



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

JUN 11 2009

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Goodwin
Lakeside Scrap Metals, Inc.
8202 Broadway Avenue
Cleveland, Ohio 44105

Re: Lakeside Scrap Metals, Inc., Cleveland, Ohio

Dear Mr. Goodwin,

Enclosed is an Administrative Compliance Order (Order) which follows the Finding of Violation, EPA-5-08-OH-17, issued to Lakeside Scrap Metals, Inc. on June 26, 2008. EPA conducted an inspection of the Lakeside facility on April 8, 2008, which led to the above referenced Finding of Violation. EPA conducted a follow-up inspection at the Lakeside facility on April 14, 2009, and determined that Lakeside was no longer accepting small appliances or motor vehicle air conditioners. Should you choose to again accept small appliances or motor vehicle air conditioners for disposal, you must comply with the regulations for protection of the stratospheric ozone, recycling and emissions reduction, found in 40 C.F.R. Part 82, Subpart F.

The requirements of this Order become effective on the date of signature by the Director. Failure to comply with this Order may subject Lakeside Scrap Metals, Inc. to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Mr. Erik Olson, Associate Regional Counsel, at (312) 886-6829, or Ms. Jamie Iatropulos, of my staff, at (312) 886-6024.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Bush".

Bonnie Bush, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosures: ACO

cc: Jamie Iatropulos (AE-17J)
Erik Olson (C-14J)

standard bcc's: official file copy w/ attachment(s)
originating organization reading file w/attachment(s)

other cc's: Erik Olson, C-14J

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-09-113(a)-OH-09-14
)	
Lakeside Scrap Metals, Inc.)	Proceeding Under Section 113(a)(3)
8202 Broadway Avenue)	of the Clean Air Act,
)	42 U.S.C. § 7413(a)(3)
)	
Cleveland, Ohio)	
_____)	

Administrative Compliance Order

1. The Director of the Air and Radiation Division (Director), U.S. Environmental Protection Agency, Region 5 (EPA), is issuing this Administrative Compliance Order (Order) to Lakeside Scrap Metals, Inc. (Lakeside), 8202 Broadway Avenue, Cleveland, Ohio under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

I. 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 Title VI of the Act to any person who has violated or is violating any requirement of Title VI. The Administrator of EPA has delegated her order authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-6-A. The Regional Administrator of EPA, Region 5, has delegated his order authority to the Director pursuant to EPA Region 5 Delegation 7-6-A.

3. Title VI of the Act, 42 U.S.C. § 7671, *et seq.* provides for the protection of stratospheric ozone. Section 608(b) of the Act, 42 U.S.C. § 7671g (b), provides EPA

with the authority to regulate the safe disposal of class I and II substances. Class I and II substances include refrigerants containing chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). In the May 14, 1993, Federal Register, 58 Fed. Reg. 28660, EPA promulgated such regulations covering the safe disposal of CFCs and HCFCs from small appliances and motor vehicle air conditioners (MVACs). These regulations for protection of the stratospheric ozone, recycling and emissions reduction are found in 40 C.F.R. Part 82, Subpart F.

4. Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers) of small appliances and MVACs must either recover the refrigerant in accordance with specific procedures or verify with signed statements that the refrigerant was properly recovered prior to receipt of the small appliance or MVAC. See 40 C.F.R. § 82.156(f). If verification statements are used then the scrap recycler must notify the suppliers of the small appliance or MVAC of the need to properly recover the refrigerant. See 40 C.F.R. § 82.156(f)(3). The scrap recycler must keep verification statements on-site for a minimum of three years. See 40 C.F.R. § 82.166(i) and (m).

5. EPA's regulations for the protection of the stratospheric ozone, recycling and emissions reduction define a "small appliance" as any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five pounds or less of a class I or class II substance used as a refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air

conditioners and packaged terminal air heat pumps), dehumidifiers, under the counter ice makers, vending machines, and drinking water coolers. See 40 C.F.R. § 82.152.

6. EPA's regulations for the protection of stratospheric ozone, recycling and emissions reduction define MVACs as mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. See 40 C.F.R. §§ 82.32 and 82.152.

