

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

DOCKET NO. R9-CAA-18-1003

Respondent: Yescom USA, Inc.  
185 N. Sunset Ave  
City of Industry, CA 91744-1850

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 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 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$600, 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, 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, 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 Region 9 Assistant Enforcement Director's ratifying signature.

APPROVED BY EPA:



Joe Jones, Assistant Director, Enforcement Division, EPA Region 9

Date: 2-15-18

APPROVED BY RESPONDENT:

Name (print): Andy Lee

Title (print): President

Signature: 

Date: 02/23/18

RATIFIED BY EPA:



Joe Jones, Assistant Director, Enforcement Division, EPA Region 9

Date: 3-8-18

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
June 15, 2017/June 26, 2017		R 9 - C A A - 1 8 - 1 0 0 3	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
FCL Logistics		E A E 0 1 1 0 6 7 4 7	
<b>Address:</b> 23011 Wilmington Ave		2 0 1 7 0 6 2 6 1 4 5 9 1 0	
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Carson		Janice Chan and Nathan Dancher	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
CA	90745	Joel Jones	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Yescom USA, Inc.		Rose Galer (Region 9), (213)-244-1805	

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

The 80 jack hammers described below (the Subject Equipment) were imported by Yescom USA, Inc. (Yescom), and found to be uncertified under Title II of the Clean Air Act (CAA). Under the entry, Yescom declared the Subject Equipment to have been manufactured in 2017. EPA Inspectors were not able to find a Certificate of Conformity (COC), a declaration form, or an ECI label which would indicate that the engines were certified by EPA. Because the engines in the Subject Equipment were not EPA-certified, the EPA concludes that the Subject Equipment was imported into the U.S. without being covered by a COC which is in violation of 40 C.F.R. § 1068.101(a)(1) and (b)(5). The EPA has found no evidence that the Subject Equipment are otherwise excluded from coverage. By importing the Subject Equipment, Yescom committed 80 violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the implementing regulations codified at 40 C.F.R. § 1068.101(a)(1) and (b)(5).

Vehicle Description	Claimed Engine Manufacturer	Observed Model	Observed Engine Family	Quantity
Jack Hammers	None	95A	None	80

**Table 3 - Penalty and Required Remediation**

Penalty	\$600
Required Remediation	Yescom USA, Inc. must export the 80 uncertified Subject Equipment to a country other than Canada or Mexico, and provide the EPA with a report documenting such exportation.