

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7940

Respondent: Mr. Lee Sowell, President
Homelite Consumer Products, Inc.
1428 Pearman Dairy Road
Anderson, SC 29625

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the alleged civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The alleged 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 denies any CAA violations alleged by EPA and denies that the statements in Table 2 accurately describe its products or their material conformance under the certificate of conformity. Notwithstanding these denials, Respondent waives any objections it may have to EPA's jurisdiction and agrees to the other terms of this ESA.
3. In the interest of settling this matter Respondent consents to the payment of a penalty in the amount of \$5,000, 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 steps detailed in Table 3 have 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:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 5/23/11

APPROVED BY RESPONDENT:

Name (print): Lee E. Sowell

Title (print): President

Signature: Lee E. Sowell Date: 5/31/11

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 5/6/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
February, 12, 2011		C A A 7 9 0	
Inspection Location:		Entry/Inspection Number(s)	
H&M Warehouse		K C 1 7 0 6 0 7 2 5	
Address:			
700 Belleville Turnpike			
City:		Inspector(s) Name(s)	
Keamy		Ross Ruske, Amelie Isin, Bob Fitzpatrick, Richard Kan, Venkata Rao.	
State:	Zip Code:	EPA Approving Official:	
NJ	08802	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Homelite Consumer Products, Inc.		John Dolinar, Meetu Kaul (202) 564-5472	

Table 2 - Description of Alleged Violation and Vehicles/Engines

On or about February 12, 2011, Homelite Consumer Products, Inc. (Homelite) imported 1,212 small spark-ignited engines contained in the equipment listed below. The United States Department of Homeland Security's Bureau of Customs and Border Protection detained the engines to determine whether they were covered by a Certificate of Conformity (COC), and if they were covered by a COC, whether they conformed to the design specifications in their respective applications for the COC.

A COC covers only those engines that conform, in all material respects, to the design described in the application for the COC. EPA regulations define parameters such as idle mixture screws as adjustable unless they are permanently sealed or are not accessible using ordinary tools. Adjustment of the idle mixture screw could change the air fuel ratio and can affect emissions.

The Homelite COC declared that the mixture screws (high and low) on the carburetors could be adjusted only with specialized tools. EPA investigators were able to adjust the idle mixture screw on samples of each of the equipment models using a hammer and an awl in less than 5 minutes. While the adjustable carburetors on the seized merchandise conform with the description in the application for the COC, EPA concluded that the idle mixture screws were accessible and adjustable using ordinary tools.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
2-Cycle Power Trimmer	AHCPS.0264PH	Techtronic Industries North America, Inc.	2010	972
2-Cycle Gas Cultivator	BHCPS.0264HU	Techtronic Industries North America, Inc.	2011	240

Table 3 - Payment and Required Remediation

Penalty	\$5,000
Required Remediation	None