, the alleged violations described in this Agreement will be deemed resolved, and in such event, EPA releases Wacker Neuson, and all of its direct and indirect subsidiaries, sister companies, parent companies and other affiliates, as well as their respective employees, officers, and agents from all liability associated with the aforementioned alleged violations. Nothing herein limits EPA's rights to proceed against Wacker Neuson for its default or noncompliance with this Agreement, for violations of the Act, 42 U.S.C. §§ 7401–7671q, or the Act's implementing regulations, which are not the subject matter of this Agreement, for other

violations of law including violations of 18 U.S.C. §§ 542 and 1001, or with respect to other matters not within the scope of the Agreement.

44. By entering into this Agreement, Wacker Neuson does not admit that it has committed any of the violations alleged herein.

General Provisions

45. All correspondence to EPA or notifications required by this Agreement shall be in writing and mailed to:

Joanna Glowacki
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

and

Erik Hardin
Environmental Scientist
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

46. This Agreement becomes effective on the date executed by EPA (effective date of the Agreement), at which time a fully executed electronic copy will be returned to Wacker Neuson.
47. The individual or individuals executing this Agreement on behalf of Wacker Neuson are authorized to do so and such execution is intended to and does bind Wacker Neuson and its agents, successors, and assigns.
48. This Agreement may be signed in any number of counterparts, each of which will be deemed an original and, when taken together, constitute one agreement. The counterparts

are binding on each of the parties individually as fully and completely as if the parties had signed one single instrument, so that the rights and liabilities of the parties will be unaffected by the failure of any of the undersigned to execute any or all of the counterparts. Any signature page may be detached from any counterpart and attached to any other counterpart of this Agreement. The parties agree that a facsimile copy, photocopy, or electronic copy of this Agreement has the same effect as the original document for all purposes.

49. This Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.
50. Wacker Neuson may not delegate its duties under this Agreement to any other party without the written consent of EPA, which may be granted or withheld at EPA's sole discretion. If EPA so consents, the Agreement is binding on the party or parties to whom the duties are delegated.
51. Notwithstanding any other provision of this Agreement, the parties agree that on Wacker Neuson's default or failure to comply with the terms of this Agreement, EPA may refer this matter to the United States Attorney General pursuant to §205(d) of the Act, 42 U.S.C. §7524(d), to commence a civil action against Wacker Neuson in United States Federal District Court to enforce this Agreement, recover civil and stipulated penalties, and pursue any other available remedies. Wacker Neuson expressly waives its right to assert that the engines specified in Tables 1, 2, and 3 and Exhibits B, C and D of this Agreement are certified or exempt from the certification requirements, or that such action is barred by 18 U.S.C. §3282(a), other statutes of limitation, or other provisions limiting

actions as a result of passage of time. Wacker Neuson acknowledges that EPA intends to use Wacker Neuson's tax identification number, which Wacker Neuson has appended to this Agreement, for the purpose of collecting or reporting any delinquent monetary obligations arising from this Agreement. 31 U.S.C. §7701.

52. Wacker Neuson waives its rights, if any, to a hearing, trial or any other proceeding on any issue of fact or law covered by this Agreement.
53. Nothing in this Agreement, whether express or implied, is intended or will be construed to confer on or give to any party, other than EPA and Wacker Neuson, any rights, remedies, or other benefits.
54. The validity, enforceability, and construction of all matters pertaining to this Agreement will be determined in accordance with applicable federal law.
55. This Agreement is contingent on the truthfulness, accuracy, and completeness of Wacker Neuson's disclosures and representations to EPA including, but not limited to, representations regarding importations and the construction and configuration of the Unlabeled, Uncertified, and Mislabeled Engines.
56. This Agreement in no way affects or relieves Wacker Neuson of responsibility to comply with other federal, state, or local laws or regulations.

SIGNATURES ON FOLLOWING PAGES

United States Environmental Protection Agency

Administrative Settlement Agreement

In the Matter of Wacker Neuson Corporation.

