



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

March 10, 2022

VIA E-MAIL
DELIVERY RECEIPT REQUESTED

Shell Bleiweiss
JTR Heating and Air Conditioning, Inc.
25830 South Governors Highway
Monee, Illinois 60449

Email: sbleiweiss@shell-bleiweiss.com

Dear Shell Bleiweiss:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves JTR Heating and Air Conditioning, Inc., docket no. CAA-05-2022-0008. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on March 10, 2022.

Pursuant to paragraph 26 of the CAFO, JTR must pay the civil penalty within 30 days of the filing date. Your check must display the case name and case docket number.

Please direct any questions regarding this case to Tamara Carnovsky, Associate Regional Counsel, at 312-886-2250 or carnovsky.tamara@epa.gov.

Sincerely,

Frank,

Nathan

Nathan Frank, Supervisor

Air Enforcement and Compliance Assurance Section (IL/IN)

Digitally signed by Frank,
Nathan
Date: 2022.03.07
10:56:58 -06'00'

Enclosure

cc: Ann Coyle, Regional Judicial Officer/via electronic mail
Coyle.ann@epa.gov

Regional Hearing Clerk/via electronic mail
R5hearingclerk@epa.gov

Tamara Carnovsky/via electronic mail
Carnovsky.tamara@epa.gov

Kent Mohr, IEPA/via electronic mail
Kent.mohr@illinois.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. CAA-05-2022-0008
)	
JTR Heating and Air Conditioning, Inc.)	Proceeding to Assess a Civil Penalty
Monee, Illinois,)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
<hr/>)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is JTR Heating and Air Conditioning, Inc. (JTR), a corporation doing business in Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. As specified at 40 C.F.R. § 82.150(a), the purpose of the regulations is to reduce emissions of class I and class II refrigerants and their non-exempt substitutes to the lowest achievable level by maximizing the recapture and recycling of such refrigerants during the service, maintenance, repair, and disposal of appliances.

10. Under 40 C.F.R. § 82.152, an appliance is any device which contains and uses a class I or class II substance or substitute as a refrigerant and which is used for household or commercial purposes, including any air conditioner, motor vehicle air conditioner, refrigerator, chiller, or freezer. For a system with multiple circuits, each independent circuit is considered a separate appliance.

11. Under 40 C.F.R. § 82.152, a refrigerant is, for purposes of Subpart F, any substance, including blends and mixtures, consisting in part or whole of a class I or class II ozone-depleting substance or substitute that is used for heat transfer purposes and provides a cooling effect.

12. Under 40 C.F.R. § 82.152, Class II refers to an ozone-depleting substance that is listed in 40 C.F.R. Part 82 Subpart A, Appendix B.

13. Under 40 C.F.R. § 82.152, Substitute means any chemical or product, whether existing or new, that is used as a refrigerant to replace a class I or II ozone-depleting substance. Examples include, but are not limited to hydrofluorocarbons, perfluorocarbons, hydrofluoroolefins, hydrofluoroethers, hydrocarbons, ammonia, carbon dioxide, and blends thereof. As used in this subpart, the term “exempt substitutes” refers to certain substitutes when used in certain end-uses that are specified in § 82.154(a)(1) as exempt from the venting prohibition and the requirements of this subpart, and the term “non-exempt substitutes” refers to all other substitutes and end-uses not so specified in § 82.154(a)(1).

14. Under 40 C.F.R. § 82.154(a)(1), no person maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration may knowingly vent or otherwise release into the environment any refrigerant from such appliances.

15. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$51,796 per day of violation up to a total of \$414,364 for violations that occurred after November 2, 2015 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

16. Section 113(d)(1) limits the Administrator’s authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

17. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

18. JTR owns and operates a heating and air conditioning company at 25830 South Governors Highway, Monee, Illinois.

19. JTR performs maintenance, service, repair, and disposal of appliances.

20. On November 11, 2019, JTR knowingly vented or otherwise released into the environment R-22 refrigerant from a residential air conditioning appliance during servicing of the appliance at a residence in Peotone, Illinois.

21. R-22 refrigerant is also known as HCFC-22 and is listed as a Class II ozone-depleting substance under 40 C.F.R. Part 82 Subpart A, Appendix B.

22. On June 10, 2020, JTR knowingly vented or otherwise released into the environment R-410a refrigerant from a rooftop air conditioning appliance during servicing of the appliance at a business in Chicago, Illinois.

23. R-410a refrigerant is also known as HFC-410a and meets the definition of “substitute” under 40 C.F.R. § 82.152. R-410a is not included in the term “exempt substitutes” as that term refers to certain substitutes when used in certain end-uses that are specified in § 82.154(a)(1) as exempt from the venting prohibition and the requirements of 40 C.F.R. Part 82, Subpart F.

24. By knowingly venting or otherwise releasing into the environment R-22 and R-410a refrigerant during servicing of appliances on at least two separate occasions, JTR violated 40 C.F.R. § 82.154 (a)(1).

Civil Penalty

25. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and the facts of this case, Complainant has determined that an appropriate civil penalty to settle this action is \$28,919.

26. Within 30 days after the effective date of this CAFO, Respondent must pay a \$28,919 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must note Respondent's name and the docket number of this CAFO.

27. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
r5airenforcement@epa.gov

Tamara Carnovsky
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
carnovsky.tamara@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

28. This civil penalty is not deductible for federal tax purposes.

29. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the

collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

30. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

31. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: carnovsky.tamara@epa.gov (for Complainant), and sbleiweiss@shell-bleiweiss.com (for Respondent).

32. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

33. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

34. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 32, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

35. Respondent certifies that it is complying fully with 40 C.F.R. §82.154(a)(1).

36. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

37. The terms of this CAFO bind Respondent, its successors and assigns.

38. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

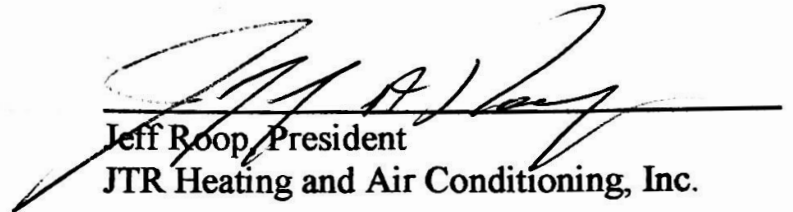
39. Each party agrees to bear its own costs and attorney’s fees in this action.

40. This CAFO constitutes the entire agreement between the parties.

JTR Heating and Air Conditioning, Inc., Respondent

2/28/2022

Date



Jeff Roop, President
JTR Heating and Air Conditioning, Inc.

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2022.03.08
13:10:10 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: JTR Heating and Air Conditioning, Inc.
Docket No. CAA-05-2022-0008

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2022.03.08
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Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: **JTR Heating and Air Conditioning, Inc.**
Docket Number: **CAA-05-2022-0008**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CAA-05-2022-0008, which was filed on March 10, 2022, in the following manner to the following addressees:

Copy by E-mail to Respondent: Jeff Roop
Jeffjtr5@gmail.com

Copy by E-mail to
Attorney for Complainant: Tamara Carnovsky
carnovsky.tamara@epa.gov

Copy by E-mail to
Attorney for Respondent: Shell Bleiweiss
sbleiweiss@shell-bleiweiss.com

Copy by E-mail to
Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Isidra Martinez
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5