



**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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	)	
In re Yoder & Frey Auctioneers LLC	)	Docket No. CAA-2026-8727
	)	
	)	
	)	

FINAL ORDER

Decided August 26, 2026

Per Curiam:

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.

**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:

Yoder & Frey Auctioneers LLC

Respondent.

Docket No.
CAA-2026-8727

CONSENT AGREEMENT

I. Preliminary Statement

1. This is a civil administrative penalty assessment proceeding instituted under Section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1). The issuance of this Consent Agreement and attached Final Order (“CAFO”) simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
2. Complainant in this matter is the United States Environmental Protection Agency (“EPA” or “Complainant”). On EPA’s behalf, Meetu Kaul, Acting Director, Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized by lawful delegation to institute and settle civil administrative penalty assessment proceedings under Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1).
3. Respondent is Yoder & Frey Auctioneers LLC (“Yoder & Frey” or “Respondent”). Respondent is a corporation organized under the laws of the State of Ohio with its headquarters at 2384 Grant Road, North Baltimore, OH 45872. Respondent is an auction house company that conducts auctions of industrial, construction, and agricultural equipment.
4. EPA and Respondent (collectively referred to as “Parties” and individually as “Party”), having agreed to settle this action, consent to the issuance of the attached CAFO.
5. The Parties agree to settle this case without taking testimony and without adjudication of any issues of law or fact herein and agree with the terms of this CAFO.

II. Jurisdiction

6. This CAFO is entered into under Sections 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1) and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules”).
7. EPA may administratively assess a civil penalty if the penalty sought is less than \$472,901. 42 U.S.C. § 7524(c)(1); 40 C.F.R. § 19.4.
8. The Consolidated Rules provide that where the Parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a CAFO. 40 C.F.R. §§ 22.13(b), 22.18(b).
9. The Environmental Appeals Board is authorized to issue consent orders memorializing settlements between EPA and Respondent resulting from administrative enforcement actions under the CAA, and to issue final orders assessing penalties under the CAA. 40 C.F.R. §§ 22.4(a)(1), 22.18(b)(3).

III. Governing Law

10. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, generally including non-methane hydrocarbons, particulate matter, nitrogen oxides, and carbon monoxide. The Alleged Violations of Law, stated below, concern the illegal importation of equipment, specifically excavators containing uncertified nonroad engines, in violation of Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1).
11. The CAA prohibits manufacturers of new motor vehicles or new motor vehicle engines from selling, offering for sale, introducing into commerce, or delivering for introduction into commerce, and prohibits any person from importing into the United States, any new motor vehicle or new motor vehicle engine unless such vehicle or engine is covered by a certificate of

conformity issued by EPA under regulations prescribed by the CAA governing vehicle and engine emission standards. CAA § 203(a)(1), 42 U.S.C. § 7522(a)(1).

12. It is also a violation of the CAA to cause any of the prohibited acts set forth in Section 203(a)(1). 42 U.S.C. § 7522(a).
13. The prohibition in Section 203(a)(1) extends to new nonroad vehicles and engines, as Section 213(d) provides that the standards for nonroad vehicles and engines must be enforced in the same manner as the standards prescribed under Section 202 of the CAA for motor vehicles and motor vehicle engines. 42 U.S.C. § 7457(d). Further, Section 213(d) states that EPA shall revise or promulgate regulations as may be necessary to determine compliance with, and enforce, standards in effect under Section 202. *Id.*
14. The CAA requires EPA to promulgate standards for new nonroad engines that will achieve the greatest degree of emission reduction available and requires that EPA consider standards equivalent in stringency to those applicable to motor vehicles and engines. CAA § 213(a)(3), 42 U.S.C. § 7547(a)(3).
15. The regulations at 40 C.F.R. Part 1039 establish emission standards for new compression-ignition nonroad engines and apply to any person who manufactures, imports, installs, owns, operates, or rebuilds any of the engines or equipment containing the engines. 40 C.F.R. § 1039.15(b).
16. The regulations at 40 C.F.R. Part 1068 provide the general compliance provisions for highway, stationary, and nonroad programs and apply to everyone, including anyone who imports an engine, or equipment using an engine, subject to 40 C.F.R. Part 1039. 40 C.F.R. §§ 1039.15(b), 1068.1(a)(6).

