

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-12-7984

Respondent: Anthony J. Knopp, Vice-President
Vestas Towers America, Inc.
100 Towers Road
Pueblo, CO 81004

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 self disclosure 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 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 \$15,000, 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, specified in Table 3, has been completed.
4. By its first signature below, EPA confirms the violations as disclosed by Vestas Towers America, Inc., which are 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:

Anne K. Wick
for Phillip A. Brooks, Director, Air Enforcement Division

Date: 1/6/12

APPROVED BY RESPONDENT:

Name (print): Anthony Knopp
Title (print): V.P. Vestas Towers America
Signature: [Signature]

Date: 1/6/12

RATIFIED BY EPA:

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

Date: 2/1/12

Table 1 - Inspection Information

Entry/Disclosure Date(s):		Docket Number:	
June 25, 2011/August 22, 2011		C A A - 1 2 - 7 9 8 4	
Location of Equipment:		Entry/Inspection Number(s)	
Foreign Trade Zone, Houston, Texas			
Respondent Address:		Inspector(s) Name(s):	
100 Towers Road		None (Vestas self-disclosure)	
City:		EPA Approving Official:	
Pueblo		Phillip A. Brooks	
State:	Zip Code:	EPA Enforcement Contact:	
CO	81104	David Alexander (202) 564-2109	
Respondent:			
Anthony J. Knopp, Vice-President			

Table 2 - Description of Violation and Vehicles/Engines

The following is a list of the equipment covered by this ESA and the identified violations:

- Vestas Towers America, Inc. imported two unlabeled Dantruck forklifts, chassis #7545 and #7546 containing uncertified 129 hp Perkins engines in violation of 40 C.F.R. § 1068.101(a)(1) and (b)(5).
- Vestas Towers America, Inc. imported one Svetruck with uncertified 365 hp Scania engine # 6521461 before securing an exemption for a nonroad engine identical to a United States certified version under 40 C.F.R. § 89.611(c)(3) in violation of 40 C.F.R. § 89.1003(a)(1)(ii).

Table 3 - Penalty and Required Remediation

Penalty	\$15,000
Required Remediation	Vestas Towers Americas, Inc. (Vestas) must secure an exemption under 40 C.F.R. § 89.611(c)(3) for the 52 ton Svetruck forklift, chassis no. is 890069, containing Scania engine no. 6521461. Vestas must either export or destroy the Dantruck forklifts, chassis #7545 and 7546 containing uncertified Perkins engines.