


Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-17-8349 Respondent: Musser Bros. Inc. (dba Rathbun Musser, Inc.)
3035 Rickenbacker Drive
Pasco, Washington, 99301

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 to 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$16,500, 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, the 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 the 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:

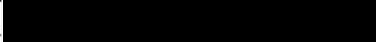

for Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/15/2017

APPROVED BY RESPONDENT:

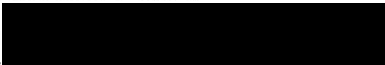
Name (print): Scott Musser

Title (print): President

Signature: 

Date: 03.24.17

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 4/4/2017

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
December 14, 2016		C A A - 1 7 - 8 3 4 9	
Inspection Locations:		Entry/Inspection Number(s)	
Port of Norfolk		5 8 1 - 7 5 5 9 3 4 3 1	
Address:			
420 Woodlake Dr.			
City:		Inspector(s) Name(s):	
Chesapeake		Amelie Isin	
State:	Zip Code:	EPA Approving Official:	
VA	23320	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Musser Bros. Inc. (dba Rathbun Musser, Inc.)		David Alexander, Attorney, (202) 564-2109	

Table 2 - Description of Violation and Vehicles/Engines

The 12 engines described below and imported by Musser Bros. Inc. (dba Rathbun Musser, Inc.) (Subject Engines) were neither covered by a certificate of conformity nor exempt from the Clean Air Act's certification requirements at the time of importation. As a result, by importing the Subject Engines into the United States, Musser Bros. Inc. (dba Rathbun Musser, Inc.) committed 12 violations of Clean Air Act sections 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a) and 7547(d), and 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Engine Manufacturer	Model	Alleged Engine Family	Entry Number(s)	Quantity
Quick-cut Saw	Stihl	TS410	NONE	581-75593431	10
Forklift	Perkins	520	7PKXL04.4RE1	581-75593431	2

Table 3 - Penalty and Required Remediation

Penalty	\$16,500
Required Remediation	Rathbun Musser, Inc. must export all of the Subject Engines to a country other than Canada or Mexico, and provide the EPA (sent to isin.amelie@epa.gov) with a report either documenting the exportation or proving that it has no Subject Engines in its inventory.