

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-16-8299

Respondent: Benjamin Yu
Boom International Holdings USA Inc.
1111 E Citrus Street, Unit 9,
Riverside, California 92507

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 to 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 **\$30,000** 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 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: 2/16/2017

APPROVED BY RESPONDENT:


Name (print): Li Chen

Title (print): General Manager

Signature:  _____

Date: 2/16/2017

RATIFIED BY EPA:

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

Date: 2/16/2017

Table 1A - Inspection Information

Entry/Inspection Date(s):

April 13, 2016

Docket Number:

C A A - 1 6 - 8 2 9 9

Inspection Location:

Price Transfer

Entry/Inspection Number(s)

9 A R - 0 2 5 6 1 8 0 - 1

Address:

2711 E. Dominguez St.

City:

Long Beach

Inspector(s) Name(s):

Andrew Zellinger, Janice Chan, Nathan Dancher

State:

Zip Code:

CA

90810

EPA Approving Official:

Phillip A. Brooks

Respondent:

Boom International Holdings USA Inc..

EPA Enforcement Contact:

Andrew Zellinger (R9), 415-972-3093

Table 1B - Inspection Information

Entry/Inspection Date(s):

May 17, 2016

Docket Number:

C A A - 1 6 - 8 2 9 9

Inspection Location:

Price Transfer

Entry/Inspection Number(s)

9 A R - 0 2 5 6 8 0 1 - 2

Address:

2711 E. Dominguez St.

City:

Long Beach

Inspector(s) Name(s):

Andrew Zellinger, Kingsley Adeduro, Elfego Felix

State:

Zip Code:

CA

90810

EPA Approving Official:

Phillip A. Brooks

Respondent:

Boom International Holdings USA Inc..

EPA Enforcement Contact:

Andrew Zellinger (R9), 415-972-3093

Table 1C - Inspection Information

Entry/Inspection Date(s):

July 19, 2016

Docket Number:

C A A - 1 6 - 8 2 9 9

Inspection Location:

Price Transfer

Entry/Inspection Number(s)

9 A R - 0 2 6 0 8 7 0 - 1

Address:

2711 E. Dominguez St.

City:
Long Beach

Inspector(s) Name(s):
Janice Chan, Nathan Dancher, Roshni Brahmhatt

State: CA **Zip Code:** 90810

EPA Approving Official:
Phillip A. Brooks

Respondent:
Boom International Holdings USA Inc..

EPA Enforcement Contact:
Andrew Zellinger (R9), 415-972-3093

Table 1D - Inspection Information

Entry/Inspection Date(s):
August 15, 2016

Docket Number:
C A A - 1 6 - 8 2 9 9

Inspection Location:
Price Transfer

Entry/Inspection Number(s):
9 A R - 0 2 6 1 2 3 8 - 0

Address:
2711 E. Dominguez St.

City:
Long Beach

Inspector(s) Name(s):
Andrew Zellinger, Kingsley Adeduro

State: CA **Zip Code:** 90810

EPA Approving Official:
Phillip A. Brooks

Respondent:
Boom International Holdings USA Inc..

EPA Enforcement Contact:
Andrew Zellinger (R9), 415-972-3093

Table 1E - Inspection Information

Entry/Inspection Date(s):
August 17, 2016

Docket Number:
C A A - 1 6 - 8 2 9 9

Inspection Location:
Price Transfer

Entry/Inspection Number(s):
9 A R - 0 2 6 2 6 8 9 - 3

Address:
2711 E. Dominguez St.

City:
Long Beach

Inspector(s) Name(s):
Andrew Zellinger, Kingsley Adeduro, Elfego Felix, Matt Salazar

State: CA **Zip Code:** 90810

EPA Approving Official:
Phillip A. Brooks

Respondent:
Boom International Holdings USA Inc..

EPA Enforcement Contact:
Andrew Zellinger (R9), 415-972-3093

Table 2 - Description of Violations and Vehicles/Engines

The 502 scooters described below (Scooters) were found to be imported by Boom International Holdings USA Inc. (Boom) in violation of Section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(1), and the regulations codified at 40 C.F.R. §§ 1068.101(a)(1), and 1068.101(b)(5), which collectively prohibit the importation of engines or equipment containing these engines, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. During the 5 inspections outlined above, the EPA inspectors took a sample muffler/exhaust assemblies from each of the entries and sent them to an EPA laboratory for analysis. Physical and chemical examination of the muffler assembly of the sampled exhaust systems revealed that the design of the catalysts contained therein are materially different from the catalyst designs specified in the respective COC applications for engine families EBMHC.049JLE and GBMHC.049JLE. Hence, the 502 Scooters are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Entry Number	Engine Family	Manufacturer	Model Year	Quantity
Scooters	9AR-0256180-1	EBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	100
Scooters	9AR-0256801-2	EBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	105
Scooters	9AR-0260870-1	EBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	87
Scooters	9AR-0261238-0	EBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	105
Scooters	9AR-0262689-3	EBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	105

Table 3 - Penalty and Required Remediation

Penalty	\$30,000
Required Remediation	Boom International Holdings USA Inc., must provide the EPA with a report and documentation showing that the Subject Engines have been exported to countries other than Canada and Mexico.

1 **DECLARATION OF LI CHEN OF BOOM INTERNATIONAL HOLDINGS (USA), INC.**

2 I, LI CHEN, declare:

3 1. I am the General Manager for BOOM INTERNATIONAL HOLDINGS (USA),
4 INC. I make this declaration based upon facts that are within my personal knowledge, or matters
5 of public record, and if called upon to do so, I could and would competently so testify.

6 2. I have reviewed the October 31, 2016 letter and enclosures from the EPA.

7 3. BOOM INTERNATIONAL has accepted the Clean Air Act Mobile Source
8 Expedited Settlement Agreement (“Settlement Agreement”) and has executed the same.

9 4. BOOM INTERNATIONAL has remitted the agreed upon \$30,000.00 to the EPA
10 on February 6, 2017.

11 5. BOOM INTERNATIONAL hereby certifies that the required remediation, detailed
12 in Table 3 of the Settlement Agreement, has been carried out.

13 6. The basis of this certification is that all of the subject scooters examined by the
14 EPA as detailed in Tables 1 and 2 of the Settlement Agreement were directly exported back to
15 China, without BOOM INTERNATIONAL ever taken possession of them.

16 7. Since the exportation of the subject scooters was not done by BOOM
17 INTERNATIONAL, BOOM INTERNATIONAL does not have any of the said documents.

18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct to the best of my knowledge.

21
22 Executed this 6th day of February, 2017, at City of Industry, California.

23
24 
25 LI CHEN for BOOM INTERNATIONAL
26 HOLDINGS (USA), INC.
27
28



Receipt

Your payment is submitted

Pay.gov Tracking ID: 260H1RI0
Agency Tracking ID: 75179833883
Form Name: EPA Miscellaneous Payments - Cincinnati Finance Center
Application Name: EPA Miscellaneous Payments

Payment Information

Payment Type: Bank account (ACH)
Payment Amount: \$30,000.00
Transaction Date: 02/06/2017 11:11:13 AM EST
Payment Date: 02/07/2017

Account Information

Account Holder Name: Boom International Holdings Inc
Routing Number: 121000358
Account Number: *****5258

Email Confirmation Receipt

Confirmation Receipts have been emailed to:
boomgm@bdmotor.com
will@niulaw.com