

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. M5EB 8237

Respondent: Mr. Zhongming Lu
Chief Executive Officer
Ming's International, Inc.
5595 Daniels Street, Unit C,
Chino, CA 91710

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.

1. 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.
2. Respondent consents to the payment of a penalty in the amount of \$13,898.00 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.
3. 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:



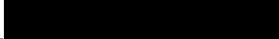
Date: 11/18/15

for Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print): Zhong Ming Lu.

Title (print): CEO

Signature: 

Date: 11-26-2015

RATIFIED BY EPA:



Date: 12/16/15

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
11/26/2014		M S E B 8 2 3 7	
Inspection Location:		Entry/Inspection Number(s)	
Price Transfer		A B T 0 7 7 6 9 4 5 - 0	
Address:			
2711 E. Dominguez Street			
City:		Inspector(s) Name(s):	
Long Beach		Kingsley Adeduro, EPA. Officer Tapinco, CBP	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Ming's International, Inc.		Kingsley Adeduro, 415-947-4182	

Table 2 - Description of Violation and Vehicles/Engines

The spark-ignition engines described below (the Subject Engines) are classified as non-road SI engines regulated by 40 C.F.R. Parts 1054 and 1068. It is a 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), for any person to import an engine subject to these regulations unless such engine is covered by a Certificate of Conformity (COC) issued by EPA and bears the required information, including emission controls information (ECI) label and unique identification number, or is properly exempted or excluded from these requirements. On or about November 6, 2014, Ming's International, Inc. (Ming's) imported the Subject Engines as motorcycle parts. However, the Subject Engines have installed crankshafts and are engines as defined by 40 C.F.R. § 1068.30. The importer did not submit an EPA import declaration form 3520-21 for the Subject Engines, nor did the entry documentation or merchandise labeling indicate any certification, exemption, or exclusion status of the Subject Engines. An officer of the U.S. Department of Homeland Security's Bureau of Customs and Border Protect (CBP) examined the entry. According to examination photographs submitted to the EPA by CBP, the Subject Engines have no markings, serial numbers, or labels that identify the manufacturer or their source. Ming's submitted information alleging that the Subject Engines were certified under Engine Family CKNDX.150GKA. The EPA has determined that the Subject Engines are not covered by the COC issued for Engine Family CKNDX.150GKA, or any other. The EPA searched its COC database but could not find any COCs issued to the company listed as the manufacturer at the back of the invoice. The Subject Engines bear neither an EPA ECI label nor a serial number, as required under 40 C.F.R. § 1054.135, and are not covered by a COC, all of which are required by 40 C.F.R. § 1068.101(a)(1). Consequently, the importation of the Subject Engines is prohibited by CAA Sections 203(a)(1) and 213(d), 42 U.S.C. §§7522(a)(1) and 7547(d), and the implementing regulations at 40 C.F.R. §§ 1068.101(a)(1) and (b)(5). Ming's committed 1,105 separate violations by importing the Subject Engines.

Equipment Description	Claimed Engine Family	Manufacturer	Model Year	Quantity
2-stroke, spark-ignition engines with various parts	CKNDX.150GKA	ZHEJIANG JIAJIA JUNENG Motor Cycle Co. Ltd.	unknown	1105

Table 3 - Penalty and Required Action

Penalty	\$13,898.00
Required Action	Ming's International Inc. must export the 1105 uncertified engines to a country other than Canada or Mexico.