17. The Act and its implementing regulations contain the following definitions:
- a. “Compression-ignition” is defined as “relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.” 40 C.F.R. § 1039.801.
 - b. “Equipment” includes any vessel or other type of equipment that uses an engine that is subject to the requirements of Part 1068. 40 C.F.R. § 1068.30.
 - c. “Manufacturer” is defined as “any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines”
CAA § 216(1), 42 U.S.C. § 7550(1); *see also* 40 C.F.R. § 1068.30 (“manufacturer” encompasses “importers that import new engines or new equipment into the United States for resale.”).
 - d. “Nonroad engine” is defined as “an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition,” or that is not subject to standards applicable to new stationary sources in Section 111 of the CAA, 42 U.S.C. § 7411, or new motor vehicles in Section 202 of the CAA, 42 U.S.C. § 7521. CAA § 216(10), 42 U.S.C § 7550(10). A “new nonroad engine” includes, among other things, an uncertified imported nonroad engine produced on or after the dates for the following maximum engine categories:

Maximum engine power	Initial date of emission standards
kW<19	January 1, 2000
$19 \leq \text{kW} < 37$	January 1, 1999
$37 \leq \text{kW} < 75$	January 1, 1998
$75 \leq \text{kW} < 130$	January 1, 1997
$130 \leq \text{kW} \leq 560$	January 1, 1996
kW >560	January 1, 2000

40 C.F.R. § 1039.801. *See also id.* § 1068.101(b)(5)(i) (“The definition of new is broad for imported engines/equipment; uncertified engines and equipment (including used engines and equipment) are generally considered to be new when imported.”).

e. “Nonroad vehicle” is defined as “a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.” CAA § 216(11), 42 U.S.C. § 7550(11).

f. “Person” includes individuals, corporations, partnerships, associations, states, municipalities, and political subdivisions of a state. CAA § 302(e), 42 U.S.C. § 7602(e).

18. EPA administers a certification program, under which it issues certificates of conformity, to ensure that every new motor vehicle and nonroad engine introduced into United States commerce satisfies applicable emission standards. CAA §§ 206, 213, 42 U.S.C. §§ 7525, 7547.

19. To obtain a certificate of conformity for a given nonroad engine family and model year, the manufacturer must submit an application demonstrating that each nonroad engine will not exceed established emission standards for certain pollutants. *See* 40 C.F.R. §§ 1039.201, 1039.205. If EPA determines the application is complete and meets the requirements of 40 C.F.R Part 1039 and the CAA, EPA will issue a certificate of conformity for the emission family for that model year. *Id.* § 1039.255(a). EPA may deny an application if it determines the engine family does not meet applicable requirements. *Id.* § 1039.255(b).

20. A valid certificate of conformity is one that applies for the same model year as the model year of the engine or equipment (except as allowed by 40 C.F.R. § 1068.105(a)), covers the appropriate category or subcategory of engines/equipment, and conforms to all requirements specified for equipment in the standard-setting part. 40 C.F.R. § 1068.101(a)(1)(i). Engines or equipment are not considered covered by a certificate unless they are in a configuration described in the application for certification. *Id.*

21. Importing an uncertified engine or piece of equipment is prohibited if it is defined to be new in the standard-setting part with a model year for which emission standards applied. 40 C.F.R. § 1068.101(a)(1), (b)(5).
22. The regulation at 40 C.F.R. § 1068.101(c) states: “If you cause someone to commit a prohibited act in paragraph (a) or (b) of this section, you are in violation of that prohibition.”
23. Any violation of Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), is a separate offense with respect to each new nonroad vehicle or engine. 42 U.S.C. § 7524(a); 40 C.F.R. § 1068.101(a)(1).
24. Persons violating Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), are each liable for civil penalties of up to \$59,114 per engine for each violation occurring after November 2, 2015. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4.

IV. Stipulated Facts

25. Respondent is a “person” within the meaning of 42 U.S.C. § 7602(e).
26. Respondent conducts auctions of nonroad construction, agricultural, and other industrial nonroad equipment and machinery.
27. EPA issued an information request on July 2, 2024 (hereafter, the 2024 Information Request), pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a), regarding excavators Respondent listed for sale at auctions in 2023 and 2024.
28. On March 24, 2025, Respondent submitted a response to the 2024 Information Request. Based upon Respondent’s response to the 2024 Information Request, between 2022 and 2024, 20 excavators with nonroad diesel engines were imported into the United States, shipped to Respondent’s facilities, and sold at auctions conducted by Respondent, as identified in Exhibit A of this CAFO. Collectively, the engines in the excavators identified in Exhibit A are referred to as the “Subject Engines.”

