



MITSUBISHI ENGINE NORTH AMERICA, INC.

1250 GREENBRIAR DRIVE • SUITE E
ADDISON, ILLINOIS 60101-1098
TELEPHONE: (630) 268-0750

January 24, 2013



JAN 28 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

RE: MITSUBISHI ENGINE NORTH AMERICA, INC. – CAFO Subpart IIII 40 CFR § 60.4210(c).

Mitsubishi Engines North America, Inc. (MENA) is filing this letter of completion of the General Provisions final order in the proceeding to Assess a Civil Penalty Under Section 113(d) of the Clean Air Act, 42 U.S.C § 7413(d).

In compliance with subparagraph 39(a) of the above mentioned CAFO, please find the letter sent to the original equipment manufacturers (OEM) informing the OEM of the incorrect labels issued by MENA and the requirement of this ruling to provide supplemental labels that meet the labeling requirements of 40 CFR §60.4210. In order to meet this requirement MENA received the names and addresses of the OEM's Distributor/Direct Customers who purchased the engines. This letter is the "OEM LETTER" included in Appendix A. The list of these names and addresses are in the CAFO Customer list in Appendix C meeting the requirements of subparagraph 39(c).

Pursuant to subparagraph 39(b) MENA sent a letter requesting the placement of the supplemental label with a placement instruction sheet and the supplemental label. The "DISTRIBUTOR LETTER", "DIRECT CUSTOMER LETTER", "LABEL INSTRUCTION SHEET" AND "LABEL EXAMPLE" is included in Appendix B.

Mitsubishi Engine North America, Inc. therefore concludes completion of the General Provisions in the final rule of CAFO Subpart IIII 40 CFR § 60.4210(c). Please contact me at 630-268-0750 if you have any questions or concerns.

Sincerely,

Junji Imai
General Manager
Customer Support & Operations
Mitsubishi Engine North America, Inc.

APPENDIX A

- OEM LETTER


MITSUBISHI ENGINE NORTH AMERICA, INC.

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 ADDISON, ILLINOIS 60101-1098
 TELEPHONE: (630) 268-0750

June 18, 2012

Mitsubishi Engine North America, Inc. Letterhead

Dear Mr. Solymossy:

It has come to our attention that the labeling on certain engines sold by Mitsubishi Engine North America, Inc. (MENA) for model years 2007, 2008 and 2009 were incorrect if the engines were used for stationary applications. The compression ignition engines ("CIE") that are the subject of this request are:

| Engine code | Engine Family | | | |
|-----------------|---------------|--------------|--------------|--------------|
| | 2007 | 2008 | 2009 | 2010 |
| S6R- Y2PTAW-1 | 7MVXL24-5BBA | 8MVXL24-5BBA | 9MVXL24-5BBA | |
| S12A2- Y2PTAW-2 | 7MVXL33-9BBA | 8MVXL33-9BBA | 9MVXL33-9BBA | |
| S12H- Y2PTAW-1 | 7MVXL37.1BBA | 8MVXL37.1BBA | 9MVXL37.1BBA | AMVXL37.1BBA |
| S12R- Y2PTAW-1 | 7MVXL49.0BBA | 8MVXL49.0BBA | 9MVXL49.0BBA | AMVXL49.0BBA |
| S16R- Y2PTAW-1 | 7MVXL65.4BBA | 8MVXL65.4BBA | 9MVXL65.4BBA | AMVXL65.4BBA |
| S16R- Y2PTAW2-1 | 7MVXL65.4BBA | 8MVXL65.4BBA | 9MVXL65.4BBA | AMVXL65.4BBA |

As you know, stationary applications, as defined by the Environmental Protection Administration ("EPA"), include any CIE that is not mobile. See 40 C.F.R §60.4219. Generally, a stationary engine is one used in a fixed place for greater than one year.

While the above model engines completely qualify under the emission control laws of 40 Part 89, and therefore automatically qualify under the stationary engines emission requirements of 40 CFR. §60.4201, the EPA requires that the labels on such engines used in stationary applications contain the following language:

"THIS ENGINE CONFORMS TO 2009 CALIFORNIA AND U.S. EPA REGULATIONS LARGE NON-ROAD COMPRESSION – IGNITION ENGINES AND STATIONARY ENGINES."

