



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

SEP 15 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim L. Tomlin
Registered Agent
Express Recycling Group
Express Auto Recyclers and Sales, LLC
102 Mingle Lane
Smyrna, Tennessee 37167-2306

Jessica Loveless
Manager
Express Pull N Save
409 Dick Buchanan Street
La Vergne, Tennessee 37086

Derek Hoffman
Yard Supervisor
Harris Auto Recycling
464 Cainsville Road
Lebanon, Tennessee 37087

Re: Finding of Violation
Express Auto Recyclers and Sales, LLC
La Vergne, Tennessee, and Lebanon Tennessee

Dear Sirs and Madam:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Express Recycling Group (you) related to activities at your scrap recycling operations in La Vergne, Tennessee, and Lebanon, Tennessee. EPA finds that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, and federal regulations implementing the CAA for the Protection of Stratospheric Ozone, 40 C.F.R. Part 82, Subpart F.

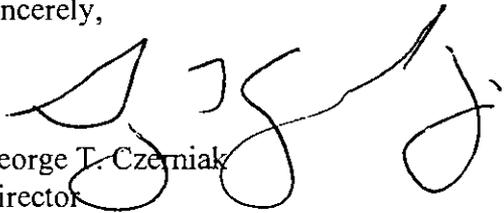
EPA has several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a civil and/or criminal action in federal court.

We are offering you an opportunity to confer with us, either in person or by telephone, 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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 to request a conference. You should make the request within 10 calendar days following your receipt of this letter.

The conference, should you elect to have one, should be held within 30 calendar days from your receipt of this letter. 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.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Charlie Garlow, U.S. EPA, Office of Enforcement & Compliance Assurance
Beverly Spagg, U.S. EPA, Region 4
Chris Moran, Tennessee Department of Environment & Conservation

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Express Recycling Group
D/B/A Express Auto Recyclers; Express
Pull N Save; Express Scrap Metals; and
Harris Scrap Metals
La Vergne, Tennessee**

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

**FINDING OF VIOLATION
EPA-5-14-COE-10**

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that Express Recycling Group d/b/a Express Auto Recyclers, Express Pull N Save, Express Scrap Metals and Harris Scrap Metals (Express) is violating the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (CAA). Specifically, Express is failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F, at facilities located in La Vergne, Tennessee, and Lebanon, Tennessee.

Statutory and Regulatory Authority

1. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines the term “person” to include an individual, corporation, partnership, and association and any officer, agent, or employee thereof.
2. Section 608 of the CAA, 42 U.S.C. § 7671g, among other things, requires EPA to promulgate regulations that establish standards and requirements regarding the use and disposal of class I and class II refrigerants.
3. Pursuant to Section 608 of the CAA, EPA promulgated regulations at 40 C.F.R. Part 82, Protection of Stratospheric Ozone, Subpart F, Recycling and Emissions Reduction.
4. The regulations at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction, apply to, among others, persons disposing of appliances, including small appliances and motor vehicle air conditioners (MVAC). 40 C.F.R. § 82.150(b).
5. The purpose of the regulations is, in part, to reduce emissions of class I and class II refrigerants and their substitutes to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).

6. The Subpart F regulations provide that “disposal” means “the process leading to and including: (1) the discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) the disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) the disassembly of any appliance for reuse of its component parts.” 40 C.F.R. § 82.152.
7. The regulations at 40 C.F.R. § 82.156(f), require persons (including scrap recyclers and landfill operators) who take the final step in the disposal process of a small appliance, room air conditioning unit, MVAC, or MVAC-like appliance 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 in accordance with specific procedures, as set forth in the regulations at 40 C.F.R. § 82.156(f)(2) and (3), that the refrigerant has been evacuated from the appliance or shipment of appliances. A compliant verification may be 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).

