

**Enclosure**  
**CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. CAA-15-8193

Respondent: Joyner USA, Inc.  
3725 E. Roeser Road  
Phoenix, AZ 85040

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 \$4,100, 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: 7/1/2015

APPROVED BY RESPONDENT:

Name (print): Bin Chen

Title (print): President

Signature: Bin Chen

Date: 7/31/2015

RATIFIED BY EPA:

  
Phillip A. Brooks, Director, Air Enforcement Division

Date: 8/19/2015

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
September 5, 2014 / September 23, 2014		C A A - 1 5 - 8 1 9 3	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
MET Price		5 7 0 - 0 0 9 1 0 0 5 - 9	
<b>Address:</b>			
2751 Dominguez Street		2 0 1 4 0 9 2 3 - 1	
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Long Beach		Maria Silvar and Janice Chan	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
CA	90810	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Joyner USA, Inc.		Janice Chan (Region 9), (415) 972-3308	

**Table 2 - Description of Violation and Vehicles/Engines**

The six all-terrain vehicles described below (the Subject ATVs) were found to be uncertified with respect to recreational vehicle and engine standards under Title II of the Clean Air Act (CAA). A catalyst taken from one of the Subject ATVs during the September 23, 2014 inspection was found to be materially different from the catalyst design specified in the Application for the Certificate of Conformity (AFC and COC, respectively) for claimed engine family EJOYX01.1ATV. Because a COC covers only vehicles that are materially the same (including catalyst design, a key factor in emissions control) as those described in the AFC, the Subject ATVs are not covered by a valid COC. CAA § 203(a)(1), 42 U.S.C. § 7522(a)(1), prohibits the importation or introduction into U.S. commerce of new recreational vehicles or recreational vehicle engines unless they are covered by a valid COC or are properly excluded. In addition to the materially different catalyst design, none of the Subject ATVs was labeled with a permanent Emission Control Information label required under 40 C.F.R. §§ 1051.135 and 1068.45(a). Moreover, while the entry documents (including the invoice list, packing list, and EPA Declaration Form 3520-21) claimed that the Subject ATVs were model 1100 Troopers under engine family EJOYX01.1ATV, the inspected Subject ATVs were actually Renegade models (which are not covered under engine family EJOYX01.1ATV). Renegade models are not covered by any COCs issued to Joyner USA. By importing the Subject ATVs and introducing them into U.S. commerce, Joyner USA committed six violations of CAA §§ 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Equipment Description	Claimed Engine Manufacturer	Claimed Model on Equipment	Model Examined	Claimed Engine Family	Quantity
All-Terrain Vehicles	Changzhou Joyner Recreational Vehicles Co., Ltd.	1100 Trooper	Renegade	EJOYX01.1ATV	6

**Table 3 - Penalty and Required Remediation**

Penalty	\$4,100
Required Remediation	Joyner USA must export the six (6) uncertified Subject ATVs to a country other than Canada or Mexico, and provide the EPA with a report documenting such exportation.