

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-10-7907

Respondent: Ken Miller  
Amazing Motors  
69456 County Road 19  
New Paris, Indiana 46553

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered during 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 the penalty in the amount specified in Table 3, attached, incorporated into the 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 inspection findings and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the date ratified by the EPA Air Enforcement Division Director.

APPROVED BY EPA:

  
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 11/6/2009

APPROVED BY RESPONDENT:

Name (print): Ken Miller

Title (print): President

Signature: 

RATIFIED BY EPA:

  
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 11-23-09

**Table 1 - Inspection Information**

<b>Entry/Inspection Date(s)</b>		<b>Docket Number:</b>	
October 7, 2009		C A A - 1 0 - 7 9 0 7	
<b>Inspection Location</b>		<b>Entry/Inspection Number(s)</b>	
U.S. CBP's Global CFS Warehouse		B X W - 0 0 0 3 2 8 9 - 3	
<b>Address</b>			
860 Foster Avenue			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
Bensville		Erik Hardin	
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
IL	61006	Pamela J. Mazakas	
<b>Respondent:</b>		<b>EPA Enforcement Contact:</b>	
Amazing Motors		Robert Polin	

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

Amazing Motors imported five identical pocket bikes which EPA has determined are highway motorcycles. Four of the pocket bikes imported by Amazing Motors had no emission control information labels and bore no other identifying features to indicate they were built to a certified design. One of the pocket bikes imported by Amazing Motors bore an emission control information label that was not consistent with the motorcycle design (since the label listed a certified engine family that covers off-road motorcycles manufactured by a different manufacturer from the one identified in importation documents and also for different models than the imported pocket bike) and the pocket bike bore no other identifying features to indicate it was built to a certified design. An EPA certificate of conformity covers only those motorcycles that are identical in all material respects to the certified design which is described in the application for the certificate of conformity. Importer committed 5 violations under the Clean Air Act Section 203(a)(1), 42 U.S.C. § 7522(a)(1), and regulations at 40 C.F.R. § 86.407-78 and 40 C.F.R. § 86.413 for importing five highway motorcycles that were not covered by an EPA-issued COC.

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Pocket Bike Motorcycles Item # D14-00079	N/A	Zhejiang Shenmao Appliance Co., Ltd.	Fighter Igniter 2008	5

**Table 3 - Penalty and Required Remediation**

<b>Penalty</b>	\$350
<b>Required Remediation</b>	Export the 5 pocket bikes to a country other than Canada or Mexico.