



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL No.
RETURN RECEIPT REQUESTED & VIA EMAIL inf.brak@gmail.com

Brak Tools LLC
Urb Provincias del Rio 2
235 Calle Turabo
Coamo, Puerto Rico 00769

**Re: Clean Air Act Vehicle and Engine Expedited Settlement Agreement
Docket No. CAA-02-2023-1214**

Dear Brak Tools LLC:

An authorized representative of the United States federal government conducted an inspection to determine your company's 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 these 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 violations 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days** of its receipt, and meet all of your obligations under the Agreement, then the proposed Agreement will be withdrawn, with no need of additional notice to you, and without prejudice to the EPA's ability to file any other enforcement action for the violations identified in the Agreement and seek penalties of up to \$51,796 per violation pursuant to 40 C.F.R. § 19.4. Please refer to the "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," enclosed, for instructions on accepting and executing this Agreement.

Please contact Julian Velez at (212) 637-3464 or Velez.Julian@epa.gov with any questions.

Sincerely,

Anderson, Kate Digitally signed by Anderson, Kate
Date: 2022.12.15 13:32:06 -0500 for

Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosure

1. Respondent agrees with this Clean Air Act Vehicle and Engine Expedited Settlement Agreement ("Agreement") in order to settle the civil violation described 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 this Agreement by reference, regarding the engine specific offense.
2. Respondent agrees 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 assets described in Table 3. Respondent neither admits nor denies the findings described herein 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 eight thousand five hundred and eighty-six dollars (\$8,586). Respondent has followed the instructions in the "CAA Vehicle and Engine Expedited Settlement Agreement Introduction" enclosed, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 1 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 and the alleged violations set forth in Table 1 and Table 2. Upon receipt 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 herein and becomes effective on the date of the EPA Delegated Official's final signature.
5. The parties consent to service of this Agreement by electronic delivery to the Respondent's e-mail noted below.

APPROVED BY EPA:

Anderson, Kate Digitally signed by Anderson, Kate
Date: 2022.12.15 13:32:06 -0500 for

Delegated Official: **Dore F. LaPosta, Director**
Enforcement and Compliance Assurance Division

Date: _____

Enclosure
CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-02-2023-1214

Respondent: Brak Tools LLC
Urb Provincias del Rio 2
235 Calle Turabo
Coamo, Puerto Rico 00769

1. The parties enter into this Clean Air Act Vehicle and Engine 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, enclosed, incorporated into the Agreement by reference, regarding the 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 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 eight thousand five hundred and eighty-six dollars (**\$8,586**). Respondent has followed the instructions in the "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," enclosed, 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 and the 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 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:

Anderson, Kate Digitally signed by Anderson, Kate
Date: 2022.12.15 13:31:38 -05'00' *for* _____

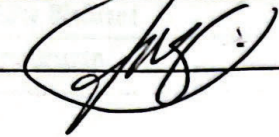
Date: _____

Delegated Official: Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Felix Figueroa

Title (print): President

Signature: 

Email (print): INF.BRAX@gmail.com

Date: 12/15/22

RATIFIED BY EPA:

Anderson, Kate Digitally signed by Anderson, Kate
Date: 2023.01.10 17:06:40 -05'00'

for

Date: _____

Delegated Official: Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division

Dore F. LaPosta

EPA Enforcement Division

Janet Velez - (212) 637-3052

Richard Kim - (212) 637-3052

Table 1 - Description of Violation and Applicable Requirements

On 12/15/22, EPA inspectors inspected the engine room of the boat... The Subject Engine is a 40 HP outboard engine... The EPA has found no other evidence to identify the Subject Engine as certified... The EPA has issued a citation for violation of CAA Section 101 and 102... The EPA has issued a citation for violation of CAA Section 101 and 102... The EPA has issued a citation for violation of CAA Section 101 and 102...

Vehicle Manufacturer	Observed Engine Manufacturer	Model Year	Observed EPA Label	Quantity
Garmin Boatworks - 1000-1115	Yamaha Power Tech - MAZDA 1000-1115	2022	40	1

Table 1 - Inspection Information

Inspection Date: April 13, 2022		Docket Number: 0 2 - 2 0 2 3 - 1 2 1 4	
Inspection Location Name: Island Storage Warehouse		Entry Number: E W V - 1 0 8 7 7 4 5 - 1	
Address: Zona Libre de Comercio #61 Edif. #2 Pta. #1		Date of Entry Detention by CBP: On or about April 13, 2022	
City: Guaynabo		Inspector Name: CBPO Martinez	
State: PR	Zip Code: 00965	EPA Approving Official: Dore F. LaPosta	
Importer Name (Respondent): Brak Tools LLC		EPA Enforcement Contact: Julian Velez - (212) 637-3464 Richard Kan - (212) 637-4017	

Table 2 - Description of Violation and Vehicles/Equipment

Brak Tools LCC (Respondent) imported the engines described at the bottom of Table 2 (the Subject Engines) on or about April 13, 2022. Authorized federal inspectors examined the Subject Engines and did not observe any Emission Control Information (ECI) labels on the Subject Engines. The importer provided a Certificate of Conformity (COC) that is not applicable to the Subject Engines; EPA confirmed with the engine manufacturer via email that the Subject Engines are not for sale in the USA market and therefore no ECI labels are present. No relevant Certificates of Conformity were found in EPA's databases. The EPA has found no further evidence indicating the Subject Engines are certified, exempt or otherwise excluded from coverage under Title II the Clean Air Act (CAA) and its implementing regulations. Accordingly, by importing the Subject Engines, Respondent has committed Five Hundred and Thirty (530) violations of CAA Sections 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
Gasoline Trimmers – BRK520S	ZheJian Topwe Tools Manufacturing Co., Ltd.	N/A	N/A	530

Table 3 - Penalty and Required Remediation

Penalty	\$8,586
Required Remediation	In addition to paying the monetary penalty, Respondent must provide to the EPA documentation showing that the Subject Engines have been destroyed, exported to a country other than Canada or Mexico, or are under exclusive control by U.S. Customs and Border Protection (CBP) pending exportation or destruction.