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

JUN 28 2001

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Mark Petz, Owner
Petz Automotive dba Precision Tune
1709 E. West Maple
Walled Lake, Michigan 48390

RE: Petz Automotive
dba Precision Tune
Walled Lake, Michigan

Dear Mr. Petz:

Enclosed is an Administrative Compliance Order pursuant to Sections 113(a) and 114 of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a) and 7414, respectively. The United States Environmental Protection Agency (U.S. EPA) has evidence that you violated Section 609(c) of the Act, 42 U.S.C. § 7671g, and provisions of 40 C.F.R. Part 82, Subpart B, the Stratospheric Ozone Regulations, in connection with your servicing of motor vehicle air conditioning (MVAC) equipment at 1709 E.West Maple, Walled Lake, Michigan.

The attached Order requires that:

(1) You maintain compliance with Section 609(c) of the Act and 40 C.F.R. Part 82, Subpart B, in connection with your servicing of MVAC equipment; and

(2) You submit to U.S. EPA, <u>within 30 business days</u>, a signed letter of intent to comply with the Order.

Pursuant to Section 113 of the Act, 42 U.S.C. § 7413, any violation of this Compliance Order could subject you to penalties of up to $27,500 per day for each violation.

We look forward to your prompt attention to this Order. If you would like to discuss the attached Order, please contact either

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Joseph Cardile at (312) 886-0243 or Alan Walts at (312) 353-8894.

Sincerely yours,

Cheryl Newton, Acting Director
Air and Radiation Division

cc: Timothy McGarry, Enforcement Unit Supervisor
Air Quality Division
Michigan Department of Environmental Quality

Lisa Scarpelli
S.E. Michigan District Headquarters

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Petz Automotive	)	**Administrative Order**
dba Precision Tune	)	
Walled Lake, Michigan	)	**EPA-5-01-113(a)-MI-08**
	)	
Proceeding Under Sections	)	
113(a)(3) and 114(a)(1)	)	
of the Clean Air Act,	)	
42 U.S.C. §§ 7413(a)(3)	)	
and 7414(a)(1)	)	

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 Petz Autonmotive dba Precision Tune (Respondent) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing standards and requirements regarding the servicing of motor vehicle air conditioners (MVACs) under Section 609 of the Act, 42 U.S.C. § 7671h.

3. Under Section 609 of the Act, the Administrator promulgated the regulations at 40 C.F.R. Part 82, Subpart B, Sections 82.30 through 82.42 (MVAC regulations).

4. Section 609(d) of the Act, 42 U.S.C. § 7671h(d), requires in part that each person performing service on motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved refrigerant recycling equipment in service on motor vehicle air conditioners involving refrigerant and that each individual authorized by such person to perform such service is properly trained and certified.

5. 40 C.F.R. § 82.34(a) requires, effective August 13, 1992, that no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner

(1) Without properly using equipment approved pursuant to § 82.36; and (2) Unless such person has been properly trained and certified by a technician certification program approved by the Administrator pursuant to §82.40.

6. 40 C.F.R. § 82.42(a) requires that, on or before January 1, 1993, each person performing service on motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved refrigerant recycling equipment in service on motor vehicle air conditioners involving refrigerant and that each individual authorized by such person to perform such service is properly trained and certified.

7. 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 regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

8. The Administrator of U.S. EPA may require any person who is subject to any requirement of the Act to provide information necessary to determine compliance with the Act, under Section 114(a)(1) of the Act, 42 U.S.C. § 7414 (a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

9. Respondent owns and operates a facility at 1709 E. West Maple, Walled Lake, Michigan (the facility).

10. Respondent performs service on motor vehicle air conditioners for consideration at the facility. Therefore, Respondent is subject to 40 C.F.R. § 82.34(a) and § 82.42(a).

11. Respondent is "subject to any requirement" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Respondent is subject to the requirements of Section 114(a)(1).

12. On July 11, 2000, authorized representatives of the Administrator (the inspectors) conducted a compliance inspection of Respondent's facility in order to determine Respondent's compliance status with Section 609 of the Act.

13. During the inspection, the inspectors observed that the facility lacked approved R-134A refrigerant recovery equipment

and they asked Mr. Petz to provide a copy of the following documents to U.S. EPA within ten (10) days of the July 11, 2000 inspection: copies of all of the facility's recovery equipment certifications.

14. On October 31, 2000, U.S. EPA issued a Notice of Intent to File Civil Administrative Complaint and Opportunity to Show Cause to Respondent.

15. Respondent was given an opportunity to present supporting documentation to show why U.S. EPA should not institute administrative proceedings to assess civil penalties and to show cause why the proposed penalty should be reduced.

16. Respondent lacks approved R-134a refrigerant recovery equipment for service it has performed on MVACs containing R-134a.

17. On the basis of these facts, U.S. EPA finds that Respondent is in violation of Section 609(d) of the Act, 42 U.S.C. § 7671h(d), and the implementing regulations at 40 C.F.R. § 82.34(a)(1) and § 82.42(a).

IT IS HEREBY ORDERED THAT:

18. Respondent shall maintain compliance with Section 609(c) of the Act, 42 U.S.C. § 7671g, and the MVAC Regulations at 40 C.F.R., Part 82, Subparts B and G.

19. Respondent shall ensure that the facility properly uses dedicated refrigerant recovery equipment for each type of refrigerant when servicing motor vehicle air conditioners and this equipment is approved pursuant to § 82.36.

20. Respondent shall provide U.S. EPA with proof that it has obtained refrigerant recovery equipment approved for use with R-134a before performing service for consideration on any MVAC containing R-134a. Respondent shall provide such proof of when it submits its letter of intent to comply.

21. Respondent shall submit a signed letter of intent to comply with this Order, within <u>30 business days</u> of receipt of this Compliance Order. Such notice shall be mailed to the address listed below:

Compliance Tracker - AE-17J
U.S. Environmental Protection Agency, Region 5
Attn: Joseph Cardile
Air and Radiation Division

77 West Jackson Boulevard
Chicago, Illinois 60604

22. Failure to comply with the terms of this Compliance Order may subject Respondent and its owner(s) to civil penalties and/or further enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

23. 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.

24. 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.

25. 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).

26. 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.

27. 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 Mr. Joseph Cardile, at (312) 353-2151 within ten (10) days of Respondent's receipt of this Order.

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

6/28/01
Date

Cheryl Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the Administrative Consent Order, U.S. EPA Order No. EPA-5-01-113(a)-MI-08, by Certified Mail, Return Receipt Requested, to:

Mark Petz, Owner
Petz Automotive dba Precision Tune
1709 E. West Maple
Walled Lake, Michigan 48390

I also certify that I sent a copy of the Administrative Consent Order U.S. EPA Order No. EPA-5-01-113(a)-MI-08 , First Class Mail to:

Timothy McGarry, Enforcement Unit Supervisor
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909

Lillian Woolley
S.E. Michigan District Headquarters
38980 Seven Mile Road
Livonia, Michigan 48152

on the 29th day of June 2001.

Shanee Rucker

Shanee Rucker, Secretary
AECAS(MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9581 3158