

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7931

Respondent: Woody Alphonse
ABC Tools, Inc.
111 NW 79th Street
Miami, FL 33150

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 \$3,000, 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:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 10/27/2010

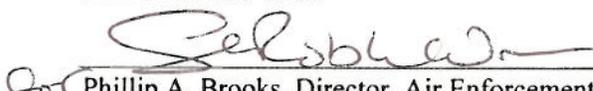
APPROVED BY RESPONDENT:

Name (print): WOODY ALPHONSE

Title (print): OWNER / ABC TOOLS INC.

Signature: 

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/7/2011

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
August 14, 2010		C A A - 1 1 - 7 9 3 1	
Inspection Location:		Entry/Inspection Number(s)	
CBP Warehouse		W B K - 0 0 3 2 4 3 1 - 7	
Address:			
1800 Eller Drive			
City:		Inspector(s) Name(s):	
Fort Lauderdale		Ross Ruske	
State:	Zip Code:	EPA Approving Official:	
FL	33316	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
ABC Tools, Inc.		Jocelyn Adair, (202) 564-1011	

Table 2 - Description of Violation and Vehicles/Engines

Under the Clean Air Act, one may import into the United States a new, compression-ignition nonroad engine only if that engine is covered by a certificate of conformity and has a label that satisfies numerous regulatory requirements. 40 C.F.R. § 1068.101(a)(1). Each label must be attached in such a manner that it is not removable without being destroyed or defaced. 40 C.F.R. § 1039.135(b)(1).

On August 14, 2010, ABC Tools, Inc. imported into the United States 72 new, compression ignition nonroad engines (Subject Engines). These engines are detailed below in this Table. Upon inspection, an Officer from the Department of Homeland Security's Bureau of Customs and Border Protection removed a label from a representative engine. Upon removal, the label was neither damaged nor defaced; in fact, the CBP Officer was able to apply the removed label to another surface.

Thus, ABC Tools, Inc. imported 72 new, compression-ignition nonroad engines with nonconforming labels, and thereby committed 72 violations of 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Model RAMA6000-LDE Diesel Generators	ACZDL0.42AAA	Changzhou Deyong Machinery Co., Ltd	2010	72

Table 3 - Penalty and Required Remediation

Penalty	\$3,000
Required Remediation	<p>For each one of the 72 Subject Engines, ABC Tools must take one of the following courses of action:</p> <p>A. Destroy the engine under CBP supervision and provide EPA with a report and documentation proving destruction;</p> <p>B. Remove the noncompliant labels from the engines, export the engines to a place other than Canada, Mexico, and U.S. territories, and provide EPA with the removed labels and a report and documentation proving exportation; or</p> <p>C. Label the engine in compliance with 40 C.F.R. § 1039.135 as detailed below. You may treat all the engines you choose to relabel as a group, and follow this procedure once for the entire group. If ABC Tools, Inc. fails to properly label the engines, then they must be destroyed or exported as explained in paragraphs A and B.</p> <p>1. Send to EPA (i) a sample of the proposed compliant engine label, obtained from the manufacturer who holds the certificate of conformity for the engines, (ii) a statement from that manufacturer that it supplied the labels to ABC Tools, Inc. and that the labels are genuine and appropriate for engine family ACZDL0.42AAA, (iii) a statement of the location where you will label the engines and description of your installation method, and (iv) the old, noncompliant labels from each of the engines you choose to relabel. Send these items by overnight courier to:</p> <p style="padding-left: 40px;">Ross Ruske U.S. EPA Ariel Rios Federal Bldg. Room 1147a 1200 Pennsylvania Ave NW Washington, DC 20004 202-564-1033</p> <p>2. Only after receiving approval from Mr. Ruske, attach the approved labels to each engine. Mr. Ruske will approve the sample label if and only if it fully complies with 40 C.F.R. § 1039.135. If Mr. Ruske disapproves the sample label, the engines must be destroyed or exported as explained in paragraphs A and B.</p> <p>3. Then, email to Mr. Ruske (i) digital photographs that legibly show a label attached to a sample engine, and (ii) a scanned copy of a completed Affirmation of Inspection of EPA Emission Control Information Label (incorporated into this Agreement as Exhibit 1).</p>

Option B

