


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

DOCKET NO. CAA-16-8295

Respondent: **Brick City Scooter Boyz**  
467 Clinton Ave., Suite 1-A  
Newark, NJ 07108

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 this 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$1,254, 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, 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, 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 THE EPA:**

 Evan Belser  
for Phillip A. Brooks, Director, Air Enforcement Division

Date: Sept. 8 2016

**APPROVED BY THE RESPONDENT:**

Name (print): JEERMAINE CALHOUN

Title (print): CEO

Signature: 

Date: 10/26/16

**RATIFIED BY THE EPA:**

 Evan Belser  
for Phillip A. Brooks, Director, Air Enforcement Division

Date: 11/04/2016

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s):</b>		<b>Docket Number:</b>	
May 18, 2016		C A A - 1 6 - 8 2 9 5	
<b>Inspection Locations:</b>		<b>Entry/Inspection Number(s)</b>	
Port of New York/Newark		5 5 7 - 3 0 6 4 8 7 4 - 2	
<b>Address:</b>			
161-15 Rockaway Blvd, Ste 304			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Jamaica		Richard Kan	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
NY	11434	Phillip A. Brooks	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Brick City Scooter Boyz		Mark Palermo, Attorney, (202) 564-2109	

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

Brick City Scooter Boyz imported to the United States 20 partially complete engines described below (Subject Engines) that do not have an EPA Emission Control Information (ECI) label. Brick City Scooter Boyz submitted an EPA 3520-21 Form for the Subject Engines with a checked 'manufacturer-owned engine' box under permanent exemptions for nonconforming engines. However Brick City Scooter Boyz is not a Certificate of Conformity holder and the Subject Engines are not labeled in accordance with 40 C.F.R. § 1068.215(c)(3)(iv) as this exemption requires. Brick City Scooter Boyz also provided with the importation documentation a Certificate of Conformity (COC) for Shandong Huasheng Machinery Group CO., LTD (Shandong Huasheng), engine family: GSHSS.0494GA. However, investigation by the EPA found the Subject Engines were not built by Shandong Huasheng and do not conform to the certified configuration for engines manufactured by Shandong Huasheng. Based on the above findings, the Subject Engines are not covered by a COC certifying compliance with nonroad engine emission standards promulgated by the EPA, the importer has not demonstrated that the Subject Engines are properly exempted or excluded from such certification, and the Subject Engines were not marked with an ECI label in accordance with the requirements of 40 C.F.R. § 1068.101(a)(1) and (b)(5). As a result, by importing the Subject Engines that are not covered by a COC and without the required labels into the United States, Brick City Scooter Boyz committed 20 violations of 40 C.F.R. §§ 1068.101(a)(1) and (b)(5).

Equipment Description	Manufacturer	Model	Alleged Engine Family(ies)	Entry Number(s)	Quantity
Sunway Scooter Engines; 4-Stroke Spark-Ignition	Unknown, but Engine Cover is labelled Huasheng Taishan	Unknown, but Importer provided Model Number "CHGS-01,02,03" on EPA 3520-21 Form	Unknown, but Importer provided COC for Engine Family GSHSS.0494GA	557-3064874-2	20

**Table 3 - Penalty and Required Remediation**

Penalty	\$1,254
Required Remediation	Brick City Scooter Boyz must export all of the Subject Engines to a country other than Canada or Mexico, and provide the EPA with a report documenting the exportation.

ELECTION OF PROCEEDINGS – NON-CAFRA FORM

NOTE: PLEASE READ THE LETTER NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS BEFORE YOU FILL OUT THIS FORM. THIS FORM SHOULD BE COMPLETED AND RETURNED TO U.S. CUSTOMS AND BORDER PROTECTION (CBP), FINES, PENALTIES, & FORFEITURES OFFICE, 1100 RAYMOND BLVD., SUITE 502, NEWARK, NJ 07102.

I understand that property in which I have an interest has been seized by U.S. Customs and Border Protection (CBP)/U.S. Immigration and Customs Enforcement (ICE) under Case Number 2016-4601-000758-01 BS.

Check ONLY ONE of the five following choices:

- 1. I REQUEST THAT CBP CONSIDER MY PETITION ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED. My petition is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my petition is considered. However, I understand that *at any time* I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition. I also understand that *at any time* I can file a claim and bond with CBP and CBP's consideration of my petition will stop and the case will be sent to the U.S. Attorney's Office for court action.
- 2. I REQUEST THAT CBP CONSIDER MY OFFER IN COMPROMISE ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED. My offer is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my offer is considered. However, I understand that *while my offer is under consideration* I can request, in writing, that CBP begin administrative forfeiture proceedings, and CBP will continue to consider my offer. I also understand that *while my offer is under consideration* I can file a claim and cost bond with CBP and CBP's consideration of my offer will stop and the case will be sent to the U.S. Attorney's Office for court action.
- 3. I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY. Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
- 4. I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION. Please immediately refer the case to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings. I am filing/will file a claim and bond with CBP.
- 5. I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY. Please immediately begin publication of the notice of seizure and intent to forfeit the property, and consider any petition or offer in compromise which I may timely file. I understand that within thirty (30) days of the first publication of the notice, I can request that CBP send the case to the U.S. Attorney's Office for institution of judicial forfeiture proceedings.

JERMAINE CALHOUN  
Name (Print)

7/16/16  
Date

Jermaine Calhoun  
Signature