



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

810-1645

JUL 14 2009

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**CAA MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. CAA-09-7780

On March 26, 2009, at 2016 NW 84 Avenue, Doral, Florida 33122,

Owned or operated by: B. America Corporation (Respondent)

An authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Clean Air Act (CAA) regulations promulgated under Sections 205 and 203 of the CAA, 42 U.S.C. §§ 7524 and 7522, and found that Respondent had failed to comply with the CAA regulations as noted on the attached CAA MOBILE SOURCE INSPECTION FINDINGS, ALLEGED VIOLATIONS, PENALTY, AND REMEDIATION FORM (Form), which is hereby incorporated by reference.

By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Form. The Respondent admits being subject to the CAA regulations and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Inspection Findings, and waives any objections Respondent may have to EPA's jurisdiction.

EPA is authorized to enter into this Expedited Settlement Agreement under the authority vested in the Administrator of EPA by Section 205(c)(1) of the CAA, 42 U.S.C. § 7547(c)(1). The parties enter into this Expedited Settlement Agreement in order to settle the civil violations described in the Form for a penalty of \$8,800.00. The Respondent consents to the assessment of this penalty and the performance of the remediation, as set forth in the form.


This Expedited Settlement Agreement is also subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$8,800.00, payable to the "United States of America," to: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent has noted on the penalty payment check "AED/MSEB" and the docket number of this case, "CAA-09-7780."

After this Expedited Settlement Agreement becomes effective, EPA will take no further civil action against the Respondent for the violations of the CAA regulations described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of the CAA regulations or of any other federal statute or regulation.

Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the EPA Air Enforcement Division Director's signature. If Respondent does not sign and return this Expedited Settlement Agreement as presented within 30 days of the date of its receipt, along with payment of the penalty amount and a report detailing your corrective action(s), the proposed Expedited Settlement Agreement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the noncompliance identified in the Form, for payment of civil penalties of up to \$37,500 per vehicle/engine in violation.

APPROVED BY EPA:


  
Pamela J. Mazakas, Acting Director  
Air Enforcement Division

Date: 7/13/09

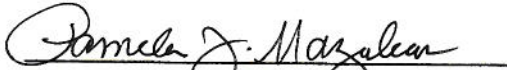
APPROVED BY RESPONDENT:

Name (print): RAFAEL SARDI

Title (print): Purchasing MGR.

Signature: 

IT IS SO ORDERED:

  
Pamela J. Mazakas, Acting Director  
Air Enforcement Division

Date: 7/29/09





**CLEAN AIR ACT MOBILE SOURCE INSPECTION FINDINGS, AND ALLEGED VIOLATIONS, PENALTY AND REMEDIATION FORM**

Entry/ Inspection Date(s)

March 26, 2009

Docket Number:

C A A - 0 9 - 7 7 8 0

Facility Name

B. America Corporation

Entry/ Inspection Number(s)

B A O - 0 0 1 0 0 0 1 - 6

Address

2016 NW 84 Avenue

City:

Doral

Inspectors Name:

State:

FL

Zip Code:

33122

EPA Approving Official:

Pamela J. Mazakas

Contact:

Enforcement Contacts:

Jacqueline Werner

**Description of Subject Vehicle(s)/Engine(s), Violation(s), Penalty and Remediation**

1)

| Equipment Description   | Engine Family                                | VIN   | Engine Serial # | Manufacturer                                  | Model Year | Quantity                   |
|---|--|-------|-----------------|---|------------|----------------------------|
| Gasoline engine generators, Models<br>GG8200E<br>GG8330E<br>GG8550E<br>GG8720E<br>GG8770E | 8TZCS.0631ZH<br>8TZCS.1961ZH<br>8TZCS.3892ZH |       |                 | Taizhou City Zhenhao Locomotive Parts Co Ltd. | 2008       | 50<br>30<br>12<br>12<br>14 |
| Diesel engine generators, Models<br>GD8400E<br>GD8600E<br>GD9600E                         | 8CZDLO.42AAA                                 | Orion |                 | Changzhou Deyong Machinery Co. Ltd.           | 2008       | 12<br>6<br>4               |

**Description of Violation**

B. America Corp. imported 140 non-complying gasoline and diesel powered generators. The generators did not comply with 40 C.F.R. § 90.1003(a) and C.F.R. § 1068.101(a)(1), which prohibit importation unless engines are covered by an EPA-issued Certificate of Conformity, and bear permanently affixed EPA Emission Labels or are properly exempted or excluded from the certification requirements. Therefore the company is liable for a total of 140 violations under the Clean Air Act Sections 203 (42 U.S.C. § 7522) and 213 (42 U.S.C. § 7547).

**Description of Penalty and Remediation**

B. America Corporation must 1) sign/enter into an expedited settlement agreement with EPA, consistent with this form 2) export the 140 gasoline and diesel generators, 3) pay a penalty of \$8,800, and 4) forward all requested documents and photographs to [barnes.cassandra@epa.gov](mailto:barnes.cassandra@epa.gov) documenting the provision in the agreement and actions taken by the importer.