II. Findings

7. Lakeside owns and operates a scrap metal recycling facility at 8202 Broadway Avenue, Cleveland, Ohio. Lakeside is a corporation organized and doing business in Ohio. Lakeside is a person as defined by 40 C.F.R. § 82.152.

8. Lakeside is a person who takes the final step in the disposal process of small appliances is subject to the requirements of 40 C.F.R. Part 82, Subpart F.

9. On April 8, 2008, EPA conducted an inspection of Lakeside.

10. On May 12, 2008, EPA sent Lakeside a request for information pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a). EPA requested information related to Lakeside's compliance with the safe disposal requirements of 40 C.F.R. § 82.156.

11. On May 27, 2008, Lakeside responded to EPA's request for information.

12. Lakeside accepted small appliances without recovering refrigerant. Lakeside did not obtain verification statements that met the requirements of 40 C.F.R. § 82.156(f) for these small appliances.

13. On June 26, 2008, EPA sent Lakeside a Finding of Violation ("FOV"). EPA informed Lakeside in the FOV that it was not in compliance with 40 C.F.R. § 82.156(f) because it did not recover refrigerant and did not obtain proper verification

statements. EPA offered Lakeside an opportunity to confer with EPA on the alleged violations, and on July 23, 2008, representatives of Lakeside and EPA discussed the FOV and alleged violations.

14. On April 14, 2009, EPA conducted a second inspection of Lakeside.

15. During the April 14, 2009 inspection, representatives of Lakeside stated that Lakeside no longer accepts small appliances for recycling.

III. Compliance Order

16. Lakeside must comply immediately with 40 C.F.R. Part 82. Specifically, Lakeside must take the following actions should Lakeside again accept small appliances for recycling.

17. As required by 40 C.F.R. § 82.156(f)(1), Lakeside must recover any remaining refrigerant from the small appliance in accordance with 40 C.F.R. §§ 82.156(g) and (h).

18. As required by 40 C.F.R. § 82.156(f)(2), for small appliances that have been evacuated prior to delivery to Lakeside, Lakeside must verify that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with 40 C.F.R. §§ 82.156(g) and (h).

19. As required by 40 C.F.R. § 82.156(f)(2), the verification described in paragraph 18 must include a signed statement from the person from whom Lakeside obtained the small appliance. The signed 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 recovered prior to delivery.

IV. General Provisions

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

21. This Order does not restrict EPA's authority to enforce any violations of the Act.

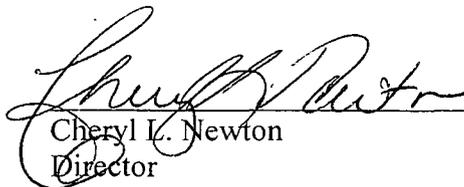
22. Failure to comply with this Order may subject Lakeside to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

23. This Order is effective on the date of signature by the Director. This Order will terminate two years from the effective date, provided that Lakeside has complied with all terms of the Order throughout its duration.

SO ORDERED:

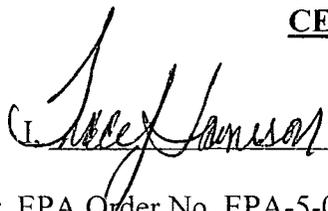
U.S. ENVIRONMENTAL PROTECTION AGENCY

6/10/09
Date



Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING



, certify that I sent the Administrative Compliance Order, EPA Order No. EPA-5-09-113(a)-OH-09-14, by Certified Mail, Return Receipt

Requested, to:

Larry Goodwin, General Manager *7001 0320 0006 0187 4221*
Lakeside Scrap Metals, Inc.
8202 Broadway Avenue
Cleveland, Ohio 44105

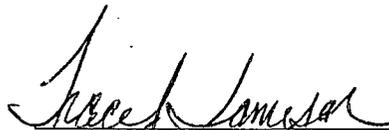
Allen Youngman, Owner and President *7001 0320 0006 0187 4214*
Lakeside Scrap Metals, Inc.
8202 Broadway Avenue
Cleveland, Ohio 44105

I also certify that I sent a copy of the Administrative Compliance Order, EPA Order No. EPA-5-09-113(a)-OH-09-14, by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Dennis Bush, Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 11 day of June 2009.



Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)