



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY - 9 2008

Ref: 8ENF-L

CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Kristin Weissman, Managing Counsel
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Re: Double Click Compliance Order

Dear Ms. Weissman:

Enclosed is an administrative order requiring that you comply with certain requirements of the regulations implementing the Clean Air Act (CAA).

You are hereby served with a Compliance Order (order) pursuant to Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B).

EPA finds in the order that the Double Click facility located at 12396 Grant Street in Thornton, CO, failed to comply with the implementing regulations associated with the "Stratospheric Ozone Protection" requirements of subchapter VI, section 608 of the CAA, 42 U.S.C. § 7671g. The requirements of these regulations are found at 40 C.F.R. part 82, subpart F (Recycling and Emissions Reduction). The order requires compliance with the CAA and those regulations.

Violation of the order may lead to the commencement of a civil action for permanent or temporary injunction, or assessment of a civil penalty of not more than \$32,500 per day for each violation, or both, pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. part 19. In issuing this order, EPA does not waive its right to seek injunctive relief or civil penalties of up to \$32,500 per day for each day of violation under section 113(b) of the CAA for any and all violations, or both injunctive relief and civil penalties.

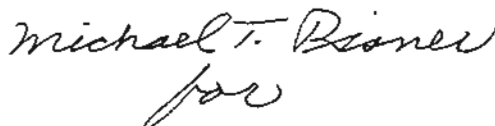
This order will become effective thirty (30) calendar days from the date of your receipt of the order, allowing you thirty (30) days in which to request a conference with EPA. Whether or not you request a conference, you may confer informally with EPA concerning the alleged violations. You may wish to be represented by counsel at the conference.

If you have any legal questions or would like to request a conference, please contact:

Marc Weiner (8ENF-L)
Enforcement Attorney
U.S. EPA-Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6913
(303) 312-7202 – fax
Weiner.marc@epa.gov.

EPA urges your prompt attention to these matters.

Sincerely,

Handwritten signature of Michael T. Bioner in cursive script.

Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosure:

Cc: Daniel Williams, Google, Inc.
Tracy Otis, Double Click
Jeffrey Kimes, US EPA, 8ENF-AT
Marc Weiner, US EPA, 8ENF-L

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 MAY 14 AM 10:09

IN THE MATTER OF:)
)
Double Click, Inc.)
12396 Grant St.)
Thornton, CO 80241-3120) **COMPLIANCE ORDER**
)
Respondent.) **DOCKET NO.: CAA-08-2008-0019**
_____)

STATUTORY AUTHORITY

This compliance order (order) is issued pursuant to section 113(d)(1)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d)(1)(B) for violation of the implementing regulations for the "Stratospheric Ozone Protection" requirements of subchapter VI, section 609 of the CAA, 42 U.S.C. § 7671h. Those regulations are found at 40 C.F.R. Part 82, subpart B (Servicing of Motor Vehicle Air Conditioners). The Assistant Regional Administrator of the Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency ("EPA"), Region 8, is authorized to issue this order.

FINDINGS OF VIOLATION

1. Double Click, Inc. (Respondent), is a corporation authorized to do business in the State of Colorado.
2. At all times relevant to this action, Respondent conducted business at 12396 Grant Street, Thornton, Colorado 80241 (facility).
3. At all times relevant to this action, Respondent was a "person" as defined by section 302(e) of the CAA, 42 U.S.C. § 7602(e), and thus subject to regulation.

4. On August 31, 2007, inspectors for the EPA inspected the facility.
5. On January 16, 2008, pursuant 114 (a)(1) of the Clean Air Act (Act), 42 U.S.C. §7414(a)(1), EPA investigators sent Respondent a letter (section 114 request) requesting information regarding the operation and maintenance of their air conditioning equipment.
6. On February 26, 2008, Double Click submitted a letter in response (section 114 response) to the section 114 request.
7. On March 7, 2008, Double Click submitted a letter (1st clarifying letter) clarifying the information in the section 114 response.
8. On March 26, 2008, Double Click submitted a second letter (2nd clarifying letter) clarifying the section 114 response.
9. During the inspection referenced in Paragraph 4 above and through the subsequent section 114 response, and the 1st and 2nd clarifying letters, the EPA inspectors found Respondent operates and services comfort cooling appliances containing over fifty (50) pounds of refrigerant.
10. Respondent purchased six hundred (600) pounds of refrigerant from January 16, 2005 to January 16, 2008.
11. Respondent used three hundred sixty nine and nine tenths (365.9) pounds of refrigerant to charge air conditioning and refrigeration equipment at the facility from January 16, 2005 to January 16, 2008.
12. On January 16, 2008 Double Click had one hundred forty eight (148) pounds of refrigerant at the facility.
13. Eighty six and one tenth pounds (86.1) of refrigerant have not been found or recorded as being charged into any appliances at the facility.

14. Respondent charged eighty six and one tenth pounds of refrigerant into their appliances containing over fifty pounds without recording the date and type of service and the amount of refrigerant added.

15. Respondent owned and operated comfort cooling equipment identified as RTU #2-Stage 1, which normally contained approximately eighty (80) pounds of refrigerant.

16. Respondent charged fourteen and six tenths (14.6) pounds of HCFC-22 refrigerant on July 27, 2007; sixty five (65) pounds of HCFC-22 refrigerant on August 3, 2007; and sixteen and eight tenths (16.8) of HCFC-22 refrigerant on August 15, 2007; to the equipment referenced in Paragraph 15 above.

