

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. MSEB8143

Respondent: Mr. Patrick Y Kim
President
BMS Motorsports Inc.
18689 Arenth Ave
City of Industry
CA 91748

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 \$3,800 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:



 Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/24/2015

APPROVED BY RESPONDENT:

Name (print): PATRICK KIM


Title (print): PRESIDENT

Signature: 

Date: 3-3-2015

RATIFIED BY EPA:



 Phillip A. Brooks, Director, Air Enforcement Division

Date: 3-30-15

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 30, 2012		M S E B 8 1 4 3	
Inspection Location:		Entry/Inspection Number(s)	
CBP Warehouse		3 1 2 L B - 1 6	
Address:			
2751 E. Dominguez Street			
City:		Inspector(s) Name(s):	
Long Beach		JOSEPH LAPKA	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
BMS Motorsports Inc.		Kingsley Adeduro, 415-947-4182	

Table 2 - Description of Violation and Vehicles/Engines

BMS imported 50 on-road Spark Ignition (SI) vehicles (Heritage 150 Scooters) described below (Subject Vehicles) powered by uncertified SI engines in violation of Title II of the Clean Air Act (CAA). A sampled catalyst taken from one of the Subject Vehicles during the March 30, 2012 inspection was found to be materially different from the catalysts specified in the application for the Certificate of Conformity (AFC and COC respectively). BMS Motorsports Inc. (BMS) provided information that demonstrates the catalyst described in the AFC has materially different substrate material, dimensions, and precious metal loading than the catalyst found during the inspection. EPA's analysis indicated that the materials loading on the sampled catalyst was calculated to be only 9.25 g/ft³ [REDACTED]. Additionally, the Pt:Pd:Rh: ratio was measured at 5.6:26:1. This is quite different from the specification [REDACTED] contained in the AFC. Differences in catalyst materials affect emissions. BMS submitted documentation to demonstrate that the engine tested for certification contained a catalyst with the same part number and physical dimensions as the sampled catalyst. However, while the part number of the catalyst may be the same on the tested engine as the Subject Vehicles, the EPA concludes that the COC does not cover the engines in the Subject Vehicles, because a COC covers only engines that are materially the same as those described in the AFC. Therefore, the engines in the Subject Vehicles are not covered by a valid COC, and are not otherwise excluded from coverage. CAA § 203(a)(1), 42 U.S.C. § 7522(a)(1) prohibits the importation of on-road engines or equipment unless they are covered by a valid EPA COC or are properly exempted or excluded. Accordingly, BMS committed 50 violations of CAA § 203(a)(1), 42 U.S.C. § 7522(a)(1) by importing the Subject Vehicles.

Subject Equipment	Claimed Engine Family	Manufacturer	Model Year	Quantity
Gasoline powered Scooters	CBMSCO.15ZNE	TAIZHOU ZHONG IMPORT AND EXPORT CO., LTD	2012	50

Table 3 - Penalty and Required Action

Penalty	\$3,800
Required Action	Any Subject Vehicles remaining in BMS inventory must be exported to a country other than Canada or Mexico or destroyed.