

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-16-8277

Respondent: SMG Equipment LLC
2002 W. Valley Highway N #200
Auburn, Washington 98001

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 and 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$9,100, further described in Table 3, attached and incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached and 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 Region 10 Office of Compliance and Enforcement Director's ratifying signature.

APPROVED BY THE EPA:

Date: 5/5/2016


Edward J. Kowalski, Director
Office of Compliance and Enforcement

APPROVED BY RESPONDENT:

Name (print): KEVIN DORNEY

Title (print): OWNER

Signature: 

Date: 5/19/16

RATIFIED BY THE EPA:

Date: 5/27/2016


Edward J. Kowalski, Director
Office of Compliance and Enforcement

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
Mar. 5, 2016 (entry)/ March 11, 2016 (insp.)		C A A - 1 6 - 8 2 7 7	
Inspection Location:		Entry/Inspection Number(s)	
Mercer Central Exam Station		9 H J - 0 0 5 1 1 2 0 - 7	
Address:			
4050 E. Marginal Way			
City:		Inspector(s) Name(s):	
Seattle		John E. Keenan	
State:	Zip Code:	EPA Approving Official:	
WA	98134	Edward J. Kowalski	
Respondent:		EPA Enforcement Contact:	
SMG Equipment LLC		John Keenan, 206-553-1817	

Table 2 - Description of Violation and Vehicles/Engines

The four pieces of Turf Maintenance Equipment (Subject Equipment) described below and imported by SMG Equipment, LLC (SMG) contained Kubota engines which did not bear required emissions control information labels and for which Kubota did not receive a certificate of conformity as required by the Clean Air Act. Thus, SMG imported the Subject Equipment in violation of Section 203(a)(1) of the Clean Air Act, 42 U.S.C. § 7522(a)(1), and the implementing regulations codified at 40 C.F.R. §§ 1039.135 and 1068.101(a)(1).

Equipment Description	Equipment Manufacturer	Engine Manufacturer	Engine Model Year	Quantity
Turf Maintenance Equipment	SMG Equipment, LLC	Kubota	2015	4

Table 3 - Penalty and Required Remediation

Penalty	\$ 9,100
Required Remediation	SMG must provide the EPA with documentation showing that the equipment described in Table 2 has been forfeited or exported outside of the U.S., Canada and Mexico.