17. Using the leak rate calculation Method 1, defined at 40 C.F.R. § 82.152, the equipment referenced in Paragraph 15 above leaked at a rate of nine thousand eight hundred eighty five percent (9,885%) per year on August 3, 2007, and a rate of two thousand five hundred fifty two percent (2,552%) per year on August 15, 2007.

18. Respondent did not make repairs to bring the annual leak rate below 15% in the equipment referenced in Paragraph 15 above.

STATUTORY AND REGULATORY FRAMEWORK

19. Under the regulations implementing the "Stratospheric Ozone Protection" requirements of subchapter VI, section 608 of the CAA, 42 U.S.C. § 7671f, found at 40 C.F.R. § 82.156(i)(5) owners or operators of comfort cooling appliances normally containing more than fifty (50) pounds of refrigerant and not covered by paragraph (i)(1) or (i)(2) of this section must have leaks repaired in accordance with paragraph (i)(9) of this section if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-

month period, except as described in paragraphs (i)(6), (i)(8) and (i)(10) of this section and paragraphs (i)(5)(i), (i)(5)(ii) and (i)(5)(iii) of this section. Repairs must bring the annual leak rate to below 15 percent.

20. As referenced in Paragraph 19 above, 40 C.F.R. § 82.156(i)(1) and (i)(2) apply to commercial refrigeration and industrial process refrigeration, respectively as defined at 40 C.F.R. § 82.152.

21. Respondent is not exempt from the requirements of 40 C.F.R. § 82.156(i)(5) as referenced in Paragraph 19 above, under the exceptions found in paragraphs (i)(6), (i)(8) and (i)(10) of 40 C.F.R. § 82.156 and paragraphs (i)(5)(i) because Respondent did not develop a retrofit or replacement plan described under (i)(6); Respondent's equipment is not federally owned commercial refrigeration or federally owned comfort cooling as described under (i)(8) and (i)(5)(i); and Double Click's equipment has not been mothballed as described under (i)(10).

22. Respondent must repair leaks pursuant to paragraphs 40 C.F.R. § 82.156 (i)(5) of this section within 30 days after discovery. 40 C.F.R. § 82.156(i)(9)

23. Owners and operators of appliances normally containing fifty (50) or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner or operator must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant. Such records should indicate the date(s) when refrigerant is added. 40 C.F.R. § 82.166(k)

DESCRIPTION OF VIOLATIONS

24. Respondent did not make repairs to RTU #2-Stage 2 to bring the annual leak rate to below 15 percent, which were known to Respondent on August 3, 2007 and August 15, 2007, as

required by 40 C.F.R. § 82.156(i)(5).

25. Respondent charged refrigerant to an appliance containing more than fifty (50) pounds of refrigerant without documenting the date and type of service, as well as the quantity of refrigerant added, as required by 40 C.F.R. § 82.166(k).

COMPLIANCE ORDER

Paragraphs 1-25 are incorporated by reference herein. Pursuant to section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), and upon the basis of available information, EPA hereby issues the following order:

26. Within thirty (30) days, Respondent shall comply with the requirements of 40 C.F.R. § 82.156(i)(5) by having repairs made to bring the annual leak rate below 15% on all comfort cooling equipment containing over fifty (50) pounds of refrigerant.

27. Within thirty (30) days, Respondent shall comply with the requirements of 40 C.F.R. § 82.166(k) by documenting the date and type of service, as well as the quantity of refrigerant added to all appliances containing fifty (50) pounds or more of refrigerant.

ENFORCEMENT

28. Issuance of this order does not preclude any other action by EPA to redress past or future violations of the CAA, including either of the following:

a. an administrative penalty complaint pursuant to section 113(d) of the CAA, 42 U.S.C. § 7413(d), for penalties of not more than \$32,500 per day for each violation during the period the facility is not in compliance; or

b. a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b), for injunctive relief or civil penalties of not more than \$32,500 per day for each violation during the

period the facility is not in compliance, or both.

28. Pursuant to section 120 of the CAA, 42 U.S.C. § 7420, EPA is also authorized to assess noncompliance penalties aimed at recovering the economic benefit which any person received by failing to comply with the CAA.

29. In addition, pursuant to section 306(a) of the CAA, 42 U.S.C. § 7606(a); the regulations promulgated there under at 40 C.F.R. part 15; and Executive Order 11738, facilities to be utilized in federal contracts, grants, or loans must be in full compliance with the CAA and all regulations promulgated there under. Violation of the CAA may result in the facility being declared ineligible for participation in any federal contract, grant, or loan.

30. Pursuant to section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), failure to comply with this order may lead to a civil action to obtain compliance or an action for civil or criminal penalties.

31. Issuance of this order does not preclude or limit EPA's right to seek any remedy available under federal law, including civil penalties, criminal fines or imprisonment, and/or a declaration of ineligibility for federal contracts, grants, or loans.

OPPORTUNITY FOR CONFERENCE

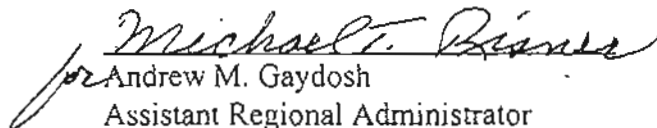
32. In accordance with section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), Respondent may request a conference to discuss this order. The request for such a conference must be made no later than thirty (30) calendar days from the date of receipt of this order. If you wish to make arrangements for a conference, please contact Marc Weiner, Enforcement Attorney, U.S. EPA-Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. Mr. Weiner's telephone number is (303) 312-6913. By offering the opportunity for a conference or participating in one,

EPA does not waive or limit its right to any remedy available under the CAA.

EFFECTIVE DATE

33. This order shall become effective immediately upon receipt of this order by the Respondent.

5/8/08
Date


for Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice