



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

SEP 15 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steven Kennedy
Mr. Luke Wyatt
Roane Metals Group, LLC
284 Cardiff Valley Road
Rockwood, Tennessee 37854

Re: Finding of Violation
Roane Metals Group, LLC
Rockwood, Tennessee

Dear Sirs:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Roane Metals Group, LLC (you) related to your scrap recycling operations in Rockwood, Tennessee. EPA finds that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, and federal regulations implementing the CAA for the Protection of Stratospheric Ozone, 40 C.F.R. Part 82, Subpart F.

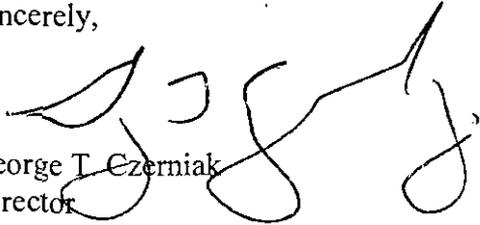
EPA has several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a civil and/or criminal action in federal court.

We are offering you an opportunity to confer with us, either in person or by telephone, 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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

The EPA contact in this matter is Katie Owens. You may call her at (312) 886-6097 to request a conference. You should make the request within 10 calendar days following your receipt of this letter.

The conference, should you elect to have one, should be held within 30 calendar days from your receipt of this letter. 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Czerniak', written over the typed name.

George T. Czerniak
Director
Air and Radiation Division

cc: Charlie Garlow, U.S. EPA, Office of Enforcement & Compliance Assurance
Beverly Spagg, U.S. EPA, Region 4
Chris Moran, Tennessee Department of Environment & Conservation

7. The purpose of the regulations, in part, is to reduce emissions of class I and class II refrigerants and their substitutes to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).
8. The Subpart F regulations provide that “disposal” means “the process leading to and including: (1) the discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) the disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) the disassembly of any appliance for reuse of its component parts.” 40 C.F.R. § 82.152.
9. The regulations at 40 C.F.R. § 82.156(f), require persons (including scrap recyclers and landfill operators) who take the final step in the disposal process 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 in accordance with specific procedures, as set forth in the regulations at 40 C.F.R. § 82.156(f)(2) and (3), that the refrigerant has been evacuated from the appliance or shipment of appliances. A compliant verification may be 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). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

Finding of Fact

10. RMG owns and/or operates a scrap recycling facility at 284 Cardiff Valley Road, Rockwood, Tennessee.
11. For all times pertinent to this Finding of Violation, RMG is a “person” as defined by the CAA.
12. At all times pertinent to this Finding of Violation, RMG is a person that took the final step in the disposal process of a small appliance, room air conditioning unit, MVAC, or MVAC-like appliance.
13. On May 6, 2014, EPA inspected the facility to assess RMG’s compliance with regulations governing the handling of refrigerant under the CAA.
14. During the May 6, 2014, inspection, a RMGs representative stated that:

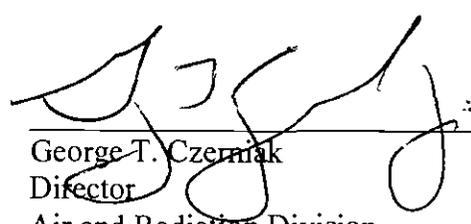
- a. RMG accepts cars, motor vehicle air conditioners (MVACs), white goods, room air conditioning units, and small appliances, including refrigerators and freezers;
 - b. RMG purchases room air conditioning units and small appliances, including refrigerators, from two local recycling facilities; and cars, MVACs, and small appliances from peddlers;
 - c. RMG does not verify whether refrigerant was properly recovered from small appliances and room air conditioning units it purchases from the two recycling facilities; and
 - d. RMG does not recover refrigerant but requires signed statements to verify refrigerant was recovered or leaked previously when vehicles, MVACs, room air conditioning units, and small appliances, including refrigerators, are purchased from transactional customers.
15. The signed statements produced by RMG during the May 6, 2014, inspection did not document the name and address of the person who properly recovered refrigerant, the date the refrigerant was properly recovered, or the date the room air conditioning units, small appliances or MVACs were sold.
16. During the May 6, 2014, inspection, EPA observed:
- a. hundreds of stacked condensers and a cage full of compressors under a pavilion in RMG's yard along with stacked vehicles with intact air conditioning radiators;
 - b. small appliances, including refrigerators, in RMG's main scrap pile and a cage of compressors adjacent to the scrap pile; and,
 - c. stacks of baled cut copper tubing in RMG's warehouse.

Finding of Violations

17. RMG's failure to either recover refrigerant from small appliances, room air conditioning units, and MVACs as described above, or to verify via a signed and properly documented statement that refrigerant had been properly recovered, violates 40 C.F.R § 82.156(f) and therefore violates section 608 of the CAA.

9/15/14

 Date



 George T. Czerniak
 Director
 Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-COE-05, by Certified Mail, Return Receipt Requested, to:

Steven Kennedy
Luke Wyatt
Roane Metals Group, LLC
284 Cardiff Valley Road
Rockwood, Tennessee 37854

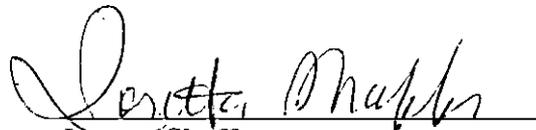
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Charlie Garlow, Attorney-Advisor
USEPA - Office of Enforcement and Compliance Assurance
Office of Civil Enforcement - Air Enforcement Division
1200 Pennsylvania Ave, NW, MC 2242A
Washington, DC 20460

Beverly Spagg
USEPA - Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

Chris Moran, Enforcement Coordinator
Tennessee Department of Environment & Conservation
William R. Snodgrass Tennessee Tower, 2nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

On the 18 day of September 2014.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2069