

EPA OECA Air Enforcement Division INSPECTION REPORT

Inspection Date(s):	03 /09/2023		
Media:	Air		
Regulatory Program(s)	Title II Mobile Sources		
Company Name:	Port of Houston		
Facility Name:	Port of Houston Warehouse – World Trade Distribution Container Freight Station		
Facility Physical Location:	2222 N Wayside Dr		
(city, state, zip code)	Houston, TX 77020		
Mailing address:	7141 Office City Drive		
(city, state, zip code)	Houston, TX 77087		
County/Parish:	Harris County		
Facility Contact:	Maria Scott	Supervisory CBP Officer	
	SCOTT, MARCIA <MARCIA.SCOTT@cbp.dhs.gov>		
FRS Number:	N/A		
Identification/Permit Number:			
Media Number:	N/A		
NAICS:	N/A		
SIC:	N/A		
Facility Representatives:	Maria Scott	Supervisory CBP Officer	713-705-8981
	Deanna Kelsey-Diaz	CBP Officer – Trade Enforcement Team	713-672-6866
	Omar Marquez	CBP Officer – Trade Enforcement Team	713-672-6866
	Arturo Gonzalez	CBP Officer – Trade Enforcement Team	713-672-6866
EPA Inspectors:	Mario Jorquera	OECA/OCE/AED/VEEB	202-564-1079
	Victor Aguilar	OECA/OCE/AED/VEEB	202-564-9679
	{name}	{affiliation/mailcode}	{phone no.}
State Inspector(s):	{name}	{affiliation/mailcode}	{phone no.}
	{name}	{affiliation/mailcode}	{phone no.}
Other Inspector(s):	{name}	{affiliation/mailcode}	{phone no.}
	{name}	{affiliation/mailcode}	{phone no.}
Metadata	Title:	Houston Port Inspection; Houston, TX	
	Author:	Victor Aguilar	
	Subject:	Inspection of Imported Vehicles and Engines at CBP Port	
	Keywords:	Inspection Report of Vehicle and Engine Goods Imported at CBP Port	
EPA Lead Inspector Signature/Date	VICTOR AGUILAR	Digitally signed by VICTOR AGUILAR Date: 2023.06.12 09:32:40 -04'00'	
	{Inspector name}		Date
Supervisor Signature/Date	MARK PALERMO	Digitally signed by MARK PALERMO Date: 2023.07.03 08:42:19 -04'00'	
	{Supervisor name}		Date

Section I - INTRODUCTION

PURPOSE OF THE INSPECTION

EPA HQ Air Enforcement Division, Vehicle and Engine Branch inspectors Mario Jorquera and Victor Aguilar arrived at the World Trade Distribution Container Freight Station (where shipped goods are unloaded at the Port of Houston) at 9:00 am on March 9, 2023, for an announced inspection. We met with Supervising Officer Maria Scott and Officer Kelsey-Diaz and presented our credentials to them. We informed Supervising Officer Maria Scott and her team that this was an EPA inspection to review whether of some of the vehicle and engine shipments being imported through the Port of Houston, were being imported under US EPA laws and regulations. The scope of the inspection was an evaluation of the compliance status under Title II of the Clean Air Act of several pieces of equipment and engines that were being imported into the Port of Houston.

FACILITY DESCRIPTION

The facility where we met CBP Officer Scott and Officer Kelsey-Diaz was the Container Freight Station at the Port of Houston, located in an office building adjacent to a CBP examination site. From there, CBP Officers drove EPA inspectors Mario Jorquera and Victor Aguilar to the CPB unloading yard which is the designated site for temporary storage of non-containerized imported equipment/products.

The facility had many CBP employees, but we primarily interacted with 4 employees: Mario Scott (Supervisory Officer), Deanna Kelsey-Diaz, Arturo Gonzalez, and Omar Marquez.

The facility operates 5 days a week from 8:00 am to 4:30 pm.

Section II - OBSERVATIONS

EPA inspectors pre-selected several shipments containing large pieces equipment for EPA inspection and communicated these targets to CBP via email. CBP was unable to determine the exact location of these shipments but drove EPA inspectors to the unloading yard for the Port of Houston, where most shipments that are too big to fit in a shipping container are placed, after being unloaded from the ship. Once CBP and EPA arrived at the unloading yard, EPA inspectors identified several tractors that appeared to be newer pieces of equipment and decided to conduct an inspection on each of them. Afterwards, we continued to walk through the yard and identified several additional pieces of equipment for EPA inspection.

