

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-13-8030

Respondent: Kohler Company

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, 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 EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$3,500, 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:

Phillip A. Brooks
Phillip A. Brooks, Director, Air Enforcement Division

Date: 12-18-12

APPROVED BY RESPONDENT:

Name (print): THOMAS G. CROMWELL

Title (print): PRESIDENT - KOHLER ENGINES

Signature: Thomas G. Cromwell

Date: 1-11-13

RATIFIED BY EPA:

Phillip A. Brooks
Phillip A. Brooks, Director, Air Enforcement Division

Date: 1-28-13

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
June 14, 2012		C A A - 1 2 - 8 0 3 0	
Inspection Location:		Entry/Inspection Number(s)	
MacMillan Piper Centralized Examination Station		2 3 1 - 4 3 5 8 9 9 6 - 2	
Address:			
1762 Sixth Avenue South			
City:		Inspector(s) Name(s):	
Seattle		John Keenan	
State:	Zip Code:	EPA Approving Official:	
WA	98134	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Kohler Company		Julie Vergeront (R10), 206-553-1497	

Table 2 - Description of Violation and Vehicles/Engines

The Entry included the three different models of engines described below. An EPA inspection of the engines determined that the engines bore labels that are easily removed without being defaced or destroyed. These labels do not meet the requirements of 40 C.F.R. § 1054.135(b)(1). Thus, Kohler Company committed 508 violations of 40 C.F.R. § 1068.101(a)(1) by importing engines that do not bear the required labels.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Engine	CKHXS.2081GA	Kohler Co.	2012	120
Engine	CKHXS.4292GA	Kohler Co.	2012	208
Engine	CKHXS.1961GA	Kohler Co.	2012	180

Table 3 - Penalty and Required Remediation

Penalty	\$3,500
Required Remediation	Kohler Co. must provide EPA with a report and documentation showing that the 508 engines described in Table 2 have been properly labeled as explained in EPA's letter to Kohler dated July 2, 2012.