



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 15 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Tom Pugh, Government Relations
Yamaha Motor Corporation, U.S.A.
6555 Katella Avenue
Cypress, California 90630-5101

RE: No Action Assurance for Import of Yamaha Generators for Hurricane Recovery Efforts in Texas and Florida

Dear Mr. Pugh:

This letter is in response to the need for a No Action Assurance (NAA) for the import of 255 power generators by the Yamaha Motor Corporation, U.S.A. (Yamaha), to be donated for use in communities impacted by Hurricanes Harvey and Irma in Texas and Florida, to assist in recovery efforts.

These power generation units, while covered by an EPA-issued Certificate of Conformity as required by the Clean Air Act for sale in the United States, do not bear the emission control information labels required by 40 C.F.R. § 1054.235. Instead, they bear emissions labels as required for sale in Canada. The Clean Air Act prohibits importing and introducing into commerce such generators where they lack the requisite labels. 40 C.F.R. § 1068.101(a). Because these generators do not bear EPA-required emission control labels, their import into the United States would be a violation of EPA regulatory requirements.

However, in light of the existing emergency in the States of Texas and Florida, and the fact that these units will not emit air pollution above EPA standards, the EPA will exercise its discretion not to pursue enforcement for violations of 40 C.F.R. § 1068.101(a)(1) for the 255 generators at issue. The generators covered by this No Action Assurance (NAA) are identified by model year and serial number in the attachment, subject to the following conditions:

1. The power generation units will be donated to community groups or other organizations providing hurricane relief services in impacted Texas and Florida communities.
2. Once all 255 power generation units are donated, Yamaha will report to EPA the names and locations of the organizations to which the units were provided, and the number of units provided to each. This report should be sent to the EPA via email to Evan Belser, at belser.evan@epa.gov.

The issuance of this NAA is in the public interest. Because these engines are covered by an EPA-issued Certificate of Conformity, this NAA does not expire. Nothing in this NAA is intended to override state or local authorities. Through today's NAA, the EPA is continuing its commitment to address the very difficult circumstances caused by Hurricanes Harvey Irma.

The EPA reserves the right to extend, revoke or modify the NAA if the EPA believes that such action is necessary to protect public health and the environment. This NAA does not apply to any other federal requirements that may apply to the covered units other than the prohibition on importing and introducing the generators in to commerce without the requisite label at 40 C.F.R. § 1068.101(a)(1). Nothing in this exercise of enforcement discretion relieves any person from other obligations under law, if any, concerning these generators.

Please contact Phillip A. Brooks, Director, Air Enforcement Division, with questions. Mr. Brooks can be reached at (202) 564-0652 or brooks.phillip@epa.gov.

Finally, I want to thank Yamaha for its efforts to assist in the relief and recovery efforts in those communities that were so badly impacted by the hurricanes.

Sincerely,



Lawrence Starfield
Acting Assistant Administrator

Enclosure

Material	Serial Number	Model Year	Engine Family	
PRO2.0ISY	7PB-2160217	2015	FYMXS.0805EH	
PRO2.0ISY	7PB-2160220	2015		
PRO2.0ISY	7PB-2160224	2015		
PRO2.0ISY	7PB-2160223	2015		
PRO2.0ISY	7PB-2160215	2015		
PRO2.0ISY	7PB-2160226	2015		
PRO2.0ISY	7PB-2160118	2015		
PRO2.0ISY	7PB-2160120	2015		
PRO2.0ISY	7PB-2160116	2015		
PRO2.0ISY	7PB-2160113	2015		
PRO2.0ISY	7PB-2160112	2015		
PRO2.0ISY	7PB-2160109	2015		
PRO2.0ISY	7PB-2160133	2015		
PRO2.0ISY	7PB-2160134	2015		
PRO2.0ISY	7PB-2160135	2015		
PRO2.0ISY	7PB-2160129	2015		
PRO2.0ISY	7PB-2160128	2015		
PRO2.0ISY	7PB-2160123	2015		
PRO2.0ISY	7PB-2160284	2015		
PRO2.0ISY	7PB-2160280	2015		
PRO2.0ISY	7PB-2160273	2015		
PRO2.0ISY	7PB-2160244	2015		
PRO2.0ISY	7PB-2160270	2015		
PRO2.0ISY	7PB-2160276	2015		
PRO2.0ISY	7PB-2160282	2015		
PRO2.0ISY	7PB-2160289	2015		
PRO2.0ISY	7PB-2160286	2015		
PRO2.0ISY	7PB-2160283	2015		
PRO2.0ISY	7PB-2160275	2015		
PRO2.0ISY	7PB-2160272	2015		
PRO2.0ISY	7PB-2160327	2015		
PRO2.0ISY	7PB-2160335	2015		
PRO2.0ISY	7PB-2160332	2015		
PRO2.0ISY	7PB-2160333	2015		
PRO2.0ISY	7PB-2160324	2015		
PRO2.0ISY	7PB-2160338	2015		
PRO2.0ISY	7PB-2160264	2015		
PRO2.0ISY	7PB-2160255	2015		
PRO2.0ISY	7PB-2160251	2015		
PRO2.0ISY	7PB-2160242	2015		
PRO2.0ISY	7PB-2160238	2015		
PRO2.0ISY	7PB-2160253	2015		
PRO2.0ISY	7PB-2160258	2015		
PRO2.0ISY	7PB-2160267	2015		
PRO2.0ISY	7PB-2160263	2015		
PRO2.0ISY	7PB-2160261	2015		
PRO2.0ISY	7PB-2160252	2015		
PRO2.0ISY	7PB-2160248	2015		
PRO2.0ISY	7PB-2160171	2015		
PRO2.0ISY	7PB-2160176	2015		
PRO2.0ISY	7PB-2160174	2015		

PRO2.0ISY	7PB-2160173	2015
PRO2.0ISY	7PB-2160168	2015
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PRO2.0ISY	7PB-2160299	2015
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PRO2.0ISY	7PB-2160292	2015
PRO2.0ISY	7PB-2160298	2015
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