

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7943

Respondent: Dale Url
CRV Sales, LLC
53805 Columbia River Highway
Scappoose, Oregon 97056

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 this 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 a penalty in the amount of \$3,000, 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 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: 6/7/11


APPROVED BY RESPONDENT:

Name (print): DALE URL

Title (print): Member LLC

Signature: Dale Url member

RATIFIED BY EPA:


for _____
Phillip A. Brooks, Director, Air Enforcement Division

Date: 7/27/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 25, 2011/ March 29, 2011		C A A - 1 1 - 7 9 4 3	
Inspection Location:		Entry/Inspection Number(s)	
Mercer CES		O H L - 0 0 3 4 3 1 1 - 8	
Address:			
4179 70 th Avenue East			
City:		Inspector(s) Name(s):	
Fife		CBPO Michael Spencer	
State:	Zip Code:	EPA Approving Official:	
WA	98424	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
CRV Sales, LLC		Meetu Kaul (202) 564-5472	

Table 2 - Description of Violation and Vehicles/Engines

The vehicles identified below were missing EPA vehicle emissions control information (VECI) labels when imported in violation of 40 C.F.R. § 1068.101(a)(1). Thus, the manufacturer did not designate these vehicles as certified at the time of manufacture (as it would have done by affixing the VECI labels). In addition, these vehicles are materially different from those described in the application for the Certificate of Conformity (COC) claimed by the importer to cover these vehicles, issued to Jinhua Regard Machinery Co., Ltd. (Regard), for engine family AJRGX.500UAL. First, the weight of the vehicles is 20% different from the vehicles covered by the COC issued to Regard (as evidenced by the vehicle net weight noted on the shipping box). In addition, the Vehicle Identification Numbers on the vehicles indicate a 2009 model year, whereas the COC for engine family AJRGX.500UAL covers only model year 2010 vehicles. Finally, EPA has no evidence that the vehicles were actually manufactured by Regard, the certificate holder for engine family AJRGX.500UAL. A COC covers only those vehicles built in the model year named in the COC, and only those vehicles that conform, in all material respects, to the design described in the application for the COC. Because these vehicles are materially different from the certified design, they are not covered by a COC. Since these vehicles are uncertified, their importation is in violation of 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Engine Family	Vehicle/Engine Manufacturer	Model Year	Quantity
Offroad utility vehicle containing SI engines	unknown	Visdon Industries (Group) Ltd./Zhejiang CFMoto Power Co., Ltd.	Labeled as built in Dec. 2010, but VIN indicates 2009 MY	6

Table 3 - Penalty and Required Remediation

Penalty	\$3,000
Required Remediation	CRV Sales, LLC, must provide EPA with documentation showing that the above-mentioned vehicles have been destroyed or exported to a country other than Canada or Mexico.