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

JUL 22 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carl Anfield
James Anfield
Anfield and Sons Metal Recyclers, LLC
PO Box 30762
Portland, Oregon 97294

Re: Administrative Consent Order EPA-5-15-113(a)-COE-15

Dear Messers Anfield:

Enclosed is a signed copy of the Administrative Consent Order (ACO) regarding the above captioned case. Please retain this copy for your records.

The ACO became effective on the date of signature by the Director of the Air and Radiation Division, EPA Region 5. If you have any questions about the ACO, please contact Natalie Topinka at (312) 886-3853 or Louise Gross at (312) 886-6844.

Sincerely,

Brian Dickens for

Sara J. Breneman
Chief
Air Enforcement and Compliance Assurance Branch

Enclosure:

cc: Kevin Sali LLC

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	**EPA-5-15-113(a)-COE-15**
	)	
Carl Anfield, James Anfield, and Anfield and Sons Metal Recyclers, LLC	)	
	)	**Proceeding Under Sections 113(a)(1)(3) and 114(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1)(3) and 7414(a)(1)**
Portland, Oregon	)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Carl Anfield, James Anfield, and Anfield and Sons Metal Recyclers (Anfield) under Sections 113(a)(1)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), authorizes the Administrator of EPA to issue an order requiring compliance with Subchapter VI of the Act to any person who has violated or is violating any requirement of Subchapter VI. The Administrator of EPA has delegated her order authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-6-A. The Regional Administrator of EPA, Region 5, has delegated her order authority to the Director, Air and Radiation Division, Region 5, pursuant to EPA Region 5 Delegation 7-6-A.
3. 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).

4. Under 40 C.F.R. § 82.154(a), effective June 13, 2005, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or substitute from such appliances, with certain exceptions not relevant to this matter. The knowing release of a refrigerant or non-exempt substitute subsequent to its recovery from an appliance is a violation of this prohibition.

5. 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 that contains refrigerant must recover any remaining refrigerant from the appliance in accordance with 40 C.F.R. § 82.156 (g) or (h), as applicable, or verify previous evacuation of the refrigerant pursuant to 40 C.F.R. § 82.156(f)(2)-(3).

6. The Administrator of EPA may require any person who is subject to any requirement of the CAA to make reports and provide information required by the Administrator under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator of EPA has delegated her information gathering authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-8. The Regional Administrator of EPA, Region 5, has delegated her information-gathering authority to the Director, Air and Radiation Division, Region 5, pursuant to EPA Region 5 Delegation 7-8.

Findings

7. Anfield owns and operates a scrap metal recycling facility at 10251 NE Marx Street, Portland, Oregon.

8. Anfield is a "person" that engages in the "disposal" of appliances, as both terms are defined at 40 C.F.R. § 82.152. Anfield is subject to the requirements of 40 C.F.R. §§ 82.154 and 82.156.

9. Anfield owns or operates an "emission source" within the meaning of Section 114 (a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, Anfield is subject to the requirements of Section 114(a)(1).

10. On August 7, 2014, EPA issued to Anfield a Finding of Violation (FOV) alleging that it violated the 40 C.F.R. Part 82, Subpart F regulations applicable to recycling and emissions reductions of ozone-depleting substances, by failing to recover refrigerants from appliances delivered to its facility for recycling.

11. On October 2, 2014, representatives of Anfield and EPA met to discuss the FOV. Subsequent to that meeting, Anfield has provided EPA with additional information related to the violations alleged in the FOV.

Compliance Program

12. By the effective date of this Order, Anfield must achieve, demonstrate and maintain compliance with the provisions of 40 C.F.R. Part 82, Subpart F at its Portland, Oregon facility in accordance with the requirements of Paragraphs 13 – 17, below.

13. Except as provided in paragraph 14 below, on and after the effective date of this Order, Anfield must recover any remaining refrigerant from appliances it receives at its facility

according to the requirements of 40 C.F.R. § 82.156 (g) and (h), and no later than four months from the date of receipt of the appliance.

