

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

DOCKET NO. CAA-11-7938

Respondent: Toru Shibasaki, President  
Mitsubishi Engine North America, Inc.  
1250 Greenbriar Drive, Suite E  
Addison, Illinois 60101

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 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 \$6,700, 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:

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

Date: 5/18/11

APPROVED BY RESPONDENT:

Name (print): Toru Shibasaki

Title (print): president

Signature: 

RATIFIED BY EPA:

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

Date: 6/15/11

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
March 14, 2011/ March 18, 2011		C A A - 1 1 - 7 9 3 8	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
MacMillan Piper Warehouse		5 0 3 - 0 1 8 3 1 9 3 - 4	
<b>Address:</b>			
1762 Sixth Avenue South			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Seattle		Kathleen Mar and Mario Jorquera	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
WA	98134	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Mitsubishi Engine North America, Inc.		Meetu Kaul (202) 564-5472	

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

EPA has determined that the engines listed in this table were imported by Mitsubishi Engine North America, Inc. (Mitsubishi), and do not bear the Emission Control Information (ECI) labels required by 40 C.F.R. § 1039.135. Specifically, the manufacturer is required to either include the date of manufacture (DOM) on the ECI label or permanently stamp the DOM on the engine. If the manufacturer elects to permanently stamp the DOM on the engine, it must include the location of the DOM stamp in the application for certification. The ECI labels on these engines do not include the DOM, nor did Mitsubishi describe in its application for certification where the DOM is stamped on the engines (in fact, the DOM is part of the engine serial number (ESN)). Thus, Mitsubishi failed to comply with 40 C.F.R. § 1039.135(c)(6). The importation of engines that do not bear the required ECI labels is prohibited under 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Nonroad CI Engine < 19 kW, Model L3E	BMVXL01.0DDD	Mitsubishi Heavy Industries, Ltd.	2011	144

**Table 3 - Penalty and Required Remediation**

Penalty	\$6,700
Required Remediation	Mitsubishi must submit a modification (running change) to the application for certification for engine family BMVXL01.0DDD to identify where the ESN is located on the engine and provide information on how to decipher the DOM from the ESN. Mitsubishi must also update its website to include information for consumers on where to find and how to decipher the DOM from the ESNs on Mitsubishi engines.