

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-15-8236

Respondent: Havener Enterprises, Inc.
368 S. Michigan Avenue
Bradley, Illinois 60915

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 \$12,700, 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, 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 Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:



Phillip A. Brooks, Director, Air Enforcement Division

Date: 6/22/2015

APPROVED BY RESPONDENT:

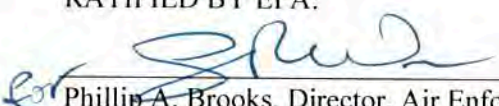
Name (print): ALAN WHITE

Title (print): GENERAL MANAGER

Signature: 

Date: 7/15/2015

RATIFIED BY EPA:



Phillip A. Brooks, Director, Air Enforcement Division

Date: 7/30/2015

Table 1 - Inspection Information

Entry/Inspection Date(s): April 27, 2015, May 9 and 23, 2015, June 9, 2015		Docket Number: C A A - 1 5 - 8 2 3 6	
Inspection Location: Channel Distribution		Entry/Inspection Number(s) 2 7 9 - 3 3 6 1 4 5 9 - 9 G L 5 - 5 0 0 7 2 9 2 - 7 G L 5 - 5 0 0 8 9 7 4 - 9 G L 5 - 5 0 1 0 6 9 1 - 5	
Address: 950 Supreme Drive		Inspector(s) Name(s): Greg Swat	
City: Itasca		EPA Approving Official: Phillip A. Brooks	
State: IL	Zip Code: 60106	EPA Enforcement Contact: David Alexander, (202) 564-2109	
Respondent: Havener Enterprises, Inc.			

Table 2 - Description of Violation and Vehicles/Engines

The EPA has determined that the 94 commercial lawnmowers (Subject Mowers) with partially complete engines described below, regulated by 40 C.F.R. Part 1068, were imported in violation of Title II of the Clean Air Act (CAA). It is a violation of Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d), for any person to import an engine or equipment subject to these regulations unless such engine or equipment is covered by a Certificate of Conformity (COC) issued by EPA or is appropriated exempted. Between April 27 and June 9, 2015, Havener Enterprises, Inc., (Havener) imported the Subject Mowers in four shipments. The EPA has determined that the Subject Mowers are not covered by a COC, nor are they exempt or excluded from requiring coverage under a COC. By importing the Subject Mowers, Havener committed 94 violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), as well as 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Equipment Manufacturer	Engine Manufacturer	Engine Family	Evaporative Emissions Family	Entry Numbers	Quantity
Commercial Lawnmower	Havener Enterprises, Inc.	Briggs and Stratton	EBSXS.8102VS	FHVNPHEQ001	279-33614599	20
					GL5-50072927	18
					GL5-50089749	28
					GL5-50106915	28

Table 3 - Penalty and Required Remediation

Penalty	\$12,700
Required Remediation	Havener Enterprises must complete the Subject Mowers, apply for an exemption under 40 C.F.R. § 1068.260(c), and correct their equipment vessel worksheet for family FHVNPHEQ001 to include engine family EBSXS.8102VS. Havener must also provide the EPA with a report describing the actions taken and listing the Subject Mowers that were completed.