

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7791

Respondent: Paul Vicente Rosario
Semage, Corp.
Bosque del Lago AB-28
Urb. Encantada
Trujillo Alto, PR 00976

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.

RATIFIED BY EPA:

Pamela J. Mazakas
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 8/11/09

APPROVED BY RESPONDENT:

Name (print): Vicente Paul Rosario

Title (print): President

Signature: *[Handwritten Signature]*



APPROVED BY EPA:

Pamela J. Mazakas
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: Sept. / 8 / 09

Table 1 - Inspection Information

Entry/Inspection Date(s)		Docket Number:	
June 18, 2009		C A A - 0 9 - 7 7 9 1	
Inspection Location		Entry/Inspection Number(s)	
Island Storage & Distribution Warehouse		5 0 8 0 3 2 0 1 3 0 5	
Address			
Foreign Trade Zone 61, Building 2, Local 1			
City:		Inspector(s) Name(s):	
Guaynabo		Officer Carlos M. Lopez	
State:	Zip Code:	EPA Approving Official:	
PR	00965	Pamela J. Mazakas	
Respondent(s):		EPA Enforcement Contact:	
Paul Vicente Rosario		Christopher Thompson 202-564-3313	

Table 2 - Description of Violation and Vehicles/Engines

Semage Corp. imported 2 ATVs that are uncertified because their carburetors have adjustable air/fuel mixture screws and are not covered by the certificate of conformity because they do not conform to the design specifications in the application for certification. Therefore the company is liable for 2 violations of 40 C.F.R. §1068.101(a)(1) for importing uncertified recreational vehicles.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Model JNSZ650UV ATV	9TNDX.650E02	Joyner Recreational Vehicle Co.	2009	2

Table 3 - Penalty and Required Remediation

Penalty	\$2,200
Required Remediation	Semage Corp. must export (outside of the United States, Canada, and Mexico) or destroy the 2 above-mentioned ATVs and provide EPA with a report and documentation proving that such exportation or destruction has occurred.