



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

APR 28 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Henry Alicia Sanabria, President  
H.A. Solution & Services, Inc.  
P.O. Box 9005  
Humacao, PR 00792

Dear Mr. Alicia:

Enclosed is an executed copy of an Administrative Consent Order between H.A. Solution & Services, Inc. (HASS), and the U.S. Environmental Protection Agency. This Order resolves the December 12, 2014, Finding of Violation that was issued to HASS. If you have any questions regarding the Order, please contact Charles Hall of my staff at (312) 353-3443 or by e-mail at [hall.charlres@epa.gov](mailto:hall.charlres@epa.gov).

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief  
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-15-113(a)-COE-07</b>
	)	
H.A. Solution & Services, Inc.	)	<b>Proceeding Under Section 113(a)(3) of</b>
<u>Humacao, Puerto Rico</u>	)	<b>the Clean Air Act, 42 U.S.C. § 113(a)(3)</b>

**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 H.A. Solution & Services, Inc. (HASS) under Section 113(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3).

**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 CAA to any person who has violated or is violating any requirement of Subchapter VI. The Administrator delegated this authority to the Director of the Air and Radiation Division, Region 5.<sup>1</sup>

3. Pursuant to Subchapter VI of the CAA, 42 U.S.C. §§ 7671 -7671(q), EPA promulgated the Production and Consumption Controls for Stratospheric Ozone Protection at 40 C.F.R. Part 82, Subpart A, 40 C.F.R. §§ 82.1 through 24 (hereinafter, "the Production and Consumption Controls"). These regulations establish production and consumption allowances for class I and class II controlled substances.

4. Pursuant to 40 C.F.R. § 82.15(b), effective January 21, 2003, no person may import class II controlled substances for which EPA has apportioned baseline production and consumption allowances. 40 C.F.R. § 82.19 includes a table that lists all persons that are apportioned baseline consumption allowances for class II controlled substances.

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<sup>1</sup> Note that this matter originated in EPA Region II, but was referred to Region 5 for enforcement because Region 5 is a Center of Excellence for the Ozone Depleting Substances (ODS) program.

5. Pursuant to 40 C.F.R. § 82.62, "class II substances" are defined as any substance designated as class II in 40 C.F.R. Part 82, Subpart A, Appendix B.

6. Pursuant to 40 C.F.R. Part 82, Subpart A, Appendix B, Hydrochlorofluorocarbon-22 (HCFC-22), which is also known by the common name R-22, is a designated class II substance.

7. Pursuant to 40 C.F.R. § 82.62, the term "person" is defined in part as "... any individual or legal entity, including an individual, corporation, partnership."

8. Pursuant to Section 601 of the CAA, 42 U.S.C. § 7661d, the term "import" is defined in part, as "... bring into, to land on or introduce into, or attempt to land on any place subject to the jurisdiction of the United States."

9. Pursuant to 40 C.F.R. § 82.3 the term "importer" is defined in part as, "... a person who imports a controlled substance or a controlled product into the United States, and the importer of record (listed on U.S. Customs form for imported controlled substances)."

10. Pursuant to Section 607(c) of the CAA, 42 U.S.C. § 7671f and 40 C.F.R. § 82.23, a person (transferor) may transfer to any other person (transferee) any quantity of the transferor's class II consumption allowances, production allowances, export production allowances, or Article 5 allowances or the same type of allowance.

### **Findings**

11. HASS is an air-conditioning and maintenance company and is a "person" as defined at 40 C.F.R. § 82.3.

12. On or about October 29, 2013, Billion Winton Technology Co., Ltd., of Shenzhen, China issued an invoice for the sale and shipment of 240 cylinders of HCFC-22 to HASS. The 240 cylinders contained a total of 3,264 kilograms of HCFC-22.

13. On or about January 12, 2014, United States Customs and Border Protection detained the shipment of HCFC-22 for further investigation at the port in San Juan, Puerto Rico.

14. On February 18, 2014, U.S. Customs and Border Protection seized the shipment of HCFC-22.

15. HASS's importation of HCFC-22, a class II controlled substance, into the United States makes it an "importer" as that term is defined in 40 C.F.R. § 82.3.

16. At the time of importation, HASS did not hold a baseline consumption allowance for HCFC-22 under 40 C.F.R. § 82.19, or a transfer allowance for HCFC-22.

17. On December 12, 2014, EPA issued to HASS a Finding of Violation alleging that it violated the Production and Consumption Controls by importing 3,264 kilograms of HCFC-22 into San Juan, Puerto Rico without any consumption allowances or transfer allowances.

18. On January 15, 2015, representatives of HASS and EPA discussed the December 12, 2014, Finding of Violation.

19. HASS violated Production and Consumption Controls at 40 C.F.R. § 82.15(b)(1) by importing 3,264 kilograms of HCFC-22 into San Juan, Puerto Rico without any consumption allowances or transfer allowances.

#### Compliance Program

20. By the effective date of this Order, HASS must achieve, demonstrate and maintain compliance with the Production and Consumption Controls.

21. HASS must not import or attempt to 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.

22. If HASS obtains an allowance to import a controlled substance during the effective period of this Order, it must notify Region 5 prior to importing a controlled substance.

#### General Provisions

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

24. This Order does not restrict EPA's authority to enforce Section 605 of the CAA or any other section of the CAA.

25. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for HASS's violation of the Production and Consumption Controls.

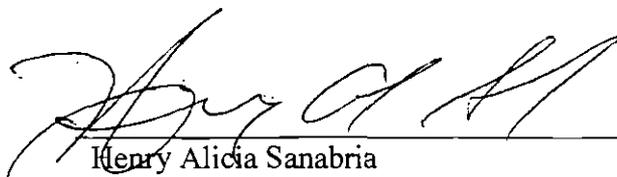
26. Failure to comply with this Order may subject HASS to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

27. The terms of this Order are binding on HASS, its assignees and successors. HASS 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.

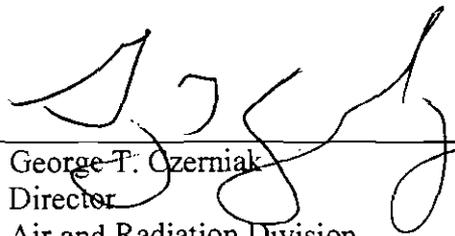
28. HASS agrees to the terms of this Order.

29. 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 HASS has complied with all terms of the Order throughout its duration.

1-26-11-15  
Date

  
Henry Alicia Sanabria  
President  
H.A. Solution & Services, Inc.

4/28/15  
Date

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

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent an original of Administrative Order Number EPA-5-13-113(a)-COE-07 by Certified Mail, Return Receipt Requested, to:

Henry Alicia Sanabria, President  
H.A. Solution & Services, Inc.  
P.O. Box 9005  
Humacao, PR 00792

on the 30 day of April 2015

Kathy Jones  
for Loretta Shaffer, Program Technician  
AECAB, PAS

Certified Mail Receipt Number: 7014 2870 0001 9580 5135