

Enclosure


CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. AED-17-8323

Respondent: Mr. Si Sun
Ricky Power Sports, LLC
2653 Manana Drive
Dallas, Texas 75220-1301

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, 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 the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of **\$5,000** 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, 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:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 2/16/2017

APPROVED BY RESPONDENT:


Name (print): JEN-CHUN CHI

Title (print): CEO

Signature: 

Date: 3/9/17

RATIFIED BY EPA:


for Phillip A. Brooks, Director, Air Enforcement Division

Date: 4/6/2017

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
July 26, 2016 / August 16, 2016		A E D - 1 7 - 8 3 2 3	
Inspection Location:		Entry/Inspection Number(s)	
Price Transfer Warehouse		E J D - 0 0 4 4 3 2 6 6	
Address:			
2711 East Dominguez Street		2 0 1 6 0 8 1 6 0 8 5 5 0 1	
City:		Inspector(s) Name(s):	
Long Beach		Kingsley Adeduro, Andrew Zellinger, Matt Salazar and Elfego Felix	
State:	Zip Code:	EPA Approving Official:	
CA	90810	Phillip A. Brook	
Respondent:		EPA Enforcement Contact:	
Ricky Power Sports, LLC		Rose Galer (Region 9), 415-947-4289	

Table 2 - Description of Violation and Equipment

The 105 Magician Off-road Motorcycles imported by Ricky Power Sports, LLC on or about July 26, 2016 (the Subject Motorcycles) were found to be uncertified under Title II of the Clean Air Act (CAA). Physical and chemical analysis of the catalyst from one of the Subject Motorcycles reveals that it is materially different from the catalyst design specified in the COC application for engine family GRKYX.229F2N. Specifically, both the precious metal ratio and loading differ from the design. The EPA has found no evidence that the Subject Motorcycles are otherwise excluded from coverage. Thus, Ricky Power Sports, LLC has imported the Subject Motorcycles in violation of CAA Sections 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. §§1051.15, 1068.101(a)(1) and (b)(5).

Equipment Description	Claimed Engine Manufacturer	Model Year	Claimed Engine Family	Quantity
Magician Off-road Motorcycles	Chongqing Haosen Motorcycle Co., Ltd	2016	GRKYX.229F2N	105

Table 3 - Penalty and Required Remediation

Penalty	\$5,000
Required Remediation	Ricky Power Sports, LLC must export the above mentioned 105 Subject Motorcycles to a country other than Canada and Mexico and provide the EPA with a report documenting such exportation.

19 CFR 10.60, 10.61, 123.41, 123.42

**TRANSPORTATION ENTRY AND MANIFEST
OF GOODS SUBJECT TO CBP
INSPECTION AND PERMIT**
U.S. Customs and Border Protection

Entry No. 755-063-971
Class of Entry I.E
(I.T.)(T.E.)(WD.1E)(Drawback, etc.)

EJD Entry No. 0044326-6
Port 2704
Date 07/26/2016

PORT CODE NO. 2704 FIRST U.S. PORT OF UNLADING 2704

PORT OF LOS ANGELES, CA (2704) DATE 10/21/2016

Entered or imported by RICKY POWER SPORTS, LLC Importer/IRS # 80-096007200 to be shipped

in bond via 95-293429500 PRICE TRANSFER BKG# 4040136360 NYK APHRODITE 78 consigned to
(C.H.L number) (Vessel or carrier) (Car number and initial) (Pier or station)

CBP Port Director LOS ANGELES, CA -2704 Final foreign destination SHANGHAI, CHINA (57035)
(For exportations only)

Consignee CHONGQING HAOSAN MOTORCYCLE CO., LTD, 28 BANSHAN CUN, JIULONGPO, CHONGQING, CHINA
(At CBP port of exit or destination)

Foreign port of lading SHANGHAI, CHINA (57035) B/L No. OOLU2575048450 Date of sailing 07/05/2016
(Above information to be furnished only when merchandise is imported by vessel)

Imported on the NYK DIANA Flag 046E on 07/26/2016 via SHANGHAI, CHINA
(Name of vessel or carrier and motive power) (Date imported) (Last foreign port)

Exported from CHINA on 07/05/2016 Goods now at PRICE TRANSFER W344
(Country) (Date) (Name of warehouse, station, pier, etc.)

