


Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-18-8392

Respondent: Southeastern Equipment Corporation
2506 South Military Highway
Chesapeake, VA 23320

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 **\$9,500**, 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:

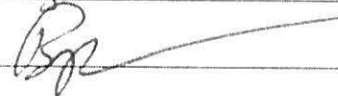
 Evan Belser
for Phillip A. Brooks, Director, Air Enforcement Division

Date: July 16, 2018

APPROVED BY RESPONDENT:

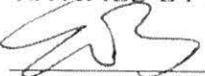
Name (print): Bryan Smith

Title (print): Manager

Signature: 

Date: 8-22-18

RATIFIED BY EPA:

 Evan Belser
for Phillip A. Brooks, Director, Air Enforcement Division

Date: Sept. 6, 2018

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
May 8, 2018		C A A - 1 8 - 8 3 9 2	
Inspection Location(s):		Entry/Inspection Number(s)	
Port of Norfolk		2 5 1 2 0 3 5 0 9 2 8	
Address:			
2000 Seaboard Avenue			
City:		Inspector(s) Name(s):	
Portsmouth		Region 3- Gwendolyn Supplee	
State:	Zip Code:	EPA Approving Official:	
VA	23707	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Southeastern Equipment Corporation		David E. Alexander, Attorney (202) 564-2109	

Table 2 - Description of Violation and Vehicles/Engines

The model year 2012 Hitachi excavator described below was imported by Respondent and contains a non-road compression ignition engine that is certified to conform with 2011 model year U.S. EPA non-road diesel engine standards. Regulations at 40 C.F.R. § 1068.360(b) specify that, for an imported engine purportedly manufactured before the currently applicable emissions standards, the applicable model year is deemed to be one year before the date of importation, unless the importer claims that an engine or piece of equipment can convincingly document that it is the claimed model because it has already been placed into service. Southeastern Equipment Corporation has not provided evidence that the engine in the Subject Equipment was previously placed into service such as continuous documentary evidence of purchase and maintenance history. Thus, the engine is deemed to be 2017 MY under 40 C.F.R. § 1068.360(b).

Tier 4 interim standards applied to MY 2012 while Tier 4 final standards apply to MY 2014 and later engines. Since the engine in the Subject Equipment is deemed to be 2017 MY but does not meet Tier 4 standards the Subject Equipment was imported in violation of 40 C.F.R. §§ 1068.101(a)(1) and (b)(5) because the engine is not covered by a valid Certificate of Conformity (e.g. one that applies for the deemed MY of the equipment).

Equipment Description	Equipment Manufacturer	Equipment Model	Unit No.	Engine Family
Excavator	Hitachi	Zaxis 225 USLC	HCMBFH00P00216990	BSZXL05.2IXA

Table 3 - Penalty and Required Remediation

Penalty	\$9,500
Required Remediation	Southeastern Equipment Corporation must export the Hitachi excavator described in Table 2 above to a country other than Canada or Mexico, and provide the EPA with a report documenting the exportation. The report must be submitted to Ms. Gwendolyn Supplee of EPA Region 3 (sent to supplee.gwendolyn@epa.gov).