

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7933

Respondent: Dennis Trine
Champion Power Equipment, Inc.
10006 Sante Fe Springs Road
Sante Fe Springs, CA 90670

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the alleged civil violations discovered as a result of the inspections specified in Table 1, attached, incorporated into this Agreement by reference. The alleged civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the 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 a penalty in the amount of \$11,500, further described 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 findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to the terms of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement 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: 3/17/11

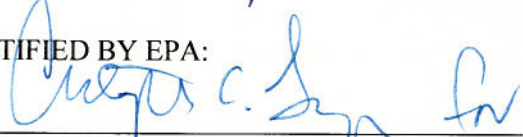
APPROVED BY RESPONDENT:

Name (print): Bill Johnson

Title (print): Manager, Engineering

Signature: Bill Johnson

RATIFIED BY EPA:


Phillip A. Brooks, Director, Air Enforcement Division

Date: 4/21/11

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
January – April 2011		C A A - 1 1 - 7 9 3 3	
Inspection Location:		Entry/Inspection Number(s)	
Seattle, Newark, Long Beach, etc.		EAE-1013807-9, UPS-5268578-4, etc.	
Address:			
City:		Inspector(s) Name(s):	
		Stewart Thompson, Richard Daisley, Amelie Isin, Mario Jorquera	
State:	Zip Code:	EPA Approving Official:	
		Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Dennis Trine		Evan Belser 202-564-6850	

Table 2 - Description of Violation and Engines

Throughout early 2011, Champion imported or caused the importation of 3,623 nonroad spark-ignition (SI) engines subject to Phase 2 standards (40 C.F.R. Part 90) that bore emission control information (ECI) labels that were missing the engine date of manufacture (DOM), and the fuel and lubricant specifications. The owners manuals for these engines did not contain the engines' DOM. Champion also imported or caused the importation of 1,260 nonroad SI engines subject to Phase 3 standards (40 C.F.R. Part 1054) that bore ECI labels that were missing the DOM, and Champion did not disclose in its application for certification that the DOM was elsewhere stamped on the engine.

Importing or causing the importation of engines subject to Phase 2 and Phase 3 standards that do not bear the appropriate ECI labels into commerce in the United States is prohibited by 40 C.F.R. § 90.1003(a)(4) and 40 C.F.R. § 1068.101(a)(1), respectively. Thus, EPA alleges that Champion committed 4,883 violations by importing or causing the importation of the engines described below.

Table 2 - Continued

Description	40 CFR Part	Quantity	Model	Engine Family	Engine Series Beginning Number	Engine Series Ending Number
5000W/6000W Generator 338cc w/ Wheel Kit	90	224	61111	ACPES.389205	1007C1103931	1007C1104154
3000W/3500W Generator 196cc	90	350	66511	ACPES.208108	1012C6516878	1012C6517227
3000W/3500W Generator 196cc	90	350	66511	ACPES.208108	1012C6517228	1012C6517577
2000W Inverter Generator	1054	615	63531	ACPES.080514	1012C3500001	1012C3500615
2000W Inverter Generator	1054	615	63531	ACPES.080514	1012C3500616	1012C3501230
3500W/4000W Generator 196cc	90	390	66511	ACPES.208108	1012C6507205	1012C6507594
3500W/4000W Generator 196cc	90	390	66511	ACPES.208108	1012C6511737	1012C6512126
5000W/6000W Generator 338cc w/ Wheel Kit	90	224	61111	ACPES.389205	1007C1104155	1007C1104378
5000W/6000W Generator 338cc w/ Wheel Kit	90	224	61111	ACPES.389205	1007C1104379	1007C1104602
3500W/4000W Generator 196cc	90	390	66511	ACPES.208108	1012C6513718	1012C6514107
7200W/9000W Generator	90	20	61511	ACPES.439211	1012C1500001	1012C1500020
1200W/1500W Generator	1054	30	62431	ACPES.080506	1012C2400001	1012C2400030
3500W/4000W Generator	90	270	66531	ACPES.208109	1012C6506911	1012C6507180
2" Semi-Trash Pump W/118cc Engine	90	30	66511	ACPES.208108	1012C4000001	1012C4000030
6000W/7000W Generator 389cc w/Elec. Start & Wheel Kit	90	180	61311	ACPES.389205	1012C1300731	1012C1300910
6000W/7000W Generator 389cc w/Elec. Start & Wheel Kit	90	180	61311	ACPES.389205	1012C1300911	1012C1301090
6000W/7000W Generator 389cc w/Elec. Start & Wheel Kit	90	180	61311	ACPES.389205	1012C1301091	1012C1301270
6000W/7000W Generator 389cc w/Elec. Start & Wheel Kit	90	180	61311	ACPES.389205	1012C1301271	1012C1301450
Generator Engine For Service	90	40	66511	ACPES.208108	1012C6518278	1012C6518317
2" Water Pump (Sample)	90	1	65501	ACPES.163101	1010C5500001	

* ACPES. 118103

Table 3 - Penalty and Required Remediation

Penalty	\$11,500
Required Remediation	<p>In addition to paying the penalty, Champion must:</p> <ol style="list-style-type: none"> (1) modify its applications for certification for the above engine families to describe the location of the engine serial number (ESN), and provide directions to determine the DOM from the ESN; (2) post, and leave posted for two years from the date this agreement is ratified, these same descriptions and directions on its website in the FAQ section and as a technical bulletin; and (3) to the extent Champion prospectively chooses to indicate the DOM as part of the ESN, include in any updates to the owner's manuals it provides to its customers a description of how to determine the DOM from the ESN.