

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA-10-2025-0107  
**This ESA is issued to:** Excavators R Us  
18323 Bothell Everett Hwy  
Bothell, Washington 98012

This Expedited Settlement Agreement (ESA) is being entered into by the U.S. Environmental Protection Agency Region 10 (EPA), by its duly delegated official, and by Excavators R Us (“Respondent”) pursuant to Section 205(c)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7524(c)(1), and 40 C.F.R. § 22.13(b).

**ALLEGED VIOLATIONS**

On or about April 14 and April 25, 2025 an authorized representative of U.S. Customs and Border Protection conducted inspections to gather information in order to determine Respondent’s compliance with Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. § 1068.101(a)(1) and (b)(5). Based on that information, EPA has determined that Respondent violated the CAA and aforementioned regulations as noted on the enclosed “Description of Violations and Vehicles/Equipment” (Attachment 1), which is hereby incorporated by reference.

**SETTLEMENT**

In consideration of the penalty assessment factors set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations described in Attachment 1 for the total penalty amount of **\$23,280**.

This settlement is subject to the following terms and conditions:


1. For purposes of this proceeding, Respondent waives any objections that it may have regarding jurisdiction; neither admits nor denies the specific factual allegations contained herein and in Attachment 1; consents to the assessment of the penalty as stated above; waives its rights to contest the allegations contained herein or in Attachment 1, to a hearing afforded by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any.
2. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has corrected the violations listed in Attachment 1.

3. This signed ESA must be sent electronically or by certified mail to:

Alexander Liebert  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101  
Liebert.Alexander@epa.gov

4. Respondent agrees to submit payment in full of the penalty within 30 days of the filing of a fully executed copy of this ESA with the Regional Hearing Clerk.
5. Payment instructions are included on the enclosed "Payment Instructions" (Attachment 2), which is hereby incorporated by reference.
6. Failure to pay the penalty when due may subject Respondent to a civil action pursuant to Section 205(c)(6) of the CAA, 42 U.S.C. § 7524(c)(6), to collect the penalty, including accrued interest, attorney's fees, collection costs, and nonpayment penalties.
7. Upon Respondent's submission of the signed original ESA, signature by EPA, filing with the Regional Hearing Clerk and timely payment of the penalty, EPA will take no further civil penalty action against Respondent for the alleged violations of the CAA referenced in Attachment 1.
8. Nothing in this ESA shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This ESA does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CAA and regulations promulgated or permits issued thereunder.
9. This ESA is binding on the parties signing below.
10. This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature:   
Name (print): Aaron Rael  
Title (print): Manager

Date: 12/10/25

FOR COMPLAINANT:

\_\_\_\_\_  
*For* EDWARD J. KOWALSKI, Director  
Enforcement and Compliance Assurance Division  
EPA Region 10

Date: \_\_\_\_\_

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

\_\_\_\_\_  
RICHARD MEDNICK

Regional Judicial Officer  
EPA Region 10

Date: \_\_\_\_\_

**ATTACHMENT 1**  
**Description of Violations and Vehicles/Equipment**

Table 1 - Inspection Information	
<b>Inspection Date(s):</b>	<b>Docket Number:</b>
April 14 and April 25, 2025	CAA-10-2025-0107
<b>Inspection Location Name:</b>	<b>Entry Number(s):</b>
Port of Tacoma	8DU-1813609 and 8DU-181625-9
<b>Address:</b>	<b>Date of Entry Detention by CBP:</b>
4179 70 <sup>th</sup> Ave East	April 13 and April 25, 2025
<b>City:</b>	<b>Inspector(s) Name(s):</b>
Fife	Emilio Maddaloni (U.S. CBP)
<b>State:</b>	<b>EPA Approving Official:</b>
WA	Edward J. Kowalski
<b>Zip Code:</b>	<b>EPA Enforcement Contact:</b>
98424	Alexander Liebert
<b>Importer Name (Respondent):</b>	
Excavators R Us	

Table 2 - Description of Violations and Vehicles/Equipment				
Excavators R Us ("Respondent") imported the engines described at the bottom of Table 2 (the "Subject Engines") on or about April 14 and April 25, 2025. Authorized federal inspectors examined the Subject Engines. EPA reviewed the information provided by the importer and information collected by CBP Officers indicating that the Vehicles Emission Control Labels applied to the engines were not legitimate labels applied by the engine manufacturer and that the engines were not certified. EPA has found no further evidence indicating the Subject Engines are exempt or otherwise excluded from coverage under Title II the Clean Air Act (CAA) and its implementing regulations. Accordingly, by importing the Subject Engines, Respondent has committed 9 violations of CAA Section 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. § 1068.101(a)(1) and (b)(5).				
Vehicle/Equipment Description	Observed Engine Manufacturer	Observed Model Year	Observed Engine Family	Quantity
Used Excavators	Caterpillar (April 13)	2021,2022 and 2023	False Labels	3
Used Excavators	Kubota (April 13)	2022	False Labels	3
Used Excavators	Kubota (April 24)	2019, 2021 and 2021	False Labels	3

**ATTACHMENT 2**  
**PAYMENT INSTRUCTIONS**

Respondent may pay the penalty by check (mail or overnight delivery), wire transfer, ACH, or online payment. Additional payment instructions are available at: <https://www.epa.gov/financial/makepayment>

Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If paid by check, the docket number of the ESA must be included on the check. (The docket number is located at the top of this ESA.)

Concurrently with payment, Respondent must send photocopies of the check, or proof of other payment method to the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
[R10\\_RHC@epa.gov](mailto:R10_RHC@epa.gov)

Alexander Liebert  
U.S. Environmental Protection Agency  
[Liebert.Alexander@epa.gov](mailto:Liebert.Alexander@epa.gov)

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Excavators R Us, Docket No.: CAA-10-2025-0107**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Alexander Liebert  
Clean Air Act Compliance Officer  
U.S. Environmental Protection Agency  
Region 10, Mail Stop 20-C16  
1200 6<sup>th</sup> Avenue, Suite 155  
Seattle, Washington 98101  
[Liebert.Alexander@Epa.gov](mailto:Liebert.Alexander@Epa.gov)

Mr. Aaron Zarling  
Governor  
Excavators R Us  
8731 Maltby Road, Suite 5  
Snohomish, Washington 98296-7926  
[aaron@excavatorsrus.com](mailto:aaron@excavatorsrus.com)

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Regional Hearing Clerk  
EPA Region 10