

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

Respondent: B&O Express Inc.
19100 S Susana Rd., B, Compton, CA 90221-5708

Docket Number: EPA-5-21-ESA-MN-01 **CAA-05-2021-0017**

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violation(s) discovered as a result of the inspection(s) specified in Table 1, attached, incorporated into this Agreement by reference. The civil violation(s) that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicle(s)/engine(s) specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction, pursuant to CAA Section 205(c)(1), 42 U.S.C. § 7524(c)(1), over the Respondent and the Respondent's conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of **\$6,840**. Respondent has followed the instructions in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 3 and incorporated into this Agreement by reference, has been carried out.
4. The findings resulting from the July 20, 2020 inspection(s) and alleged violation(s) are set forth in Table 1 and Table 2. Upon signing and returning this Agreement to the 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 Delegated Official's approving signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

APPROVED BY RESPONDENT:

Name (print): COLIN TSAI

Title (print): OWNER

Signature: Colin Tsai

Email (print): COLIN.TSAI@BNOEXPRESS.COM

Date: 1/19/2021

APPROVED BY EPA: **MICHAEL HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.02.04
13:52:41 -06'00'

Delegated Official: Michael D. Harris, Division Director, ECAD, EPA R5

et.

| Table 1 - Inspection Information | |
|---|--|
| Inspection Date(s): July 20, 2020 | Docket Number: E P A - 5 - 2 1 - E S A - M N - 0 1 |
| Inspection Location Name: ATU International Falls | Entry Number(s): 8 - U E - 0 0 1 5 9 6 0 - 7 |
| Address: 2 Second Ave. | Date of Entry Detention by CBP: July 24, 2020 |
| City: International Falls | Inspector(s) Name(s): Melissa Hagen (CBP) |
| State: MN Zip Code: 56649 | EPA Approving Official: Michael D. Harris |
| Importer Name (Respondent): B&O Express Inc. | EPA Enforcement Contact: Cody Yarbrough |

| Table 2 - Description of Violation and Vehicles/Equipment | | | | |
|---|--|---------------------|------------------------|----------|
| <p>B&O Express Inc (Respondent) imported the engines described at the bottom of Table 2 (the Subject Engines) on or about July 16, 2020. Authorized federal inspectors examined the Subject Engines and were unable to find an Emission Control Information (ECI) label indicating EPA certification and no EPA Declaration Form was provided. Respondent was unable to provide certification information matching the inspected Subject Engines. Given that the Respondent has provided no further evidence indicating the Subject Engine(s) are exempt or otherwise excluded from coverage under Title II the Clean Air Act (CAA) and its implementing regulations, the EPA concludes that the Subject Engines are uncertified. Accordingly, by importing the Subject Engine(s), Respondent has committed 456 violation(s) of CAA Section 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. § 1068.101(a)(1) and (b)(5).</p> | | | | |
| Vehicle/Equipment Description | Observed Engine Manufacturer | Observed Model Year | Observed Engine Family | Quantity |
| Salem Master Pro Chainsaws: 6220H and 5820G | Yongkang Maojin Garden Machinery Co., Ltd. | NA | NA | 456 |

| Table 3 - Penalty and Required Remediation | |
|--|--|
| Penalty | \$6,840 |
| Required Remediation | In addition to paying the monetary penalty, Respondent must provide to the EPA documentation showing that the Subject Engine(s) has/have been destroyed, exported to a country other than Canada or Mexico, or are under exclusive control by U.S. Customs and Border Protection (CBP) pending exportation or destruction. |