


**Enclosure**  
**CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. CAA-11-7937

Respondent: Ronald Ruppel  
Ardisam, Inc.  
1690 Elm Street  
Cumberland, Wisconsin 54829

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 this 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 \$5,400, 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, 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 Expedited Settlement Agreement to EPA, Respondent consents to the terms of the Expedited Settlement Agreement without further notice. Respondent acknowledges that this Expedited Settlement 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*   
\_\_\_\_\_  
Phillip A. Brooks, Director, Air Enforcement Division

Date: 5/11/11

APPROVED BY RESPONDENT:

Name (print): Mark G. Ruppel

Title (print): CEO

Signature: 

RATIFIED BY EPA:

*for*   
\_\_\_\_\_  
Phillip A. Brooks, Director, Air Enforcement Division

Date: 6/7/11



**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
3/4/2011 Entry, 3/11/11 Inspection		C A A - 1 1 - 7 9 3 7	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
U.S. CBP's Global CFS Warehouse		C B J - 1 0 0 0 8 0 9 - 4	
<b>Address:</b>			
860 Foster Avenue			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Bensenville		Erik Hardin	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
IL	60106	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Ronald Ruppel		Meetu Kaul (202) 564-5472	

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

The engines contained in the equipment described below are not covered by an EPA-issued Certificate of Conformity (COC) because they do not conform to the design specifications in the application for the COC for engine family ACGPS.1591PA with respect to the carburetors and the stated power output. Specifically, the carburetors were found to have an adjustable idle mixture screw (covered by an easily-removed cap), whereas the application for the COC does not identify such an adjustment. When present on an engine design, adjustments such as these must be described in the application for the COC, along with a description of any means to limit such adjustment. Although the engine manufacturer claims that its tamper-resistance device has been approved by California's Air Resources Board (CARB) subject to similar requirements to EPA's, CARB's approval was for an entirely different tamper-resistance device than the cap installed on the imported engine carburetors. Furthermore, as evidenced by the engine manual and documentation provided by Ardisam to U.S. Customs and Border Protection as part of the entry package information, the maximum power output of the imported engines is 3.7 kW (5.0 horsepower), while the maximum power listed in the application for the COC is 2.7 kilowatts (kW). A COC only covers engines that are materially the same as the engines described in the application for the COC. The presence of an easily accessible adjustable idle mixture screw, and the power discrepancy are material differences from the certified design. Importation of uncertified engines is prohibited by Section 203(a) of the Clean Air Act and 40 C.F.R. § 90.1003(a).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Earthquake Model #3310V Rototillers	ACGPS.1591PA	Loncin Industrial Company, Ltd.	2010	320

**Table 3 - Penalty and Required Remediation**

Penalty	\$5,400
Required Remediation	Ardisam must export or destroy the 320 above-mentioned pieces of equipment and provide EPA with a report and documentation proving that such exportation or destruction has occurred.