

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b> Nov. 21, 2016/Nov. 29, 2016; Jan. 23, 2017/Feb. 7, 2017		<b>Docket Number:</b> R 9 - C A A 1 7 1 0 0 8	
<b>Inspection Location:</b> Price Transfer Warehouse		<b>Entry/Inspection Number(s)</b> B J Z - 0 2 1 5 0 1 1 - 5	
<b>Address:</b> 2711 East Dominguez Street		<b>Inspector(s) Name(s):</b> Elfego Felix, Jennifer MacArthur, and Nathan Dancher	
<b>City:</b> Long Beach		<b>EPA Approving Official:</b> Alexis Strauss	
<b>State:</b> CA	<b>Zip Code:</b> 90810	<b>EPA Enforcement Contact:</b> Roshni Brahmhatt (Region 9), 415-972-3995	
<b>Respondent:</b> Ultimate Tools Solutions, Inc. dba International Merchandising Service, Inc.			

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

The 1,653 gasoline generators (Subject Generators) described below and imported by Ultimate Tool Solutions, Inc. dba International Merchandising Service, Inc. ("International") were found to be in violation of standards governing small, spark-ignition engines and equipment under Title II of the Clean Air Act (CAA). A sampled catalyst taken from one of the Subject Generators during the November 29, 2016 inspection and from one of the Subject Generators during the February 7, 2017 inspection were both found to be significantly different from the catalyst design specified in the Certificate Summary Information Report for the Certification of Conformity (CSI Report and COC, respectively) for claimed engine family GYAMS.0635ST. Specifically, the ratio of precious metals in the tested sample differed significantly from the certified design. Because a COC covers only equipment that are materially the same (including catalyst design, a key factor in emissions control) as those described in the CSI Report, the Subject Generators are not covered by a valid COC. The EPA has found no evidence that the Subject Equipment are otherwise excluded from coverage. CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7457(d), prohibit the importation or introduction into U.S. commerce of new nonroad motor vehicles or new nonroad motor engines unless they are covered by a valid COC or are properly excluded. By importing the Subject Generators and introducing them into U.S. commerce, International committed 1,653 violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Subject Generators	Model	Manufacturer	Claimed Engine Family	Model Year	Quantity
Gasoline Generators	GG900	Yongkang Apollo Motive Force Industrial Co.	GYAMS.0635ST	2016	1,653

**Table 3 - Penalty and Required Remediation**

Penalty	\$10,200
Required Remediation	International must provide the EPA with a report and documentation showing that the Subject Generators have been destroyed or exported to countries other than Canada and Mexico.

Enclosure  
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. R9-CAA-17-1008

Respondent: Ultimate Tool Solutions, Inc.  
dba International Merchandising Service, Inc.  
1420 E. Walnut Avenue  
Fullerton, CA 92831

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 \$10,200 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 Approving Official's ratifying signature.

APPROVED BY EPA:



Joel Jones, Assistant Director

Date: 1.3.2018

APPROVED BY RESPONDENT:

Name (print): KRIS SONG

Title (print): MANAGER

Signature: 

Date: JAN 22, 2018

RATIFIED BY EPA:



Joel Jones, Assistant Director

Date: Feb. 8, 2018