

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-14-8138

Respondent: Jinjun Yu, General Manager  
Dongfang Motor Inc.  
167 Mason Way Unit A4  
City of Industry, CA 91746

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, and incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, and incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United State 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 \$6,900 further described in Table 3, attached, and incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, and 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 Agreement to the 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:

  
for Evan Belser  
Phillip A. Brooks, Director, Air Enforcement Division

Date: Oct 24 2014

APPROVED BY RESPONDENT:


Name (print): Jinjun Yu

Title (print): General Manager

Signature: 

Date: Nov. 6, 2014

RATIFIED BY EPA:

  
for Evan Belser  
Phillip A. Brooks, Director, Air Enforcement Division

Date: Nov 20 2014



**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
July 8, 2014/July 17, 2014		C A A - 1 4 - 8 1 3 8	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
Price Transfer		A C N - 1 1 5 7 2 3 7 - 5	
<b>Address:</b>			
2711 E. Dominguez Street		0 7 1 7 1 4 1 1 1 5	
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Long Beach		Kingsley Adeduro, Jennifer MacArthur	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
CA	90810	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Dongfang Motor Inc.		Andrea Manion (R9), 415-947-4184	

**Table 2 - Description of Violations and Vehicles/Engines**

The 52 ATVs described below (the Subject Vehicles) were found to be imported by Dongfang Motor Inc. (Dongfang) in violation of Sections 203(a)(1) and 213(d) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. §§ 1051.15(c), 1068.101(a)(1), and 1068.101(b)(5), which collectively prohibit the importation of nonroad vehicles, including recreational vehicles such as ATVs, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. Dongfang has identified the manufacturing model year of the 52 Subject Vehicles as 2014, however no valid COC exists that covers the 2014 production of this engine family, nor has Dongfang provided any documentation that these Subject Vehicles are eligible for any exemptions or exclusions. Hence, the Subject Vehicles are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Engine Family	Manufacturer	Model Year	Quantity
ATVs (Go Karts)	CDGFX.125GAA	Ningbo Dongfang Lingyun Vehicle Made Co., Ltd.	2014	52

**Table 3 - Penalty and Required Remediation**

Penalty	\$6,900
Required Remediation	Dongfang must export the 52 uncertified Subject Vehicles to a country other than Canada or Mexico and must provide the EPA with a report documenting the exportation.