



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

Kumar Roopchan
President
Right Way Recycling, LLC
3702 Shotsman Lane
Knoxville, Tennessee 37918

Re: Finding of Violation
Right Way Recycling, LLC
Knoxville, Tennessee

Dear Mr. Roopchan:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Right Way Recycling, LLC (you) related to activities at your scrap recycling operation in Knoxville, 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.

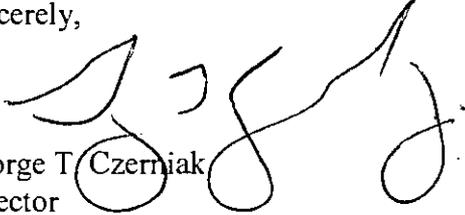
EPA has several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a civil and/or criminal action in federal court.

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". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

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

6. 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 MVACs. 40 C.F.R. § 82.150(b).
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. Right Way owns and/or operates a scrap recycling facility at 3702 Shotsman Lane, Knoxville, Tennessee.
11. For all times pertinent to this Finding of Violation, Right Way is a “person” as defined by the CAA.
12. At all times pertinent to this Finding of Violation, Right Way 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 Right Way’s compliance with regulations governing the handling of refrigerant under the CAA.

14. During the May 6, 2014, inspection, a Right Way representative stated that:
- a. Right Way accepts appliances, appliance components, vehicles containing motor vehicle air conditioners (MVACs), and white goods, including small appliances;
 - b. Right Way directs customers to drain fluids from vehicles prior to acceptance; and,
 - c. Right Way does not recover refrigerant or require customers to use verification statements to verify refrigerant was recovered properly prior to accepting them.
15. During the May 6, 2014, inspection, EPA observed bins of condensers in Right Way's warehouse; and small appliances, including a refrigerator with cut lines, in Right Way's yard.

Finding of Violations

16. Right Way's failure to either recover refrigerant from room air conditioning units, small appliances 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.

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-08, by Certified Mail, Return Receipt Requested, to:

Kumar Roopchan
President
Right Way Recycling
3702 Shotsman Lane
Knoxville, Tennessee 37918

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 2175