



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

Corporation Service Company
Registered Agent
PSC Metals, Inc.
2908 Poston Ave.
Nashville, Tennessee 37203-1312

Roy Peters
Yard Manager
PSC Metals, Inc.
1202 Maryville Pike
Knoxville, Tennessee 377920

Jason Bullington,
Yard Manager
PSC Metals, Inc.
2408 S. Roane
Harriman, Tennessee 37746

Re: Finding of Violation
PSC Metals, Inc.
Knoxville and Harriman, Tennessee

Dear Mr. Peters and Mr. Bullington:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to PSC Metals, Inc. (you) related to activities at your scrap recycling operations in Knoxville, Tennessee, and Harriman, 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.

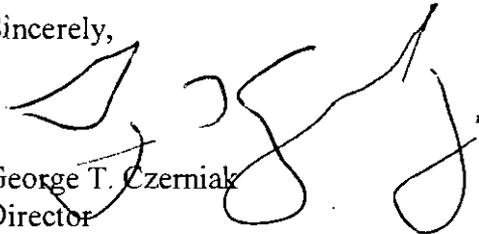
We are offering you an opportunity to confer with us, either in person or by telephone, about the violations alleged in the FOV. The conference will give you the opportunity to present

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 Eleanor Kane. You may call her at (312) 353-4840 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,



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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**PSC Metals, Inc.
Knoxville and Harriman, Tennessee**

**FINDING OF VIOLATION
EPA-5-14-COE-19**

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

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that PSC Metals, Inc. (PSC) is violating the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (CAA). Specifically, PSC is failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F, at facilities located in Knoxville, Tennessee, and Harriman, Tennessee.

Statutory and Regulatory Authority

1. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines the term “person” to include an individual, corporation, partnership, and association and any officer, agent, or employee thereof.
2. Section 608 of the CAA, 42 U.S.C. § 7671g, among other things, requires EPA to promulgate regulations that establish standards and requirements regarding the use and disposal of class I and class II refrigerants.
3. Pursuant to Section 608 of the CAA, EPA promulgated regulations at 40 C.F.R. Part 82, Protection of Stratospheric Ozone, Subpart F, Recycling and Emissions Reduction.
4. The regulations at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction, apply to, among others, persons disposing of appliances, including small appliances and motor vehicle air conditioners (MVAC). 40 C.F.R. § 82.150(b).
5. The purpose of the regulations is, in part, 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).
6. 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.

7. 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, MVAC, or MVAC-like appliance 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).

Findings of Fact

8. PSC owns and/or operates scrap recycling facilities at 1202 Maryville Pike, Nashville, Tennessee (Maryville Pike Facility) and at 2408 S. Roane, Harriman, Tennessee (Harriman Facility).
9. At all times pertinent to this finding of violation, PSC is a “person” that took the final step in the disposal process of a small appliance, room air conditioner, MVAC, or MVAC-like appliance.
10. On May 6, 2014, EPA inspected the Maryville Pike and Harriman Facilities to assess compliance with regulations governing the handling of refrigerant under the CAA.
11. During the May 6, 2014, inspection at the Maryville Pike Facility, a PSC representative stated that PSC had been recovering refrigerant at the facility from MVACs until they discovered that the employee using the refrigerant recovery equipment was not certified. The employee was not allowed to continue to recover refrigerant and no other employee recovered refrigerant from MVACs.
12. During the May 6, 2014, inspection at the Harriman Facility a PSC representative told the EPA inspectors that the facility did not currently have refrigerant recovery equipment. The Harriman Facility requires customers selling small appliances, MVACS and air conditioning system components to sign a scale ticket containing a verification statement certifying that any refrigerant had leaked previously or had been properly recovered prior to the delivery . PSC provided the EPA inspectors with three sample scale tickets from

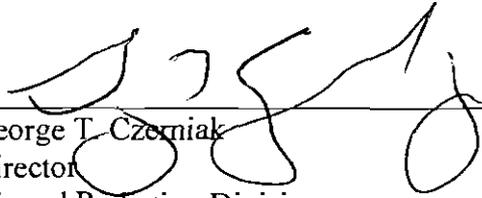
recent transactions. For all three scale tickets examined by EPA inspectors, the verification statement was signed but was incomplete. All three verification statements lacked the address of the person who recovered the refrigerant and the date when the refrigerant was recovered. One of the verification statements did not identify the name of the person who recovered the refrigerant.

Finding of Violation

13. PSC's failure, at the Maryville Pike Facility, to recover refrigerant from MVACs violates 40 C.F.R § 82.156(f) and therefore violates section 608 of the CAA.
14. PSC's failure, at the Harriman Facility, to either recover refrigerant from small appliances, or to verify via a complete signed statement that refrigerant had been properly recovered, violates 40 C.F.R § 82.156(f) and therefore violates section 608 of the CAA.

Date

9/15/14


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-19, by Certified Mail, Return Receipt Requested, to:

Registered Agent
PSC Metals, Inc.
2908 Poston Ave.
Nashville, Tennessee 37203-1312

Roy Peters ~ 7009 1680 0000 7676 2144
Yard Manager
PSC Metals, Inc.
1202 Maryville Pike
Knoxville, Tennessee 377920

Jason Bullington ~ 7009 1680 0000 7676 2151
Yard Manager
PSC Metals, Inc.
2408 S. Roane
Harriman, Tennessee 37746

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 19 day of September 2014.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2137