



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AE-17J

Vern Brockway, President
Regal Recycling, Inc.
645 Lucy Road
Howell, Michigan 48843

Dear Mr. Brockway:

This is to advise you that the U.S. Environmental Protection Agency has determined that Regal Recycling, Inc.'s facility at 645 Lucy Road, Howell, Michigan (Regal) is in violation of the Clean Air Act (CAA) for failing to provide information requested under Section 114 of the CAA. We are today issuing to you a Finding of Violation (FOV) for this violation.

Section 608 of the CAA requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of Class I and Class II ozone-depleting substances. In accordance with Section 608 of the CAA, which required EPA to promulgate regulations regarding the use and disposal of ozone-depleting substances, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. In the process of determining your compliance with these regulations, EPA issued you information requests under Section 114 of the Clean Air Act on October 17, 2007 and December 6, 2007.

EPA finds you in violation of Section 114 of the CAA for failure to provide compliance-related records requested on December 6, 2007, which EPA needs to determine whether Regal is in compliance with the requirements cited above.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jeffrey Gahris. You may call him at (312) 886-6794 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter. EPA hopes that this FOV will encourage Regal's compliance with the requirements of the CAA.

Sincerely,


 Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

standard bcc's: official file copy w/attachment(s)
originating organization reading file
w/attachment(s)

other bcc's: Andre Daugavietis, ORC (C-14J)
Renee Honore (AE-17J)

Creation Date:	December 22, 2008
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**U.S. Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Regal Recycling, Inc.)	FINDING OF VIOLATION
Detroit, Michigan)	
)	
Proceedings Pursuant to)	EPA-5-08-MI-05
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Regal Recycling, Inc. ("you" or "Regal") owns and operates a scrap recycling facility at 645 Lucy Road, Howell, Michigan (the "facility").

U.S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for failing to provide information in response to a request for information made by EPA under the authority of Section 114 of the Clean Air Act (CAA).

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for Regal's technical and management personnel to take part in these discussions. You may have an attorney present to represent you at this conference.

Explanation of Violations

1. EPA is determining Regal's compliance with the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F.
2. EPA issued two information requests to Regal under section 114 of the CAA, dated August 21, 2007, and December 6, 2007. Regal responded to the initial EPA information request on October 11, 2007, and to the second EPA information request on January 29, 2008.
3. In its October 11, 2007, response to the initial EPA information request, Regal stated that it often receives small appliances from transient peddler traffic.

4. In our initial Section 114 request, dated August 21, 2007, EPA required Regal to submit its 2007 records for its ten largest suppliers who delivered appliances in 2007.
5. In its response to the initial EPA information request on October 17, 2007, Regal stated that it had no customers providing large quantities of appliances. Rather than providing the required records pertaining to its ten largest customers, Regal provided a blank receipt form.
6. In our initial Section 114 request dated August 21, 2007, EPA required Regal to submit all contracts, agreements or verification statements that Regal used when it sent small appliances to other parties for additional processing or ultimate disposal.
7. In responding to the initial EPA information request on October 17, 2007, Regal provided only several samples of the records rather than providing all of the required records.
8. In our second Section 114 request, dated December 6, 2007, EPA required Regal to submit its 2007 records for all suppliers who delivered appliances.
9. In responding to the second EPA information request on January 29, 2008, Regal failed to submit applicable 2007 records for all suppliers who delivered appliances as required by EPA, in violation of Section 114 of the Act.

Impact of Violations

Failure to provide information in response to a Section 114 request made by EPA violates the Clean Air Act, and interferes with EPA's duties and role under the Act.

12/24/08
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-08-MI-05, by Certified Mail, Return Receipt Requested, to:

Vern Brockway, President
Regal Recycling, Inc.
645 Lucy Road
Howell, Michigan 48843

I also certify that I sent copies of the Finding of Violation by first class mail to:

Thomas Hess, Enforcement Supervisor
Michigan Department of Environmental Quality – Air Quality Division
525 W. Allegan (Constitution Hall, 4th Floor, North)
P.O. Box 30242
Lansing, Michigan 48909-7742

Michael Masterson, District Supervisor
Michigan Department of Environmental Quality
Lansing District Office
525 W. Allegan (Constitution Hall, 4th Floor, North)
P.O. Box 30242
Lansing, Michigan 48909-7742

on the 29 day of December, 2008.


Tracy Jamison
Office Automation Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0184 0200