Finding of Fact

8. Express owns and/or operates scrap recycling facilities at 407, 409 and 443 Dick Buchanan Street, La Vergne, Tennessee (the La Vergne Facility). These facilities are known as Express Scrap Metal, Express Pull ‘N Save, and Express Auto Recyclers, respectively.
9. Express owns and/or operates a scrap recycling facility at 464 Cainsville Road, Lebanon, Tennessee (the Lebanon Facility). This facility was formerly known as Harris Scrap Metals, a Division of Express Auto Recyclers.
10. At all times pertinent to this Finding of Violation, Express is a person that took the final step in the disposal process of a small appliance, room air conditioning unit, MVAC, or MVAC-like appliance.
11. At both the La Vergne Facility and the Lebanon Facility, Express uses refrigerant recovery equipment to remove refrigerant from MVACs, but does not use the equipment to remove refrigerant from appliances.
12. On May 5, 2014, EPA inspected the La Vergne Facility to assess compliance with regulations governing the handling of refrigerant under the CAA.

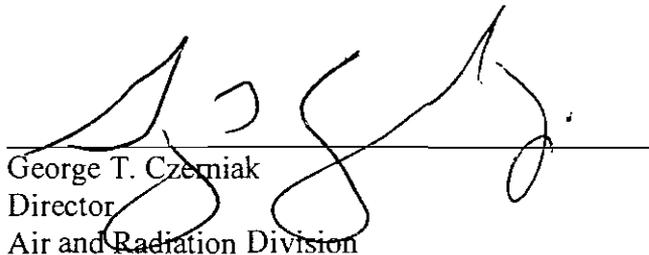
13. During the May 5, 2014, inspection at the La Vergne Facility, an Express representative stated that Express requires customers selling appliances to sign a scale ticket containing a statements indicating that any refrigerant had leaked previously or had been properly recovered prior to the delivery of appliances to its facility. The statement does not require the customer to provide the name or address of the person who recovered the refrigerant, or the date the refrigerant was recovered.
14. On May 7, 2014, EPA inspected the Lebanon Facility to assess compliance with regulations governing the handling of refrigerant under the CAA.
15. During the May 7, 2014, inspection, Express representatives stated that at the Lebanon Facility, Express does not collect written statements from its vendors or suppliers verifying that refrigerant had been properly recovered prior to the delivery of appliances to its facility.
16. During the May 7, 2014, inspection, Express representatives stated that at the Lebanon Facility, Express does not have contracts or agreements in place with suppliers stating that refrigerant will be properly recovered prior to the delivery of appliances or MVACs to its facility.

Finding of Violations

17. Express's failure, at the La Vergne Facility, to either recover refrigerant from small appliances or room air conditioning units, or to verify via a compliant signed statement that refrigerant had been properly recovered, violates 40 C.F.R § 82.156(f) and therefore violates Section 608 of the CAA.
18. Express's failure, at the Lebanon Facility, to either recover refrigerant from small appliances or room air conditioning units, or to verify via a signed statement that refrigerant had been properly recovered, violates 40 C.F.R § 82.156(f) and therefore violates Section 608 of the CAA.

Date

9/15/14


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-COE-10, by Certified Mail, Return Receipt Requested, to:

Tim L. Tomlin
Registered Agent
Express Recycling Group
Express Auto Recyclers and Sales, LLC
102 Mingle Lane
Smyrna, TN 37167-2306

Jessica Loveless
Manager ~ 7009 1680 0000 7676 2274
Express Pull N Save
409 Dick Buchanan Street
La Vergne, TN 37086

Derek Hoffman ~ 7009 1680 0000 7676 2304
Yard Supervisor
Harris Auto Recycling
464 Cainsville Road
Lebanon, TN 37087

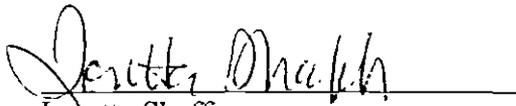
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Charlie Garlow, Attorney-Advisor
USEPA - Office of Enforcement and Compliance Assurance
Office of Civil Enforcement - Air Enforcement Division
1200 Pennsylvania Ave, NW, MC 2242A
Washington, DC 20460

Beverly Spagg
USEPA - Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

Chris Moran, Enforcement Coordinator
Tennessee Department of Environment & Conservation
William R. Snodgrass Tennessee Tower, 2nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

On the 22 day of September 2014.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2267