AED/MSEB #7880

The following agrees to the terms of this Agreement:

United States Environmental Protection Agency

By: *Matthew W. Harrison*

Date: 3/31/11

for Phillip A. Brooks, Director
Air Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

ATTACHMENT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

January 25, 2011

REPLY TO THE ATTENTION OF

C-14J

VIA EMAIL

Arthur J. Harrington
Attorney
Godfrey & Kahn
780 North Water Street
Milwaukee, WI 53202

Re: Terms Concerning the Conditional Release of Goods Imported by Wacker Neuson Corporation, Entry Numbers 420-0111341-6 and 420-011484-4

Dear Mr. Harrington:

As you know, U. S. EPA has recommended that the U.S. Department of Homeland Security's Bureau of Customs and Border Protection (CBP) issue a conditional release for the goods Wacker Neuson imported on November 16 and 23, 2010, under the entry numbers 420-0111341-6 and 420-011484-4, for the purpose of correcting a labeling deficiency. The labels affixed to the imported goods do not include the appropriate emissions control system information, as required under 40 C.F.R. Parts 1039 and 1054. The purpose of this letter is to convey to Wacker Neuson the terms concerning the relabeling of the stand-alone engine and construction equipment (Subject Equipment) subject to conditional release. The Subject Equipment specifically includes the Hatz stand-alone engine and tampers containing this same Hatz engine type, engine family AHZXL667V83, the tampers containing the Lombardini engine, engine family ALBDL95412L and the breaker hammers, engine family AW1XS.0805CA, with the exception of breaker hammer with serial number 2186623, which does not have an EPA label and has been recommended for seizure rather than conditional release.

Wacker Neuson shall relabel the Subject Equipment in the following manner:

- 1) Prior to release from CBP, Wacker must send to EPA for approval a sample of the proposed compliant engine information label content, obtained from the manufacturer who holds the certificate of conformity, by electronic mail to hardin.erik@epa.gov or sent by overnight courier to:

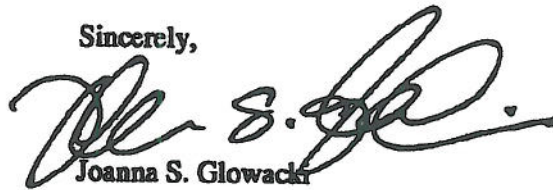
Erik Hardin (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

- 2) Prior to distribution or delivery of the Subject Equipment beyond Wacker's possession and control, Wacker must resolve the label deficiencies by entering into a Settlement Agreement with EPA that will require the performance of the required remedial actions and the payment of a penalty.
- 3) Wacker must obtain the agreement of the manufacturer(s) who hold(s) the certificate(s) of conformity for the engines installed in the Subject Equipment to either send a representative to install the replacement labels, or authorize Wacker to install the labels on behalf of the certifying manufacturer.
- 4) After EPA's approval of the proposed labels, and provided Wacker has arranged for an authorized representative from the certifying manufacturer to install the replacement labels, EPA will communicate to CBP that CBP may release the 72 pieces of Subject Equipment to Wacker for purposes of relabeling at a single facility designated by Wacker.
- 5) Wacker must permanently affix the approved engine emission label to each engine contained in the 72 pieces of Subject Equipment within 20 days of the release of the Subject Equipment to Wacker by CBP.
- 6) Within 5 days of completion of the relabeling of the Subject Equipment, Wacker must submit a report to EPA that describes, documents, and attests to EPA that Wacker properly labeled the engine contained in each piece of Subject Equipment. The report shall include the following information:

 - a) A statement from the company named on the certificate of conformity that it supplied the labels to Wacker and that the labels are genuine and appropriate for engine families AW1XS.0805CA, ALBDL.95412L, and AHZXL.667V83.
 - b) The affirmation statement (see Attachment) that the engines contained in the Subject Equipment are properly labeled.
 - c) Photographs documenting the engine serial number and attached, corrected label to each engine contained in the 72 pieces of Subject Equipment.
- 7) Within 28 days of release of the Subject Equipment to Wacker by CBP, EPA will communicate to CBP that EPA either approves the relabeling or requests that CBP issue a redelivery notice to Wacker requiring the exportation of the 72 pieces of Subject Equipment because the relabeling was not approved.

