

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7921

Respondent: High Rev Motorsports, LLC
11261 Harry Hines Blvd.
Dallas, Texas 75229-7951

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 \$9,100.00, 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 Agreement to EPA, Respondent consents to the terms of the Agreement 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

for Phillip A. Brooks, Director, Air Enforcement Division

Date: 8/13/10

APPROVED BY RESPONDENT:

Name (print): Zhi Yao Zhang

Title (print): President

Signature: *Zhi Yao Zhang*

RATIFIED BY EPA:

Phillip A. Brooks

Phillip A. Brooks, Director, Air Enforcement Division

Date: 9/22/2010

Table 1 - Inspection Information

Entry/Inspection Date(s): February 10, 2010 and March 3, 2010		Docket Number: C A A - 1 0 - 7 9 2 1	
Inspection Location: Port of Long Beach		Entry/Inspection Number(s) W 6 9 - 3 1 3 7 3 8 6 - 5 W 6 9 - 3 1 3 9 6 7 7 - 5 W 6 9 - 3 1 3 9 6 7 9 - 1	
Address: 301 East Ocean Blvd.		Inspector(s) Name(s): Anthony Coppola, Anne Wick	
City: Long Beach		EPA Approving Official: Phillip A. Brooks	
State: CA	Zip Code: 90802	EPA Enforcement Contact: Christopher Thompson 202-564-3313	
Respondent: Zhiyao Zhang, President			

Table 2 - Description of Violation and Vehicles/Engines

High Rev Motorsports, LLC (High Rev) imported two hundred and eighteen (218) All-Terrain Vehicles (Subject ATVs) into the Port of Long Beach that were not covered by a Certificate of Conformity (COC). As described in 40 C.F.R. § 1068.103, a COC does not cover engines or vehicles produced prior to the effective date of the COC (unless the manufacturer notifies EPA in its COC application that it plans to start production earlier, but in no circumstance may production commence before the date of submission of the application for the COC to EPA), nor does the COC cover engines/equipment that do not conform in all material respects to the engines/equipment described in the application for the COC, or any configurations that are not specified in the application for the COC. High Rev did not submit a complete application to EPA for the COCs for engine families AHRVX.110GAA and AHRVX.150GAA until March 15, 2010 and March 4, 2010 respectively, nor did High Rev indicate that it planned to start production prior to the effective date of the COCs. Since the Subject ATVs were produced prior to the application dates of the COCs and imported prior to the effective dates of the COCs, these COCs do not cover the Subject ATVs. Additionally, the 150 cc go-karts imported by High Rev are not covered by the COC because they were built with an adjustable idle air fuel mixture screw, a material difference from the design described in the application for the COC, and the 90cc-powered go-karts imported by High Rev are not covered by a COC because the configuration was not described in the application for the COC for engine family AHRVX.110GAA. High Rev committed 218 violations of Section 203 of the Clean Air Act, 42 U.S.C. § 7522, and EPA regulations at 40 C.F.R. § 1051 and 40 C.F.R. § 1068 by importing the Subject ATVs that were not covered by a COC.

Equipment Description	Engine Family on Label	Manufacturer	Model Year	Quantity
Go-Karts, 90 cc engines	AHRVX.110GAA	Suzhou Industrial Park Yonghe Motorcycle Manufacture Co. Ltd	2010	50
Go-Karts, 110 cc engines	AHRVX.110GAA			90
Go-Karts, 150 cc engines	AHRVX.150GAA			78

Table 3 - Penalty and Required Remediation

Penalty	\$9,100
Required Remediation	In addition to paying the above penalty, High Rev must: export (outside of the United States, Canada, and Mexico) or destroy the 218 Subject ATVs and provide EPA with a report and documentation proving that such exportation or destruction has occurred.