

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7787

Respondent: Jason C. Bodine
Atwood Distribution L.P d/b/a Atwood
Distributing Inc.
500 South Garland Road
Enid, OK 73703-1137

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 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 the penalty in the amount specified in Table 3, attached, incorporated into the 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 ratifies the findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the EPA Air Enforcement Division Director's signature.

RATIFIED BY EPA:

Pamela J. Mazakas
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 7/22/09

APPROVED BY RESPONDENT:

Name (print): BRIAN ATWOOD

Title (print): PRESIDENT

Signature: *Brian Atwood*

APPROVED BY EPA:

Pamela J. Mazakas
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 9/3/09

Table 1 - Inspection Information

Entry/Inspection Date(s)		Docket Number:	
March 26, 2009		C A A - 0 9 - 7 7 8 7	
Inspection Location		Entry/Inspection Number(s)	
Air General, Incorporated		B U U - 0 9 8 0 8 5 2 - 4	
Address			
2370 W. Airfield Dr.			
City:		Inspector(s) Name(s):	
Dallas		Officer Patrick Kirkman	
State:	Zip Code:	EPA Approving Official:	
TX	75261	Pamela J. Mazakas	
Respondent:		EPA Enforcement Contact:	
Jason C. Bodine		Jacqueline Robles Werner	

Table 2 - Description of Violation and Vehicles/Engines

On March 26, 2009, Atwood Distribution, Inc. (Atwood) imported one-hundred-four (104) model MB165 off-highway motorcycles (subject vehicles), into the Dallas/Fort Worth Port. Based on a Customs inspection, EPA determined that these motorcycles did not comply with 42 U.S.C. § 7522(a)(1) and 40 C.F.R. Part 1051, which prohibit the importation of off-highway motorcycles unless they are covered by an EPA-issued certificate of conformity (COC). The application for certification specifies a carburetor with no adjustable screws, but the vehicles had carburetors with adjustable idle mixture screws. Since the COC covers only those vehicles that conform to the design specifications in the application for certification, these vehicles are not covered by a COC. Thus, Atwood is liable for a total of 104 violations of the Clean Air Act Sections 203(a)(1) (42 U.S.C. § 7522(a)(1) and 213 (42 U.S.C. § 7547) and 40 C.F.R. Part 1051 for importing 104 off-highway motorcycles that are not covered by a COC.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Nonroad motorcycles, Model MB165	8CGQX.200CAA	Chongqing Hensim Group Co., Ltd.	2008	104

Table 3 - Penalty and Required Remediation

Penalty	\$6,500
Required Remediation	In addition to paying the above penalty, Atwood Distribution, Inc., shall export or destroy the above-mentioned motorcycles, and provide EPA with a report and documentation proving that such exportation or destruction has occurred.