

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7950

Respondent: Mr. Victor Wu
Hangzhou Hidea Power Machinery Co.
No. 115 Xingfu South Rd., Hangzhou
Zhejiang, 310008, China

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 \$3,400.00, 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 remediation specified in Table 3 has been completed.
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. By signing and returning this Agreement to EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this Agreement is binding on the parties whose signatures appear below, and that it becomes effective on the date of the EPA Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:

for Anne K. Wick
Phillip A. Brooks, Director, Air Enforcement Division

Date: 11/9/11

APPROVED BY RESPONDENT:

Name (print): Bruce Tang

Title (print): attly-in-fact

Signature: *[Signature]*

Date: 12/7/11

RATIFIED BY EPA:

[Signature]
Phillip A. Brooks, Director, Air Enforcement Division

Date: 12/14/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
04/13/2011		C A A - 1 0 - 7 9 5 0	
Inspection Location:		Entry/Inspection Number(s)	
		4 1 3 - 0 0 3 3 3 9 0 - 8	
Address:			
2831 Talleyrand			
City:		Inspector(s) Name(s):	
Jacksonville		Karol Palenik	
State:	Zip Code:	EPA Approving Official:	
FL	32206	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Hangzhou Hidea Power Machinery Co.		David Alexander (202) 564-2109	

Table 2 - Description of Violation and Vehicles/Engines

40 C.F.R. § 1045.201 requires model year 2010 spark-ignition propulsion marine engines to be covered by an EPA-issued Certificate of Conformity (COC). 40 C.F.R. § 1045.205(r) requires that the presence of any adjustable operating parameters be included in the application for the COC. The engines listed in this table were imported by Hangzhou Hidea Power Machinery Co. (Hidea) and the adjustable parameters section of the COC application for each model's engine family states "N/A", indicating there are no adjustable parameters. EPA has determined that the carburetor of each of the forty-seven (47) outboard engines has an adjustable operating parameter. Hidea also claimed on its COC applications that all applicable fuel lines are certified to meet evaporative emissions requirements. EPA determined the under-cowl fuel lines of the outboard engines do not meet the evaporative emission requirements of 40 C.F.R. §§ 1045.145(k)(5), 1060.137(a)(2), and 1060.137(b) because the lines are unlabeled. A COC covers only those engines that conform, in all material respects, to the design described in the COC application. The presence of an adjustable carburetor and uncertified fuel lines are material differences. Therefore, the engines are not covered by a COC and are in violation of section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a)(1), and 40 C.F.R. § 1068.101(a)(1) which prohibits importation of engines that are not covered by an EPA-issued COC.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
HDF2.5	AHZHM.072004	Hangzhou Hidea Power Machinery Co.	2010	10
HDF4	AHZHM.112003	Hangzhou Hidea Power Machinery Co.	2010	7
HDF5	AHZHM.112003	Hangzhou Hidea Power Machinery Co.	2010	10
HDF8	AHZHM.212002	Hangzhou Hidea Power Machinery Co.	2010	4
HDF9.9	AHZHM.212002	Hangzhou Hidea Power Machinery Co.	2010	9
HDF15	AHZHM.323001	Hangzhou Hidea Power Machinery Co.	2010	7

Table 3 - Penalty and Required Remediation

Penalty	\$3,400.00
Required Remediation	Hangzhou Hidea Power Machinery Co. must destroy or export the equipment listed in Table 2 to a country outside of Canada, Mexico, and U.S. territories and provide EPA with a report and documentation proving that such exportation or destruction has occurred.