



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 23 2007

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dale McDougale, Director of Operations
Sturgis Iron & Metal Co., Inc.
1514 West Lusher Avenue
Elkhart, Indiana 46517

Dear Mr. McDougale:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that Sturgis Iron & Metal Co., Inc.'s facility at 1514 West Lusher Avenue, Elkhart, Indiana (Facility) 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 U.S. 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 U.S. EPA to promulgate regulations regarding the use and disposal of ozone-depleting substances, U.S. 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 Conditioners (MVACs), or MVAC-like appliances are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.

- 3) In addition, the signed statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

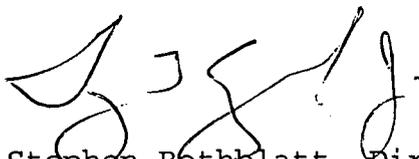
U.S. EPA finds that the Sturgis facility has violated the above listed regulations from 40 C.F.R. Part 82, Subpart F.

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. The option we select, in part, depends on the efforts taken by Sturgis to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV.

Before we decide which enforcement option is appropriate, 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 U.S. EPA contact in this matter is Sara Dauk. You may call her at (312) 886-0243 if you wish to request a conference. U.S. EPA hopes that this FOV will encourage Sturgis's compliance with the requirements of the Clean Air Act.

Sincerely yours,



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Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Sturgis Iron & Metal Co., Inc.)	FINDING OF VIOLATION
Elkhart, Indiana)	
)	EPA-5-07-IN-07
Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

Sturgis Iron & Metal Co., Inc. (you or Sturgis) owns and operates a scrap recycling facility at 1514 West Lusher Avenue, Elkhart, Indiana (the Facility).

The United States Environmental Protection Agency (U.S. EPA) is sending this Finding of Violation (FOV or Notice) to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

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 the Facility'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, Sturgis, as the final disposer of appliances, became subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 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 emission 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 Conditioners (MVACs), or MVAC-like appliances:

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. During the July 25, 2006, inspection, U.S. EPA was informed that Sturgis does not recover refrigerant from appliances that are brought to the facility.
3. As a result of Sturgis' Section 114 Information Request response, dated October 9, 2006, U.S. EPA has determined that Sturgis does not consistently require complete verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Sturgis.

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.

3/23/07

Date

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Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, NO. EPA-5-07-in-07, by Certified Mail, Return Receipt Requested to:

Dale McDougale, Director of Operations
Sturgis Iron & Metal Co., Inc.
1514 West Lusher Avenue
Elkhart, Indiana 46517

I also certify that I sent a copy of the Finding of Violation by First Class Mail to:

Craig Henry, Acting Section Chief
Office of Enforcement
Air Section
Indiana Department of Environmental Management
Indianapolis, Indiana 46206-2251

on the 23rd day of March 2007



Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 89201781