

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-11-7945

Respondent: ~~=Terry Atwater~~ Duane Johnson
Wayne/ Scott Fetzer Company
d/b/a Wayne Water Systems
101 Production Drive
Harrison, Ohio 45030

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, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into this 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 a penalty in the amount of \$4,000.00, 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, 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 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:

Anne Wick

Date: 11/9/11

for Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print): DUANE JOHNSON

Title (print): President Wayne Water Systems

Signature: *Duane Johnson* 11/8/11

Date: 11/7/11

RATIFIED BY EPA:

Phillip A. Brooks

Date: 12/14/11

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry and Inspection Date(s):		Docket Number:	
Entry: 5/10/11, Inspections: 5/20/11 and 5/26/11		C A A - 1 1 - 7 9 4 5	
Inspection Location:		Entry/Inspection Number(s)	
U.S. CBP's Global CFS Warehouse		2 4 1 - 8 6 4 5 1 2 7 - 4	
Address:			
860 Foster Avenue			
City:		Inspector(s) Name(s):	
Bensenville		Erik Hardin	
State:	Zip Code:	EPA Approving Official:	
IL	60106	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Terry Atwater, President, Wayne Scott Fetzer Company		David E. Alexander 202-564-2109	

Table 2 - Description of Violation and Vehicles/Engines

The engines contained in the equipment described below are not covered by an EPA-issued Certificate of Conformity (COC) because they do not conform to the design specifications in the application for the COC for engine family BCSGS.2081SC with respect to the carburetor. Specifically, the carburetor was found to have an adjustable idle mixture screw (covered by an easily-removed cap); whereas, the application for the COC for this engine family does not identify such an adjustment. When present on an engine design, adjustments such as these must be described in the application for the COC, along with a description of any means to limit such adjustment. A COC only covers engines that are materially the same as the engines described in the application for the COC. The presence of an adjustable idle mixture screw is a material difference from the certified design. Importation of uncertified engines is prohibited by section 203(a) of the Clean Air Act and 40 C.F.R. § 90.1003(a).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
Stand-alone gasoline powered engines	BCSGS.2081SC	Chongqing Sanding General Power Machinery Co., Ltd.	2011	210

Table 3 - Penalty and Required Remediation

Penalty	\$4,000
Required Remediation	Wayne Water Systems must document that the above-mentioned engines have been exported.