

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-19-8405

Respondents: Aquila Farms, LLC
Natural Fertilizer, LLC
3201 W. Soper Road
Bad Axe, Michigan 48413

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. Respondents admit 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 Respondents and the Respondents' conduct described in Table 2. Respondents does not contest the findings detailed therein, and waives any objections Respondents may have to the EPA's jurisdiction.
3. Respondents consent to the payment of a penalty in the amount of **\$29,400**, further described in Table 3, attached, incorporated into this Agreement by reference. Respondents agree to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondents certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, the 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 the EPA, Respondents consent to the terms of this Agreement without further notice. Respondents 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:

[Redacted Signature]

Date: Dec 12, 2018

for Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENTS:

Name (print): [Redacted]

Title (print): Member LLC

Signature: [Redacted]

Date: 1-6-2019

RATIFIED BY EPA:

[Redacted Signature]

Date: Feb 8 2019

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
July 3, 2018 and July 18, 2016		C A A - 1 9 - 8 4 0 5	
Inspection Location(s):		Entry/Inspection Number(s)	
Port of Baltimore		F 2 4 - 3 0 6 5 2 4 4 - 6	
Address:		F 2 4 - 3 0 4 4 8 5 6 - 3	
40 South Gay Street			
City:		Inspector(s) Name(s):	
Baltimore		Region 3- Erin Malone	
State:	Zip Code:	EPA Approving Official:	
MD	21202	Phillip A. Brooks	
Respondents:		EPA Enforcement Contact:	
Aquila Farms, LLC Natural Fertilizer, LLC		Daniel Boehmcke, Attorney (215) 814-2607	

Table 2 - Description of Violation and Vehicles/Engines

On or about July 3, 2018, Aquila Farms, LLC imported a model year (MY) 2012 930 Vario Fendt tractor into the United States at the Port of Baltimore under entry # F24-30652446. The engine in this tractor is not EPA-certified according to information obtained from the engine manufacturer, Deutz. On or about July 18, 2016, Natural Fertilizer, LLC imported a MY 2014 939 V SCR Fendt tractor through the port of Baltimore under entry # F24-3044856-3. This tractor contains a MY 2013 non-road compression ignition engine that does not meet EPA's Tier 4 final exhaust emission standards. EPA has determined that Aquila Farms, LLC and Natural Fertilizer, LLC (Respondents) have imported these tractors in violation of Sections 203(a)(1) and 213(d) of the Act, 42 U.S.C. §§ 7522(a)(1) and 7547(d), and 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Equipment Description	Equipment Manufacturer	Equipment Model	Unit No. / Engine No.	Alleged Engine Family
Tractor	Agco/Fendt	930 Vario	946231460 / 11293815	CDZXL07.8002
Tractor	Agco/Fendt	939 V SCR	946232152 / 11512667	DDZXL07.8002

Table 3 - Penalty and Required Remediation

Penalty	\$29,400
Required Remediation	Respondents must export the 930 Vario tractor described in Table 2 above to a country other than Canada or Mexico, and provide the EPA with a report documenting the exportation. The report must be submitted to Ms. Erin Malone of EPA Region 3 (sent to malone.erin@epa.gov).