



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Horacio F. Rosito
CEO
Baron USA LLC
11200 NW 107th Street
Suite 6b
Miami, Florida 33178

Re: Docket No. CAA-2023-8437

Dear Horacio F. Rosito:

An authorized representative of the United States federal government conducted an inspection to determine your company's compliance with the Clean Air Act (CAA) and regulations promulgated thereunder. The details of this review are outlined in the enclosed Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement). As a result of the review, it was determined that your company failed to comply with the CAA and the associated regulations. The Agreement describes the violations.

You may resolve violations using an expedited process that involves significantly lower penalties than those sought through the normal settlement process. The United States Environmental Protection Agency (EPA) is authorized to enter into the Agreement under the authority vested in the EPA Administrator by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). After the Agreement becomes effective, the EPA will take no further civil penalty action against your company for the violations described in the Agreement. However, the EPA does not waive any rights to take an enforcement action for any other past, present, or future violations of the CAA or of any other federal statute or regulation.

If you do not sign and return the enclosed Agreement as presented within **30 calendar days** of its receipt, and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn, with no need of additional notice to you, and without prejudice to the EPA's ability to file any other enforcement action for the violation(s) identified in the Agreement and seek penalties of up to **\$55,808 per violation** pursuant to 40 C.F.R. § 19.4. Please refer to "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, for instructions on accepting this Agreement.

Please contact Katie Owens at (202) 564-2594 or owens.katharine@epa.gov with any questions.

Sincerely,

MARY
GREENE

Digitally signed by MARY
GREENE
Date: 2023.06.12
16:29:03 -04'00'

Mary E. Greene, Director
Air Enforcement Division

Enclosures

1. Clean Air Act Vehicle and Engine Expedited Settlement Agreement, Docket No. CAA-2023-8437
2. CAA Vehicle and Engine Expedited Settlement Agreement Instructions
3. Small Business Resources Information Sheet available at:
<https://www.epa.gov/compliance/small-business-resources-information-sheet>

Enclosure

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-2023-8437

Respondent: Baron USA LLC
11200 NW 107th Street Suite 6b
Miami, Florida 33178

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the review 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, pursuant to CAA Section 205(c)(1), 42 U.S.C. § 7524(c)(1), over the Respondent and the Respondent's conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of \$ 42,700. Respondent has followed the instructions in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 3 and incorporated into this Agreement by reference, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the review 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 Delegated Official's ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

APPROVED BY EPA:

MARY GREENE Digitally signed by MARY GREENE
Date: 2023.06.12 16:29:56 -04'00'

Delegated Official: Mary E. Greene, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print): CAROLA ROSITO

Title (print): COMMERCIAL DIRECTOR Email (print): CR@FIVE-OCEANS.COM

Signature & Date:  06/13/2023

RATIFIED BY EPA: MARY GREENE

Digitally signed by MARY GREENE
Date: 2023.06.21 11:57:43 -04'00'

Delegated Official: Mary E. Greene, Director, Air Enforcement Division

Table 1 - Inspection Information

Inspection Date:		Docket Number:	
November 5, 2020; and December 2, 2020		C A A - 2 0 2 3 - 8 4 3 7	
Inspection Location Name:		Entry Number:	
Review of submitted responses to Information Request		N / A	
Address:		Date of Entry Detention by CBP:	
N/A		N/A	
City:		Inspector Name:	
N/A		Katie Owens	
State:		EPA Approving Official:	
N/A	Zip Code:	Mary E. Greene	
	N/A	EPA Enforcement Contact:	
Importer Name (Respondent):		Katie Owens, owens.katharine@epa.gov , (202) 564-2594; David Alexander, alexander.david@epa.gov , (202) 564-2109	
Baron USA LLC			

Table 2 - Description of Violation and Vehicles/Equipment

Baron USA LLC (Respondent) imported the portable marine fuel tanks, fuel bulbs and fuel lines described at the bottom of Table 2 (the Subject Products) on or after 2018. The EPA determined that no applicable Certificate of Conformity (COC) exists in the EPA's VERIFY database covering the Subject Products. The EPA has found no further evidence indicating the Subject Products are exempt or otherwise excluded from coverage under Title II the Clean Air Act (CAA) and its implementing regulations. Accordingly, by importing the Subject Products, Respondent has committed 56,475 violations of CAA Section 203(a)(1), 42 U.S.C. § 7522(a)(1) and the regulations codified at 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Equipment/Product Description	Observed Equipment/Product Manufacturer	Observed Model Year	Observed Equipment/Product Family	Quantity
Fuel Tanks (Product Codes: 3312, 4129, 4269)	Easterner Enterprises Co. Ltd.	Unknown	None (No COC)	25,055
Fuel Lines (Product Codes: 3099, 3100, 4421, 4423, 4425, 4426)	Easterner Enterprises Co. Ltd.	Unknown	None (No COC)	31,420
Fuel Bulbs (Product Codes: 2875, 2877, 3099, 3100, 4421, 4423, 4425, 4426)				

Table 3 - Penalty and Required Equitable Relief

Penalty	\$ 42,700
Required Remediation	In addition to paying the monetary penalty, Respondent by its signature states that it has implemented a procedure to import only certified Equipment/Products.

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

After submitting your payment but on the same day, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line:

“Payment Confirmation for Baron USA LLC Docket Number CAA-2023-8437.”

Attach a copy of the Agreement and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with Baron USA LLC, and the Docket Number listed below, with a copy of the Agreement to:

U. S. Environmental Protection Agency
Government Lockbox 979078
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
Attn: Docket Number CAA-2023-008434

Within 30 days from your receipt of the Agreement, you must email owens.katharine@epa.gov and alexander.david@epa.gov a scanned copy of the original signed Agreement, and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Katie Owens at (202) 564-2594. The EPA will consider whether to grant an extension on a case-by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective actions within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violations specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violations and seek penalties of up to \$ 55,808 **per violation** pursuant to 40 C.F.R. § 19.4.