


Enclosure  
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. AED/MSEB 8261

Respondent: Teng Chang Inc.  
1326 W. 9<sup>th</sup> Street  
Upland, CA 91786

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 \$1,600 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:

  
for Phillip A. Brooks, Director, Air Enforcement Division

Date: Jan. 11, 2016

APPROVED BY RESPONDENT:


Name (print): Xianfu Chen

Title (print): tengchang inc

Signature: 

Date: Jan. 29, 2016

RATIFIED BY EPA:

  
for Phillip A. Brooks, Director, Air Enforcement Division

Date: Feb. 5, 2016

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
September 23, 2015		M S E B - 8 2 6 1	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
FCL Logistics		H K 1 - 0 2 2 1 6 1 3 - 0	
<b>Address:</b>			
23011 Wilmington Ave.			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Carson		Kingsley Adeduro, Elfego Felix	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
CA	90745	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Teng Chang Inc.		Kingsley Adeduro (R9), 415-947-4182	

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

The 20 Outboard Engines (the Subject Engines) described below and imported by Teng Chang Inc. (Teng Chang) are spark-ignition propulsion marine engines which are regulated under 40 C.F.R. Parts 1045 and 1068. Title II of the Clean Air Act (CAA) and 40 C.F.R. §§ 1045.1(a)(1), 1045.15(c), 1068.101(a)(1), and 1068.101(b)(5) collectively prohibit the importation of spark-ignition propulsion marine engines unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. 40 C.F.R. §1045.135(b) requires a permanent Emission Control Information (ECI) label to be installed at the time of manufacture of a spark-ignition propulsion marine engine. The Subject Engines did not bear ECI labels. Teng Chang failed to provide a COC or declare the certification status of the Subject Engines in its entry documentation, and failed to submit any documentation that the Subject Engines are eligible for any exemptions or exclusions. EPA's check of its databases revealed no COCs have been issued to Teng Chang or the manufacturer named in the manual accompanying the Subject Engines. Since the Subject Engines are subject to the prohibitions of § 1068.101, but are not covered by a valid COC or exemption, the Subject Engines were imported in violation of 40 C.F.R. § 1068.101(a)(1). Thus, Teng Chang committed 20 violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547, and the corresponding regulations codified at 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Subject	Description on Box	Manufacturer	Engine Family	Model Year	Quantity
Spark-Ignition Outboard Engines	T5BMS/T6BMS Outboard Motor	Unknown	None	Unknown	20

**Table 3 - Penalty and Required Remediation**

Penalty	\$1,600
Required Remediation	Teng Chang must provide the EPA with a report and documentation showing that the Subject Engines have been exported to a country other than Canada and Mexico.