

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-12-7987

Respondent: David Okamoto
Yamagin Tsusho Company Limited
d/b/a Yamagin Corporation
13951 South Main Street
Los Angeles, CA 90061

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 \$1,000, 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 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 Expedited Settlement 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:

for Annex H. Weiss
Phillip A. Brooks, Director, Air Enforcement Division

Date: 1/6/12

APPROVED BY RESPONDENT:

Name (print): DAVID OKAMOTO

Title (print): Manager

Signature: *David Okamoto*

Date: 1/19/2012

RATIFIED BY EPA:

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

Date: 2/1/12

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
June 2, 2011/June 14, 2011		C A A - 1 2 - 7 9 8 7	
Inspection Location:		Entry/Inspection Number(s)	
MacMillan Piper CES		6 0 0 - 6 3 5 2 4 4 4 - 5	
Address:			
1762 6 th Avenue South			
City:		Inspector(s) Name(s):	
Seattle		Kathleen Mar	
State:	Zip Code:	EPA Approving Official:	
WA	98134	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
David Okamoto, Yamagin Tsusho Company Ltd.		David Alexander, telephone 202-564-2109	

Table 2 - Description of Violation and Vehicles/Engines

On or about June 2, 2011, Yamagin Tsusho Company Ltd., d/b/a Yamagin Corporation (Yamagin) imported the vehicles listed below. Clean Air Act (CAA) sections 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), as implemented by regulations at 40 C.F.R. Parts 1054, 1060, and 1068, prohibit the importation of nonroad vehicles and engines unless they are covered by a valid EPA certificate of conformity. Imported nonroad vehicles containing engines of the size and model year as the imported vehicles are required to be covered by both exhaust emissions and evaporative emissions certificates of conformity (COCs) issued by EPA. The imported vehicles are not covered by an evaporative emissions COC as required (see e.g. 40 C.F.R. §§ 1054.20(b) and 1060.1(a)(6)). In addition, the imported vehicles bore partially destroyed exhaust Emission Control Information (ECI) labels, in violation of 40 C.F.R. § 1054.135(b)(3), which requires that ECI labels be durable and readable for the entire useful life, typically two years. Because the two vehicles are uncertified, Yamagin's importations constitute two violations of CAA sections 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and 40 C.F.R. § 1068.101(a)(5). Because the ECI labels are not durable and readable for the entire useful life, the vehicles' importations violate 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Exhaust Engine Family	Original Manufacturer/Certificate Holder	Model Year	Quantity
Mitsubishi Minicab U62T-0311420	BYMGS.6572MI	Mitsubishi/Yamagin	2011	1
Suzuki Carry DA63T-388359	BYMGS.660K6A	Suzuki/Yamagin	2011	1

Table 3 - Penalty and Required Remediation

Penalty	\$1,000
Required Remediation	Yamagin must provide EPA with documentation that the vehicles listed in Table 2 have either been destroyed or exported to a country other than Canada or Mexico.