



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**

Mr. H. Tom Kittrell, Jr.  
Registered Agent  
Gray's Scrap Iron & Metal, Inc.  
404 James Robertson Parkway, Suite 1623  
Nashville, Tennessee 37219-1504

Allen Gray  
Owners and Operators  
Gray's Scrap Iron & Metal, Inc.  
151 Jefferson Pike  
La Vergne, Tennessee 37086

**Re: Finding of Violation**  
Gray's Scrap Iron & Metal, Inc.  
La Vergne, Tennessee

Dear Messrs. Kittrell and Gray:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Gray's Scrap Iron & Metal, Inc. (you) related to activities at your scrap recycling facility in La Vergne, 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.

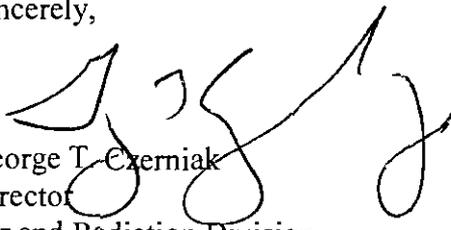
EPA has several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a civil and/or criminal action in federal court.

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**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>Gray's Scrap Iron &amp; Metal, Inc.</b>	)	<b>FINDING OF VIOLATION</b>
<b>La Vergne, Tennessee</b>	)	
	)	<b>EPA-5-14-COE-11</b>
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) finds that Gray's Scrap Iron & Metal, Inc. (Gray's Scrap) is violating the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (CAA). Specifically, Gray's Scrap is failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F.

**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. Gray’s Scrap owns and/or operates a scrap metal recycling facility at 151 Jefferson Pike, La Vergne, Tennessee.
9. Gray’s Scrap encompasses 16-acres of scrap recycling operations and consists of multiple business entities including Gray’s Used Auto Parts, Inc., all of which are owned and operated by Connie Gray, Ashley Gray and Allen Gray.
10. Gray’s Scrap accepts for recycling and disposal, among other things, small appliances, MVAC-like appliances and MVACs that contain or once contained refrigerant.
11. At all times pertinent to this Finding of Violation, Gray’s Scrap 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.
12. Gray’s Scrap does not own or operate refrigerant recovery equipment.
13. On May 7, 2014, EPA inspected the facility to assess Gray’s Scrap compliance with regulations governing the handling of refrigerant under the CAA.

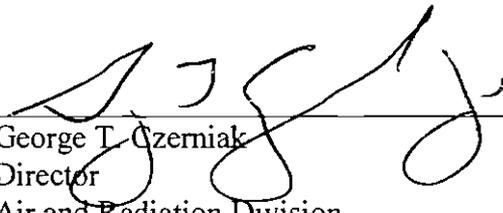
14. During the May 7, 2014, inspection, a Gray's Scrap representative stated that Gray's Scrap does not collect written statements from its vendors or suppliers verifying that refrigerant had been properly recovered prior to the delivery of small appliances, MVAC-like appliances or MVACs to its facility.
15. During the May 7, 2014, inspection, Gray's Scrap representatives stated that Gray's Scrap does not have contracts or agreements in place with suppliers stating that refrigerant will be properly recovered prior to the delivery of small appliances, MVAC-like appliances or MVACs to its facility.
16. During the May 7, 2014, inspection, Gray's Scrap representatives stated that any refrigerant remaining in MVACs purchased by Gray's Scrap was vented to the atmosphere.

**Finding of Violations**

17. Gray's Scrap failure to either recover refrigerant from small appliances, room air conditioning units, MVACs, and MVAC-like appliances as described above, 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

9/25/14

  
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-11, by Certified Mail, Return Receipt Requested, to:

Mr. H. Tom Kittrell, Jr.  
Registered Agent  
Gray's Scrap Iron & Metal, Inc.  
404 James Robertson Parkway, Suite 1623  
Nashville, TN 37219-1504

Allen Gray  
Owners and Operators  
Gray's Scrap Iron & Metal, Inc.  
151 Jefferson Pike  
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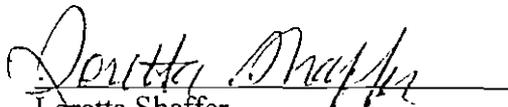
I also certify that I sent copies of the Finding of Violation by first-class mail to:

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 4236