

**Enclosure**  
**CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. CAA-13-7978

Respondent: Hitachi Construction Machinery Co., Ltd.  
5-1, Korakū 2-chome, Bunkyo-ku  
Tokyo 112-8563, Japan

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 an internal audit described 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 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 EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$500.00, 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, 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 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:

Bob Parks for Phillip Brooks

Phillip A. Brooks, Director, Air Enforcement Division

Date: 1-9-13

APPROVED BY RESPONDENT:

Name (print): Yukihiko Sugiyama

Title (print): General Manager, Mining & Heavy Equipment Div.  
Hitachi Construction Machinery Co., Ltd.

Signature: Y. Sugiyama

RATIFIED BY EPA:

Bob Parks for Phillip Brooks

Phillip A. Brooks, Director, Air Enforcement Division

Date: 2-12-13

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
Self-reported on October 8, 2009		C A A - 1 3 - 7 9 7 8	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
Internal Audit		- - - - - - - - - -	
<b>Address:</b>			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
		Hitachi Construction Machinery Co., Ltd.	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
		Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Hitachi Construction Machinery Co., Ltd.		Robert Polin 202-564-6961	

**Table 2 - Description of Violation and Vehicles/Engines**

Hitachi imported and sold one nonroad compression-ignition engine that was part of EPA's averaging, banking, and trading (AB&T) programs. All engines in the AB&T programs must bear a label that includes the applicable family emission limits (FELs). 40 C.F.R. § 89.208. The label on the engine at issue did not include the applicable FELs. Hitachi's sale of the engine that did not bear a label including the FELs constitutes one violation of the labeling requirements of the Clean Air Act. 42 U.S.C. §§ 7522(a)(4) and 7547(d), as implemented by regulations at 40 C.F.R. Part 89.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
QSK23/No. 00317930	8CEXL023.AAA	Hitachi Construction Machinery	2008	1

**Table 3 - Penalty and Required Remediation**

Penalty	\$500.00
Required Remediation	Hitachi Construction Machinery must provide documentation that it destroyed the above-mentioned engine.