29. The customs documentation for all 20 excavators with the Subject Engines lists Yoder & Frey or its affiliate company, Equipment & Plant Services LLC, as the “importer” or “ultimate consignee.” The importer address for Equipment & Plant Services is Yoder & Frey’s auction site at 300 Raymond Hill Road, Newnan, GA 30265.
30. Respondent is a “manufacturer” of the Subject Engines within the meaning of 42 U.S.C. § 7550(1) and 40 C.F.R. § 1068.30.
31. The Subject Engines are “nonroad engines” within the meaning of 42 U.S.C § 7550(10), and “new, compression-ignition nonroad engines” within the meaning of 40 C.F.R. §§ 1039.1 and 1039.801.
32. The Subject Engines were not covered by any certificates of conformity issued by EPA under 40 C.F.R. Part 1039 and no exemption or exclusion from the certification requirements applied to these engines under either Subparts C or D of 40 C.F.R. Part 1068.

V. Alleged Violations of Law

33. Respondent imported, or caused the importation of, the Subject Engines without a valid certificate of conformity issued by EPA under 40 C.F.R. Part 1039, or under an exemption or exclusion under 40 C.F.R. Part 1068. Therefore, Respondent violated Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the corresponding implementing regulations under 40 C.F.R. Parts 1039 and 1068. Each import of an uncertified engine constitutes a separate violation under Section 203(a)(1), resulting in 20 violations.

VI. Terms of Agreement

34. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that EPA has jurisdiction over the subject matter alleged in this Consent Agreement;
 - (b) admits to the stipulated facts stated above;
 - (c) neither admits nor denies the alleged violations of law stated above;

- (d) consents to the assessment of a civil penalty as stated below;
- (e) consents to the conditions specified in this Consent Agreement;
- (f) waives any right to contest the alleged violations of law; and
- (g) waives its rights to appeal the Final Order accompanying this Consent Agreement.

35. For the purposes of this proceeding, Respondent:

- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- (b) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
- (c) waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the CAFO;
- (d) waives any rights it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to enforce this CAFO, and to seek an additional penalty for noncompliance with this CAFO, and agrees that federal law shall govern in any such civil action;
- (e) consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Columbia;
- (f) agrees that Respondent may not delegate duties under this CAFO to any other Party without the written consent of EPA, which may be granted or withheld at EPA's unfettered discretion. If EPA so consents, the CAFO is binding on the Party or Parties to whom the duties are delegated;

- (g) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (h) acknowledges that this CAFO will be available to the public and agrees that it does not contain any confidential business information or personally identifiable information;
- (i) acknowledges that its tax identification number may be used for collecting or reporting any delinquent monetary obligation arising from this CAFO (*see* 31 U.S.C. § 7701);
- (j) certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete; and
- (k) acknowledges that there are significant penalties for knowingly submitting false, fictitious, or fraudulent information, including the possibility of fines and imprisonment (*see* 18 U.S.C. § 1001).

36. For the purposes of this proceeding, the Parties each agree that:

- (a) this CAFO constitutes the entire agreement and understanding of the Parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof;
- (b) this Consent Agreement may be signed in any number of counterparts, each of which will be deemed an original and, when taken together, constitute one agreement; the counterparts are binding on each of the Parties individually as fully and completely as if the Parties had signed one single instrument, so that the rights and liabilities of the Parties will be unaffected by the failure of any of the undersigned to execute any or all of the counterparts; any signature page and any copy of a signed signature page may be detached from any counterpart and attached to any other counterpart of this Consent Agreement;
- (c) the undersigned representative is fully authorized by the Party whom he or she represents to bind that Party to this CAFO and execute it on behalf of that Party;

(d) each Party's obligations under this CAFO constitute sufficient consideration for the other Party's obligations under this CAFO; and

(e) each Party will bear their own costs and attorney fees in the action resolved by this CAFO.

37. Civil Penalty. The civil penalty agreed upon by the Parties for settlement purposes is \$227,687 (the "Civil Penalty").

