

Enclosure
CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R9-CAA-24-1010

Respondent:
Temoori International Group, Inc.
10171 Ranchitos Place
Lakeside, CA 92040
temooriinternationalinc@gmail.com

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 inspections 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 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 \$6,240. 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 inspections 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 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:
KAORU MORIMOTO
Digitally signed by
KAORU MORIMOTO
Date: 2024.02.02
13:23:40 -08'00'

Kaoru Morimoto, Assistant Director, ECAD, U.S. EPA Region 9

Date: _____

APPROVED BY RESPONDENT:

Name (print): John Wali Temoori

Title (print): PRESIDENT Email (print): temooriinternationalinc@gmail.com

Signature: 

Date: Feb 8, 2024

RATIFIED BY EPA:

KAORU MORIMOTO

Digitally signed by KAORU MORIMOTO
Date: 2024.02.28 08:16:49 -08'00'

Date: 2/28/24

Kaoru Morimoto, Assistant Director, ECAD, U.S. EPA Region 9

Table 1 - Inspection Information

Inspection Date(s): November 8, 2023-December 7, 2023	Docket Number: R 9 - C A A - 2 4 - 1 0 1 0
Inspection Location Name: (Remote) Importer's Warehouse	Entry Number(s): 8 P 2 - 0 0 1 4 1 6 1 - 9
Address: N/A	Date of Entry Detention by CBP: October 13, 2023
City: N/A	Inspector(s) Name(s): Janice Chan
State: Zip Code: N/A N/A	EPA Approving Official: Kaoru Morimoto
Importer Name (Respondent): Temoori International Group, Inc.	EPA Enforcement Contact: Janice Chan (Region 9), (415) 972-3308

Table 2 - Description of Violation and Vehicles/Equipment

Temoori International Group, Inc. (Respondent) imported two (2) spark ignition forklifts (the Subject Equipment) on or about October 13, 2023. An authorized federal inspector remotely reviewed the Subject Equipment based on information provided by the customs broker. The Subject Equipment had no Emission Control Information (ECI) labels indicating EPA certification. Based on photos and documents, the Subject Equipment was manufactured by Toyota in 2017. Respondent submitted an EPA declaration form claiming that the Subject Equipment was a nonroad compression-ignition equipment that was excluded from EPA certification since it was manufactured before emission standards applied. However, because the forklifts run on LPG, they are spark ignition nonroad equipment that was built after January 1, 2004, and regulated under the Part 1048 of the Clean Air Act (CAA). Additionally, on December 7, 2023, EPA confirmed with Toyota Material Handling Inc., the manufacturer of the Toyota forklifts, that the model numbers of the Subject Equipment indicate that they are not EPA compliant engines. The EPA has found no evidence indicating the Subject Equipment is exempt or otherwise excluded from coverage under Title II of the CAA and its implementing regulations. Hence, Respondent cannot legally import the Subject Equipment into the United States. Accordingly, by importing the Subject Equipment, Respondent committed two (2) 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).

Equipment Description	Observed Equipment Manufacturer	Observed Equipment Model	Observed Engine Manufacturer	Observed Engine Model	Observed Engine Serial Number	Observed Model Year	Observed Engine Family
Forklift	Toyota	8FG50N	Toyota	None	None	2017	None
Forklift	Toyota	8FG50N	Toyota	None	None	2017	None

Table 3 - Penalty and Required Remediation

Penalty	\$6,240
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 other than Canada or Mexico, or is under exclusive control by U.S. Customs and Border Protection (CBP) pending exportation or destruction.