

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-13-8041

Respondent: Yabin Xu, President
Yamazuki Inc.
6560 Bandini Blvd.
Commerce, CA 90040

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 \$10,000, 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 required remediation specified in Table 3, incorporated into this Agreement by reference, 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 Agreement to EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that this 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:



Phillip A. Brooks, Director, Air Enforcement Division

Date: 6/19/2013

APPROVED BY RESPONDENT:

Name (print): XU JUN

Title (print): C.O.O.

Signature: 

Date: 07/1/2013

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 7/22/13

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 13, 2012 / March 27, 2012		C A A - 1 3 - 8 0 4 1	
March 20, 2012 / March 30, 2012			
Inspection Location:		Entry/Inspection Number(s)	
Price Transfer Warehouse		W 6 9 - 3 2 3 4 2 4 - 1	
Address:			
2711 East Dominguez Street		W 6 9 - 3 2 3 4 2 7 - 4	
City:		Inspector(s) Name(s):	
Long Beach		Joseph Lapka	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Yamazuki Inc.		Joseph Lapka, (415) 947-4226	

Table 2 - Description of Violations and Vehicles/Engines

The 18 utility vehicles (UTVs) with model name XY300-1 and the 8 UTVs with model name XY500UEL imported by Yamazuki Inc. were found to be uncertified because they do not conform to the design specifications for engine families CXYPX0.28NFG, and CXYPX0.50NFG, respectively. Specifically, both models of UTVs had catalytic converters with cell densities that were materially different from the certified design. As a result, the vehicles are not covered by a valid EPA Certificate of Conformity and importation of the vehicles into the United States is prohibited by EPA's regulations at 40 C.F.R. § 1068.101(a)(1) and (b)(5), and by section 203(a)(1) of the Clean Air Act.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Gasoline powered UTV: Model number XY300-1	CXYPX0.28NFG	Zhejiang Xinyang Industry Co. Ltd.	2012	18
Gasoline powered UTV: Model number XY500UEL	CXYPX0.50NFG	Zhejiang Xinyang Industry Co. Ltd.	2012	8

Table 3 - Penalty and Required Remediation

Penalty	\$10,000
Required Remediation	Yamazuki Inc. must provide EPA with a documentation showing that the 26 vehicles described in Table 2 have been exported to a country other than Canada or Mexico, and that the penalty has been paid.