MENA has voluntarily disclosed to the EPA that the above engines for Model Years 2007, 2008 and 2009 sold in the United States contained a Part 89 label for mobile engines, but should have also included the above language to the extent the engines would be used in stationary applications.

The EPA has directed MENA to notify all current owners of these engines that are used in stationary applications and ask the users to replace the engine labels with correct labels. To do this, we need from you the names and addresses of all customers that are using or likely to use

the above MENA engines for stationary applications. We have proposed as an alternative to the EPA asking our direct customers, such as you, to replace these labels whenever an engine is brought in for service or warranty work, and the EPA has not accepted this proposal.

Therefore, we request that you provide MENA with a listing of your customers that have purchased MENA's model year 2007 through 2009 engines that are likely to be using the subject engines in stationary applications so we can carry out the requirement being imposed upon us by the EPA. If this is not possible to do, please send us a letter confirming why.

We ask that you provide this information by June 15, 2012.

Thank you in advance for your co-operation.

Regards,

Marge Sutherland
Manager, Engine Sales Coordination Group

APPENDIX B

- DISTRIBUTOR LETTER
- DIRECT CUSTOMER LETTER
- LABEL INSTRUCTIONS
- LABEL EXAMPLE



MITSUBISHI ENGINE NORTH AMERICA, INC.

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ADDISON, ILLINOIS 60101-1098
TELEPHONE: (630) 268-0750

January 22, 2013

Kohler Power Systems
Attn: Dennis Christiansen
N7650 CTH LS
Kohler, WI 53044

Dear Mr. Christianson:

Our records indicate that Kohler purchased Mitsubishi engines from 2007 to 2010. These engines were delivered with labels stating Non-road use. The labels needed to also include wording for stationary engine use as required by 40 C.F.R. § 60.4210(c). In an agreement with EPA to resolve this issue, Mitsubishi Engines North America, Inc. (MENA) has included the replacement labels for the engines in your possession. Please include adding these labels at your next service interval for the customer or forward the label to your customer for replacement. The attached page indicates the serial numbers and engine models. Also attached is the original letter describing the purpose for replacing these labels.

In keeping with the Clean Air Act and EPA requirements, MENA has included instructions check sheets for the proper placement of this label on your customer's engine. Please return the check sheets with the small numbered label in place to Mitsubishi Engines North America, Inc., 1250 Greenbriar Dr. Ste E., Addison, IL 60101-1098.

If the engine was exported outside of United States, please report to MENA the country of direct use. Replacement of the label is not required.

Your assistance in this matter is deeply appreciated. If you have any questions please do not hesitate to call at 630-268-0750 ext. 711, or email at jwinter@mitsubishi-engines.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Winter".

Julia Winter

Compliance Specialist
Mitsubishi Engines North America, Inc.

MENA requests the enclosed label replacements on the Mitsubishi engines shown in the table below:

| Engine Model | Engine Serial Number | Engine Model | Engine Serial Number |
|---------------------|-----------------------------|---------------------|-----------------------------|
| S12H-Y2PTAW-1 | 31920 | S12H-Y2PTAW-1 | 32013 |
| S12H-Y2PTAW-1 | 31921 | S12H-Y2PTAW-1 | 32019 |
| S12H-Y2PTAW-1 | 31942 | S12H-Y2PTAW-1 | 32041 |
| S12H-Y2PTAW-1 | 31943 | S12H-Y2PTAW-1 | 32334 |
| S12H-Y2PTAW-1 | 32338 | | |

January 18, 2013

XL Insurance
Attn: Asset Manager
505 Eagleview
Exton PA 19341

Dear Asset Manager:

Our records indicate that XL Insurance purchased equipment containing a Mitsubishi engine. This engine was delivered with a label stating Non-road use. The label needed to also include wording for stationary engine use as required by 40 C.F.R. § 60.4210(c). In an agreement with EPA to resolve this issue, Mitsubishi Engines North America, Inc. (MENA) has included a replacement label for the engine in your possession.

MENA requests the placement of the enclosed label on the Mitsubishi engines S16R-Y2PTAW2-1 with serial number 13656. In keeping with the Clean Air Act and EPA requirements, instruction check sheet to the proper placement of the label on your engine is included. MENA kindly requests the return of the check sheet with the small numbered label to Mitsubishi Engines North America, Inc., 1250 Greenbriar Dr. Ste E., Addison, IL 60101-1098.

