



## REGION 10

SEATTLE, WA 98101

### **CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Mr. Wesley Bates  
Registered Agent  
Excavators R Us  
18323 Bothell Everett Highway  
Bothell, Washington 98012

Re: Expedited Settlement Agreement for Clean Air Act Mobile Source Violations  
Docket No. CAA-10-2025-0107

Dear Mr. Bates:

The U.S. Environmental Protection Agency (EPA) has authority under Section 205 of the Clean Air Act (CAA), 42 U.S.C. § 7524, to pursue civil penalties for violations of Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d). Enclosed is an Expedited Settlement Agreement (ESA) that addresses violations by Excavators R Us located at 18323 Bothell Everett Highway, Bothell, Washington (herein "Excavators"), as documented in Enclosure 1 to the ESA (Description of Violations and Vehicles/Equipment). Based on available information, we have determined that an appropriate penalty to resolve these violations is \$23,280.

EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22.

You may resolve the cited violations by correcting the violations, signing and returning the ESA within 30 days of your receipt of this letter and paying the \$23,280 penalty as provided in the ESA. EPA, at its discretion, may grant one extension of up to an additional 60 days for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount which is significantly lower than the amount calculated under EPA's Clean Air Act Mobile Source Civil Penalty Policy – Vehicle and Engine Certification Requirements.

The ESA, when executed by both parties, signed by the Regional Judicial Officer and filed with the Regional Hearing Clerk, is binding on EPA and Excavators. Upon such filing, EPA will take no further action for civil penalties against Excavators for the violations cited in the ESA provided the penalty is timely paid. EPA will neither accept nor approve the ESA if returned more than 30 days after the date Excavators receives this letter, unless an extension has been granted by EPA. If Excavators does not return the signed ESA within 30 days of receipt or up to 90 days if an extension has been granted, this settlement offer will be automatically withdrawn, with no need of additional notice to you, without

prejudice to EPA's ability to file an enforcement action for the cited violations and seek penalties of up to \$59,114 per violation pursuant to Section 205 of the CAA 42 U.S.C. § 7524, and 40 C.F.R. § 19.4. If Excavators does not return the signed ESA within 30 days of receipt or up to 90 days if an extension has been granted, this settlement offer will be automatically withdrawn, with no need of additional notice to you, without prejudice to EPA's ability to file an enforcement action for the cited violations and seek penalties of up to \$59,114 per violation pursuant to Section 205 of the CAA.

Excavators is required in the ESA to certify under penalty of law that it has corrected the violations.

The **signed** ESA must be sent electronically or via certified mail to:

Alexander Liebert  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
[Liebert.Alexander@epa.gov](mailto:Liebert.Alexander@epa.gov)

After the Regional Judicial Officer signs the original ESA and it is filed with the Regional Hearing Clerk, EPA will send Excavators a file stamped copy. The penalty must be paid within 30 days after the ESA is filed with the Regional Hearing Clerk as further explained in the enclosed ESA and Payment Instructions.

By the terms of the ESA and upon filing of the ESA, Excavators waives its opportunity for a hearing pursuant to Section 205 of the CAA. Although terms of the ESA are non-negotiable, should Excavators have any other questions regarding this ESA process, please contact Alexander Liebert, at (206) 553-6265.

Sincerely,

Edward J. Kowalski  
Director  
Enforcement and Compliance Assurance Division

#### Enclosures

1. Expedited Settlement Agreement
2. Description of Violations and Vehicles/Equipment
3. Payment Instructions
4. U.S. EPA Small Business Resources Information Sheet