

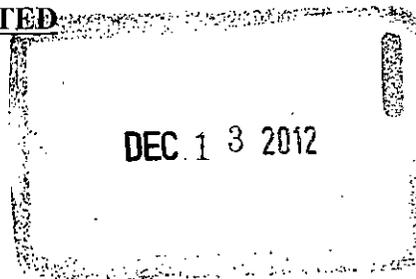


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Virginia Doty
d/b/a Appliance Recyclers
5568 Dial Drive
Granite City, Illinois 62040



Re: Finding of Violation
Virginia Doty d/b/a Appliance Recyclers, Granite City, Illinois

Dear Ms. Doty:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Virginia Doty, doing business as Appliance Recyclers (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, and its implementing regulations for the Protection of Stratospheric Ozone at 40 C.F.R. Part 82, Subpart F, at your Granite City, Illinois facility.

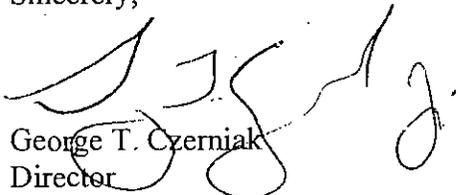
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the 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 attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Katie Owens. You may call her at 312-886-6097 to request a conference.

You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Ray Pilapil, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Virginia Doty
d/b/a Appliance Recyclers
Granite City, Illinois**

Proceeding Pursuant to
the Clean Air Act,
42 U.S.C. § 7401 *et seq.*

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) **FINDING OF VIOLATION**
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) **EPA-5-13-IL-08**
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FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that Virginia Doty, doing business as Appliance Recyclers, has violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* Specifically, Ms. Doty failed to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F, as follows:

Statutory and Regulatory Authority

1. 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. 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).
2. Under 40 C.F.R. § 82.156(f), 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 either:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156(g) or (h); 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)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

3. Under 40 C.F.R. § 82.156(g), all persons recovering refrigerant from MVACs or MVAC-like appliances for purposes of disposal of these appliances must reduce the system pressure to or below 102 mm of mercury vacuum, using equipment that meets the standards set forth in 40 C.F.R. § 82.158(1).
4. Under 40 C.F.R. § 82.156(h), all persons recovering the refrigerant from small appliances for purposes of disposal of these appliances must either:
 - a. Recover 90% of the refrigerant in the appliance when the compressor in the appliance is operating, or 80% of the refrigerant in the appliance when the compressor in the appliance is not operating; or
 - b. Evacuate the small appliance to four inches of the mercury vacuum.

Factual Background

5. Virginia Doty, doing business as Appliance Recyclers, owns and operates a scrap metal recycling facility at 5568 Dial Drive, Granite City, Illinois (the facility).
6. On August 2, 2011, EPA inspected the facility to assess Ms. Doty's compliance with the CAA.
7. During the August 2, 2011 inspection, Ms. Doty indicated that she primarily receives appliances through contracts with waste haulers, and occasionally will pick up appliances from residences if a resident is unable to move the appliance without assistance.
8. During the August 2, 2011 inspection, Ms. Doty indicated that she receives approximately 40 appliances per week for recycling, and that for a period of time in 2010 she was receiving approximately 138 appliances per day for recycling.
9. During the August 2, 2011 inspection, Ms. Doty indicated that she receives appliances that contain refrigerant and appliances that have already been emptied of refrigerant before arrival at the facility. Ms. Doty further indicated that any refrigerant remaining in appliances is recovered on-site, and that she does not require suppliers who bring in appliances empty of refrigerant to sign a statement verifying that the refrigerant has been evacuated from the appliance previously.
10. During the August 2, 2011 inspection, Ms. Doty indicated that the refrigerant recovered from appliances received by the facility was re-used in two vehicles used by her business, and was not sent off-site to a certified refrigerant reclaimer.
11. On September 12, 2011, EPA sent a Request for Information under Section 114 of the CAA, 42 U.S.C. § 7414, to Ms. Doty d/b/a Appliance Recyclers, seeking additional information about the facility's compliance with the CAA. On November 7, 2011, Ms. Doty submitted a response to EPA.

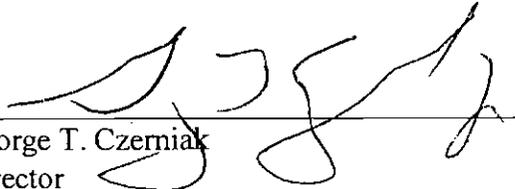
12. On November 18, 2011, EPA sent Ms. Doty a message via electronic mail (email) requesting additional information about and clarifications to Ms. Doty's November 7, 2011 response. On November 21, 2011, Ms. Doty provided a response to EPA via email.
13. In the September 12, 2011 Request for Information, EPA requested all documents related to the methods used by Ms. Doty to verify that refrigerant has already been recovered from appliances that arrive at the facility empty of refrigerant. In the November 7, 2011 response, Ms. Doty stated that the request "does not apply we do the removal on site." No verification statements or other documents were provided to EPA.
14. In the November 7, 2011 response and November 21, 2011 email, Ms. Doty provided documentation about the appliances that she receives for recycling at the facility. The documentation indicated, and Ms. Doty confirmed, that Ms. Doty receives appliances that have been punctured and are empty of refrigerant before their arrival at the facility.
15. In the November 7, 2011 response, Ms. Doty provided a spreadsheet containing the approximate number and type of appliances received in the previous 24 months. The spreadsheet indicated that Ms. Doty had received approximately 1,189 appliances and/or MVAC-like appliances in 2010, and 713 appliances in 2011 for recycling.
16. In the November 7, 2011 response and November 21, 2011 email, Ms. Doty did not provide any documentation or records indicating that any recovered refrigerant was sent to another entity for reclamation.
17. On November 2, 2011, Ms. Doty entered into a "Cylinder Deposit Agreement" with Pure Chem Separation, LP (PCS), whereby PCS provides cylinders for Ms. Doty for use in a refrigerant buy-back program.
18. Based on the above information, and other technical knowledge and observation by EPA, Ms. Doty was not recovering all remaining refrigerant from the appliances and/or MVAC-like appliances received by the facility in accordance with the requirements of 40 C.F.R. § 82.156(g) or (h).
19. Based on the above information, Ms. Doty received appliances already empty of refrigerant and failed to require verification statements or contracts that the refrigerant had been evacuated from the appliance previously, as required by 40 C.F.R. § 82.156(f)(2).

Finding of Violations

20. For the above reasons, EPA finds that Ms. Doty, doing business as Appliance Recyclers, has violated 40 C.F.R. § 82.156(f) and Section 608(c) of the CAA, 42 U.S.C. § 7671g(c).

12/13/12

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

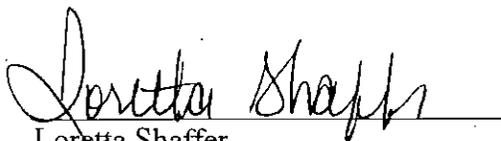
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-IL-08, by Certified Mail, Return Receipt Requested, to:

Virginia Doty
d/b/a Appliance Recyclers
5568 Dial Drive
Granite City, Illinois 62040

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

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

On the 14 day of December 2011


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7674 0364