



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

MAR 3 2009

REPLY TO THE ATTENTION OF:  
AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mike Richmond, Plant Manager  
OmniSource Corporation  
3601 Maumee Avenue  
Fort Wayne, Indiana 46803

Re: Finding of Violation  
OmniSource Corporation

Dear Mr. Richmond:

This is to advise you that the U. S. Environmental Protection Agency has determined that OmniSource Corporation facility at 3601 Maumee Avenue, Fort Wayne, Indiana (OmniSource or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

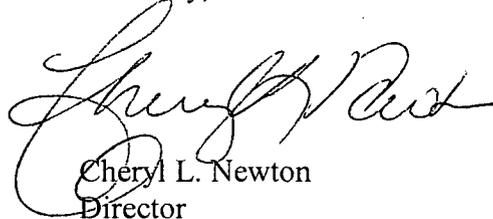
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that OmniSource has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. 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 Sara Breneman. You may call her at (312) 886-0243 if you wish to request a conference. EPA hopes that this FOV will encourage OmniSource's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton  
Director

Air and Radiation Division

Enclosure

**United States Environmental Protection Agency  
Region 5**

IN THE MATTER OF:	)	
OmniSource Corporation	)	FINDING OF VIOLATION
Fort Wayne, Indiana	)	
Proceedings Pursuant to	)	EPA-5-09-IN-07
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**FINDING OF VIOLATION**

OmniSource Corporation (OmniSource or you) owns and operates a scrap recycling facility at 3601 Maumee Avenue, Fort Wayne, Indiana (the facility).

The U. S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F.

**Explanation of Violations**

1. OmniSource, as the final disposer of appliances, is subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:
  - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
  - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that

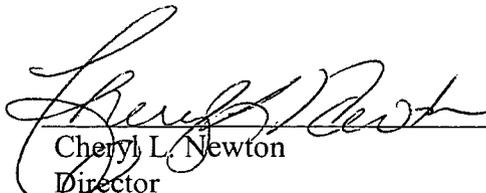
all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's June 11, 2008, inspection, and in response to the Section 114 request for information, EPA learned that OmniSource accepted for recycling during the past year at least one appliance per day that once contained refrigerant.
3. At the time of the inspection, EPA was informed that OmniSource does not recover refrigerant from all of the appliances it accepts and does not require adequate verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to OmniSource.

#### **Environmental Impact of Violations**

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone (the ozone layer). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

3/3/09  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-09-IN-07 by Certified Mail, Return Receipt Requested, to:

Mike Richmond, Plant Manager  
OmniSource Corporation  
3601 Maumee Avenue  
Fort Wayne, Indiana 46803

on the 4<sup>th</sup> day of March, 2009.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: \_\_\_\_\_