



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Jay Wan
JB Solid Construction LLC
276 Bumuchacha Street
Dededo, Guam 96929

April 21, 2021

Jayne Pamela Salenga Frazier
JB Construction Consultant Services
276 Bumuchacha Street
Dededo, Guam 96929
Jaynepamela@guam.net

Sent Via Electronic Mail

Re: Docket No. R9-CAA-21-1008

Dear Jay Wan and Jayne Pamela Salenga Frazier:

An authorized representative of the United States federal government conducted an inspection to determine your compliance with the Clean Air Act (CAA) and regulations promulgated thereunder. The details of this inspection are outlined in the enclosed Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement). As a result of the inspection, it was determined that your company failed to comply with the CAA and the associated regulations. The Agreement describes the violations.

You may resolve violations using an expedited process that involves significantly lower penalties than those sought through the normal settlement process. The United States Environmental Protection Agency (EPA) is authorized to enter into the Agreement under the authority vested in the EPA Administrator by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). After the Agreement becomes effective, the EPA will take no further civil penalty action against your company for the violation(s) described in the Agreement. However, the EPA does not waive any rights to take an enforcement action for any other past, present, or future violations of the CAA or of any other federal statute or regulation.

If you do not sign and return the enclosed Agreement as presented within **30 calendar days** of its receipt, and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn, with no need of additional notice to you, and without prejudice to the EPA's ability to file any other enforcement action for the violation(s) identified in the Agreement and seek

penalties of up to \$48,762 per violation pursuant to 40 C.F.R. § 19.4. Please refer to “CAA Vehicle and Engine Expedited Settlement Agreement Instructions,” attached, for instructions on accepting this Agreement.

Please contact Nathan Dancher at 415-972-3482 or dancher.nathan@epa.gov with any questions.

Sincerely,

CLAIRE
TROMBADORE

Digitally signed by
CLAIRE TROMBADORE
Date: 2021.04.21
13:17:45 -07'00'

Claire Trombadore, Assistant Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Enclosures

1. Clean Air Act Vehicle and Engine Expedited Settlement Agreement, Docket No. R9-CAA-21-1008
2. CAA Vehicle and Engine Expedited Settlement Agreement Instructions
3. Small Business Resources Information Sheet available at:
<https://www.epa.gov/compliance/small-business-resources-information-sheet>

Enclosure
CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT
DOCKET NO. R9-CAA-21-1008

Respondent: Jay Wan
d/b/a
JB Solid Construction LLC
276 Bumuchacha Street
Dededo, Guam 96929

Jayne Pamela Salenga Frazier
d/b/a
JB Construction Consultant Services
276 Bumuchacha Street
Dededo, Guam 96929

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violation(s) discovered as a result of the inspection(s) specified in Table 1, attached, incorporated into this Agreement by reference. The civil violation(s) that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicle(s)/engine(s) 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, pursuant to CAA Section 205(c)(1), 42 U.S.C. § 7524(c)(1), over the Respondent and the Respondent's conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of **\$1,000**. Respondent has followed the instructions in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 3 and incorporated into this Agreement by reference, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection(s) and alleged violation(s) 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 Delegated Official's ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

APPROVED BY EPA:

CLAIRE TROMBADORE  Digitally signed by CLAIRE TROMBADORE
Date: 2021.04.21 13:18:24 -07'00'

Claire Trombadore, Assistant Director, ECAD, U.S. EPA Region 9

Date: 4/21/2021

APPROVED BY RESPONDENT:

Name (print): JAY WAN


Title (print): RME

Signature: Jay Wan

Email (print): Jason.xing88@yahoo.com

Date: 7/1/21

RATIFIED BY EPA:

CLAIRE TROMBADORE  Digitally signed by
CLAIRE TROMBADORE
Date: 2021.07.01
11:06:34 -07'00'

Claire Trombadore, Assistant Director, ECAD, U.S. EPA Region 9

Date: _____

Table 1 – Remote Inspection Information

Inspection Date(s):		Docket Number:	
March 25, 2021		R 9 C A A 2 1 1 0 0 8	
Inspection Location Name:		BOL Number:	
CQA Facility in Guam		S H A 2 1 0 2 9 8 4 6	
Address:		Date of Entry:	
Remote Inspection		February 23, 2021	
City:		Inspector(s) Name(s):	
---		Nathan Dancher	
State:	Zip Code:	EPA Approving Official:	
---	---	Claire Trombadore	
Importer Name (Respondent):		EPA Enforcement Contact:	
Jay Wan d/b/a JB Solid Construction LLC		Nathan Dancher	
Jayne Pamela Salenga Frazier d/b/a JB Construction Consultant Services			

Table 2 - Description of Violation and Equipment

Jay Wan doing business as JB Solid Construction LLC and/or Jayne Pamela Salenga Frazier doing business as JB Construction Consultant Services (Respondent) imported the engine described at the bottom of Table 2 (the Subject Equipment) on or about February 23, 2021. Authorized federal inspectors examined the Subject Equipment and were unable to find an EPA Emission Control Information (ECI) label indicating EPA certification. No valid EPA Certificate of Conformity (COC) exists for this equipment, and no import declaration forms were submitted. The EPA has found no further evidence indicating the Subject Equipment is exempt or otherwise excluded from coverage under Title II the Clean Air Act (CAA) and its implementing regulations. Accordingly, by importing the Subject Equipment, Respondent has committed one violation of CAA Section 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. § 1068.101(a)(1) and (b)(5).

Vehicle/Equipment Description	Observed Engine Manufacturer	Observed Model Year	Observed Engine Family	Quantity
Forklift	Zhejiang Xinchai Co., Ltd	2020	NONE	1

Table 3 - Penalty and Required Remediation

Penalty	\$1,000
Required Remediation	In addition to paying the monetary penalty, Respondent must provide to the EPA documentation showing that the Subject Equipment has been destroyed, exported to a country outside the United States to a country other than Canada or Mexico, or is under exclusive control by U.S. Customs and Border Protection (CBP) pending exportation or destruction.

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

On the same day after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: “Payment Confirmation for JB Solid Construction Docket Number R9-CAA-1008.” Attach a copy of the Agreement and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with JB Solid Construction LLC, and the Docket Number listed below, with a copy of the Agreement to:

U. S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Attn: Docket Number R9-CAA-21-1008

Within 30 days from your receipt of the Agreement, you must email dancher.nathan@epa.gov a scanned copy of the original signed Agreement, the documentation of your Required Remediation corrective action(s) taken, and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Nathan Dancher at 415-972-3482. The EPA will consider whether to grant an extension on a case-by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violation(s) specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$48,762 per violation pursuant to 40 C.F.R. § 19.4.