

Enclosure

CLEAN AIR ACT MOBILE SOURCE AMENDED EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7902

Respondent: Mr. Troy A. Covey
American Performance Technologies, LLC
8844 Hillcrest Drive
Kansas City, MO 64118

1. The parties enter into this Clean Air Act Mobile Source Amended Expedited Settlement Agreement (Amended Agreement) in order to settle the civil violations discovered during the inspection specified in Table 1, attached, incorporated into this Amended Agreement by reference. The civil violations that are the subject of this Amended Agreement are described in Table 2, attached, incorporated into the Amended 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 Amended Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Amended 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 Amended Agreement to EPA, Respondent consents to EPA's approval of the Amended Agreement without further notice. Respondent acknowledges that this Amended 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:



Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 11/25/2009

APPROVED BY RESPONDENT:

Name (print): Troy A. Covey

Title (print): Managing Partner

Signature: TROY A. COVEY by Troy A. Covey Auth. Rep.
without prejudice JCC 1-207/1-308

RATIFIED BY EPA:



Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 4/29/10

for Phillip A. Brooks,

Table 1 - Inspection Information	
Entry/Inspection Date(s)	Docket Number:
February 10, 2009	C A A - 1 0 - 7 9 0 2
Inspection Location	Entry/Inspection Number(s)
CBP Long Beach, CA	E 9 G - 0 1 0 4 5 2 1 - 9
Address	
271 E. Dominguez St.	
City:	Inspector(s) Name(s):
Long Beach	Danny Johnson
State: Zip Code:	EPA Approving Official:
CA 90810	Pamela J. Mazakas
Respondent:	EPA Enforcement Contact:
Troy A. Covey	Robert Polin

Table 2 - Description of Violation and Vehicles/Engines			
<p>American Performance Technologies LLC (APT) imported 102 unassembled and uncertified motorcycles (the Subject Vehicles). APT imported 315 individual packages that include nearly all components necessary to assemble complete motorcycles which EPA concluded constitute approximate disassembled vehicles. APT is not an Independent Commercial Importer eligible to import such vehicles, and the vehicles are not exempted or excluded from coverage under EPA or CBP regulations. Therefore, APT is liable for 102 violations under Section 203 of the Clean Air Act (42 U.S.C. § 7522) and 40 C.F.R. § 86.407-78.</p>			
Equipment Description	Manufacturer	Model	Quantity
Unassembled 150cc Highway Motorcycles	Benzhou Vehicle Industry Group Co., Ltd.	Baby Glide	102

Table 3 - Penalty and Required Remediation	
Penalty	\$9200
Required Remediation	APT must either (1) obtain a valid certificate of conformity from EPA and manufacture the Subject Vehicles, including all parts described in its application for certification, into fully assembled certified motorcycles; (2) destroy the Subject Vehicles; or (3) export the Subject Vehicles to a country other than Mexico or Canada. APT must provide EPA with a report and documentation providing evidence that the required remediation has occurred.