



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

FEB 12 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leon Roditi, President
H.G. Refrigeration Supply, Inc.
3575 NW 60th Street
Miami, FL 33142

Re: Finding of Violation
H.G. Refrigeration Supply, Inc.
Miami, Florida

Dear Mr. Roditi:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to H.G. Refrigeration Supply, Inc. (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F, at your Miami, Florida facility. EPA Promulgated these regulations as required by Section 605 of the CAA, 42 U.S.C. § 7671d.

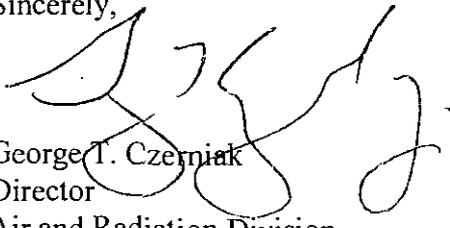
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

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.

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.

The EPA contact in this matter is Jennifer Wilson. You may call her at 312-353-3115 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Beverly Spagg U.S. EPA Region 4

States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.”

7. 40 C.F.R. § 82.3 defines “importer” as, “any person who imports a controlled substance or a controlled product into the United States.” “Importer” includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf, and can include, as appropriate, the consignee, importer of record, actual owner or transferee.
8. 40 C.F.R. § 82.3 defines “person” as, “any individual or legal entity, including an individual, corporation, partnership, association; state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.”
9. Appendix B of 40 C.F.R. § 82 Subpart A includes the compound monochlorodifluoromethane and abbreviates it as HCFC-22.
10. 40 C.F.R. § 82.15(b)(1) states that no person may import class II controlled substances for which EPA has apportioned baseline production and consumption allowances, in excess of the quantity of unexpended consumption allowances held by the importer for that control period.
11. Under 40 C.F.R. § 82.19, baseline consumption allowances for class II controlled substances were apportioned to selected persons. This regulation assigned H.G. a baseline allowance for HCFC-22 of 40,068 kilograms.
12. 40 C.F.R. § 82.16 has a phaseout schedule for class II controlled substances. That schedule states that in 2012, persons must reduce the consumption of HCFC-22 to 17.7% of their apportioned baseline amount. This amount equates to 7,092 kilograms for H.G.
13. 40 C.F.R. § 82.24(c)(1)(vi) states that the importer must quarterly report to EPA the quantity of class II controlled substances imported for that quarter and totaled by chemical for the control period to date.

Factual Background

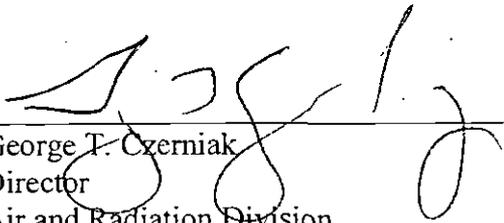
14. H.G. owns and operates a facility that sells refrigeration and air conditioning parts and equipment (Facility) at 3575 NW 60th Street, Miami, Florida.
15. On January 15, 2013, H.G. faxed its fourth quarter Class II Controlled Substance Report to U.S. EPA. That report states that H.G. imported 11,698 kg of HCFC-22 on November 20, 2012 from China. The Customs Entry Summary Number is T9400586093 and the Importer Number is 592244881.

Finding of Violation

16. Since H.G. imported 4,875 kilograms of HCFC-22 more than its allowed amount in 2012, H.G. violated 40 C.F.R. § 82.16 and 82.15(b)(1).

2/12/14

Date


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-1 by Certified Mail, Return Receipt Requested, to:

Leon Roditi, President
H.G. Refrigeration Supply, Inc.
3575 NW 60th Street
Miami, FL 33142

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

Beverly Spagg
Air Enforcement Branch Chief
EPA Region 4

On the 18 day of February 2014.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 8805