



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

FEB 5 2009

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CAA MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7777

On October 2, 2008, at 2667 Northaven Road, Dallas, Texas 75229. Owned or operated by:

Galaxy Powersports, LLC, Leo Sue

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 AND PROPOSED PENALTY 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.

EPA finds the Respondent is subject to the CAA regulations and has violated the CAA regulations as further described 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 \$10,000. The Respondent consents to the assessment of this penalty.

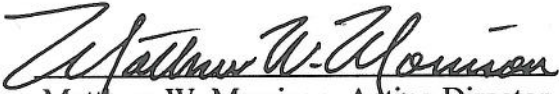
This Expedited Settlement Agreement is also subject to the following terms and conditions: Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the violations have been corrected and Respondent has sent a certified check in the amount of \$ 10,000, 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-09-7777 ."

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.


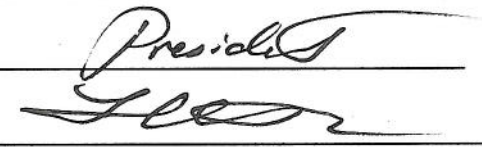
This Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the EPA Air Enforcement Division Director's signature. If Respondent does not sign and return this Expedited Settlement Agreement as presented within 30 days of the date of its receipt, along with 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.

APPROVED BY EPA:



Matthew W. Morrison, Acting Director
Air Enforcement Division

Date: 2/3/09

APPROVED BY RESPONDENT:

Name (print):  Leo Sa
Title (print): President
Signature: 

IT IS SO ORDERED:


Matthew W. Morrison, Acting Director
Air Enforcement Division

Date: 3/9/09

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



These Findings, Alleged Violations and Penalties are issued by EPA Air Enforcement Division under the authority vested in the Administrator of EPA by Section 205(c)(1) of the Clean Air Act.

Entry/ Inspection Date(s) <input type="text" value="10/2/08"/>	Docket Number: <table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr> <td>C</td><td>A</td><td>A</td><td>-</td><td>0</td><td>9</td><td>-</td><td>7</td><td>7</td><td>7</td><td>7</td> </tr> </table>	C	A	A	-	0	9	-	7	7	7	7				
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Facility Name <input type="text" value="Galaxy Powersports, LLC"/>	Entry/ Inspection Number(s) <table border="1" style="border-collapse: collapse; text-align: center; width: 100%;"> <tr> <td>E</td><td>S</td><td>3</td><td>-</td><td>2</td><td>0</td><td>2</td><td>6</td><td>0</td><td>8</td><td>3</td><td>-</td><td>0</td><td></td><td></td> </tr> </table>	E	S	3	-	2	0	2	6	0	8	3	-	0		
E	S	3	-	2	0	2	6	0	8	3	-	0				
Address <input type="text" value="2667 Northaven Road"/>	<table border="1" style="border-collapse: collapse; width: 100%; height: 20px;"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>															
City: <input type="text" value="Dallas"/>	Inspectors Name: <input type="text" value="The Bionetics Corporation"/>															
State: <input type="text" value="TX"/> Zip Code: <input type="text" value="75229"/>	EPA Approving Official: <input type="text" value="Matthew Morrison"/>															
Contact: <input type="text" value="Leo Sue"/>	Enforcement Contacts: <input type="text" value="Jacqueline Werner"/>															

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

1)

Equipment Description	Engine Family	Engine Serial Number(s)	Engine Power	Manufacturer	Model Year	Quantity
uncertified model MP-150 ATV or XY150ZK	8XYEC.150SA1	see attached list	6.5kw	JCL or Zhehiang Xingyue Vehicle Co, Ltd.	2008	28
Description of Violation						
Galaxy Powersports LLC imported 28 uncertified model MP-150 ATVs in entry number ES3-2026083-0. EPA's review of EPA Declaration Forms 3520-21 and inspection of the ATVs in this entry have shown that the ATVs are model name MP-150 and are not covered by a certificate of conformity because model name MP-150 is not included in the models named in the application for a certificate of conformity for engine family 8XYEC.150SA1. Therefore Galaxy Powersports LLC is liable for 28 violations of 40 C.F.R. § 86.407-78 and 42 U.S.C. § 7522(a)(1).						
Description of Remediation						
Remediation is export of the listed ATVs remaining in inventory to a country other than Canada and/or Mexico. The respondent is required to maintain complete and accurate import records, including EPA 3520-21 Declaration Forms, and supporting documentation for five years.						