

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Hilton Chicago and Towers) **FINDING OF VIOLATION**
Chicago, Illinois)
) **EPA-5-03-IL-11**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, hereby notifies Hilton Chicago and Towers (Hilton), Chicago, Illinois and the State of Illinois that Hilton is in violation of the Stratospheric Ozone Standards as set forth in this Finding of Violation. The U. S. EPA finds that Hilton has violated Section 608 of the Clean Air Act (Act), 42 U.S.C. § 7471g. Specifically, Hilton 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. § 82.156(i)(5), require that an owner or operator of comfort cooling 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 15 percent of the total charge during a 12-month period. Repairs must bring the leaking unit's annual leak rate to below 15 percent.
3. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that an owner or operator of comfort cooling refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(5) within 30 days after discovery of the leak.

4. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), state that a one-year retrofit or retirement plan must be developed within 30 days of a failure to repair leaking units below the allowable leak rate. The plan must be kept at the site of the appliance.
5. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), require that an owner or operator must retrofit or retire comfort refrigeration equipment within one year of a failure to repair leaking units below the allowable leak rate.

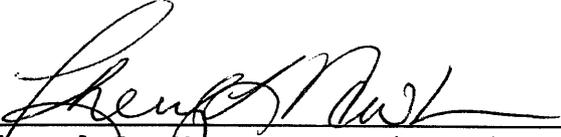
Finding of Facts

6. Hilton owns and operates a hotel at 720 South Michigan Avenue, Chicago, Illinois. This hotel contains a comfort cooling refrigeration unit with a normal charge of over 50 pounds.
7. The comfort cooling refrigeration unit, S007 A/C Will/BLVD, uses the class II refrigerant R-401A. The commercial name for R-401A is MP-39.
8. The comfort cooling refrigeration unit S007 A/C Will/BLVD located at Hilton, experienced leaks during the time between September 9, 1999 and December 11, 2000 that resulted in an annual leak rate exceeding 15 percent.
9. Hilton performed repairs on the comfort cooling refrigeration unit S007 A/C Will/BLVD on the dates listed below, but failed to reduce the annual leak rate below 15 percent.
 - A. September 22, 1999
 - B. October 25, 1999
 - C. February 28, 2000
 - D. May 5, 2000
10. Hilton did not develop retrofit or retirement plans for the comfort cooling refrigeration unit S007 A/C Will/BLVD when repairs performed on September 22, 1999 were unable to bring the leak rate below 15 percent.
11. Hilton did not retrofit or retire the comfort cooling refrigeration unit S007 A/C Will/BLVD when repairs performed on September 22, 1999 failed to bring the leak rate below 15 percent.

Violations

12. 40 CFR § 82.156(i)(5) requires Hilton, as owner of comfort cooling refrigeration equipment normally containing more than 50 pounds of refrigerant, to have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must bring annual leak rates below 15 percent. Hilton is in violation of 40 C.F.R. § 82.156(i)(5) 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 15 percent.
13. 40 CFR § 82.156(i)(6) requires Hilton, as owner of comfort cooling 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 failure to repair a leaking unit. Hilton 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 failure to repair the equipment.
14. 40 CFR § 82.156(i)(6) requires Hilton, as owner of comfort cooling refrigeration equipment normally containing more than 50 pounds of refrigerant, to retrofit or retire a leaking refrigeration unit within one year of a failure to repair a leaking unit. Hilton 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 retrofit or retire leaking refrigeration equipment following a failure to repair the equipment.

3/25/03
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-03-IL-11, by Certified Mail, Return Receipt Requested, to:

Michael Forde
Chief Engineer
Hilton Chicago and Towers
720 South Michigan Avenue
Chicago, Illinois 60605

I also certify that I sent a copy 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

on the 26th day of March, 2003.


Loretta Shaffer, Secretary
AECAS, MN/OH

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 156A 8986