38. Penalty Payment. Respondent agrees to pay the Civil Penalty to the United States in the manner specified below:

(a) pay the Civil Penalty within 30 calendar days of the Filing Date of this Consent Agreement;

(b) pay the Civil Penalty using any method as provided at the following EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions, visit the following webpage: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>;

(c) Identify every payment with Respondent's name and "Docket No. CAA-2026-8727";

(d) Within 24 hours of payment, Respondent shall send proof of such payment to Carly Brody at Brody.Carly@epa.gov. "Proof of payment" means, as applicable, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate the payment has been made according to EPA requirements, in the amount due, and identified with Respondent's name and "Docket No. CAA-2026-8727."

39. Failure to pay the full amount of the penalty assessed under this CAFO may subject Respondent to a civil action to collect any unpaid portion of the proposed civil penalty and interest. In order to avoid the assessment of interest, administrative costs, and late payment

penalty in connection with such civil penalty, as described in the following four paragraphs of this CAFO, Respondent must timely pay the penalty.

40. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7524(c)(6), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Civil Penalty per this CAFO, the entire unpaid balance of the Civil Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

(a) Interest. Interest begins to accrue from the Filing Date. If the Civil Penalty is paid in full within 30 days, interest accrued is waived. If the Civil Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Civil Penalty as well as any accrued interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus three (3) percentage points.

(b) Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of collection proceedings.

(c) Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

41. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Civil Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

(a) Refer the debt to a credit reporting agency, collection agency, or the United States Department of Justice for litigation and collection. *See* 40 C.F.R. §§ 13.13, 13.14.

(b) Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government for, a person to

satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. *See* 40 C.F.R. Part 13, Subparts C and H.

(c) Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. *See* 40 C.F.R. § 13.17.

(d) Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Civil Penalty, in addition to interest and the amounts described above. CAA § 205(c)(6), 42 U.S.C. § 7524(c)(6). In any such action, the validity, amount, and appropriateness of the Civil Penalty shall not be subject to review.

42. Allocation of Payments. A partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Civil Penalty amount. 31 C.F.R. § 901.9(f); 40 C.F.R. § 13.11(d).
43. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.
44. EPA is required to annually send to the Internal Revenue Service ("IRS") a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1. EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to comply with providing IRS Form W-9 or

Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty. 26 U.S.C. §§ 6723, 6724(d)(3); 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- (a) Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irspdf/fw9.pdf>.
- (b) Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- (c) Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Division at wise.milton@epa.gov, on or before the date that Respondent’s Civil Penalty payment is due, pursuant to Paragraphs 37 through 39 of the CAFO. EPA recommends encrypting IRS Form W-9 email correspondence.
- (d) In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Division with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

45. By signing this Consent Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

46. By signing this Consent Agreement, Respondent agrees to acceptance of Complainant’s (a) digital or an original signature on this Consent Agreement; and (b) service of the fully executed Consent Agreement on the Respondent by mail or electronically by e-mail.

Complainant agrees to acceptance of Respondent’s digital or an original signature on this Consent Agreement.

47. Except as qualified by Paragraph 40(b), each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
48. Certification of Compliance. As a condition of settlement, Respondent agrees to the following: By signing this CAFO, Respondent certifies that from the date of its signature, Respondent will not import or cause the importation of any new nonroad engine or equipment unless it is covered by a certificate of conformity or is properly exempted.

VII. Effect of Consent Agreement and Attached Final Order

49. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged above. 40 C.F.R. § 22.18(c).
50. This CAFO applies to and is binding upon Complainant and Respondent. Successors and assigns of Respondent are also bound if they are owned, in whole or in part, directly or indirectly, or otherwise controlled by Respondent. Nothing in the previous sentence adversely affects any right of EPA under applicable law to assert successor or assignee liability against Respondent's successors or assignees.
51. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA or other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
52. EPA reserves the right to revoke this CAFO and accompanying settlement penalty if and to the extent EPA finds, after signing this CAFO, that any information provided by Respondent was or is materially false or inaccurate, and EPA reserves the right to pursue, assess, and enforce legal and equitable remedies for the Alleged Violations of Law. EPA shall give Respondent written notice of such termination, which will be effective upon mailing.
53. The Parties agree to submit this CAFO to the Environmental Appeals Board with a request that it be incorporated into a Final Order.

