

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

DOCKET NO. CAA-12- 7949

Respondent: Cliff Feldmann  
Feldmann Engineering & Manufacturing  
Co., Inc.  
520 Forest Avenue  
Sheboygan Falls, Wisconsin 53085

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 inspections 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 \$18,000, 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:

  
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Phillip A. Brooks, Director, Air Enforcement Division

Date: 4/23/12

APPROVED BY RESPONDENT:

Name (print): CLIFF FELDMANN

Title (print): PRESIDENT

Signature: Cliff Feldmann

Date: 6/20/2012

RATIFIED BY EPA:

  
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Phillip A. Brooks, Director, Air Enforcement Division

Date: 6/26/12

**Table 1 - Inspection Information**

**Entry/Inspection Date(s):**

8-23, 8-30, 9-20, and 9-21-11

**Docket Number:**

C	A	A	-	1	2	-	7	9	4	9	
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**Inspection Location:**

U.S. CBP's Exam Station at Channel Distribution Corporation

**Entry/Inspection Number(s)**

M	9	6	-	2	1	0	6	4	9	6	-	0
M	9	6	-	2	1	0	7	2	6	2	-	5
M	9	6	-	2	1	0	7	4	5	2	-	2
M	9	6	-	2	1	0	7	4	3	2	-	4

**Address:**

925 West Thorndale Avenue

**City:**

Itasca

**Inspector(s) Name(s):**

Erik Hardin (EPA) and Jeffrey Kiekenbush (CBP)

**State:      Zip Code:**

IL	60143
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**EPA Approving Official:**

Phillip A. Brooks

**Respondent:**

Cliff Feldmann

**EPA Enforcement Contact:**

David Alexander (202) 564-2109

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

The following is a list of the identified violations:

- 1) Sampled emission control information (ECI) labels did not meet the requirements of 40 C.F.R. § 1054.135. These included:
  - A) ECI labels could be peeled off without being destroyed or defaced.
  - B) ECI labels did not contain the correct engine family name. Specifically, the propane engines described below were labeled with Engine Family BFLDS.0491FE rather than BFLDS.0494FM.
  - C) ECI labels did not contain an indication of the emission control system. Specifically, the propane engines described below lacked the initial "EM" for engine modification, and the 2-stroke gasoline engines described below lacked "OC" for oxidative catalyst.
  - D) ECI labels did not display a proper date of manufacture (DOM). Specifically, the propane engines and the 4-stroke gasoline engines described below had a DOM showing the month where the year was required to be, and the 2-stroke gasoline engines described below did not contain any indication of the DOM.
- 2) The 4-stroke gasoline engines and water pumps containing gasoline engines described below contained an adjustable parameter that could affect emissions that was not described in the application for the Certificate of Conformity issued for Engine Family BSHSS.0494GA. Specifically, the engines were equipped with carburetors with fully accessible and adjustable mixture screws which permit adjustment of the air to fuel ratio, whereas the certified design had a fixed carburetor design, a material difference.
- 3) No ECI label was found. In the case of the 64 unknown gasoline engines described below, the labels on the engine contained nothing but Chinese characters, indicating that the engines were not built for the U.S. market or covered by a Certificate of Conformity (COC).

The section of the table below is a listing of all the equipment covered by this ESA. An asterisk next to a violation indicates that the violation was disclosed by Feldmann Engineering & Manufacturing Co., Inc. (Feldmann) prior to EPA's discovery of the violation. Engines are not covered by a COC if they are materially different from the certified design. Feldmann violated 40 C.F.R. § 1068.101(a) by importing engines that are not covered by a COC or that do not bear the required labels.

Equipment Description	Engine Family	Manufacturer	Model Year	Entry Number	Number	Violations Code (see above)
Propane engine	BFLDS.0494FM	Feldmann	2011	M96-2106496-0	3,248	1A, 1B, 1C, 1D
4-stroke gasoline engine	BSHSS.0494GA	Shandong Huasheng Zhongtian Machinery Group Co., Ltd.	2011		153	1A, 1D, 2
Water pump with gasoline engine	Claimed as BSHSS.0494GA		2011		4	2, 3
Unknown Gasoline Engines	None	Unknown	Unknown	M96-2107262-5	64	3
Propane engine	BFLDS.0494FM	Feldmann	2011		2,414	1A, 1B, 1C, 1D
2-stroke gasoline engine	BZAGS.0525AG	Zhejiang Anqidi Garden Machinery Co., Ltd.	2011	M96-2107432-4	3,000	1A, 1C, 1D
			2011	M96-2107452-2	3,030	

**Table 3 - Penalty and Required Remediation**

Penalty	\$18,000
Required Remediation	Feldmann has completed all relabeling to EPA's satisfaction. Feldmann must export or destroy the stand-alone 4-stroke gasoline engines and water pumps containing a gasoline engine both imported under Entry Number M96-2106496-0 as well as the 64 unknown gasoline engines imported under Entry Number M96-2107262-5, and provide proof of such exportation or destruction.