

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7906

Respondent: Jack Lopipero, President
Advanced Industrial Products, Inc.
2125 Whitney Avenue
Gretna, LA 70056

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered during 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 inspection findings and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the date ratified by the EPA Air Enforcement Division Director.

APPROVED BY EPA:

 for PM

Pamela J. Mazakas, Acting Director, Air Enforcement Division

NOV 10 2009
Date: _____

APPROVED BY RESPONDENT:

Name (print): JACK G. LOPIPERO
Title (print): PRESIDENT
Signature: Jack Lopipero

RATIFIED BY EPA:



Pamela J. Mazakas, Acting Director, Air Enforcement Division

DEC 30 2009
Date: _____

Table 1 - Inspection Information	
Entry/Inspection Date(s)	Docket Number:
August 15, 2009 August 20, 2009	C A A - 0 9 -
Inspection Location	Entry/Inspection Number(s)
Dupuy Storage CES	5 5 8 - 4 9 2 2 7 6 3 - 6
Address	
6101 Terminal Drive	
City:	Inspector(s) Name(s):
New Orleans	Officer Thomas Forest
State: Zip Code:	EPA Approving Official:
LA 70115	Pamela J. Mazakas
Respondent:	EPA Enforcement Contact:
Jack Lopipero, President	David Alexander

Table 2 - Description of Violation and Vehicles/Engines				
<p>On August 15, 2009, Advanced Industrial Products, Inc. (Advanced) imported one hundred and seventy-seven (177) gasoline engine powered generators and water pumps into the Port of New Orleans. Based on Customs and Border Protection (CBP) inspection of the engines, EPA determined that these gasoline engines do not conform to the requirements of 40 C.F.R. § 90.1003(a)(1)(ii), and 40 C.F.R. § 90.114 and Advanced is liable for a total of 177 violations under the Clean Air Act Section 203(a), 42 U.S.C. § 7522(a), and regulations at 40 C.F.R. § 90.1003(a)(1)(ii) for importing these gasoline engines without a certificate of conformity.</p>				
Equipment Description*	Engine Family**	Manufacturer*	Model Year**	Quantity
Generators and water pumps with gasoline engines***	9CLGS.09852F 9CLGS.42090F 9CLGS.19668F	Unknown	Unknown	177

- * Engine and equipment model names and manufacturers not identified on the engines or equipment.
- ** Engine families and model year from EPA Form 3520-21 and COC provided by importer.
- *** Engines not identified as those models included in COC. No emission control information labels on the engines.

Table 3 - Penalty and Required Remediation	
Penalty	\$ 6900
Required Remediation	In addition to paying the above penalty, Advanced Industrial Products, Inc. must : Export (outside of the United States, Canada, and Mexico) or destroy the 177 above-mentioned gasoline engine powered generators and water pumps and provide EPA with a report and documentation proving that such exportation or destruction has occurred.