



2008 SEP 25 PM 2:03

TO: REGIONAL HEARING CLERK
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1595 WYNKOOP STREET
DENVER CO 80202-1129

RE: COMPLAINT DOCKET NO: CAA-08-2008-0030
TRANS-WEST INC
DBA TRANSWEST TRUCKING
7626 BRIGHTON ROAD
COMMERCE CITY CO 80022

We wish to explain the factual allegations of this complaint and request a hearing.

As for Count 1 (Mr. Mark Maxey): Mr. Maxey no longer worked for us when your engineer, Jeffrey Kimes, was here on November 28, 2007. We told him that Mr. Maxey no longer worked here and that when he left he took his training files with him. All technicians that leave our employment take their training files with them in order to obtain future employment, and that file would contain a copy of Mr. Maxey's Refrigerant Recovery Certification card. On that date, November 28, 2007, Mr. Kimes told our service manager, Mr. Jerry Berry, not to be concerned about it and that if he needed it, he would contact him so that he could attempt to track Mr. Maxey down to obtain it. Mr. Berry did not hear again from Mr. Kimes requesting this and we then received the Complaint and Notice of Opportunity for Hearing September 30, 2008. Since then we have attempted to contact Mr. Maxey to obtain a copy of his Refrigerant Recovery Certification card and were able to reach him on his cell phone on one occasion. At that time, Mr. Maxey stated that his card was in a moving box in storage and that he would contact us when he unpacked this box and fax us a copy of the card. He has never faxed it to us and we are no longer able to reach him at that cell phone number.

As for Count 2 (Mr. Chris Dedera): Mr. Dedera no longer worked for us when Mr. Kimes was here on November 28, 2007. He, too, took his training file with him in order to obtain future employment. Mr. Berry again was told not to be concerned at that time; that he would be contacted by Mr. Kimes if a copy of the Refrigerant Recovery Certification card was needed. Mr. Berry did not receive any further request from Mr. Kimes, and we then received the Complaint and Notice of Opportunity for Hearing September 30, 2008. Since then we have attempted to contact Mr. Dedera to obtain a copy of his certification card. We were able to reach Mr. Dedera on at a cell phone number; Mr. Dedera stated that he was in Nebraska, that he had an Eco Refrigerant

Recovery Certification card and that he would fax us a copy of this card when he was settled in and unpacked. We have never received that fax and can no longer reach Mr. Dederá at that cell phone number.

As for Count 3 (Mr. Ignacio Rodriguez): Mr. Rodriguez still works for us and, although trained by a journeyman technician as to how to properly recover refrigerant, he did not have a Refrigerant Recovery Certification on November 28, 2007. We do require all technicians to have this card; however, this employee slipped through the cracks. Mr. Rodriguez is Hispanic and can speak English; however, he cannot read English very well. His shyness in this area is probably why this one did get by us. When we found out that he did not have a Refrigerant Recovery Certification card in November of 2007, we immediately stopped him from working on any a/c jobs until we could assist him in obtaining a card. We downloaded the Spanish version of the study guide and then Mr. Rodriguez took the English version of the test on-line with our foreman, Brad Inhulsen, interpreting for him. On October 15, 2008, Mr. Rodriguez did obtain his Refrigerant Recovery Certification card from MACS and a copy of this card is attached.

As for Count 4 (Mr. Clayton Williams): Mr. Williams no longer worked for us when Mr. Kimes was here on November 28, 2007. We did contact him after September 30, 2008, and we were advised that he did not have a Refrigerant Recovery Certification card.

As for Count 5 (Mr. John Christopher): Mr. Christopher no longer worked for us when Mr. Kimes was here on November 28, 2007. We were able to contact Mr. Christopher in October of 2008 and were able to obtain a copy of his MACS 609 Training Certification #582578, dated 08-10-1999; a copy of this certification is attached.

Transwest Trucks requires all of our technicians to comply with Section 609 of the Clean Air Act. We maintain an average of 45 technicians at all times and Mr. Kimes found only the above five (5) were in question. One of those, Mr. Christopher, did have the MACS 609 certification. Two (2) of them, Mr. Maxey and Mr. Dederá, can no longer be contacted. Mr. Rodriguez had the language barrier that we resolved and Mr. Williams went against our company policy and worked on an a/c job without having the proper Refrigerant Recovery Certification card.

Please consider the above in the settlement of this complaint.

Dated

11-25-2008


Basil Thompson, Director of Service
Trans-West Inc
7626 Brighton Road
Commerce City CO 80022
(303) 301-7528

cc: Dana J. Stotsky
Senior Enforcement Attorney



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Dear IGNACIO RODRIGUEZ:

10/15/2008

MACS-EIF has advised MACS that a passing score of 88 % was achieved on the test you submitted for MACS Worldwide Refrigerant Recycling & Service Procedures Certification.

Enclosed is a certificate and a laminated, wallet-size card acknowledging your successful participation in this program.

PLEASE NOTE: MACS Worldwide certification does not provide you with MACS Worldwide membership benefits. Join today! You are entitled to a special electronic membership by using the enclosed application form.

Sincerely,

Elvis Hoffpauir
President
Mobile Air Conditioning Society Worldwide

The Mobile Air Conditioning Society is a non-profit 501 (c) (6) organization dedicated to providing education and communication for the industry.



CHAIRMAN &
CHIEF EXECUTIVE OFFICER
Andrew Fitzick
Phone: (215) 631-7020

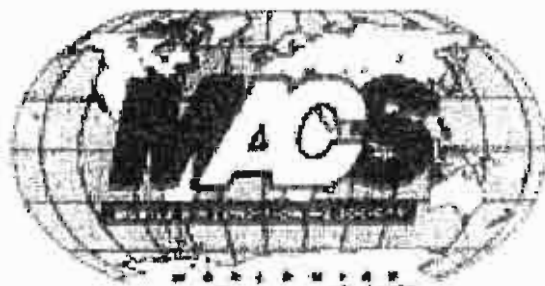
PRESIDENT &
CHIEF OPERATING OFFICER
Elvis Hoffpauir
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MACS WORLDWIDE ON
THE WORLD WIDE WEB
www.macsworld.org
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info@macsworld.org



Attn: Jerry

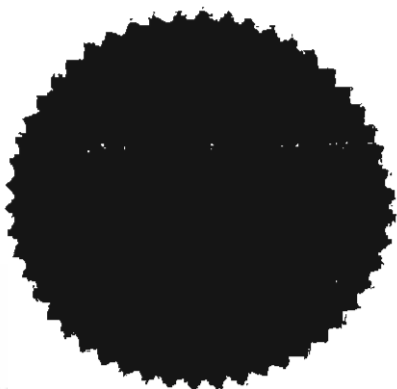


08/10/1999

582578

John Christopher

**has successfully completed training in CFC-12
refrigerant recycling and service procedures
offered by the Mobile Air Conditioning Society
Worldwide, as required by Section 609 of the
Clean Air Act.**



A handwritten signature in black ink, appearing to read 'Evis Hoffpauir'. The signature is written in a cursive, somewhat stylized script.

Evis Hoffpauir, President