



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 29 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Jopek, Facility Environmental Contact
Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc.
2900 West Oklahoma Avenue
P.O. Box 2901
Milwaukee, Wisconsin 53201

Re: Finding of Violation
Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc.
Milwaukee, Wisconsin

Dear Mr. Jopek:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc. (St. Luke's or you). We find that you have violated 40 C.F.R. Part 82, Subpart F, of the Clean Air Act, at your Milwaukee, Wisconsin facility.

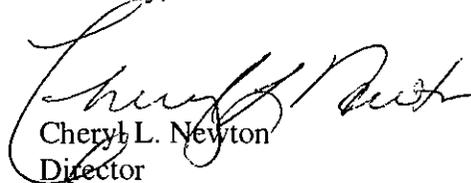
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us 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 Molly DeSalle. You may call her at (312) 353-8773 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,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Bill Baumann
Section Chief, Compliance and Enforcement
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707

Daniel Schramm
Environmental Engineer Supervisor
Wisconsin Department of Natural Resources
2300 N Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Aurora St. Luke's Medical Center of Aurora
Health Care Metro, Inc.
Milwaukee, Wisconsin

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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FINDING OF VIOLATION

EPA-5-11-WI-04

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc. (St. Luke's) is violating 42 U.S.C. §§ 7671 - 7671q of the Clean Air Act. Specifically, St. Luke's is violating 40 C.F.R. Part 82, Protection for Stratospheric Ozone at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction as follows:

Regulatory Authority

1. Under Section 608(a) of the Act, 42 U.S.C. § 7671g(a), the Administrator of EPA promulgated regulations establishing standards and requirements regarding the use of class I and class I substances during the service, repair, or disposal of appliances and industrial process refrigeration at 40 C.F.R. Part 82, Subpart F.
2. Part 82, Subpart F applies to any person servicing, maintaining, repairing, or owning "appliances," as that term is defined at 40 C.F.R. § 82.152.
3. Part 82, Subpart F, at 40 C.F.R. § 82.156(i)(5), requires that an owner or operator of comfort cooling appliances normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must bring the leak rate to below 15 percent.
4. Part 82, Subpart F, at 40 C.F.R. § 82.162(a), requires that all refrigerant recovery or recycling devices be certified.

Finding of Fact

5. St Luke's owns and operates a hospital facility located in Milwaukee, Wisconsin.

6. St Luke's is a "person," as that term is defined at Section 302(e) of the Act, 42 U.S.C. § 7602(e).
7. St. Luke's is subject to requirements at 40 C.F.R. Part 82, Subpart F because the facility owns and operates equipment containing class I and class I substances, as defined by 40 C.F.R. Part 82, Subpart F.
8. The facility owns and operates at least one piece of comfort cooling process refrigeration equipment, identified as PW-AC-01, with a normal charge greater than 50 pounds.
9. PW-AC-01 experienced leaks that resulted in an annual leak rate exceeding 15 percent on May 18, 2007 and October 19, 2007.
10. St. Luke's was using two uncertified refrigerant recovery devices, and failed to certify the two refrigerant recovery devices until February 8, 2011.

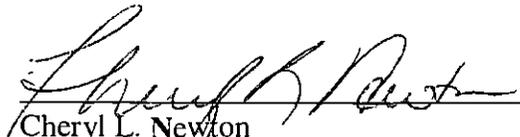
Violations

11. St. Luke's failed to repair PW-AC-01 on May 18, 2007 and October 19, 2007 such that the annual leak rate was reduced below 15 percent in violation of 40 C.F.R. § 82.156(i)(5).
12. St. Luke's failed to certify the facility's two refrigerant recovery devices, in violation of 40 C.F.R. § 82.162(a).

Environmental Impact of Violations

13. 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.

7/29/11
Date _____


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent Finding of Violation EPA-5-11-WI-04 by Certified Mail, Return Receipt Requested, to:

James Jopek, Facility Environmental Contact
Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc.
2900 West Oklahoma Avenue
P.O. Box 2901
Milwaukee, Wisconsin 53201

Nolan Harp, Director of Facilities Operations (Mid Market)
Aurora St. Luke's Medical Center of Aurora Health Care Metro, Inc.
2900 West Oklahoma Avenue
P.O. Box 2901
Milwaukee, Wisconsin 53201

I also certify that I sent a copy of the Finding of Violation EPA-5-11-WI-04 by First-Class Mail to:

Bill Baumann
Acting Bureau Chief, Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53702

Dan Schramm
Supervisor
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

on the 3rd day of August 2011.


Tracy Jamison
Office Automation Assistant
AECAB, PAS

Certified Mail 7009 1680 0000 7672 7624