

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7914

Respondent: Maury Kapsner
Moto Alliance, Inc.
23001 Industrial Boulevard
Rogers, Minnesota 55374

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 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:

for 

Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 3/4/2010

APPROVED BY RESPONDENT:

Name (print): ~~Kathleen~~ Kathleen M. Forpan
Title (print): Accounting
Signature: Kathleen M. Forpan 5/24/10

RATIFIED BY EPA:



~~Pamela J. Mazakas, Acting Director, Air Enforcement Division~~
for Phillip A. Brooks, Director,

Date: 8/1/2010

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
December 18, 2009		CAA - 10 - 7914	
Inspection Location:		Entry/Inspection Number(s)	
U.S. CBP's Konoike-Pacific (KPAC) Warehouse		ACN - 4001216 - 1	
Address:			
2608 Port of Tacoma Road			
City:		Inspector(s) Name(s):	
Tacoma		Kathleen Mar	
State:	Zip Code:	EPA Approving Official:	
WA	98421	Pamela J. Mazakas	
Respondent:		EPA Enforcement Contact:	
Moto Alliance, Inc.		Jocelyn Adair 202-564-1011	

Table 2 - Description of Violation and Vehicles/Engines

In December 2009, Moto Alliance imported forty (40) gasoline powered generators (20 each of two different models) containing small nonroad spark-ignition (SI) engines into the Port of Tacoma. An EPA inspection revealed that both models of generators contained an easily accessible carburetor idle mixture screw, which is an adjustable parameter because adjustment may affect emissions. The applications for certification for the imported generators indicate that neither model has any adjustable parameters (including the carburetor idle mixture). Because an EPA Certificate of Conformity (COC) covers only those engines which conform to the design specifications in the application for certification, EPA has determined that the imported generators are uncertified. Moto Alliance committed forty violations under the Clean Air Act Sections 203 and 213, 42 U.S.C. §§ 7522(a)(1) and 7547(a), and regulations at 40 C.F.R. § 90.1003(a)(1)(ii) for importing forty small nonroad SI engines that were not covered by an EPA-issued COC.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Gasoline generator Model DY3000LX	9CXGS.1961GA	China Xingyue Group	2009	20
Gasoline generator Model DY6500LX	9CXGS.3892GA	China Xingyue Group	2009	20

Table 3 - Penalty and Required Remediation

Penalty	\$1,922
Required Remediation	Either destroy the 40 generators or export them to a country other than Canada or Mexico.