Inspection #	1
Date	3/9/23
Inspection Photos	372-391 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	413-92675687/ 17455955607 / VWTGEB4921313108
Type of equipment	Bell Shovel Loader
Brand	John Deere
Equipment Manufacturer	John Deere/Bell Equipment
Model	L1806E (Equipment)/ 6068H (Engine)
VIN	1DW1806EKDD653708 (Equipment)/ PE6068L237125 (Engine)
Equipment Build Date	-
ECI Label	Not Found
Company on ECI	-
EFN	-
Emission Controls listed	-
Engine Build Date	-
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	Unable to confirm ATS system in exhaust because it was covered my a mesh
Used or New?	Used

Inspection #	2
Date	3/9/23
Inspection Photos	392-398 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	VWTGEB4921313208
Type of equipment	Tractor
Brand	CNH America CASE III Agriculture

Equipment Manufacturer	CNH America CASE III Agriculture
Model	535 HD
VIN	ZAF122766
Equipment Build Date	2010
ECI Label	Not found (unable to open engine compartment)
Company on ECI	-
EFN	-
Emission Controls listed	-
Engine Build Date	-
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	-
Used or New?	Used

Inspection #	3
Date	3/9/23
Inspection Photos	399-409 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	NA (Import for Export)
Type of equipment	Truck
Brand	Siloking
Equipment Manufacturer	Siloking
Model	Selfline System 500+
VIN	817216
Equipment Build Date	2022
ECI Label	Not Found (unable to open engine compartment)
Company on ECI	-
EFN	-
Emission Controls listed	-
Engine Build Date	-
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	-
Used or New?	New (being exported to Canada)

Inspection #	4
Date	3/9/23
Inspection Photos	410-432 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	231-87268889/ 17455955632 / VWTGEB4921313109

Type of equipment	Forage Harvester
Brand	Krone
Equipment Manufacturer	Krone/ Liebherr (Engine Manufacturer)
Model	Big X 780/ BX404-20/ D9508 (Engine)
VIN	WMKBX404001118181/10145812 2022140380 05092022
Equipment Build Date	-
ECI Label	Not Found (unable to open engine compartment)
Company on ECI	-
EFN	-
Emission Controls listed	-
Engine Build Date	-
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	After-treatment system (DOC, DPF, SCR?)
Used or New?	New

Inspection #	5
Date	3/9/23
Inspection Photos	433- 447 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	413-92675687/17455955607/VWTGEB4921313108
Type of equipment	Tractor
Brand	John Deere
Equipment Manufacturer	John Deere
Model	7730/ 6068HRW64A.B (Engine)
VIN	1RW7730AABA036882
Equipment Build Date	-
ECI Label	Found
Company on ECI	Deere & Company
EFN	AJDXL06.8115
Emission Controls listed	-
Engine Build Date	10/2010
Fuel	Diesel
EPA Regs Certified to	Stationary Diesel
Emission Controls Observed	-
Used or New?	Used

Inspection #	6
Date	3/9/23
Inspection Photos	462-484 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	JZ026SGH0033
Type of equipment	Roller
Brand	Caterpillar
Equipment Manufacturer	Caterpillar
Model	CS11 GC
VIN	CAT0CS11VRFL00484
Equipment Build Date	-
ECI Label	Found (using App)
Company on ECI	Caterpillar
EFN	NPKXL03.6FX1
Emission Controls listed	PTOX/DPF, SCR,
Engine Build Date	08/16/2022
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	DEF tank, SCR, DOC, DPF, EGR
Used or New?	New

Inspection #	7
Date	3/9/23
Inspection Photos	503-523 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	NA (for export)
Type of equipment	Cable Laying Machine
Brand	Caterpillar
Equipment Manufacturer	Finnig/ NOV Hydra Rig/ EMI
Model	CA025565/ HR3017 Reel Assembly/ 3406C (Engine)
VIN	1A9LX6542LA245229/ 5H900480 (Engine)
Equipment Build Date	10/2019
ECI Label	None
Company on ECI	NA
EFN	NA
Emission Controls listed	NA
Engine Build Date	02/13/2019
Fuel	Diesel
EPA Regs Certified to	Non-certified
Emission Controls	None

Observed	
Used or New?	Used (Being exported outside USA)

Inspection #	8
Date	3/9/23
Inspection Photos	524-543 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	NA (for export)
Type of equipment	Fracking Machine
Brand	Dragon
Equipment Manufacturer	Dragon
Model	860-4483-1/ 3512c (Engine)
VIN	DP25QVS4.50-1166
Equipment Build Date	10/11/2022
ECI Label	Found
Company on ECI	Caterpillar
EFN	Replacement Engine, no EFN, Tier 2
Emission Controls listed	None
Engine Build Date	03/2019
Fuel	Diesel
EPA Regs Certified to	-
Emission Controls Observed	None
Used or New?	Equipment (new), Engine (used)

Inspection #	9
Date	3/9/23
Inspection Photos	544-559 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	NA (for export)
Type of equipment	Fracking Machine
Brand	Dragon
Equipment Manufacturer	Dragon
Model	860-4483-1
VIN	DP25QVS4.50-1124
Equipment Build Date	9/12/22
ECI Label	Found
Company on ECI	Caterpillar
EFN	Not Legible
Emission Controls listed	-
Engine Build Date	-

