

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7795

Respondent: Chiu-Chou Lee
Galaxy Power Sports, LLC
2667 Northaven Rd.
Dallas, TX 75229

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 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 ratifies 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 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 EPA Air Enforcement Division Director's signature.


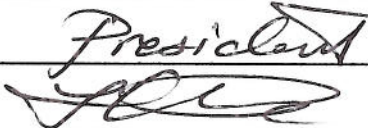
APPROVED BY EPA:



Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 8/20/2009

APPROVED BY RESPONDENT:

Name (print):  Leo Ju
Title (print): President
Signature: 

RATIFIED BY EPA:



Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 10/6/09

Table 1 - Inspection Information

Entry/Inspection Date(s)		Docket Number:	
October 1, 2008		C A A - 0 9 - 7 7 9 5	
Inspection Location		Entry/Inspection Number(s)	
US CBP Long Beach, CA		E S - 3 2 0 2 6 1 1 3 5	
Address			
2711 E. Dominquez Street			
City:		Inspector(s) Name(s):	
Long Beach		Danny Johnson	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Pamela J. Mazakas	
Respondent(s):		EPA Enforcement Contact:	
Chiu Chou Lee		Christopher Thompson 202-564-3313	

Table 2 - Description of Violation and Vehicles/Engines

On October 1, 2008, Galaxy Powersports LLC, imported sixty-three (63) ATVs, model FA-E110 (also noted as ATV110) into Los Angeles/Long Beach Seaport that were not covered by a certificate of conformity (COC). The ATVs were not covered by a COC because they had a plastic gasoline tank and no pulsed air injection reactor (PAIR), even though the certificate application specified a metal fuel tank and a PAIR. A COC covers only those production vehicles that conform to the design specifications in the certificate application. The Clean Air Act Section 203(a), (42 U.S.C. § 7522(a)), and EPA regulations at 40 C.F.R. § 1068.101(a)(1), prohibit importing and selling any motorcycle unless covered by an EPA-issued COC or otherwise excluded. Furthermore, the emission label did not comply with 40 C.F.R. § 1051.135 because it failed to identify the emission control system component abbreviations. The company is liable for a total of 63 violations.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
ATVs, Model FA-E110 or ATV110	8JPSX0.11A3B	China Buyang Group Co., Ltd.	2008	63

Table 3 - Penalty and Required Remediation

Penalty	\$5500.00
Required Remediation	Galaxy Powersports, Inc. must 1) sign a settlement agreement with EPA, 2) export the 63 above-mentioned vehicles, 3) pay a penalty, and 4) forward all requested documents and photographs to barnes.cassandra@epa.gov documenting the provisions in the agreement and actions taken by the importer.