

Enclosure

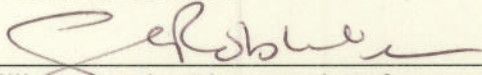
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7941

Respondent: Trey Brown, President  
DOLMAR GmbH North America  
1005 Alderman Drive Ste 106  
Alpharetta, GA 30005

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 \$3,600, 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 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:

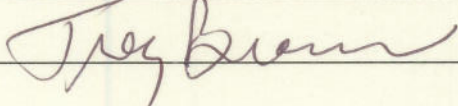
  
Phillip A. Brooks, Director, Air Enforcement Division

Date: 5/23/11

APPROVED BY RESPONDENT:

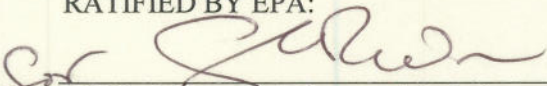
Name (print): TREY BROWN

Title (print): GENERAL MANAGER

Signature: 

Date: 06-07-11

RATIFIED BY EPA:

  
Phillip A. Brooks, Director, Air Enforcement Division

Date: 6/15/11

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
February 8, 2011 and February 15, 2011		C A A - 1 1 - 7 9 4 1	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
Vanguard Logistics Services		1 0 1 - 8 8 2 8 9 1 1 - 9	
<b>Address:</b>			
300 Middlesex Avenue			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Carteret		Ross Ruske, Amelie Isin, Anne Wick, Richard Kan, Robert Fitzpatrick, Venkata Rao	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
NJ	07008	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Trey Brown, DOLMAR GmbH North America		Meetu Kaul (202) 564-5472, John Dolinar (212) 637-3204	

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

40 C.F.R. § 1054.205(q) requires that the presence of any adjustable parameters (such as carburetor adjustment screws) be fully disclosed in the application for a Certificate of Conformity (COC) for new, nonroad spark-ignition engines less than 19 kilowatts (Small SI Engines). Further, a COC covers only those engines that are materially the same as the certified design. The applications for the COCs for EPA engine families AM6XS.0424AA, AM6XS.0505CA, and AM6XS.0735CD, which cover chainsaw models PS-420 and PS-5105, and cutter model PC-7435 respectively, do not include adjustable parameters as part of the certified design. However, in the case of the chain saw models, EPA inspectors identified carburetor mixture screws (low and high) that could be partially adjusted with simple tools such as a flathead screw driver and wire cutter. The screws were fully adjustable when the internal limiter caps were removed using pliers and a torx wrench that was supplied in the shipping box. In the case of the power cutter model, EPA inspectors identified carburetor mixture screws (low and high) that could be adjusted with simple tools such as the flathead screw driver that was supplied in the shipping box. The presence of adjustable carburetor mixture screws is a material difference from the certified design, and thus, the engines in the equipment are not covered by the COCs. Additionally, 40 C.F.R. § 1054.135(c) requires that new Small SI Engines bear Emission Control Information (ECI) labels that contain abbreviations identifying the emission control system components of the certified design. The ECI labels for the two chainsaw models and the cutter model failed to include an abbreviation for the catalyst, which is part of the certified design, on the ECI label. The three engine families identified below are therefore imported in violation of 40 C.F.R. § 1068.101(a)(1) because they are not covered by an EPA COC and have noncompliant labels.

Equipment Description	Engine Family	Manufacturer	Model	Model Year	Quantity
16" Chainsaw	AM6XS.0424AA	Dolmar GmbH	PS-420	2010	26
18" & 20" Chainsaw	AM6XS.0505CA	Dolmar GmbH	PS-5105	2010	72
Power Cutter	AM6XS.0735CD	Dolmar GmbH	PC-7435	2010	16

**Table 3 - Penalty and Required Remediation**

Penalty	\$3,600
Required Remediation	Dolmar GmbH must destroy or export the equipment listed in Table 2 to a country outside of Canada, Mexico, and U.S. territories and provide EPA with a report and documentation proving that such exportation or destruction has occurred.