Should you have any questions about the process outlined above, please do not hesitate to contact me at 312-353-3737.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. S. Glowacki', written in a cursive style.

Joanna S. Glowacki

Attachment – Affirmation of Inspection

**Cc: Anne Wick, Vehicle and Engines Team Leader
Erik Hardin, Environmental Scientist (AE-17J)**

ATTACHMENT

**AFFIRMATION OF INSPECTION OF EPA
VEHICLE EMISSION CONTROL LABEL**

I, _____ hereby attest and affirm that I personally inspected the engine(s) bearing the Model and Engine Serial Number(s) (ESNs) listed below (or have noted the lack of existence of the information by marking it "NA"):

Model Year, Model Name and Number, and Serial Number (may attach signed, dated list or table)

_____ and the EPA emission control information label is properly affixed and is readily visible. Specifically, the label is:

1. Attached so that it cannot be removed without being destroyed or defaced; (Yes ___ / No ___)
2. Durable and readable; (Yes ___ / No ___)
3. Secured on a part of the engine needed for normal operation and not normally requiring replacement; (Yes ___ / No ___)
4. Written in English; (Yes ___ / No ___)
5. Visible when the engine is installed in the equipment (Yes ___ / No ___); and
6. The label contains the Emission Control Information as required pursuant to 40 C.F.R. § 1039.135 (Yes ___ / No ___ / NA ___) [For the CI engines] 40 C.F.R. § 1054.135 (Yes ___ / No ___ / NA ___) [For the SI engines]

I hereby affirm that the foregoing information is true and correct.

In witness whereof, I have hereunto set my hand on _____
Date

Signature

Printed Name & Title

Address

Phone number

EXHIBIT B

Qty	Model	Description	WN s/n	Engine s/n
1	610361	BPU3050A	2178275	1300989
1	610361	BPU3050A	2178277	1301023
1	610361	BPU3050A	2178281	1300985
1	610361	BPU3050A	2178278	1300987
1	610361	BPU3050A	2178279	1300992
1	610361	BPU3050A	2178274	1300993
1	610361	BPU3050A	2177408	1301028
1	610361	BPU3050A	2178282	1300988
1	610361	BPU3050A	2178280	1300991
1	610361	BPU3050A	2178273	1300990
1	610361	BPU3050A	2178276	1301031
1	610361	BPU3050A	2177410	1301024
1	610403	BPU4045A	2178284	1300989
1	610403	BPU4045A	2178292	1300982
1	610403	BPU4045A	2178293	1300979
1	610403	BPU4045A	2178289	1300985
1	610403	BPU4045A	2178295	1300977
1	610403	BPU4045A	2178288	1300950
1	610403	BPU4045A	2178294	1300984
1	610403	BPU4045A	2178291	1300986
1	610403	BPU4045A	2178290	1300980
1	610403	BPU4045A	2178286	1300981
1	610403	BPU4045A	2178287	1300945
1	610340	A5000	2173087	2632501
1	610340	A5000	2173092	2632479
1	610340	A5000	2173097	2632483
1	610340	A5000	2173094	2632489
1	610340	A5000	2173103	2632436
1	610340	A5000	2173101	2632477
1	610340	A5000	2173098	2632484
1	610340	A5000	2173105	2632442
1	610340	A5000	2173109	2632450
1	610340	A5000	2173104	2632443
1	610340	A5000	2168494	2629382
1	610340	A5000	2168486	2629387
1	610340	A5000	2173090	2632500
1	610340	A5000	2173095	2632480
1	610340	A5000	2173096	2632481
1	610340	A5000	2173093	2632487
1	610340	A5000	2173099	2632485
1	610340	A5000	2173102	2632476
1	610340	A5000	2173100	2632478
1	610340	A5000	2173107	2632448
1	610340	A5000	2173108	2632449
1	610340	A5000	2173106	2632441
1	610340	A5000	2168493	2629384
1	610340	A5000	2168485	2629377

