



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 14 2010

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wilma Tomlinson
Basic Recycling, Inc.
14201 Fullerton Street
Detroit, Michigan 48227

Re: Finding of Violation - Basic Recycling, Inc.

Dear Ms. Tomlinson:

This is to advise you that the U.S. Environmental Protection Agency has determined that Basic Recycling's facility at 14201 Fullerton Street, Detroit, Michigan (facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are issuing a Finding of Violation (FOV) for these violations.

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. 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 conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously. These verifications must provide 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).
- 3) In addition, the signed statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

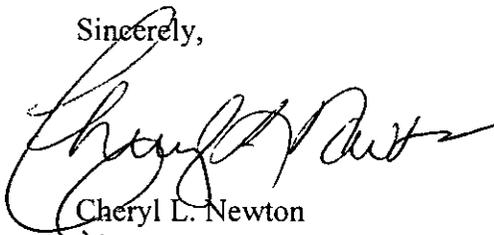
EPA finds that Basic Recycling has violated and is continuing to violate the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

Section 113 of the CAA, 42 U.S.C. §7413, gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. 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 and accompany you at this conference.

The EPA contact in this matter is Jamie Iatropulos. You may call her at (312) 886-6024 if you wish to request a conference. EPA hopes that this FOV will encourage Basic Recycling's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton

Director

Air and Radiation Division

Cc: Teresa Seidel, MDNRE District Supervisor

Enclosure

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF: Basic Recycling, Inc. Detroit, Michigan Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.)	FINDING OF VIOLATION EPA-5-10-MI-06
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FINDING OF VIOLATION

Basic Recycling Inc. (you) owns and operates a scrap recycling facility at 14201 Fullerton Street, Detroit, Michigan (facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for failing to reduce emissions of ozone-depleting substances as required in 40 C.F.R. Part 82, Subpart F of the Clean Air Act (CAA).

Explanation of Violations

1. Basic Recycling, as the final disposer of appliances, is subject to the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of certain refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with Section 608 of the CAA.
2. Among the practices required by the regulations is the requirement that recyclers 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 conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide 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).

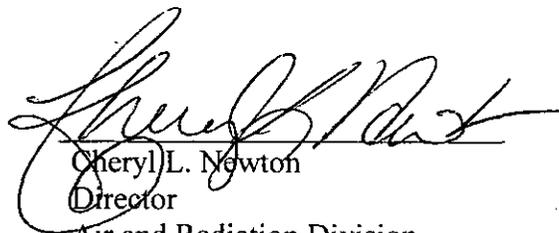
- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
3. EPA inspected the facility on February 21, 2008.
4. During EPA's inspection, Basic Recycling stated that it routinely accepts refrigerant-containing appliances; but probably not one each day.
5. At the time of inspection, Basic Recycling stated that it did not recover refrigerant from appliances that are brought to the facility.
6. On April 9, 2008, EPA provided Basic Recycling with a Chlorofluorocarbon (CFC) compliance assistance package which outlined the appropriate regulations that Basic Recycling must comply with since it engages in the disposal of refrigerant-containing appliances.
7. On August 11, 2008, EPA issued a Clean Air Act (CAA) Section 114 Information Request (Information Request) to Basic Recycling regarding its procedures for disposal of refrigerant-containing appliances.
8. On November 25, 2008, EPA issued a FOV to Basic Recycling for failure to respond to the Information Request.
9. On January 7, 2009, EPA and Basic Recycling held a Section 113 Conference via conference call to discuss the FOV. On this call, EPA and Basic Recycling discussed that Basic Recycling was required to respond to the Information Request that was sent to the facility. EPA also asked Basic Recycling general questions regarding its procedures for handling refrigerant-containing appliances. EPA learned that Basic Recycling does not perform recovery on refrigerant-containing appliances sold to its facility nor does it accept verification statements for these appliances. EPA explained to Basic Recycling that these procedures were in violation of 40 C.F.R. Part 82, Subpart F of the CAA. EPA explained to Basic Recycling that it must begin accepting accurate and complete verification statements for each refrigerant-containing appliance sold to Basic Recycling as soon as possible. A general description of an acceptable verification statement was provided to Basic Recycling at this time.
10. EPA received Basic Recycling's response to the Information Request on January 27, 2009.

11. After reviewing the Information Request response, EPA determined that Basic Recycling did not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Basic Recycling.
12. On or about May 21, 2009, per EPA's request, Basic Recycling sent in all verification statements that were accepted by the facility from mid-January 2009 to mid-May 2009.
13. The verification statements that Basic Recycling did provide did not comply with the regulations. In particular, the verification statements implied that refrigerants were being removed illegally (vented) prior to the customer bringing the item(s) to Basic Recycling.
14. During a follow-up conversation, EPA explained to Basic Recycling that deliberately venting Freon or any other refrigerant is illegal. EPA suggested that Basic Recycling be more diligent in reviewing the verification statements it accepts from suppliers to ensure that potentially fraudulent statements are not accepted by Basic Recycling.
15. EPA inspected the facility again on March 10, 2010.
16. During EPA's March 10, 2010, inspection, Basic Recycling could not provide any verification statements accepted by the facility from suppliers attesting that the refrigerant had been evacuated and recovered prior to delivery of the appliance(s) to Basic Recycling.
17. During EPA's March 10, 2010, inspection, EPA inspectors witnessed the sale of two appliances to Basic Recycling. Basic Recycling did not take verification statements for these two appliances nor did it perform recovery on the units to ensure all refrigerant was removed from the appliances prior to disposal.
18. On or about April 8, 2010, Basic Recycling was able to provide some verification statements it had accepted. These verification statements were for the month of September 2009. The remaining months of verification statements were to be supplied at a later date. To date, no additional materials have been received by EPA.
19. Despite receiving substantial assistance in regulatory compliance from EPA, Basic Recycling has violated and continues to violate the regulations for the Protection of Stratospheric Ozone, 40 C.F.R. Part 82, Subpart F.

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.

6/14/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

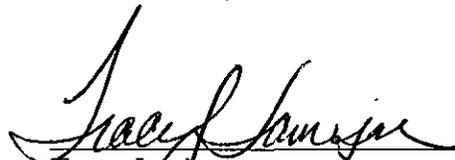
I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-10-MI-06, by Certified Mail, Return Receipt Requested, to:

Wilma Tomlinson
Basic Recycling, Inc.
14201 Fullerton Street
Detroit, Michigan 48227

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

Teresa Seidel, Supervisor
Michigan Department of Natural Resources and Environment
SE Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

on the 16 day of June, 2010.


Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4119