



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

MAY 09 2013

REPLY TO THE ATTENTION OF:

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

Mr. Michael Hitchcock  
President  
Hitchcock Scrap Yard, Inc.  
P.O. Box 14  
Bryant, Illinois 61519

Dear Mr. Hitchcock:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Hitchcock Scrap Yard, Inc. (Hitchcock) in accordance with Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a) (the Act).

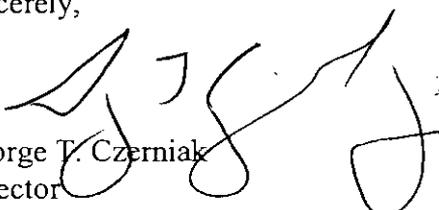
EPA has determined that Hitchcock is violating the regulations for the Protection of Stratospheric Ozone promulgated under Section 608 of the Act, codified at 40 C.F.R. Part 82, Subpart F, at its Canton, Illinois scrap metal recycling facility.

We have several enforcement options under Section 113(a)(3) of the Act, 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.

EPA is offering you the opportunity to confer with us about the violations cited in the FOV. At the conference, you may present information on the specific findings in the FOV and the steps you will take to bring the Canton facility into compliance. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

You may contact Eleanor Kane at (312) 353-4840 to request a conference. You should make the request for a conference no later than 10 calendar days after receipt of this letter, and we should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

  
George T. Czerniak  
Director  
Air and Radiation Division

cc: Ray Pilapil, Illinois Environmental Protection Agency  
Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )

**Hitchcock Scrap Yard, Inc.** )  
**Canton, Illinois** )

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

**FINDING OF VIOLATION**

**EPA-5-13-IL-33**

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) finds that Hitchcock Scrap Yard, Inc. (Hitchcock) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, at its scrap metal recycling facility located in Canton, Illinois.

This Finding of Violation (FOV) is issued pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a). The authority to issue this FOV has been delegated to the Regional Administrator of EPA, Region 5, and redelegated to the Director, Air and Radiation Division, Region 5.

**Statutory and Regulatory Background**

1. 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 these 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).
2. 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 and landfill operators) 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).

**Factual Background**

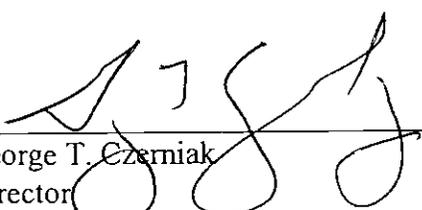
3. Hitchcock owns and operates a scrap metal recycling facility at 22501 North State Highway 78, Canton, Illinois (the facility).
4. EPA conducted an on-site inspection of the facility on October 12, 2012. During this inspection, Hitchcock explained to the EPA inspectors the process used for accepting or rejecting refrigerant-containing appliances that are brought to the facility.
5. Hitchcock does not require vendors of refrigerant-containing appliances to provide verification that any refrigerant was removed properly.
6. Hitchcock does not own or operate equipment to remove refrigerants from refrigerant-containing appliances.

**Findings of Violation**

7. For the above reasons, EPA finds that Hitchcock has violated 40 C.F.R. § 82.156.

Date

5/9/13

  
George T. Czerniak  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

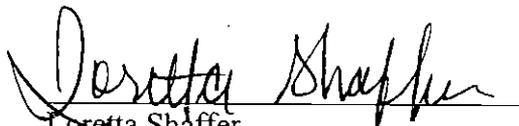
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-IL-33, by Certified Mail, Return Receipt Requested, to:

Mr. Michael Hitchcock  
President  
Hitchcock Scrap Yard, Inc.  
P.O. Box 14  
Bryant, Illinois 61519

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

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

On the 10 day of May 2013.

  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 0159