1	610242	BFS1345ABZ	2178554	1707208
1	610242	BFS1345ABZ	2178556	1707038
1	610242	BFS1345ABZ	2178552	1707036
1	610361	BPU3050A	2181508	1307491
1	610361	BPU3050A	2181509	1307494
1	610361	BPU3050A	2181508	1307493
1	610361	BPU3050A	2181504	1307495
1	610361	BPU3050A	2181510	1307490
1	610361	BPU3050A	2180108	1307468
1	610361	BPU3050A	2180110	1307475
1	610361	BPU3050A	2181507	1307497
1	610361	BPU3050A	2181505	1307492
1	610361	BPU3050A	2181511	1307496
1	610361	BPU3050A	2180107	1307466
1	610361	BPU3050A	2180109	1307473
1	610361	BPU3050A	2180104	1307511
1	610361	BPU3050A	2180106	1307528
1	610361	BPU3050A	2180103	1307486
1	610361	BPU3050A	2180105	1307554
1	8885	BFS1350ALS	2179512	
1	8885	BFS1350ALS	2179510	
1	610403	BPU4045A	2180111	1307551
1	610403	BPU4045A	2180112	1307545
1	215034	engine		1682656
1	610243	BFS1345BZ	2183389	1168755

Qty	WN Item & Description	Serial number	Engine family	Engine serial number
1	0610387 BH85 Breaker.	2186560	AW1XS.0805CA	0181125-00351
1		2186561	AW1XS.0805CA	0181125-00352
1		2186562	AW1XS.0805CA	0181125-00353
1		2186563	AW1XS.0805CA	0181125-00354
1		2186564	AW1XS.0805CA	0181125-00355
1		2186565	AW1XS.0805CA	0181125-00356
1		2186566	AW1XS.0805CA	0181125-00357
1		2186567	AW1XS.0805CA	0181125-00358
1		2186568	AW1XS.0805CA	0181125-00359
1		2186569	AW1XS.0805CA	0181125-00360
1		2186570	AW1XS.0805CA	0181125-00361
1		2186571	AW1XS.0805CA	0181125-00362
1		2186572	AW1XS.0805CA	0181125-00363
1		2186573	AW1XS.0805CA	0181125-00364
1		2186574	AW1XS.0805CA	0181125-00365
1		2186575	AW1XS.0805CA	0181125-00366
1		2186576	AW1XS.0805CA	0181125-00367
1		2186577	AW1XS.0805CA	0181125-00368
1		2186578	AW1XS.0805CA	0181125-00369
1		2186579	AW1XS.0805CA	0181125-00370
1		2186580	AW1XS.0805CA	0181125-00371
1		2186581	AW1XS.0805CA	0181125-00372
1		2186582	AW1XS.0805CA	0181125-00373
1		2186583	AW1XS.0805CA	0181125-00374
1		2186584	AW1XS.0805CA	0181125-00375
1		2186585	AW1XS.0805CA	0181125-00376
1		2186586	AW1XS.0805CA	0181125-00377
1		2186587	AW1XS.0805CA	0181125-00378
1		2186588	AW1XS.0805CA	0181125-00379
1		2186589	AW1XS.0805CA	0181125-00380
1		2186590	AW1XS.0805CA	0181125-00381
1		2186591	AW1XS.0805CA	0181125-00382
1		2186592	AW1XS.0805CA	0181125-00383
1		2186593	AW1XS.0805CA	0181125-00384
1		2186594	AW1XS.0805CA	0181125-00385
1		2186595	AW1XS.0805CA	0181125-00386
1		2186596	AW1XS.0805CA	0181125-00387
1		2186597	AW1XS.0805CA	0181125-00388
1		2186598	AW1XS.0805CA	0181125-00389
1		2186599	AW1XS.0805CA	0181125-00389
1		2186600	AW1XS.0805CA	0181125-00391
1		2186601	AW1XS.0805CA	0181125-00392
1		2186602	AW1XS.0805CA	0181125-00393
1		2186603	AW1XS.0805CA	0181125-00394
1		2186604	AW1XS.0805CA	0181125-00395
1		2186605	AW1XS.0805CA	0181125-00396
1		2186606	AW1XS.0805CA	0181125-00398

