

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
)  
Complete Auto Repair ) Administrative Order  
Addison, IL )  
) EPA-5-01-113 (a) IL-07  
Proceeding Under Sections )  
113(a) (3) of the Clean Air )  
Act, 42 U.S.C. §§ 7413(a) (3) )  
)  
)

---

**Administrative Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Bill Boland, Owner, of Complete Auto Repair (Respondent) under Section 113(a) (3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a) (3).

**Statutory and Regulatory Background**

2. Under Section 609 of the Act, 42 U.S.C. § 7671h, the Administrator of U.S. EPA promulgated regulations at 40 C.F.R. Part 82, Subpart B, §§ 82.30 through 82.42 (MVAC regulations), establishing standards and requirements regarding the servicing of motor vehicle air conditioners (MVACs).

3. 40 C.F.R. § 82.42(a) requires that, on or before January 1, 1993, each person performing service on MVACs for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved refrigerant recycling equipment in service on MVACs involving refrigerant and that each individual authorized by such person to perform such service is properly trained and certified.

4. Under Section 612 of the Act, 42 U.S.C. § 7671k, the Administrator of U.S. EPA promulgated regulations at 40 C.F.R. Part 82, Subpart G, §§ 82.170 through 82.184 (SNAP regulations), establishing standards and requirements for the use of substitutes for Class I and Class II substances.

5. 40 C.F.R. § 82.174(c) states that no person may use a substitute without adhering to any use restrictions set by the acceptability decision, after the effective date of any rulemaking imposing such restrictions.

6. Under Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the MVAC and SNAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### Findings

7. Respondent owns and operates a facility at 621 South Addison Road, Addison, Illinois (the facility).

8. Respondent performs service on MVACS at the facility.

9. Under the MVAC regulations, no person may perform any service involving refrigerant on a MVAC without properly using approved equipment.

10. On July 11, 2001, during the servicing of a MVAC for consideration at the facility, a substitute refrigerant, HFC-134a, was injected into a MVAC without proper procedures for evacuating the old refrigerant and retrofitting the system for the new refrigerant as required by 40 C.F.R. Part 82, Appendix B to Subpart G.

11. On April 18, 1994, U.S. EPA listed HFC-134a as an acceptable substitute for use as a refrigerant in MVACs. As part of the acceptability decision, U.S. EPA imposed use restrictions. Specifically, those use restrictions provide that when replacing a Class I or Class II substance, such as CFC-12, with a substitute, such as HFC-134a, the following conditions must be met: 1) all CFC-12 must be removed from the system prior to retrofitting; 2) HFC-134a must be used with unique fittings; and 3) detailed labels must be placed on the retrofitted system indicating that the system now contains the substitute refrigerant.

12. On the basis of these facts, U.S. EPA finds that Respondent is in violation of Section 609(c) of the Act, 42 U.S.C. § 7671h(c), and the implementing regulations at 40 C.F.R. § 82.34(a)(1) and Section 612 of the Act, 42 U.S.C. § 7671k, and the implementing regulations at 40 C.F.R. § 82.174(c).

**IT IS HEREBY ORDERED THAT:**

13. Respondent shall maintain compliance with Sections 609 and 612 of the Act, 42 U.S.C. § 7671h and 7671k, and the MVAC and SNAP regulations at 40 C.F.R. Part 82, Subparts B and G.

14. Respondent shall ensure that only technicians who are certified as required by 40 C.F.R. § 82.34(a)(2) will perform service on MVACs. Respondent shall certify to EPA that it will not permit any employee to perform service on MVACs until such person has received technician certification as required by 40 C.F.R. § 82.34(a)(2).

15. Respondent will provide EPA with a copy of certification for all approved refrigerant recycling equipment in service on MVACs involving refrigerant, as required by 40 C.F.R. § 82.36. Copies of the certification shall be sent to the address in paragraph 17.

16. Respondent will follow proper guidelines for retrofitting or "dropping-in" substitute refrigerants pursuant to 40 C.F.R. Part 82, Subpart G. When replacing a Class I or Class II substance, such as CFC-12, with a substitute, such as HFC-134a, the following conditions must be met:

- 1) all CFC-12 must be removed from the system prior to retrofitting;
- 2) HFC-134a must be used with unique fittings; and
- 3) detailed labels must be placed on the retrofitted system indicating that the system now contains the substitute refrigerant (ie. HFC-134a).

17. Respondent shall submit a signed letter of intent to comply with this order, within 7 business days of receipt of this Administrative Order. Such notice shall be mailed to the address listed below:

Compliance Tracker - AE-17J  
U.S. Environmental Protection Agency, Region 5  
Attn: Lynne Suesse  
Air and Radiation Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604

19. Failure to comply with the terms of this Administrative Order may subject Respondent to civil penalties and/or further enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

20. Any information submitted in response to this request may be used by U.S. EPA in support of an administrative, civil, or criminal action against Respondent. Knowing submittal of false information to U.S. EPA, in response to this request, may be actionable under Section 113(c)(2) of the Act, as well as 18 U.S.C. § 1341.

21. Nothing contained in this Compliance Order shall affect the responsibility of Respondent to comply with all applicable Federal, State or local laws or regulations, including other applicable provisions of 40 C.F.R. Part 82.

22. Nothing in this Compliance Order shall be construed to prevent or limit U.S. EPA's authority to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d).

23. This Compliance Order is not subject to the Paperwork Reduction Act, because it seeks collection of information in an administrative action, or investigation involving U.S. EPA and specific individuals or entities.

24. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving

Respondent an opportunity to confer with U.S. EPA concerning this Order. Respondent may schedule a conference with U.S. EPA by calling Ms. Lynne Suesse at (312)886-0250 within five (5) days of Respondent's receipt of this Order.

25. The Compliance Order shall expire one year from the effective date, if Respondent has complied with all of its terms.

8/31/2001

Date



Bharat Mathur, Director  
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Consent Order, U.S. EPA Order No. EPA-5-01-113(a)IL-07, by Certified Mail, Return Receipt Requested, to:

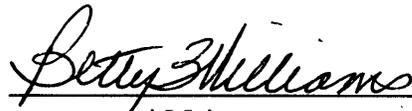
Bill Boland  
Complete Auto Repair  
621 South Addison Road  
Addison, Illinois 60101

I also certify that copies of the Administrative Order, EPA-5-01-113(a)IL-07 was sent by First Class Mail to:

Julie Armitage, Acting Section Manager  
Compliance and Enforcement Section  
Bureau of Air  
Illinois environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager  
Illinois Environmental Protection Agency  
Region 1  
9511 West Harrison Street  
Desplaines, Illinois 60016

on the 4<sup>th</sup> day of September 2001.

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70993400 0000 95962177