


Enclosure  
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R9-CAA-18-1010

Respondent: Benjamin Yu  
Boom International Holdings USA Inc.  
1111 E Citrus Street, Unit 9,  
Riverside, California 92507

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspections specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent's conduct described in Table 2. Respondent does not contest the findings detailed therein, and waives any objections Respondent may have to EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$22,000 further described in Table 3, attached, incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, EPA approves the findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Region 9 Assistant Director's ratifying signature.

APPROVED BY EPA:


  
Joel Jones, Assistant Director, Enforcement Division, EPA Region 9

Date: 3-8-18

APPROVED BY RESPONDENT:


Name (print): Jie Yue

Title (print): Secretary

Signature: 

Date: 6/20/2018

RATIFIED BY EPA:

  
Joel Jones, Assistant Director, Enforcement Division, EPA Region 9

Date: 6-28-18





<b>City:</b> Long Beach		<b>Inspector(s) Name(s):</b> Andrew Zellinger, Janice Chan	
<b>State:</b> CA	<b>Zip Code:</b> 90810	<b>EPA Approving Official:</b> Joel Jones	
<b>Respondent:</b> Boom International Holdings USA Inc..		<b>EPA Enforcement Contact:</b> Andrew Zellinger (R9), 415-972-3093	

**Table 1D - Inspection Information**

<b>Entry/Inspection Date(s):</b> February 17, 2017/March 14, 2017		<b>Docket Number:</b> R 9 - C A A - 1 8 - 1 0 1 0	
<b>Inspection Location:</b> Price Transfer		<b>Entry/Inspection Number(s)</b> 9 A R - 0 2 7 1 5 8 3 - 7	
<b>Address:</b> 2711 E. Dominguez St.			
<b>City:</b> Long Beach		<b>Inspector(s) Name(s):</b> Andrew Zellinger, Janice Chan, Rose Galer	
<b>State:</b> CA	<b>Zip Code:</b> 90810	<b>EPA Approving Official:</b> Joel Jones	
<b>Respondent:</b> Boom International Holdings USA Inc..		<b>EPA Enforcement Contact:</b> Andrew Zellinger (R9), 415-972-3093	

**Table 2 - Description of Violations and Vehicles/Engines**

The 299 Motorcycles described below (Motorcycles) were found to be imported by Boom International Holdings USA Inc. (Boom) in violation of Section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(1). The 209 motorcycles with a displacement of 49 cc, identified below as allegedly certified under engine family GBMHC.049JLE, were imported in violation of 40 C.F.R. § 1068.101(a)(1) and (b)(5). The 90 motorcycles with a displacement of 127 cc, identified below as allegedly certified under engine family GBMHC.127BDA, were imported in violation of 40 C.F.R. § 86.407-78. Section 203(a)(1) of the CAA and the regulations cited above collectively prohibit the importation of engines or equipment containing these engines, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. During the inspections outlined above, the EPA inspectors took a sample muffler/exhaust assemblies from each of the entries (two samples from entry 9AR-0271583-7: one representing engine family GBMHC.127BDA and one representing family GBMHC.O49JLE) and sent them to an EPA laboratory for analysis. Physical and chemical examination of the muffler assembly of the sampled exhaust systems revealed that the design of the catalysts contained therein are materially different from the catalyst designs specified in the respective COC applications for engine families GBMHC.049JLE and GBMHC.127BDA. Hence, the 299 Motorcycles are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Entry Number	Engine Family	Manufacturer	Model Year	Quantity
Motorcycles	BZX-0055405-7	GBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	87
Motorcycles	BZX-0055406-5	GBMHC.127BDA	Jiangsu Baodiao Locomotive Co. Ltd.	2016	80
Motorcycles	BZX-0055481-8	GBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	105
Motorcycles	9AR-0271583-7	GBMHC.O49JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	17
Motorcycles	9AR-0271583-7	GBMHC.127BDA	Jiangsu Baodiao Locomotive Co. Ltd.	2016	10

**Table 3 - Penalty and Required Remediation**

Penalty	\$22,000
Required Remediation	Boom International Holdings USA Inc., must provide the EPA with a report and documentation showing that the Subject Engines have been exported to countries other than Canada and Mexico.