

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA- 2016-8272

Respondent: Wade Liu
Xcalibur Inc
14020 Central Ave #530
Chino, CA 91710

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 EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of **\$13,300** 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, 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:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: Mar. 21, 2016

APPROVED BY RESPONDENT:

Name (print): WADE LIU

Title (print): President

Signature: 

Date: 4/29/16

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: June 2 2016

Table 1A - Inspection Information

Entry/Inspection Date(s):	Docket Number:
June 25, 2015	C A A - 2 0 1 6 - 8 2 7 2
Inspection Location:	Entry/Inspection Number(s)
Price Transfer	E G G - 0 0 3 0 3 5 1 - 4
Address:	
2711 E. Dominguez St.	
City:	Inspector(s) Name(s):
Long Beach	Andrew Zellinger, Janice Chan
State: Zip Code:	EPA Approving Official:
CA 90810	Phillip A. Brooks
Respondent:	EPA Enforcement Contact:
Xcalibur Inc.	Andrew Zellinger (R9), 415-972-3093

Table 1B - Inspection Information

Entry/Inspection Date(s):	Docket Number:
August 11, 2015	C A A - 2 0 1 6 - 8 2 7 2
Inspection Location:	Entry/Inspection Number(s)
Price Transfer	E G G - 0 0 3 1 1 9 8 - 8
Address:	
2711 E. Dominguez St.	
City:	Inspector(s) Name(s):
Long Beach	Andrew Zellinger, Nathan Dancher
State: Zip Code:	EPA Approving Official:
CA 90810	Phillip A. Brooks
Respondent:	EPA Enforcement Contact:
Xcalibur Inc.	Andrew Zellinger (R9), 415-972-3093

Table 1C - Inspection Information

Entry/Inspection Date(s):	Docket Number:
August 13, 2015	C A A - 2 0 1 6 - 8 2 7 2
Inspection Location:	Entry/Inspection Number(s)
Price Transfer	E G G - 0 0 3 1 1 9 9 - 6
Address:	
2711 E. Dominguez St.	
City:	Inspector(s) Name(s):

Long Beach		Andrew Zellinger, Elfego Felix	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Xcalibur Inc.		Andrew Zellinger (R9), 415-972-3093	
Table 1D - Inspection Information			
Entry/Inspection Date(s):		Docket Number:	
September 3, 2015		C A A - 2 0 1 6 - 8 2 7 2	
Inspection Location:		Entry/Inspection Number(s)	
Price Transfer		E G G - 0 0 3 1 8 0 9 - 0	
Address:			
2711 E. Dominguez St.			
City:		Inspector(s) Name(s):	
Long Beach		Andrew Zellinger, Elfego Felix, Janice Chan	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Xcalibur Inc.		Andrew Zellinger (R9), 415-972-3093	

Table 2 - Description of Violations and Vehicles/Engines

The 148 motorcycles described below (Motorcycles) were found to be imported by Xcalibur, Inc. (Xcalibur) in violation of Section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(1), and the regulations codified at 40 C.F.R. Part 85, Subpart E, which collectively prohibit the importation of spark-ignition engines or equipment containing these engines, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. During the 4 inspections outlined above, the EPA inspectors took a sample muffler/exhaust assemblies from each of the entries and sent them to an EPA laboratory for analysis. Physical and chemical examination of the muffler assembly of the sampled exhaust systems revealed that the design of the catalysts contained therein are materially different from the catalyst designs specified in the respective COC applications for engine families FEMC.049MAD and FSGAC.049SGU. Hence, the 148 Motorcycles are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Entry Number	Engine Family	Manufacturer	Model Year	Quantity
Motorcycles	EGG-0030351-4	FEXMC.049MAD	Guangzhou Panyu Huanan Motors Group Co. Ltd.	2015	32
Motorcycles	EGG-0031198-8	FSGAC.049SGU	Taiwan Golden Bee Co., Ltd.	2015	8
Motorcycles	EGG-003119-6	FSGAC.049SGU	Taiwan Golden Bee Co., Ltd.	2015	55
Motorcycles	EGG-0031809-0	FSGAC.049SGU	Taiwan Golden Bee Co., Ltd.	2015	53

Table 3 - Penalty and Required Remediation	
Penalty	\$13,300
Required Remediation	Xcalibur Inc., must provide the EPA with a report and documentation showing that the Subject Engines have been exported to countries other than Canada and Mexico.

CAA MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must send the original, signed Agreement, the report detailing your corrective action(s), and a photocopy of your penalty check, via **CERTIFIED MAIL to:**

Cassandra Barnes
 Attn: CAA #2016-8272
 Air Enforcement Division, Mail Code 2242A
 U.S. Environmental Protection Agency Headquarters
 1200 Pennsylvania Ave., NW
 Washington, DC 20460

In addition, a photocopy of the signed Agreement and the original certified penalty check, payable to the United States of America with the case name and docket number on the check, must be sent via **CERTIFIED MAIL to:**

U. S. Environmental Protection Agency Fines and Penalties
 Attn: CAA #2016-8272
 Cincinnati Finance Center
 P.O. Box 979077
 St. Louis, MO 63197-9000

The Docket Number is located at the top of the left column of the Agreement. Please retain copies of the signed Agreement, the report detailing your corrective actions, and the penalty check for your own records.

If you have any questions or would like to request an extension, you may contact Cassandra Barnes of the Mobile Source Enforcement Branch at (202) 564-2414. EPA will consider whether to grant an extension on a case-by-case basis. EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted by EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violations that have been specifically identified in the enclosed form. If you decide not to sign and return the Agreement and pay the penalty, EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$37,500 per vehicle/engine in violation.