

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7918

Respondent: Gene Chang
Lance Powersports Inc.
3788 Milliken Ave., Unit C
Mira Loma, CA 91752

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 a penalty in the amount of \$2,400, further described 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 approves 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 the terms of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement 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: 9/22/2010


APPROVED BY RESPONDENT:

Name (print): GENE CHANG

Title (print): CEO

Signature: 

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 9/23/2010

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
January 13, 2010		C A A - 1 0 - 7 9 1 8	
Inspection Location:		Entry/Inspection Number(s)	
Lance Motorsports Warehouse		E S 3 - 2 0 3 8 1 2 5 - 5	
Address:			
5200 Ontario Mills Pkwy #100			
City:		Inspector(s) Name(s):	
Ontario,		Maggie Waldon, Travis Parker	
State:	Zip Code:	EPA Approving Official:	
CA	91764	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Lance Powersports, Inc.		Robert Polin 202-564-6961	

Table 2 - Description of Violation and Vehicles/Engines

Lance Powersports, Inc. imported 56 on-highway motorcycles (Subject Motorcycles) claimed to be covered by the EPA certificate of conformity (COC) for engine family 9ZTWC.050SAA. EPA inspectors found that the carburetors on the Subject Motorcycles have easily removable needle jets that have three grooves and a retaining clip which can be moved from one groove to the next. Changing the location of the retaining clip changes the position of the needle in the jet. This parameter qualifies as an adjustable parameter because adjustment of the needle jet position will change the amount of fuel in the fuel/air mixture, which will affect emissions from the engine. The COC covers only those motorcycles that are the same, in all material respects, as the motorcycles described in the application for certification. The Subject Motorcycles are materially different from the description of the motorcycles covered by the COC for engine family 9ZTWC.050SAA, which were described as having no adjustable parameters. Thus, the Subject Motorcycles are not covered by the COC for engine family 9ZTWC.050SAA. Importation of motorcycles not covered by a COC is a violation of the Clean Air Act § 203(a)(1).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
GTR 50 (WY50QT-4)	9ZTWC.050SAA	Zhejiang Taizhou Wangye Power	2009	26
Charming 50 (WY50QT-10)	9ZTWC.050SAA	Zhejiang Taizhou Wangye Power	2009	30

Table 3 - Penalty and Required Remediation

Penalty	\$2,400
Required Remediation	Either destroy the 56 motorcycles or export them to a country other than Canada or Mexico.