14. Any appliances that Anfield elects to keep for possible resale, donation, or other reuse instead of recycling or disposal are not subject to paragraph 13, above. Upon electing to keep any such appliances for possible resale, donation or other reuse, Anfield shall within a reasonable period of time from such election keep such appliances physically separate from appliances designated for recycling or disposal. If Anfield later re-elects to recycle or dispose of any such appliances (i.e., appliances that Anfield had previously elected to keep for possible resale, donation or other reuse), Anfield shall within a reasonable period of time from such re-election keep such appliances physically separate from appliances designated for resale, donation or other reuse, and shall recover any remaining refrigerant from such appliances according to the requirements of 40 C.F.R. § 82.156 (g) and (h), and no later than four months from the date of such re-election.

15. On and after the effective date of this Order, Anfield must deliver any refrigerant it recovers from appliances to a refrigerant reclaimer that has been certified pursuant to the provisions codified at 40 C.F.R. §82.164, or to a commercial intermediary that sends the refrigerant to the certified reclamation facility. Anfield will return all refrigerant it has recovered to the certified reclaimer or commercial intermediary no less often than every four months.

16. Within 30 days after six months following the effective date of this Order, and within 30 days after the passage of each of the next three consecutive six-month periods thereafter, Anfield must submit to EPA the following information, along with such supporting documentation as is generated in the ordinary course of business:

a. The number and type of items accepted for recycling that contain or once contained refrigerant (including but not limited to refrigerators, freezers, chillers, air conditioners, vending machines, coolers, and compressor decks); where such items were obtained; and the dates they were received by Anfield.

b. The number and type of items containing refrigerant that Anfield elected, at or after the time such items were obtained by Anfield, to keep for resale, donation or other reuse.

c. The number and type of items containing refrigerant that, after an election pursuant to paragraph 16(b) above with respect to such items, Anfield subsequently re-elected to dispose of or recycle.

d. The number and type of items containing refrigerant that are resold, donated or otherwise transferred; and to whom the items were sold, donated or otherwise transferred; and the dates they were sold, donated or otherwise transferred to the recipients.

e. Copies of receipts for the amount and type of refrigerant delivered to the certified reclaimer or commercial intermediary for reclamation.

17. Anfield must send all information required by Paragraph 16 of this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

18. This Order does not affect Anfield's responsibility to comply with other federal, state and local laws.

19. This Order does not restrict EPA's authority to enforce Section 608 or any other section of the CAA, subject to paragraph 20 below.

20. This Order is intended by the parties to resolve all civil claims arising out of or relating to the violations alleged in the August 7, 2014 FOV through the Order's effective date. EPA's consent to this provision is based on information provided by Anfield as of the Order's effective date.

21. EPA reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare of the environment arising at, or posed by, the Anfield facility, whether related to the alleged violations addressed in this Order or otherwise.

22. Failure to comply with this Order may subject Anfield to penalties of up to $37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

23. The terms of this Order are binding on Anfield, its assignees and successors. Anfield must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

24. Anfield may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Anfield fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

25. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in EPA's electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.
26. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
27. Anfield agrees to the terms of this Order. Anfield waives any remedies, claims for relief and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Administrative Consent Order, including any right of judicial review under Section 307(b) of the CAA, 42 U.S.C. § 7607(b).
28. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Anfield has complied with all terms of the Order throughout its duration.

Administrative Consent Order
In the Matter of: Carl Anfield, James Anfield, and Anfield and Sons Metal Recyclers, LLC

6-25-15
Date

Carl Anfield
Anfield and Sons Metal Recyclers, LLC

7/22/15
Date

George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-COE-15, by certified mail, return receipt requested, to:

Carl Anfield
PO Box 30762
Portland, Oregon 97294

I also certify that I sent copies of the Administrative Consent Order, EPA-5-15-113(a)-COE-15, by first-class mail to:

Kevin Sali LLC
5 Centerpointe Drive
Lake Oswego, Oregon 97035

Scott Downey, Manager
Air and RCRA Compliance Unit
EPA Region 10, OCE-127
1200 6th Ave, Suite 900
Seattle, WA 98101

Les Carlough
Oregon Department of Environmental Quality
Air Quality Division
811 SW Sixth Ave
Portland, OR 97204

On the 24th day of July 2015.

Kathy Jones

for Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7644 3722