Marks and Numbers of Packages	Description and Quantity of Merchandise Number and Kind of Packages (Describe fully as per shipping papers)	Gross Weight in Pounds	Value (Dollars only)	Rate	Duty
105 PIECES	MOTORCYCLE Original CNTR#OOLU8552528 EPA REFUSAL OOCL CARRIER BKG: 4040136360 VSL: NYK APHRODITE 078W ETD: 11/16/16 , ETA: 12/02/16 TO SHA	27777.96 LBS	\$49140.00 VALUE ESTIMATED, NOT VERIFIED		

G.O. No. Check if withdrawn for Vessel supplies (19 U.S.C. 1309)

CERTIFICATE OF LADING FOR TRANSPORTATION IN BOND AND/OR LADING FOR EXPORTATION FOR

LOS ANGELES, CA 2704
(Port)

WITH THE EXCEPTIONS NOTED ABOVE, THE WITHIN-DESCRIBED GOODS WERE:

Delivered to the Carrier named above, for delivery to the CBP Port Director at destination sealed with CBP seals Nos. 98983 or the packages (were) (were not) labeled, or corded and sealed.

Laden on the--
(Vessel, vehicle, or aircraft)
which cleared for--

on _____ (Date)
as verified by export records.

[Signature]
(Inspector)
10/24/16
(Date)

(Inspector)

(Date)

I truly declare that the statements contained herein are true and correct to the best of my knowledge and belief.

Entered or withdrawn by OEC SHIPPING LOS ANGELES, INC
IRS# 95-4682826
13100 ALONDRA BLVD., SUITE 100
CERRITOS, CA 90703
(562) 926-7186 EXT 855 FX (562) 926-7183

To the Inspector: The above-described goods shall be disposed of

Received from the Port Director of the above CBP location the merchandise described in this manifest for transportation and delivery into the custody of the CBP officers at the port named above, all packages in apparent good order except as noted hereon.

PRICE TRANSFER/IRS# 95-293429500
[Signature]
Attorney or Agent of Carrier

INSTRUCTIONS

Consult CBP officer or Part 18, Customs Regulations, for the appropriate number of copies required for entry, withdrawal, or manifest purposes.

For the purpose of transfer under the cartage or lighterage provisions of a proper bond to the place of shipment from the port of entry, extra copies bearing a stamp, or notation as to their intended use may be required for local administration.

As the form is the same whether used as an entry or withdrawal or manifest, all copies may be prepared at the same time by carbon process, unless more than one vessel or vehicle is used, in which case a separate manifest must be prepared for each such vessel or vehicle.

Whenever this form is used as an entry or withdrawal, care should be taken that the kind of entry is plainly shown in the block in the upper right-hand corner of the face of the entry.

This form may be printed by private parties provided that the supply printed conforms to the official form in size, wording arrangement, and quality and color of paper.

RECORD OF CARTAGE OR LIGHTERAGE

Delivered to Cartman or Lighterman in apparent good condition except as noted on this form

Conveyance	Quantity	Date	Delivered	Received	Received
			(Inspector)	(Cartman or Lighterman)	(Date) (Inspector)
			(Inspector)	(Cartman or Lighterman)	(Date) (Inspector)
			(Inspector)	(Cartman or Lighterman)	(Date) (Inspector)
Total			(Inspector)	(Cartman or Lighterman)	(Date) (Inspector)

(Warehouse proprietor)

CERTIFICATES OF TRANSFER. (If required)

I certify that within-described goods were transferred by reason of _____
to _____
on _____, at _____
and sealed with _____ or seals
Nos. _____, and that
goods were in same apparent condition as noted on
original lading except _____

I certify that within-described goods were transferred by reason of _____
to _____
on _____, at _____
and sealed with _____ or seals
Nos. _____, and that
goods were in same apparent condition as noted on
original lading except _____

INSPECTED

at _____
on _____
(Date)
and seals found _____

Inspector.

Inspector, Conductor, or Master

Inspector, Conductor, or Master

If transfer occurs within city limits of a CBP port or station, CBP officers must be notified to supervise transfer.

INSPECTOR'S REPORT OF DISCHARGE AT DESTINATION

Port _____ Station _____ (Date) _____

TO THE PORT DIRECTOR: Delivering line _____ Car No. _____ Initial _____
Arrived _____ (Date) Condition of car _____, of seals _____, of packages _____

Date of Delivery to Importer, or Gen. Order	Packages	No. and Kind of Entry or General Order	Bonded Truck or Lighter No.	Conditions, Etc.

I certify above report is correct. _____, Inspector.

PAPERWORK REDUCTION ACT NOTICE: The Paperwork Reduction Act says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for the information in order to carry out the laws and regulations administered by U.S. Customs and Border Protection. These regulations and form apply to carriers and brokers who are transporting merchandise from a port of importation to another CBP port prior to final release of the merchandise from CBP custody. It is mandatory. The estimated average burden associated with this collection of information is 10 minutes per respondent depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs and Border Protection, Information Service Branch, Washington, DC 20229, and to the Office of Management and Budget, Paperwork Reduction Project (1651-0003), Washington, DC 20503.