



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

MAR 31 2011

REPLY TO THE ATTENTION OF:

AE-17J

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

Joanne Beck, Owner  
Mill Valley Recycling, LLC  
1006 South Barclay Street  
Milwaukee, Wisconsin 53204

Dear Ms. Beck:

This is to advise you that the U.S. Environmental Protection Agency has determined that Mill Valley Recycling, Inc.'s facility at 1006 Barclay Street, Milwaukee, Wisconsin (Mill Valley) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 608 of the CAA requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of Class I and Class II ozone-depleting substances. In accordance with Section 608 of the CAA, which required EPA to promulgate regulations regarding the use and disposal of ozone-depleting substances, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to:

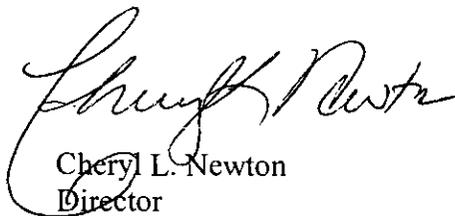
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed and dated statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) In addition, the signed and dated statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

EPA finds that the Mill Valley facility has violated the above listed regulations from 40 C.F.R. Part 82, Subpart F.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any 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 take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jeffrey Gahris. You may call him at (312) 886-6794 if you wish 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. EPA hopes that this FOV will encourage Mill Valley's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton  
Director

Air and Radiation Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Mill Valley Recycling, Inc.	)	<b>FINDING OF VIOLATION</b>
Milwaukee, Wisconsin	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	<b>EPA-5-11-WI-01</b>
42 U.S.C. §§ 7401 <i>et seq.</i>	)	
	)	

**FINDING OF VIOLATION**

Mill Valley Recycling, Inc. ("you" or "Mill Valley") owns and operates a scrap recycling facility at 1006 South Barclay Street, Milwaukee, Wisconsin (the "facility").

The U.S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F of the Clean Air Act (CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for Mill Valley's technical and management personnel to take part in these discussions. You may have an attorney present to represent you at this conference.

**Explanation of Violations**

1. On July 13, 1993, Mill Valley, as the final disposer of appliances, became subject to a portion of the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain Recycling and Emissions Reduction requirements for 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 in accordance with Section 608 of the Clean Air Act. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to

scrap recyclers and landfill operators) of a small appliance, room air conditioning, motor vehicle air conditioner (MVAC), or MVAC-like appliance:

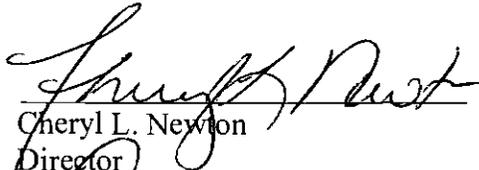
- a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
  - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the 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).
  - c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. EPA inspected Mill Valley's facility on July 16, 2008. We noted that Mill Valley received a number of small appliances from suppliers, as evidenced by the presence of several appliances on site. Company representatives stated that the company asks that the refrigerant lines be cut prior to delivery. There were some appliances in piles of scrap that appeared mangled and some had refrigeration-related components removed or cut refrigerant lines.
  3. During the inspection, Mill Valley did not have a refrigerant recovery machine at the facility.
  4. EPA issued an information requests to Mill Valley under section 114 of the Clean Air Act, on October 13, 2008. In its response to the 114 request, dated November 11, 2008, Mill Valley admitted that it did not possess or use recovery equipment. Mill Valley also admitted that some of its verification statements were undated. It supplied statements which it asserted were collected during calendar year 2008. Some were undated, and there appeared to be various time gaps for which dated statements were not supplied.
  5. EPA issued a follow-up information request on September 6, 2009. In responding to an EPA information request on March 30, 2010, Mill Valley supplied a package of certification statements. The response did not include any explanation, but the statements had not been dated by the company's suppliers.
  6. Many of the supplied statements did not include the name and address of the person who recovered the refrigerant, the date the refrigerant was recovered or a contract

that refrigerant will be removed prior to delivery, in violation of 40 C.F.R. § 82.156(f).

### Environmental Impact of Violations

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.

3/31/11  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-11-WI-01, by Certified Mail, Return Receipt Requested, to:

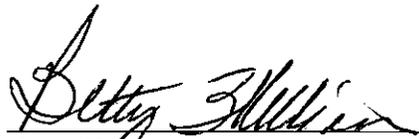
Joanne Beck, Owner  
Mill Valley Recycling, LLC  
1006 South Barclay Street  
Milwaukee, Wisconsin 53204

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

William Baumann, Chief  
Compliance and Enforcement Section  
Wisconsin Department of Natural Resources  
101 south Webster Street  
P.O. Box 7921 (AM/7)

Dan Schramm, Supervisor - Team 1  
Southeast Region  
Wisconsin Department of Natural Resources  
2300 North Dr. Martin Luther King Drive  
Milwaukee, Wisconsin 53212

on the 31<sup>st</sup> day of March, 2011.



Betty Williams  
Administrative Program Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 2430