



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. David Tick
CEO
Morris Tick Company, Inc.
501 East Stewart Street
Bloomington, Illinois 61701

Dear Mr. Tick:

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

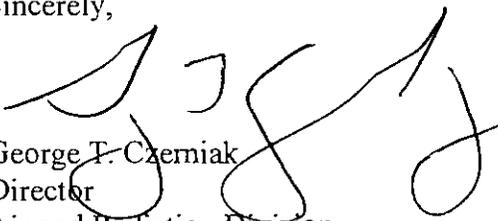
EPA has determined that MTC is violating the regulations for the Protection of Stratospheric Ozone promulgated under Section 608 of the Act, codified at 40 C.F.R. Part 82, Subpart F, at its Bloomington, Illinois scrap metal recycling facility.

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 Bloomington 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:

**Morris Tick Company, Inc.
Bloomington, Illinois**

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

FINDING OF VIOLATION

EPA-5-13-IL-34

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that Morris Tick Company, Inc. (MTC) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, at its scrap metal recycling facility located in Bloomington, 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 the disassembly of the unit) 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

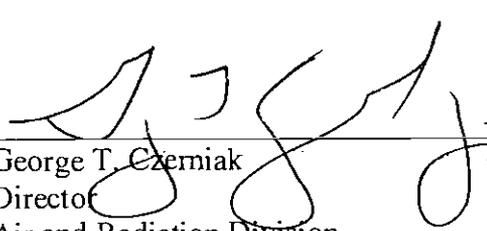
3. MTC owns and operates a scrap metal collection facility at 501 East Stewart Street, Bloomington, Illinois (the facility). At the facility, metal and metal-containing scrap are processed for resale, and appliances are disassembled.
4. EPA conducted an on-site inspection of the facility on October 11, 2012. During this inspection, MTC explained to the EPA inspectors the process used for accepting or rejecting refrigerant-containing appliances that are brought to the facility.
5. MTC accepts items that contained refrigerants, but only if the vendor states that the unit no longer contains refrigerant. For accepted items, MTC does not collect any paperwork documenting when or how the removal of refrigerant occurred.
6. MTC does not own or operate equipment to remove refrigerants from refrigerant-containing appliances.

Findings of Violation

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

Date

5/9/13


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

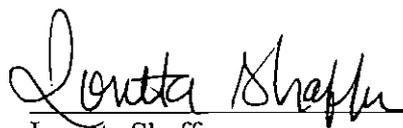
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-IL-34, by Certified Mail, Return Receipt Requested, to:

Mr. David Tick
CEO
Morris Tick Company, Inc.
501 East Stewart Street
Bloomington, Illinois 61701

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: 70091680 0000 76675703