VIII. Effective Date

54. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Environmental Appeals Board and filing with the Hearing Clerk.

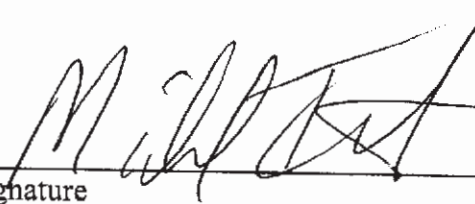
EXHIBIT A

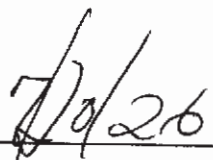
Yoder & Frey Auctioneers LLC Violations of CAA § 203, 42 U.S.C. § 7522, for the Period of 2022 through 2024 for Importing, or Causing the Importation of, 20 Excavators with Engines Not Covered by a Certificate of Conformity

Equipment	Equipment Manufacturer	Equipment Model	Equipment Serial Number	Engine Manufacturer	Engine Model
Hydraulic Excavator	Caterpillar	305E2CR	CAT0305ELH5M04174	Caterpillar	C2.4
Hydraulic Excavator	Caterpillar	305E2	CAT0305ECH5M04171	Caterpillar	C2.4
Hydraulic Excavator	Caterpillar	305E	CAT0305EJWDL01317	Mitsubishi	S4Q2-T
Hydraulic Excavator	Caterpillar	312E	CAT0312EEGAC01811	Caterpillar	C4.4
Crawler Excavator	Caterpillar	30700	CAT0307EAH1Y00396	Caterpillar	C2.4
Articulated Dumper	Caterpillar	730C2	2T400542	Caterpillar	C13
Articulated Dumper	Caterpillar	730C2	2T400543	Caterpillar	C13
Mini Excavator	JCB	16C-1-T3	JCB016C1TK2493208	Perkins	403D-07
Mini Excavator	JCB	16C-1-T3	JCB016C1EK2493285	Perkins	403D-07
Mini Excavator	JCB	16C-1-T3	JCB016C1JK2493259	Perkins	403D-07
Crawler Excavator	JCB	57C-1	JCB057C1JL1926919	Perkins	404D-22
Hydraulic Excavator	Komatsu	PC138US-11	KMTPC261VKUF51791	Komatsu	SAA4D95LE-7
Crawler Excavator	Kubota	KX060-5	KBCDZ37ELN3F10092	Kubota	V2607-CR-E5
Crawler Excavator	Sany	SY1353	SY013YCC20778	Isuzu	4JJ1X
Hydraulic Excavator	Sany	SY135C	SY013YCC20788	Isuzu	4JJ1X
Crawler Excavator	Sany	SY1353	SY013YCC20598	Isuzu	4JJ1X
Crawler Excavator	Sany	SY135C	SY013YCC16568	Isuzu	4JJ1X
Crawler Excavator	Sany	SY1353	SY013YCC16218	Isuzu	4JJ1X
Crawler Excavator	Sany	SY1353	SY013YCC16208	Isuzu	4JJ1X
Hydraulic Excavator	Sany	SY135C	SY013QCB91998	Isuzu	4JJ1X

The foregoing Consent Agreement and Final Order in the matter of Yoder & Frey Auctioneers LLC, Docket No. CAA-2026-8727 is Hereby Stipulated, Agreed, and Approved for Entry.

Respondent:


Signature


Date

Printed Name: *Michael Thurston*

Title: *SVP*

Address: *654 W. Southport Rd Kissimmee, FL 34746*

Federal Tax Identification Number: *99-0382188*

Complainant:

MEETU
KAUL

Digitally signed by
MEETU KAUL
Date: 2026.07.30
16:01:27 -04'00'

Meetu Kaul, Director (Acting)
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460-0001

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Consent Agreement* and *Final Order* in the matter of Yoder & Frey Auctioneers LLC, Docket No. CAA-2026-8727, were sent to the following persons on August 26, 2026, in the manner indicated:

By E-mail:

Bryan J. Yarnell, Shareholder
GrayRobinson, P.A.
E-mail: bryan.yarnell@gray-robinson.com

Carly Brody
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
E-mail: brody.carly@epa.gov

Tommie Madison
Clerk of the Board