



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

JUN 25 2008

REPLY TO THE ATTENTION OF:  
AE-17J

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

Brian Kuhar, President  
All City Recycling, Inc.  
17149 St. Clair Avenue  
Cleveland, Ohio 44110

Re: Finding of Violation  
All City Recycling, Inc.

Dear Mr. Kuhar:

This is to advise you that the U. S. Environmental Protection Agency has determined that All City Recycling Inc.'s facility at 17149 St. Clair Avenue, Cleveland, OH (All City 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.

Section 608 of the CAA, 42 U.S.C. §7671g, requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of Class I and Class II ozone-depleting substances. In accordance with Section 608 of the CAA, 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:

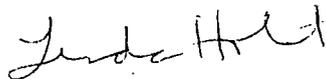
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through a signed statement by the person from whom the appliance was obtained, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a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

EPA finds that All City 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. 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 you at this conference.

The EPA contact in this matter is Lynne Roberts. You may call her at (312) 886-0250, if you wish to request a conference. EPA hopes that this FOV will encourage All City's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton  
Acting Director  
Air and Radiation Division

Enclosure

cc: Richard L. Nemeth, Commissioner  
Cleveland Department of Public Health  
Division of Air Quality

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency



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 an inspection on April 9, 2008, EPA was informed that All City receives approximately 5-6 refrigerant-containing appliances per day in operation. All City operates five days a week.
  3. At the time of the inspection, EPA was informed that All City does not recover refrigerant from appliances that are brought to the facility.
  4. At the time of the inspection, EPA was informed that All City does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to All City.
  5. On May 8, 2008, EPA issued an information request pursuant to Section 114 of the CAA to All City to verify that it does not collect verification statements nor does it own recovery equipment.
  6. In its response dated May 19, 2008, All City verified that it did not collect verification statements nor did it own recovery equipment at the time of the inspection.

### **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.

6/25/08  
Date

  
 Cheryl L. Newton  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-OH-20, by Certified Mail, Return Receipt Requested, to:

Brian Kuhar, President  
All City Recycling, Inc.  
17149 St. Clair Avenue  
Cleveland, Ohio 44110

on the 25<sup>th</sup> day of June, 2008.

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

Richard L. Nemeth, Commissioner  
Cleveland Department of Public Health  
Division of Air Quality  
Penton Media Building, 4th Floor  
1300 East 9th Street  
Cleveland, Ohio 44114

and

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. 1049  
Columbus, Ohio 43216-1049

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8920 2405