Fuel	Diesel
EPA Regs Certified to	-
Emission Controls Observed	None
Used or New?	Equipment (new), Engine (used)

Inspection #	10
Date	3/9/23
Inspection Photos	560-574 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	8MH-00394151/ 17255866912/ NSAU-JZ026ENHO023
Type of equipment	Excavator
Brand	Caterpillar
Equipment Manufacturer	Caterpillar
Model	320D3/ H-Series (Engine)
VIN	CAT0320DVFKC00533/ NLHM103642 (Engine)
Equipment Build Date	2022
ECI Label	Not found
Company on ECI	Caterpillar
EFN	None Found (CAT App couldn't locate info)
Emission Controls listed	None Found (CAT App couldn't locate info)
Engine Build Date	None Found (CAT App couldn't locate info)
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	None (CAT App couldn't locate info)
Used or New?	Equipment (New), Engine (used)

Inspection #	11
Date	3/9/23
Inspection Photos	575-586 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	8MH-00394151/ 17255866912/ NSAU-JZ026ENHO023
Type of equipment	Excavator
Brand	Caterpillar
Equipment Manufacturer	Caterpillar
Model	320D3/ H-Series (Engine)
VIN	CAT0320DPFRC00526/ LHM103658 (Engine)
Equipment Build Date	2022
ECI Label	Not found
Company on ECI	Caterpillar
EFN	None Found (CAT App couldn't locate info)

Emission Controls listed	None Found (CAT App couldn't locate info)
Engine Build Date	None Found (CAT App couldn't locate info)
Fuel	Diesel
EPA Regs Certified to	1039.625
Emission Controls Observed	None (CAT App couldn't locate info)
Used or New?	Equipment (New), Engine (used)

Inspection #	12
Date	3/9/23
Inspection Photos	448-461 (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	-
Type of equipment	Tractor
Brand	New Holland
Equipment Manufacturer	New Holland
Model	T8 410
VIN	CNHBE04115 (Equipment)/ 16H00130006 (Engine)
Equipment Build Date	-
ECI Label	Not found
Company on ECI	FPT Industrial S.p.A.
EFN	GFPXL08.7T4V
Emission Controls listed	DOC, SCR, TC, CAC, DDI
Engine Build Date	04/2016
Fuel	Diesel
EPA Regs Certified to	1039.625 / 2016
Emission Controls Observed	ATS System
Used or New?	Used

Inspection #	13
Date	3/9/23
Inspection Photos	489- (Cannon)
Inspectors	Mario Jorquera and Victor Aguilar
Entry Number/SID/BOL	-
Type of equipment	Roller
Brand	Dynapac Fayat Group
Equipment Manufacturer	Dynapac Compaction Equipment AB
Model	CA20D (Equipment)/ F3.8 (Engine)
VIN	77270668 (Engine)
Equipment Build Date	-
ECI Label	Found

Company on ECI	Cummins Inc.
EFN	NCEXL03.8AAF
Emission Controls listed	TC, CAC, ECM, DDI
Engine Build Date	10/2022
Fuel	Diesel
EPA Regs Certified to	1039.625 /2022
Emission Controls Observed	ATS System
Used or New?	New

Section III – AREAS OF CONCERN

EPA inspectors found areas of concern with the two Caterpillar excavators that were a part of entry 8MH-00394151 (Inspection #10 & #11). The primary concern was that inspectors were unable to locate an Emission Control Information label anywhere on the engine. Sometimes engine labels can be difficult to locate on larger pieces of equipment, so inspector Victor Aguilar attempted to determine the compliance status of the piece of equipment by inserting the equipment's VIN into Caterpillar's app "Emissions", which can provide the emission compliance information of the engine that was installed in the excavator. The app was unable to locate any emission compliance information on the piece of equipment or the engine that was originally installed in it. EPA inspectors also noticed that the engine did not appear to have an aftertreatment system installed, even though the equipment was manufactured in 2022 and is still new – meaning the engine would have needed to be a Tier 4 Final engine, with stricter emission performance requirements. After the inspection, EPA inspector Victor Aguilar sent the VINs of the two CAT excavators to the Caterpillar manufacturer, who confirmed that the engine and equipment were not manufactured for the US market.

Section IV – FOLLOW UP

EPA Inspectors issued a Letter of Recommendation to CBP for the Denial of Entry of the two Caterpillar Excavators in Entry 8MH-00394151 (Inspection #10 & #11). CBP agreed with the recommendation and denied entry to the shipment but allowed the excavators to be exported to Mexico (with concurrence from EPA). Subsequently, EPA has also issued an ESA to the importer for importing two uncertified pieces of equipment.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 216 photos taken 3/09/23 (IMG_1109.JPG – IMG_1324.JPG)

Appendix 2 – Inspection Worksheets – 11 worksheets filled out on 3/09/23