

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

DOCKET NO. CAA-11-7936

Respondent: Leo A. Theisen  
Theisen Supply, Inc.  
6201 Chavenelle Road  
Dubuque, Iowa 52002

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) 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 \$5,300, 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:



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

Date: 5/20/11

APPROVED BY RESPONDENT:

Name (print): Leo A. Theisen

Title (print): President

Signature: Leo A. Theisen

RATIFIED BY EPA:



*for* 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>	
8/22/2010 Entry, 9/2 and 9/9/2010 Inspections		C A A - 1 1 - 7 9 3 6	
<b>Inspection Location:</b>		<b>Entry/Inspection Number(s)</b>	
U.S. CBP's Channel Corporation Warehouse		2 7 9 - 9 7 0 2 1 1 9 - 4	
<b>Address:</b>			
925 West Thorndale Avenue			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Itasca		Erik Hardin	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
IL	61938	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Leo A. Theisen		Meetu Kaul (202) 564-5472	

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

Imported recreational vehicles are required to be covered by a valid Certificate of Conformity (COC). A COC covers only those vehicles that conform, in all material respects, to the design described in the application for the COC. The go-karts listed below are not covered by a valid COC because the catalytic converter installed on the go-karts has less active catalytic material (Platinum and Rhodium) than the catalytic converter described in the documentation for the COC for the engine family listed on the EPA emission control information label, ATJPX.150GAL. In addition, the go-karts are manufactured by a different manufacturer than the one identified in the application for the COC, making it unlikely that the vehicles are identical to the vehicles described in the application for the COC. Because the go-karts are materially different from the certified design, EPA concludes that they are not covered by the COC. These vehicles were therefore imported in violation of 40 C.F.R. § 1068.101(a)(1).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Metal Motorsports 150KT Off-Road Sport Vehicle (Go-Kart)	ATJPX.150GAL	Shanghai Howhit Machinery Manufacture Co. (by VIN) / Shanghai Tong Jian Sports Equipment Co., Ltd. (in application for Certificate of Conformity)	2010	40

**Table 3 - Penalty and Required Remediation**

<b>Penalty</b>	\$5,300
<b>Required Remediation</b>	Theisen must export or destroy the 40 above-mentioned go-karts and provide EPA with a report and documentation proving that such exportation or destruction has occurred.