

Enclosure

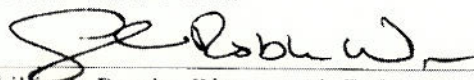
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7915

Respondent: Donald Starkey
Family Motorsports, Inc.
5347 Enterprise Blvd.
Bethel Park, PA 15102

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 \$9,500, 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 Expedited Settlement Agreement to EPA, Respondent consents to the terms of the Expedited Settlement 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:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 5/13/2010

APPROVED BY RESPONDENT:

Name (print):

Tracee Crawford

Title (print):

Owner

Signature:



RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date:

9/20/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
October 6 - 24, 2008		C A A - 1 0 - 7 9 1 5	
Inspection Location:		Entry/Inspection Number(s)	
Pittsburgh International Airport, Cargo Area #3		H K 8 - 8 8 7 0 9 8 5 - 2	
Address:			
P.O. Box 12445		H K 8 - 8 8 7 1 0 2 6 - 4	
City:		Inspector(s) Name(s):	
Pittsburgh		John Brothers, U.S. Customs	
State:	Zip Code:	EPA Approving Official:	
PA	15231	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Donald L. Starkey, President		Robert Polin 202-564-4292	

Table 2 - Description of Violation and Vehicles/Engines

Family Motorsports, Inc. (Family) imported 112 motor scooters that were uncertified because the manufacturer and manufacturing facility indicated in the certificates of conformity (COCs) for both engine families do not comport with the manufacturing information indicated on the vehicle labels. The model names "Roman 150" and "Roadster 250" are also absent from the COCs. A COC covers only those models listed on the COC and only those vehicles which conform, in all material respects, to the design specifications that applied to the test vehicle, as more fully described in the application for the COC. EPA considers the deficiencies described above material differences. Therefore, Family is liable for 112 violations of the Clean Air Act § 203(a)(1), 42 U.S.C. § 7522(a)(1), and the regulations at 40 C.F.R. § 86.407-78.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Motorcycle, Model Roman 150	8JNYC0.15NFG	Shanghai JMStar Motorcycle Co. Ltd.	2008	48
Motorcycle, Model Roadster 250	8JNYC0.25NFG	Shanghai JMStar Motorcycle Co. Ltd.	2008	64

Table 3 - Penalty and Required Remediation

Penalty	\$9,500
Required Remediation	Family Motorsports, Inc. must export outside of North America or destroy the 112 above-mentioned motorcycles and provide EPA with a report and documentation proving that such exportation or destruction has occurred.