

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
JLM Chemicals, Inc.) **FINDING OF VIOLATION**
Blue Island, Illinois)
) **EPA-5-02-IL- 07**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that JLM Chemicals, Inc. (JLM) has violated Section 608 of the Clean Air Act (Act), 42 U.S.C. § 7471g. Specifically, JLM has violated the Protection of Stratospheric Ozone Standards at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction, as follows:

Regulatory Authority

1. The Stratospheric Ozone Standards, Subpart F, apply to any person servicing, maintaining, repairing, or owning appliances, as those terms are defined at 40 C.F.R. § 82.152.
2. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.152, define "industrial process refrigeration" as complex customized appliances used in the chemical...industries. These appliances are directly linked to the industrial process.
3. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(2), require that an owner or operator of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period.

4. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that an owner or operator of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.
5. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repair efforts.
6. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct a follow-up verification test within 30 days after the initial verification test.
7. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), state that a one-year retrofit and retirement plan must be developed within 30 days of a failed follow-up verification test. The plan must be kept at the site of the appliance.
8. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(ii), require that an owner or operator must retrofit or replace industrial process refrigeration equipment within one year of a failed follow-up verification test.
9. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(iii), require that an owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.

Finding of Facts

10. JLM owns and operates a chemical manufacturing plant at 3350 131st Street in Blue Island, Illinois (the Facility). The Facility contains three industrial process refrigeration units with normal charges of over 50 pounds.
11. The three industrial process refrigeration units, Vilter, Carrier Circuit #1, and Carrier Circuit #2, use the class II refrigerant HCFC-22, or R-22.

12. The three industrial process refrigeration units at JLM experienced leaks during the time between November 1, 1998 and November 13, 2001 that resulted in an annual leak rate exceeding 35 percent.
13. Repairs performed by JLM on the following dates did not result in the annual leak rate of the two industrial process refrigeration units listed being returned to below 35 percent:
 - i. Carrier Circuit #1
 - a. 02/01/99
 - b. 01/15/00
 - c. 01/20/00
 - d. 05/57/00
 - e. 05/30/00
 - ii. Carrier #2
 - a. 12/30/99
 - b. 02/20/00
14. Initial verification tests performed by JLM on the following dates failed to verify that the repairs performed in conjunction with the tests had brought the leak rate of the two industrial process refrigeration units listed to below 35 percent:
 - i. Carrier Circuit #1
 - a. 01/20/00
 - b. 05/30/00
 - ii. Carrier Circuit #2 - 02/20/00
15. JLM did not perform the required follow-up verification tests necessary to verify that repairs performed on the following days had brought the leak rate of the two industrial process refrigeration units listed to below 35 percent:
 - i. Carrier Circuit #1
 - a. 01/20/00
 - b. 05/30/00
 - ii. Carrier Circuit #2 - 02/20/00
16. JLM did not develop retrofit or retirement plans for the two industrial process refrigeration units when repairs

performed on the following days were unable to bring the leak rate to below 35 percent:

- i. Carrier Circuit #1
 - 1. 01/20/00
 - 2. 05/30/00
 - ii. Carrier Circuit #2 - 02/20/00
17. JLM did not retrofit or retire the two industrial process refrigeration units listed when repairs performed on the following days were unable to bring the leak rate to below 35 percent:
- i. Carrier Circuit #1
 - i. 01/20/00
 - ii. 05/30/00
 - ii. Carrier Circuit #2 - 02/20/00
18. JLM did not notify the U.S. EPA after failed follow-up verification tests performed on the following days showed that repairs had failed to bring the leak rates of the two industrial process refrigeration units listed to below 35 percent:
- 1. Carrier Circuit #1
 - 1. 01/20/00
 - 2. 05/30/00
 - 2. Carrier Circuit #2 - 02/20/00

Violations

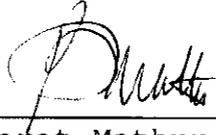
19. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(2) requires JLM to have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period. JLM is in violation of 40 C.F.R. § 82.156(i)(2) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to repair leaking appliances such that the annual leak rate is brought below 35 percent.

20. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3) requires JLM to perform an initial verification test to ensure that repairs have been successful. JLM is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to conduct proper initial verification tests.
21. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3) requires JLM to perform a follow-up verification test to ensure that repairs have been successful. JLM is in violation of 40 C.F.R. § 82.156(i)(3) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to conduct proper follow-up verification tests.
22. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(6) requires JLM to develop a one-year retrofit and retirement plan for leaking refrigeration units within thirty days of a failed follow-up verification test. JLM is in violation of 40 C.F.R. § 82.156(i)(6) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to develop a one-year retrofit and retirement plan for leaking refrigeration equipment following a failed follow-up verification test.
23. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3)(ii) requires JLM to retrofit or retire a leaking refrigeration unit within one year of a failed follow-up verification test. JLM is in violation of 40 C.F.R. § 82.156(i)(3)(ii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to retrofit or retire leaking refrigeration equipment following a failed follow-up verification test.
24. As owner of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant, 40 C.F.R. § 82.156(i)(3)(iii) requires JLM to notify the

U.S. EPA within 30 days of a failed follow-up verification test. JLM is in violation of 40 C.F.R. § 82.156(i)(3)(iii) and Section 608 of the Act, 42 U.S.C. § 7471g, for failing to notify the U.S. EPA of failed follow-up verification tests.

2-7-02

Date



Bharat Mathur, Director
Air and Radiation Division



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

FEB 07 2002

REPLY TO THE ATTENTION OF
(AE-17J)

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Re: Finding of Violation
40 C.F.R. Part 82, Subpart F
JLM Chemicals, Inc.

Dear Ms. Armitage:

Enclosed is a copy of the Finding of Violation (FOV) that the United States Environmental Protection Agency (U.S. EPA) issued today to JLM Chemicals, Inc. (JLM). We find that JLM has violated Section 608 of the Clean Air Act, 42 U.S.C. § 7471g, at 3350 West 131st Street, Blue Island, Illinois.

Specifically, JLM is in violation of:

1. 40 C.F.R. § 82.156(i)(2), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to ensure that repairs of leaking appliances bring the annual leak rate to below 35 percent.
2. 40 C.F.R. § 82.156(i)(3), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to perform an initial verification test to ensure that repairs have been successful.
3. 40 C.F.R. § 82.156(i)(3), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to perform a follow-up verification test to ensure that repairs have been successful.
4. 40 C.F.R. § 82.156(i)(6), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to

develop a one-year retrofit and retirement plan for leaking refrigeration units within thirty days of a failed follow-up verification test.

5. 40 C.F.R. § 82.156(i)(3)(ii), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to retrofit or retire a leaking refrigeration unit within one year of a failed follow-up verification test.
6. 40 C.F.R. § 82.156(i)(3)(iii), which requires owners of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant to notify the U.S. EPA within 30 days of a failed follow-up verification test.

Section 113 of the Clean Air Act, 42 U.S.C. § 7413, gives us several enforcement options, including issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. We hope that this FOV will substantially aid JLM's efforts to comply.

Sincerely yours,



Bharat Mathur, Director
Air and Radiation Division

cc: Harish Narayen, IEPA

Enclosure

CERTIFICATE OF MAILING

I, Barbara Mack, certify that I sent a Finding of Violation, No. EPA-5-02-IL-07, by Certified Mail, Return Receipt Requested, to:

Thomas Dockus
Environmental Manager
JLM Chemicals, Inc.
3350 West 131st Street
Blue Island, Illinois 60406

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

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

and:

Harish Narayen, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 Harrison
Des Plaines, Illinois 60016

on the 8th day of February, 2002.


Barbara Mack, Secretary
AECAS

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9586 2767