

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: R9-CAA-17-1003

Respondent:  
Mahmoud Elissawi  
Cougar Cycle Inc.  
4555 W. Bradbury Ave., Suite 2  
Indianapolis, IN 46241

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 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 **\$21,260** 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's ratifying signature.

APPROVED BY EPA:



Joel Jones, Assistant Director

Date: 6-7-18

APPROVED BY RESPONDENT:

Name (print): Mahmoud Elissawi

Title (print): PRESIDENT

Signature: 

Date: 6/21/18

RATIFIED BY EPA:



Joel Jones, Assistant Director

Date: 6/28/18



<b>City:</b> Savannah		<b>Inspector(s) Name(s):</b> CBP Officers, Savannah	
<b>State:</b> GA	<b>Zip Code:</b> 31405	<b>EPA Approving Official:</b> Joel Jones	
<b>Respondent:</b> Cougar Cycle Inc..		<b>EPA Enforcement Contact:</b> Kingsley Adeduro (R9), 415-947-4182	

**Table 1D - Inspection Information**

<b>Entry/Inspection Date(s):</b> March 2, 2017		<b>Docket Number:</b> R 9 - C A A - 1 7 - 1 0 0 3	
<b>Inspection Location:</b> Savannah		<b>Entry/Inspection Number(s)</b> D 5 2 - 8 9 2 8 8 0 2 - 4	
<b>Address:</b> 139 Southern Boulevard			
<b>City:</b> Savannah		<b>Inspector(s) Name(s):</b> CBP Officers - Savannah	
<b>State:</b> GA	<b>Zip Code:</b> 31405	<b>EPA Approving Official:</b> Joel Jones	
<b>Respondent:</b> Cougar Cycle Inc.		<b>EPA Enforcement Contact:</b> Kingsley Adeduro (R9), 415-947-4182	

**Table 1E - Inspection Information**

<b>Entry/Inspection Date(s):</b> March 2, 2017		<b>Docket Number:</b> R 9 - C A A - 1 7 - 1 0 0 3	
<b>Inspection Location:</b> Savannah		<b>Entry/Inspection Number(s)</b> D 5 2 - 8 9 2 8 8 0 3 - 2	
<b>Address:</b> 139 Southern Boulevard			
<b>City:</b> Savannah		<b>Inspector(s) Name(s):</b> CBP Officers - Savannah	
<b>State:</b> GA	<b>Zip Code:</b> 31405	<b>EPA Approving Official:</b> Joel Jones	
<b>Respondent:</b> Cougar Cycle Inc..		<b>EPA Enforcement Contact:</b> Kingsley Adeduro (R9), 415-947- 4182	

**Table 1F - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
March 2, 2017		R 9 - C A A - 1 7 - 1 0 0 3	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
Savannah		D 5 2 - 8 9 2 8 7 2 5 - 7	
<b>Address:</b>			
139 Southern Boulevard			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Savannah		CBP Officers - Savannah	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
GA	31405	Joel Jones	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Cougar Cycle Inc..		Kingsley Adeduro (R9), 415-947- 4182	

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

The 402 motorcycles described below were found by EPA to be imported by Cougar Cycle Inc. (Cougar) 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 engines or equipment containing these engines, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. The two entries whose EPA engine family names are appended with "Invalid COC" were COCs whose issuance EPA denied, and EPA found no evidence that they were covered by any other COC. For the remaining four entries, EPA inspectors took samples from muffler/exhaust assemblies for the different engine families and sent them to a 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 the engine families. Specifically, the ratio of the precious metals in the tested samples differed significantly from the certified design. Hence, EPA found that the 402 Motorcycles are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Entry Number	Engine Family	Manufacturer	Model Year	Quantity
Motorcycles	D52-8926549-3	GYGMC.049MC1	Sanmen County Yongfu Machine Co, Ltd.	2016	82
Motorcycles	D52-8928745-5	GKTGC.049QMB INVALID COC	Taizhou City Kaitong Motorcycle Co., Ltd.	2016	33
Motorcycles	D52-8928724-0	GKTGC.049QMB INVALID COC	Kaitong Import & Export Co, Ltd.	2016	83
Motorcycles	D52-8928802-4	GYGMC.049MC1	Sanmen County Yongfu Machine Co., Ltd.	2016	81

Motorcycles	D52-8928803-2	GYGMC.049MC1	Sanmen County Yongfu Machine Co., Ltd.	2016	40
Motorcycles	D52-8928725-7	GKTGC.150QMJ	Taizhou City Kaitong Motorcycle Co., Ltd.	2016	83

**Table 3 - Penalty and Required Remediation**

Penalty	\$21,260
Required Remediation	Cougar Cycle 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.