



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

SEP 26 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Ron Coupar  
Environmental Manager  
Behr Peoria, Inc.  
1100 Seminary Street  
Rockford, Illinois 61104

Dear Mr. Coupar:

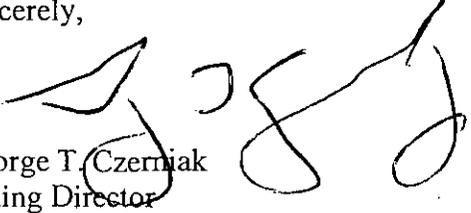
The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation/Finding of Violation (NOV/FOV) to Behr Peoria, Inc. (Behr), in accordance with Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a) (the Act).

EPA has determined that Behr 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 Peoria, Illinois scrap metal recycling facility. EPA has also determined that Behr is violating the Illinois State Implementation Plan construction permit requirements, approved by EPA under Section 110(a) of the Act, 42 U.S.C. § 7410(a).

EPA is offering you the opportunity to confer with us about the violations cited in the NOV/FOV. At the conference, you may present information on the specific findings in the NOV/FOV and the steps you will take to bring the Peoria 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  
Acting Director  
Air and Radiation Division

cc: Ray Pilapil, IEPA

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>Behr Peoria, Inc.</b>	)	<b>NOTICE OF VIOLATION and</b>
<b>Rockford, Illinois</b>	)	<b>FINDING OF VIOLATION</b>
	)	
	)	<b>EPA-5-12-IL-18</b>
Proceedings Pursuant to	)	
the Clean Air Act	)	
42 U.S.C. §§ 7401 et seq.	)	

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV) to Behr Peoria, Inc. (Behr) for violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401 *et seq.*, at its scrap metal recycling facility located in Peoria, Illinois (the facility).

This NOV/FOV is issued pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a). The authority to issue this NOV/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 but not limited to scrap recyclers and landfill operators) 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). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. § 82.166(i) and (m).

3. In accordance with Section 110(a) of the Act, 42 U.S.C. § 7410(a), EPA approved 35 Illinois Administrative Code (IAC), 201.142 as part of the Illinois State Implementation Plan (Illinois SIP). See 37 Fed. Reg. 10862 (May 31, 1972). This rule contains a requirement that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (Illinois EPA).

### **Factual Background**

4. Behr owns and operates a scrap metal recycling facility at 2424 West Clarke Street, Peoria, Illinois (the facility).
5. EPA conducted an on-site inspection of the facility on March 28-29, 2012. During this inspection, Behr showed EPA the forms it used for vendors and peddlers bringing refrigerant-containing appliances in an effort to document that refrigerant had either previously leaked or been properly recovered.
6. During the March 28, 2012 inspection, EPA inspectors saw a new hammermill shredder and associated pollution control equipment substantially installed and being prepared for operation. This is confirmed by photographs taken by EPA inspectors on that date.
7. On June 8, 2012, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to Behr seeking information about the facility compliance with the CAA. EPA received responses from Behr dated July 13, 2012 and August 30, 2012.
8. In its July 13, 2012 response, Behr stated that it accepts appliances and MVACs that once contained refrigerant for recycling at the facility, and that it had accepted appliances and MVACs for recycling within the past 12 months.
9. In its July 13, 2012 response, Behr provided copies of "White Good Component Removal" forms, which it states are used for "individuals or infrequent suppliers of scrap material." These forms do not require the customer to include the name or address of the person who removed the refrigerant, or the date the refrigerant was removed.
10. The Illinois EPA issued a Joint Construction and Lifetime Operating Permit to Behr on March 21, 2012, authorizing the construction of a new hammermill shredder.
11. In its August 31, 2012 response, Behr provided a timeline of construction activities related to the installation of a new shredder and associated equipment, and six photographs of the shredder during installation. Behr stated in this timeline that the body of the shredder was installed on March 27, 2012.

**Findings of Violation**

13. EPA finds that Behr has violated 40 C.F.R. § 82.156 by not ensuring the proper removal of refrigerant from MVACs and MVAC-like appliances and by failing to collect the CFC removal information, as required by 40 C.F.R. § 82.156(f)(2).
14. EPA finds that Behr has violated SIP rule IAC 201.142 by beginning construction of air pollution control equipment before the issuance of a construction permit issued by the Illinois EPA.

\_\_\_\_\_  
Date

9/26/12

\_\_\_\_\_  
George T. Czerniak  
Acting Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

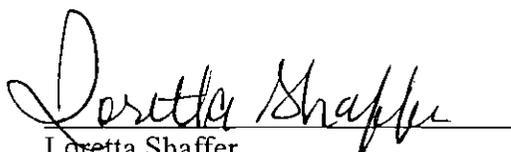
I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-12-IL-18, by Certified Mail, Return Receipt Requested, to:

Mr. Ron Coupar, Environmental Manager  
Behr Peoria, Inc.  
1100 Seminary Street  
Rockford, IL 61604

I also certify that I sent copies of the Notice of Violation and 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 27 day of September 2012

  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 000076676274