1		2186607	AW1XS.0805CA	0181125-00397
1		2186608	AW1XS.0805CA	0181125-00399
1		2186609	AW1XS.0805CA	0181125-00241
1		2186610	AW1XS.0805CA	0181125-00242
1		2186611	AW1XS.0805CA	0181125-00243
1		2186612	AW1XS.0805CA	0181125-00244
1		2186613	AW1XS.0805CA	0181125-00245
1		2186614	AW1XS.0805CA	0181125-00246
1		2186615	AW1XS.0805CA	0181125-00247
1		2186616	AW1XS.0805CA	0181125-00248
1		2186617	AW1XS.0805CA	0181125-00249
1		2186618	AW1XS.0805CA	0181125-00250
1		2186619	AW1XS.0805CA	0181125-00251
1		2186620	AW1XS.0805CA	0181125-00252
1		2186621	AW1XS.0805CA	0181125-00253
1		2186622	AW1XS.0805CA	0181125-00254
1		2186624	AW1XS.0805CA	0181125-00256
1		2186625	AW1XS.0805CA	0181125-00257
1	Lombardini engine		ALBDL.95412L	5836912

Diesel Engines

Qty	MP# Item	Description	Serial number	Engine serial number		
5	010357	DPUG555 to Reversible plate	✓ 2103240	DOUG LR	732010157070	hit
			✓ 2103240	DOUG LR	732010158004	hit
			✓ 2103247	DOUG LR	732010157074	hit
			✓ 2103248	DOUG LR	732010157087	hit
			✓ 2103248	DOUG LR	732010158005	hit
2	010357	DPUG555 to Reversible Plate	✓ 2107204	DOUG LR	732010158000	hit
			✓ 2107200	DOUG LR	732010158000	hit
15	010357	DPUG555 to Reversible Plate	✓ 2103200	DOUG LR	732010157205	hit
			✓ 2103200	DOUG LR	732010157400	hit
			✓ 2103207	DOUG LR	732010157176	hit
			✓ 2103200	DOUG LR	732010158000	hit
			✓ 2107207	DOUG LR	732010157172	hit
			✓ 2107201	DOUG LR	732010158270	hit
			✓ 2107200	DOUG LR	732010158310	hit
			✓ 2103200	DOUG LR	732010158001	hit
			✓ 2103200	DOUG LR	732010157000	hit
			✓ 2103200	DOUG LR	732010158000	hit
			✓ 2103207	DOUG LR	732010158000	hit
			✓ 2107270	DOUG LR	732010157400	hit
			✓ 2107200	DOUG LR	732010158011	hit
			✓ 2103201	DOUG LR	732010158012	hit
			✓ 2103200	DOUG LR	732010158013	hit
1	215020	Engine (Plate)	✓	DOUG LR	732010158051	hit
15	010357	DPUG555 to Reversible Plate	✓ 2103201	DOUG LR	732010158000	hit
			✓ 2103200	DOUG LR	732010158004	hit
			✓ 2103207	DOUG LR	732010157721	hit
			✓ 2107200	DOUG LR	732010157100	hit
			✓ 2107200	DOUG LR	732010157400	hit
			✓ 2103200	DOUG LR	732010157100	hit
			✓ 2103200	DOUG LR	732010158000	hit
			✓ 2103200	DOUG LR	732010158000	hit
			✓ 2107200	DOUG LR	732010158070	hit
			✓ 2107200	DOUG LR	732010158100	hit
			✓ 2103200	DOUG LR	732010158000	hit
			✓ 2103200	DOUG LR	732010157400	hit
			✓ 2103200	DOUG LR	732010157400	hit
			✓ 2103200	DOUG LR	732010157400	hit
			✓ 2103200	DOUG LR	732010157000	hit

EXHIBIT D

Qty	WN Item & Description	Serial number	Engine serial number
1	0610387 BH65 Breaker	2186623	0181168-06313

