

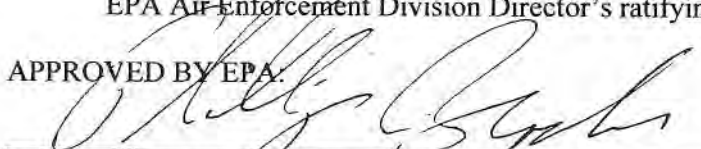
Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-14-8069

Respondent: David Rauch, President
U.S. Wire & Cable Corporation
366 Frelinghuysen Avenue
Newark, NJ 07114

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations 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 the 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$15,500 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, the 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:



Phillip A. Brooks, Director, Air Enforcement Division

Date: 8/5/14

APPROVED BY RESPONDENT:

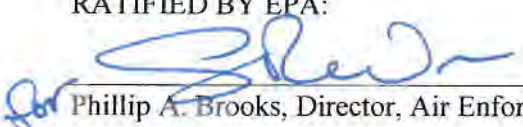
Name (print): DAVID RAUCH

Title (print): PRES.

Signature: 

Date: 8/13/14

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 9/18/14

COPY

Table 1 - Inspection Information

| | | | |
|--|------------------|--|--|
| Entry/Inspection Date(s): | | Docket Number: | |
| 04/03/2014-04/14/2014 | | C A A - 1 4 - 8 0 6 9 | |
| Inspection Location(s): | | Entry/Inspection Number(s) | |
| U.S. Customs and Border Protection at Port of San Juan | | D P 4 - 0 7 3 3 5 7 7 - 8 | |
| Address: | | | |
| No.1 La Puntilla Street | | | |
| City: | | Inspector(s) Name(s): | |
| San Juan | | Officer Torres, U.S. Bureau of Customs and Border Protection | |
| State: | Zip Code: | EPA Approving Official: | |
| PR | 00901 | Phillip A. Brooks, Director, Air Enforcement Division | |
| Respondent: | | EPA Enforcement Contact: | |
| David Rauch | | Robert G. Klepp, 202-564-5805 | |

Table 2 - Description of Violation and Vehicles/Engines

On or about April 3, 2014, Flexon Industries Corporation, a Division of U.S. Wire & Cable Corporation (U.S. Wire & Cable) imported 2,666 grass trimmers powered by gasoline fueled small spark ignition engines (Subject Engines), model year 2014, into the United States, through the Port of San Juan, Puerto Rico. A copy of a Certification of Conformity (COC) for engine family ENGSS.0254KK, included in the entry documentation, was issued to Ningbo Spark Tools Ltd. (Ningbo Spark), on January 15, 2014. On April 30, 2014, EPA emailed the point of contact listed on the Ningbo Spark COC, seeking confirmation that the Subject Engines were manufactured under the COC for this engine family. EPA received no response to the request for confirmation; however, on May 6, 2014, your company submitted Form 3520-1, declaring a permanent exemption for the engines by checking Code 3, "Manufacturer-owned engine." EPA found no COC's issued to Flexon Industries or U.S. Wire & Cable Corp. Section 203(a) of the Clean Air Act (CAA), 42 U.S.C. § 7522(a), prohibits a manufacturer from importing any engine manufactured after the effective date of the regulations, unless such engine is covered by a COC issued by EPA. The EPA regulations at 40 C.F.R. Part 1054 apply to small spark ignition nonroad engines, and for handheld engines (which covers the Subject Engines) the Part 1054 requirements began to apply with the 2011 model year. In addition, in the application for the COC for engine family ENGSS.0254KK, Ningbo Spark indicates that it would be the certificate holder for the equipment in which its engines are installed. A search of EPA's certification records indicates that no equipment COC has been issued to Ningbo Spark. The regulations require every manufacturer of nonroad equipment to obtain a COC covering such equipment, 40 C.F.R. § 1060.201, and label such equipment with emission control information and COC status, 40 C.F.R. § 1060.135. Non-conforming engines and equipment may be imported under the provisions of 40 C.F.R. § 1068.215. The exemption in this regulatory provision is intended for COC holders that import prototype units for testing or demonstration, and does not allow sale of the non-conforming engines or equipment, and it requires specific engine labeling. Based on EPA's review and analysis of your company's documentation submitted at the time of importation, and the direct inspection of the Subject Vehicles by the U.S. Department of Homeland Security's Bureau of Customs and Border Protection, EPA concludes that the Subject Engines are not covered by a COC, and that your company has not complied with regulations that allow for a manufacturer-owned exemption. Further, EPA concludes that the equipment on which the Subject Engines are installed is uncertified, and neither the labeling requirements for certified engines/equipment, nor those of the manufacturer-owned engine exemption, are fulfilled.

| Engine Manufacturer | Engine Family | Model Year | Quantity |
|--|--|------------|----------|
| Flexon Industries Corporation Div. of U.S. Wire & Cable Corporation | Unknown (25cc, 2-Stroke, no markings other than serial number) | 2014 | 2,666 |

Table 3 - Penalty and Required Remediation

| | |
|----------------------|--|
| Penalty | \$15,500 |
| Required Remediation | Respondent agrees to export the Subject Engines. |