## Enclosure CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

**DOCKET NO. R9-CAA-18-1010** 

Respondent: Benjamin Yu Boom International Holdings USA Inc. 1111 E Citrus Street, Unit 9, Riverside, California 92507

- 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 inspections 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 the Agreement by reference, regarding the vehicles/engines 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 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 \$22,000 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 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 Region 9 Assistant Director's ratifying signature.

APPROVED BY EDATE				
Joel Jones, Assistant Director, Enforcement Division, EPA Region 9	Date: 3-8-/8			
APPROVED BY RESPONDENT:				
Name (print): Jie Yue				
Title (print): Secretary				
Signature:	Date: 6/20/2018			
RATIFIED RV-EDA.				
	Date: 6-28-18			
Joel Jones Assistant Director, Enforcement Division, EPA Region 9				

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### DECLARATION OF JIE YUE OF BOOM INTERNATIONAL HOLDINGS (USA), INC.

I, JIE YUE, declare:

- I am the Secretary for BOOM INTERNATIONAL HOLDINGS (USA), INC. I
  make this declaration based upon facts that are within my personal knowledge, or matters of public
  record, and if called upon to do so, I could and would competently so testify.
  - 2. I have reviewed the March 8, 2018 letter and enclosures from the EPA.
- BOOM INTERNATIONAL has accepted the Clean Air Act Mobile Source
   Expedited Settlement Agreement ("Settlement Agreement") and has executed the same.
- BOOM INTERNATIONAL has remitted the agreed upon \$22,000.00 to the EPA on June 20, 2018.
- 5. BOOM INTERNATIONAL hereby certifies that the required remediation, detailed in Table 3 of the Settlement Agreement, has been carried out.
- 6. The basis of this certification is that all of the subject scooters examined by the EPA as detailed in Tables 1 and 2 of the Settlement Agreement were directly exported back to China, without BOOM INTERNATIONAL ever taken possession of them.
- Please find attached the document showing that the Subject Engines have been exported to China.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of June, 2018, at Riverside, California.

JIE YUE for BOOM INTERNATIONAL HOLDINGS (USA), INC.

Table 1A - Inspection Information				
Entry/Inspection Date(s):	Docket Number:			
January 13, 2017/January 26, 2017	R 9 - C A A - 1 8 - 1 0 1 0			
Inspection Location:	Entry/Inspection Number(s)			
Price Transfer	B Z X - 0 0 5 5 4 0 5 - 7			
Address:				
2711 E. Dominguez St.				
City:	Inspector(s) Name(s):			
Long Beach	Andrew Zellinger, Janice Chan			
State: Zip Code:	EPA Approving Official:			
CA 90810	Joel Jones			
Respondent:	EPA Enforcement Contact:			
Boom International Holdings USA Inc	Andrew Zellinger (R9), 415-972-3093			
Table 1B	- Inspection Information			
Entry/Inspection Date(s): Docket Number:				
January 17, 2017/January 25, 2017	R 9 - C A A - 1 8 - 1 0 1 0			
Inspection Location:	Entry/Inspection Number(s)			
Price Transfer	B Z X - 0 0 5 5 4 0 6 - 5			
Address:				
2711 E. Dominguez St.				
City: Inspector(s) Name(s):				
Long Beach Andrew Zellinger, Janice Chan				
State: Zip Code:	EPA Approving Official:			
CA 90810	Joel Jones			
Respondent: EPA Enforcement Contact:				
Boom International Holdings USA Inc Andrew Zellinger (R9), 415-972-3093				
Table 1C - Inspection Information				
Entry/Inspection Date(s): Docket Number:				
January 23, 2017/January 25, 2017   R   9   -   C   A   A   -   1   8   -   1   0   1   0				
Inspection Location: Entry/Inspection Number(s)				
Price Transfer B Z X - 0 0 5 5 4 8 1 - 8				
Address:				
2711 E. Dominguez St.				

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City:		Inspector(s) Name(s):				
Long Beach		Andrew Zellinger, Janice Chan				
State:	Zip Code:	EPA Approving Official:				
CA	90810	Joel Jones				
Respon	lent:	EPA Enforcement Contact:				
Boom In	ternational Holdings USA Inc	Andrew Zellinger (R9), 415-972-3093				
	Table 1	D - Inspection Information				
Entry/Inspection Date(s):		Docket Number:				
February 17, 2017/March 14, 2017		R 9 - C A A - 1 8 - 1 0 1 0				
Inspection Location:		Entry/Inspection Number(s)				
Price Transfer		9 A R - 0 2 7 1 5 8 3 - 7				
Address:						
2711 E. Dominguez St.						
City: Inspector(s) Name(s):		Inspector(s) Name(s):				
Long Beach Andrew Zellinger, Janice Chan, Rose Galer		Andrew Zellinger, Janice Chan, Rose Galer				
State: Zip Code:		EPA Approving Official:				
CA	90810	Joel Jones				
Respondent:		EPA Enforcement Contact:				
Boom International Holdings USA Inc		Andrew Zellinger (R9), 415-972-3093				

### Table 2 - Description of Violations and Vehicles/Engines

The 299 Motorcycles described below (Motorcycles) were found to be imported by Boom International Holdings USA Inc. (Boom) in violation of Section 203(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7522(a)(1). The 209 motorcycles with a displacement of 49 cc, identified below as allegedly certified under engine family GBMHC.049JLE, were imported in violation of 40 C.F.R. § 1068.10l(a)(1) and (b)(5). The 90 motorcycles with a displacement of 127 cc, identified below as allegedly certified under engine family GBMHC.127BDA, were imported in violation of 40 C.F.R. § 86.407-78. Section 203(a)(1) of the CAA and the regulations cited above collectively prohibit the importation of engines or equipment containing these engines, unless they are covered by a valid EPA certificate of conformity (COC) or are properly exempted or excluded. During the inspections outlined above, the EPA inspectors took a sample muffler/exhaust assemblies from each of the entries (two samples from entry 9AR-0271583-7; one representing engine family GBMHC.127BDA and one representing family GBMHC.049JLE) and sent them to an EPA laboratory for analysis. Physical and chemical examination of the muffler assembly of the sampled exhaust systems revealed that the design of the catalysts contained therein are materially different from the catalyst designs specified in the respective COC applications for engine families GBMHC.049JLE and GBMHC.127BDA. Hence, the 299 Motorcycles are uncertified, and they cannot legally be imported into the United States.

Subject Vehicles	Entry Number	Engine Family	Manufacturer	Model Year	Quantity
Motorcycles	BZX-0055405-7	GBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	87
Motorcycles	BZX-0055406-5	GBMHC.127BDA	Jiangsu Baodiao Locomotive Co. Ltd.	2016	80
Motorcycles	BZX-0055481-8	GBMHC.049JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	105
Motorcycles	9AR-0271583-7	GBMHC.O49JLE	Jiangsu Baodiao Locomotive Co. Ltd.	2016	17
Motorcycles	9AR-0271583-7	GBMHC.127BDA	Jiangsu Baodiao Locomotive Co. Ltd.	2016	10

Table 3 - Penalty and Required Remediation			
Penalty	\$22,000		
Required Remediation	Boom International Holdings USA Inc., must provide the EPA with a report and documentation showing that the Subject Engines have been exported to countries other than Canada and Mexico.		