If the XL Insurance provides service and maintenance to the engine listed above, please include the label replacement at the next service visit. If this engine is used in as part of a mobile unit, designate on the check sheet and return at the above address.

Your assistance in this matter is deeply appreciated. If you have any questions please do not hesitate to call me at 630-268-0750 ext. 711, or email me at jwinter@mitsubishi-engines.com.

Sincerely,

Julia Winter
Compliance Specialist
Mitsubishi Engines North America, Inc.

The Supplemental EPA Labeling Check Sheet

LABEL INSTRUCTIONS

1. Engine Specification

Customer name : KOHLER COMP, ...

Engine Model : S16R-Y2PTAW2-1

Serial number : 16235

Engine location : _____

2. Labeling procedure

(1) Clean the surface of rocker cover to affix the label.
(refer to fig.1, 2)

OK NG

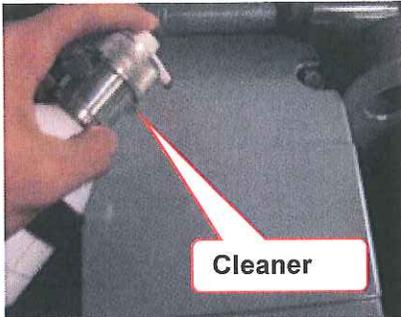


fig.1



fig.2 Wipe the

(2) Affix the EPA label (Only main label) on NO.3 rocker cover see fig.3
*CAUTION : Handle label with care to prevent tearing and incorrect attachment.

OK NG

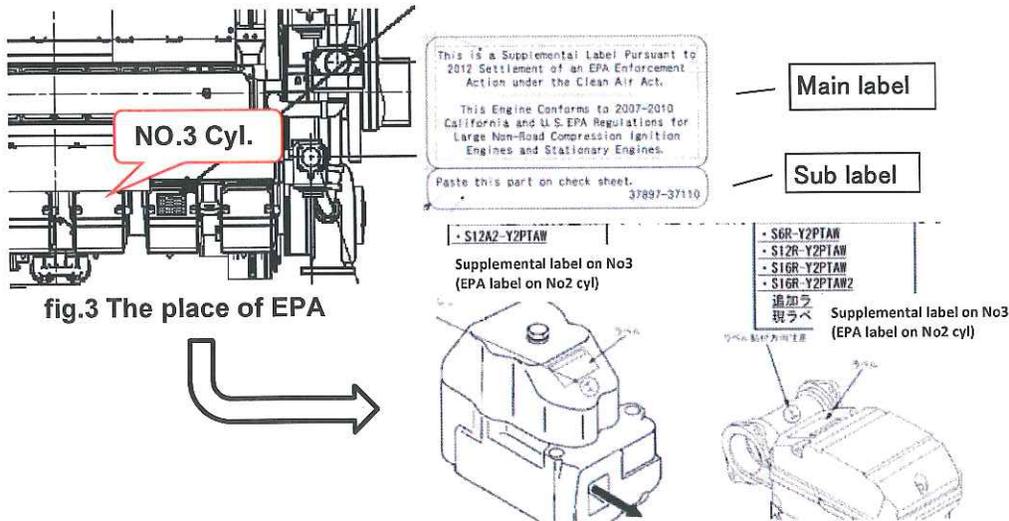


fig.3 The place of EPA

Place the sub label below:

(3) Affix the Sub label on the right side of this sheet.

3. Remark

When complete, please sign and date form.
Return sheet to MENA 1250 Greenbriar Dr. Ste. E, Addison, IL 60101

Signature: _____ Date : _____

LABEL EXAMPLE

This is a Supplemental Label Pursuant to
2012 Settlement of an EPA Enforcement
Action under the Clean Air Act.

This Engine Conforms to 2007-2010
California and U.S.EPA Regulations for
Large Non-Road Compression Ignition
Engines and Stationary Engines.

Paste this part on check sheet. 37897-37110

This is a Supplemental Label Pursuant to
2012 Settlement of an EPA Enforcement
Action under the Clean Air Act.

This Engine Conforms to 2007-2010
California and U.S.EPA Regulations for
Large Non-Road Compression Ignition
Engines and Stationary Engines.

Paste this part on check sheet. 37897-37110

APPENDIX C

- **MITSUBISHI ENGINE NORTH AMERICA CAFO CUSTOMER LIST
2007-2010**