

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-14-8141

Respondent: Mr. Nie Jiaming  
President  
Infinity Source Inc.  
525 Yorbita Road  
La Puente, CA 91744-5906


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, and incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, and incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United State 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 \$1,300 further described in Table 3, attached, and incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, and 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 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:

  
\_\_\_\_\_  
for Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/6/2015

APPROVED BY RESPONDENT:

Name (print):  KEVIN CHAU

Title (print): CFO (owner)

Signature: 

Date: 2/28/2015

RATIFIED BY EPA:

  
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Phillip A. Brooks, Director, Air Enforcement Division

Date: 3/19/15



**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b> July 10, 2013/August 8, 2013		<b>Docket Number:</b> C A A - 1 4 - 8 1 4 1	
<b>Inspection Location:</b> CBP Warehouse		<b>Entry/Inspection Number(s)</b> K 8 0 - 2 0 0 4 3 2 0 - 5 0 1	
<b>Address:</b> 2751 E. Dominguez Street			
<b>City:</b> Long Beach		<b>Inspector(s) Name(s):</b> Jennifer MacArthur	
<b>State:</b> CA	<b>Zip Code:</b> 90810	<b>EPA Approving Official:</b> Phillip A. Brooks	
<b>Respondent:</b> Infinity Source Inc.		<b>EPA Enforcement Contact:</b> Kingsley Adeduro, 415-947-4182	

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

The 150 chainsaws described below (Subject Equipment), are regulated by 40 C.F.R. Parts 1054 and 1068 and were found to be powered by uncertified engines in violation of Title II of the Clean Air Act (CAA). It is a violation of 40 C.F.R. § 1068.101(a) for any person to import a nonroad engine subject to regulation unless such engine is covered by a Certificate of Conformity (COC) issued by EPA or exempt from the certification requirement. On July 10, 2013, Infinity Source Inc. (Infinity) imported the Subject Equipment into the Port of Long Beach. The Subject Equipment was purportedly exempt from the CAA's certification requirement as manufacturer-owned engines under 40 C.F.R. §§ 1068.215 and 1068.315(b). However, that exemption requires labeling of the equipment as exempt, and the Subject Equipment did not have any such labels. The Subject Equipment was also purportedly covered by a COC for engine family BCHNS.064549, however that COC does not cover the Subject Equipment because the Subject Equipment: (1) has no date of manufacture, so it cannot be determined if it was manufactured before the expiration of that COC, has no EPA emission control information label, and (3) has a different engine displacement than was described in the application for that COC. In sum, the EPA has determined that the Subject Equipment are neither certified nor exempt. Accordingly, Infinity committed 150 separate violations of 40 C.F.R. § 1068.101(a)(1) and (b)(5) by importing the Subject Equipment.

Subject Equipment	Claimed Engine Family	Manufacturer	Model Year	Quantity
Gasoline powered chainsaws	BCHNS.064549	China Hangyu Group CO. LTD.	2011	150

**Table 3 - Penalty and Required Action**

Penalty	\$1,300
Required Action	Infinity Source Inc. must provide the EPA with a report and documentation showing that the 150 uncertified engines (chainsaws) were either seized by CBP or have been exported to a country other than Canada or Mexico.