

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. MSEB 2016-8270

Respondent: Scooter Importer LLC
1825 Park Street
Alameda, CA 94501-5028

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 inspection 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 State 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 \$2,700 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 Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:

[Redacted Signature]

Date: Feb. 19, 2016

for Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print): Mohammad Osmanij

Title (print): D.W.M. -

Signature: [Redacted Signature]

Date: 3-4-16

RATIFIED BY EPA:

[Redacted Signature]

Date: April 21, 2016

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
November 18, 2015		M S E B - 8 2 7 0	
Inspection Location:		Entry/Inspection Number(s)	
FCL Logistics		0 6 5 - 3 8 6 0 6 4 0 - 8	
Address:			
23011 Wilmington Ave.			
City:		Inspector(s) Name(s):	
Carson		Chan, Dancher, & Zellinger	
State:	Zip Code:	EPA Approving Official:	
CA	90745	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Scooter Importer LLC		Elfego Felix, 415-947-4141	

Table 2 - Description of Violations and Vehicles/Engines

The 48 scooters (Subject Vehicles) described below and imported by Scooter Importer LLC were found to be in violation of Section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(1), and the regulations codified at 40 C.F.R. §§ 1068.101(a)(1), and 1068.101(b)(5), which collectively prohibit the importation of spark-ignition 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 inspection outlined above, the EPA inspectors took a sample muffler/exhaust assembly from a model R-X 150 scooter, and sent it to an EPA laboratory for analysis. EPA considers this model to be representative of all models in engine family FAMSC0.15MC1. Physical and chemical examination of the muffler assembly of the sampled exhaust system revealed that the design of the catalyst contained therein is materially different from the catalyst design specified in the COC application for engine family FAMSC0.15MC1. Specifically, the ratio of precious metals in the tested sample differed significantly from the certified design. Since the Subject Vehicles are subject to the prohibitions of § 1068.101, but are not covered by a valid COC or exemption, Scooter Importer LLC committed 48 violations of the CAA and corresponding regulations cited above.

Subject Vehicles	Models	Manufacturer	Engine Family	Model Year	Quantity
Scooters	ZN150T-E5, ZN150T-30A, ZN150T-G, R-X 150	Taizhou Zhongneng Motorcycle Co., Ltd.	FAMSC0.15MC1	2015	48

Table 3 - Penalty and Required Remediation

Penalty	\$2,700
Required Remediation	Scooter Importer LLC must provide the EPA with a report and documentation showing that the Subject Vehicles have been destroyed or exported to countries other than Canada and Mexico.