


Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-15-8148

Respondent: Dynamic Power Equipment, Inc.
1972 W. Holt Avenue
Pomona, California 91768

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 to 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$6,700, 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, the 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 the 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: 1/7/2015

APPROVED BY RESPONDENT:

Name (print): YOU CHU XIA

Title (print): VP

Signature: YOU CHU XIA

Date: 1/15/2015

RATIFIED BY EPA:



Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/12/2015

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
September 2, 2014		C A A - 1 5 - 8 1 4 8	
Inspection Location:		Entry/Inspection Number(s)	
Cal Cartage		D Z 1 - 3 2 2 4 0 7 0 - 3	
Address:			
22351 S. Wilmington Avenue			
City:		Inspector(s) Name(s):	
Carson		Janice Chan, Kingsley Adeduro, and Wayne Hooper	
State:	Zip Code:	EPA Approving Official:	
CA	90703	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Dynamic Power Equipment, Inc.		Janice Chan (R9), (415) 972-3308	

Table 2 - Description of Violation and Vehicles/Engines

The EPA has determined that the 130 gasoline or tri-fuel generators identified as covered by closely related engine families ECMGS.4392GA/GL (models BG10000E/BG10K/BG500, BG500E, and CUB9000) and 15 gasoline generators identified as covered by engine family BKHXS.4292GA (model BG8500KHL) described below (collectively, the Subject Generators), regulated by 40 C.F.R. Parts 1054, 1060 and 1068, represent uncertified engines imported in violation of Title II of the Clean Air Act (CAA). It is a violation of Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d), for any person to import an engine or equipment subject to these regulations unless such engine or equipment is covered by a Certificate of Conformity (COC) issued by EPA. As of model year 2011, nonroad small-spark ignition equipment, such as these Subject Generators, must also meet the CAA's evaporative emission requirements, including coverage under a valid evaporative emissions COC. On September 2, 2014, Dynamic Power Equipment, Inc. (Dynamic Power) imported the Subject Generators, and a sample of each of the four models (covering three engine families) was subsequently inspected by the EPA. In addition, a catalyst sample was obtained by the EPA from the inspected model CUB9000 Subject Generator (representing all three models within engine families ECMGS.4392GA/GL). The precious metal content in this sampled catalyst was found to be materially different from the catalyst design specified in the Application (AFC) for the COC for engine families ECMGS.4392GA/GL. Because a COC covers only engines and equipment that are materially the same (including catalyst design) as those described in the AFC, the EPA has determined that the 130 BG10000E/BG10K/BG8500, BG8500E, and CUB9000 model generators are not covered by a COC, nor are they exempt or excluded from requiring coverage under a COC. Additionally, the EPA has found no evidence that the 15 BG8500KHL model generators from engine family BKHXS.4292GA (containing model year 2011 engines) are covered by, or otherwise exempt or excluded from requiring coverage under, a valid evaporative emissions COC. By importing the 145 Subject Generators, Dynamic Power committed 145 violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d).

Equipment Description	Model Engines	Engine Manufacturer	Engine Family	Entry Date	Quantity
Gasoline Generators	BG8500KHL	Kohler Co.	BKHXS.4292GA	September 2, 2014	15
	BG10000E/BG10K (BG8500 on equipment)	Chongqing Maifeng Power Machinery Co., Ltd.	ECMGS.4392GA		40
			ECMGS.4392GA		40
Tri-Fuel Generators	CUB9000				ECMGS.4392GA and ECMGS.4392GL (identical except for fuel source)

Table 3 - Penalty and Required Remediation

Penalty	\$6,700
Required Remediation	Dynamic Power must export the 145 uncertified Subject Generators to a country other than Canada or Mexico, and provide the EPA with a report documenting such exportation, unless the U.S. Department of Homeland Security's Bureau of Customs and Border Protection has seized the Subject Generators, in which case Dynamic Power must provide the EPA with documentation of the seizure.