

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-13-8042

Respondent: Ashfaq Kazi
Yukon Trail Inc.
2051 S. Lynx Place
Ontario, CA 91761


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 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 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 specified in Table 3, incorporated into this Agreement by reference, 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

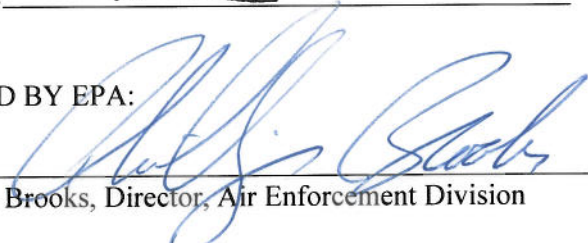
Date: 4/12/2013

APPROVED BY RESPONDENT:

Name (print): ASHFAQ KAZI
Title (print): VP of Business Development
Signature: 

Date: 5/14/2013

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 7/29/2013

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
September 19, 2012 / October 17, 2012		C A A - 1 3 - 8 0 4 2	
Inspection Location:		Entry/Inspection Number(s)	
FCL Logistics		2 7 7 - 0 1 3 6 3 1 7 - 1	
Address:			
1240 E. 230 th Street			
City:		Inspector(s) Name(s):	
Carson		Joseph Lapka	
State:	Zip Code:	EPA Approving Official:	
CA	90745	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Yukon Trail Inc.		Joseph Lapka, (415) 947-4226	

Table 2 - Description of Violations and Vehicles/Engines

The 210 off-highway motorcycles with model name Badger 100 (Subject Vehicles) imported by Yukon Trail Inc. were found to be uncertified because they do not conform to the design specifications for engine family CUPCX.098BGR. Specifically, the application for certification describes vehicles that have no design features that would allow a mechanic to alter the engine's air fuel ratio in under one hour using under \$60 in parts. However, upon inspection, the EPA found that the carburetor has an easily accessible and removeable main fuel jet. Further, the manual provided with the vehicles explicitly recommends replacing the main fuel jet with a different size and making other adjustments to the carburetor in certain circumstances. Carburetor jets are available for these types of vehicles for under \$10. Due to this material difference between the certified design and the design of the imported vehicles, the vehicles are not covered by a valid EPA Certificate of Conformity, and importation of the vehicles into the United States is prohibited by EPA's regulations at 40 C.F.R. § 1068.101(a)(1) and (b)(5), and by section 203(a)(1) of the Clean Air Act.

Subject Vehicles	Engine Family	Manufacturer	Model Year	Quantity
Gasoline powered off-highway motorcycle: Badger 100	CUPCX.098BGR	Chongqing Astronautic Bashan Motorcycle Manufacturing Co., Ltd.	2012	210

Table 3 - Penalty and Required Remediation

Penalty	\$3,600
Required Remediation	Yukon Trail Inc. must export the Subject Vehicles to a country other than Canada or Mexico, and must provide EPA with a report documenting the exportation.