



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

JUN 30 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Cuevas, Operations Manager
United Scrap Metal, Inc.
1545 S. Cicero Avenue
Cicero, Illinois 60804

Re: Notice and Finding of Violation
United Scrap Metal, Inc.
Cicero, Illinois

Dear Mr. Cuevas:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to United Scrap Metal, Inc. (United Scrap or you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1) and (3). We find that you have violated provisions of the Illinois State Implementation Plan pertaining to fugitive particulate matter and the regulations for the Protection of Stratospheric Ozone, located at 40 C.F.R. Part 82, Subpart F, at your Cicero, Illinois facility.

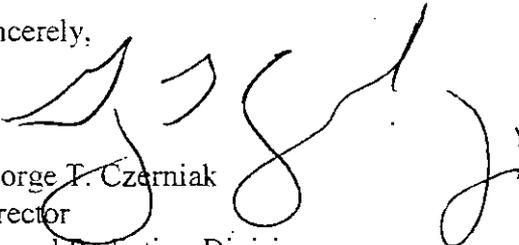
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any 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 NOV/FOV prior to the conference date.

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 contacts in this matter are Reza Bagherian and Katharina Bellairs, at (312) 886-0674 or (312) 353-1669, respectively. You may call either of them 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

cc: Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
United Scrap Metal, Inc.)	NOTICE OF VIOLATION and
Cicero, Illinois)	FINDING OF VIOLATION
)	
)	EPA-5-14-IL-17
Proceedings Pursuant to)	
Section 113(a)(1) and (3) of the)	
Clean Air Act, 42 U.S.C.)	
§§ 7413(a)(1) and (3))	

NOTICE AND FINDING OF VIOLATION

United Scrap Metal, Inc. (you or United Scrap) owns and operates a copper reclamation facility at 1545 S. Cicero Avenue, Cicero, Illinois (facility). The facility includes a bailer and a torching operation.

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found you are violating provisions of the Illinois State Implementation Plan pertaining to fugitive particulate matter and the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. These violations constitute violations of the Clean Air Act (the Act or CAA).

Statutory and Regulatory Background

Illinois State Implementation Plan (SIP)

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator for approval a state implementation plan (SIP) that provides for the attainment and maintenance of the National Ambient Air Quality Standard (NAAQS).
2. On February 21, 1980, EPA approved 35 Ill. Adm. Code 212.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11493.
3. On September 19, 1999, EPA approved 35 Ill. Adm. Code 212.316 as part of the federally enforceable SIP for Illinois. 64 Fed. Reg. 37851.
4. Illinois SIP at 35 Ill. Adm. Code 212.301 states no person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.

Protection of Stratospheric Ozone

6. 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. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).
7. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required 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 that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include 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).

United Scrap's Facility

8. United Scrap owns and operates a copper reclamation facility at 1545 S. Cicero Avenue, Cicero, Illinois.
9. Fugitive particulate matter emissions from United Scrap's torching operation are subject to the requirements of the Illinois SIP at 35 Ill. Adm. Code 212.301.
10. Fugitive particulate matter emissions from any roadway or parking area at United Scrap's facility are subject to the requirements of the Illinois SIP at 35 Ill. Adm. Code 212.316.
11. On May 22, 2014, EPA inspected the facility to assess United Scrap's compliance with the Illinois SIP and regulations governing the handling of refrigerant under the CAA.
12. During the May 22, 2014, inspection, EPA observed emissions of visible fugitive particulate matter originating from the facility's torching operation and traveling beyond its property line.
13. During the May 22, 2014, inspection, EPA observed emissions of visible fugitive particulate matter from the facility's roadway and parking area that exceeded an opacity of 10 percent.

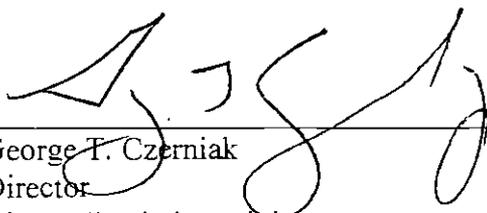
- 14. During the May 22, 2014, inspection, EPA observed four room air conditioning units at the facility with severed refrigerant lines.
- 15. During the May 22, 2014, inspection, United Scrap failed to provide contracts or verification statements from the supplier(s) of the four room air conditioner units verifying that refrigerant had been properly recovered prior to the delivery of appliances to the facility.

Violations

- 16. United Scrap failed to comply with the requirements of the Illinois SIP at 35 Ill. Adm. Code 212.301. Specifically, On May 22, 2014, emissions of visible fugitive particulate matter originated from the facility's torching operation and traveled beyond its property line.
- 17. United Scrap failed to comply with the regulations at 40 C.F.R. § 82.156. Specifically, on May 22, 2014, United Scrap failed to supply EPA with verification that included a signed statement from the person(s) from whom the four room air conditioner units were obtained that all refrigerant that had not leaked previously has been recovered from the appliances.

Date

6/30/14


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IL-17, by Certified Mail, Return Receipt Requested, to:

Joseph Cuevas
Operations Manager
United Scrap Metal, Inc.
1545 S. Cicero Avenue
Cicero, Illinois 60804

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

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East

On the 2 day of July 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9884