



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

SEP 09 2014

REPLY TO THE ATTENTION OF:

VIA ELECTRONIC MAIL

Truc Truong
American Recycling Center
110 Iowa Ave
Belleville, Illinois 62220

Re: Administrative Consent Order EPA-5-14-113(a)-IL-24

Dear Mr. Truong,

Enclosed is a signed copy of the Administrative Consent Order (ACO) regarding the above captioned case. Please maintain this copy for your records.

The ACO became effective upon the date of signature by the EPA Region 5 Air Division Director. If you have any questions about the ACO, please contact Joanna Glowacki at 312-353-3757 or Natalie Topinka at 312-886-3853.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank".

Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure:

cc: Joanna Glowacki, C-14J
Natalie Topinka, AE-17J
Eric Jones, IEPA
Don Collins, Esq.

3. The Administrator of EPA may require any person who owns or operates an emission source to make reports and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator of EPA has delegated her information gathering authority to the Regional Administrator of EPA, Region 5 pursuant to EPA Headquarters Delegation 7-8. The Regional Administrator of EPA, Region 5, has delegated her information gathering authority to the Director pursuant to EPA Region 5 Delegation 7-8.

4. Subchapter VI of the Act, 42 U.S.C. § 7671, *et seq.* provides for the protection of stratospheric ozone. Section 608(b) of the Act, 42 U.S.C. § 7671g(b), provides EPA with the authority to regulate the safe disposal of class I and II substances. Class I and II substances include refrigerants containing chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs). EPA promulgated such regulations covering the safe disposal of CFCs and HCFCs from small appliances and motor vehicle air conditioners at 58 Fed. Reg. 28660 (May 14, 1993). These regulations for protection of the stratospheric ozone, recycling and emissions reduction are found in 40 C.F.R. Part 82, Subpart F.

5. Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers) of small appliances and motor vehicle air conditioners (MVACs) must either recover the refrigerant in accordance with specific procedures or verify with signed statements that the refrigerant was properly recovered prior to receipt of the small appliance or MVAC. See 40 C.F.R. § 82.156(f). If verification statements are used then the scrap recycler must notify the suppliers of the small appliance or MVAC of the need to properly recover the refrigerant. See 40 C.F.R. § 82.156(f)(3). The scrap recycler must keep verification statements on-site for a minimum of three years. See 40 C.F.R. § 82.166(i) and (m).

6. EPA's regulations for the protection of the stratospheric ozone, recycling and emissions reduction define a "small appliance" as any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five pounds or less of a class I or class II substance used as a refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners and packaged terminal air heat pumps), dehumidifiers, under the counter ice makers, vending machines, and drinking water coolers. See 40 C.F.R. § 82.152.

7. EPA's regulations for the protection of stratospheric ozone, recycling and emissions reduction define motor vehicle air conditioners (MVACs) as mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. See 40 C.F.R. §§ 82.32 and 82.152.

II. Findings

8. Truc Truong owns and operates a scrap metal recycling facility at 110 Iowa Avenue, Belleville, Illinois, American Recycling Center.

9. The facility is located in Illinois.

10. Mr. Truong is a "person," as defined by 40 C.F.R. § 82.152.

11. Mr. Truong is a person who takes the final step in the disposal process of small appliances and is subject to the requirements of 40 C.F.R. Part 82, Subpart F.

12. Mr. Truong's facility has accepted small appliances and MVACs without recovering refrigerant. American has not obtained verification statements or contracts that met the requirements of 40 C.F.R. § 82.156(f) for these small appliances and MVACs.

13. On March 8, 2013, EPA issued to American a Finding of Violation alleging that it has violated 40 C.F.R. § 82.156(f) because it did not recover refrigerant from small appliances and MVACs and did not obtain proper verification statements or contracts.

14. On April 2, 2013, and in subsequent correspondence, American conferred with EPA concerning the violations referenced in paragraph 12.

III. Compliance Program

15. Mr. Truong must comply with 40 C.F.R. Part 82. Additionally, for any small appliance or MVAC that he receives at his facility, Mr. Truong must take the actions and maintain compliance as specified in paragraphs 16 through 23, below, for two years after the effective date of this Order.

16. American must not accept small appliances or MVACs with cut or dismantled refrigerant lines if it knows or has reason to know that the refrigerant has not been properly recovered in accordance with 40 C.F.R. § 82.156.

17. American must not accept small appliances or MVACs with cut or dismantled refrigerant lines unless its supplier can certify, using the verification statement included as Attachment 1 to this Order, that all refrigerant that had not leaked previously has been properly recovered. For suppliers with whom American has had a long-standing business relationship, this requirement may be satisfied by American entering into the contract included as Attachment 2 to this Order.

18. If American decides in the future to accept small appliances, small appliance components or MVACs with intact refrigerant lines, it must use refrigerant recovery equipment and follow the procedures and regulatory requirements in 40 C.F.R. §§ 82.156(g) and (h).

19. American must notify its suppliers in writing that it will not accept small appliances or MVACs with cut or dismantled refrigerant lines, unless the suppliers can certify that the refrigerant was properly recovered prior to cutting or dismantling the refrigerant lines using the verification statement included as Attachment 1 to this Order or the contract included as Attachment 2 to this Order.

20. American may satisfy the notice requirements of paragraph 19 with a sign consistent with 40 C.F.R. § 82.156(f)(3) that is prominently displayed at its weigh station during the period of time that this Order is in effect.

21. Within thirty (30) days of the effective date of this Order, Mr. Truong must provide EPA with proof of his facility's compliance with the notice requirements of paragraph 20.

22. Within six months after the effective date of this Order and at one year after the effective date of this Order; Mr. Truong must submit to EPA copies of any verification statements and contracts used pursuant to this Order since the previous reporting date, and, if applicable, notification of the acquisition of refrigerant recovery equipment and training of an individual to perform the recovery, or entry into a contractual agreement with an outside party for a trained individual to recover refrigerant from small appliances, small appliance components or MVACs.

23. Mr. Truong must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

IV. General Provisions

24. Mr. Truong agrees to the terms of this Order.

25. Mr. Truong does not contest the authority of EPA to enter into this agreement.

Mr. Truong waives all remedies, claims for relief and otherwise available rights to judicial or administrative review that American may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b) of the Clean Air Act.

26. This Order does not affect Mr. Truong's responsibility to comply with other federal, state, and local laws.

27. This Order does not restrict EPA's authority to enforce any requirement of the Act or its implementing regulations.

28. Failure to comply with this Order may subject Mr. Truong to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

29. Mr. Truong may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Mr. Truong fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

30. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping

efforts, please provide your response(s) to this Order in electronic format if possible. If paper copies are sent, please provide your response without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

31. The terms of this Order are binding on Mr. Truong, its assignees, and successors. Mr. Truong must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA that it has given the notice.

32. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

33. This Order is effective on the date of signature by the Director. This Order will terminate two years from the effective date, provided that Mr. Truong has complied with all terms of the Order throughout its duration. Thereafter, Mr. Truong shall continue to comply with 40 C.F.R. Part 82, Subpart F.

34. Each person signing this Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

35. Each party agrees to pay its own costs and attorneys' fees in this action.

36. This Order constitutes the entire agreement between the parties.

AGREED AS STATED ABOVE:

TRUC TRUONG
d/b/a AMERICAN RECYCLING CENTER

02.20.14

Date



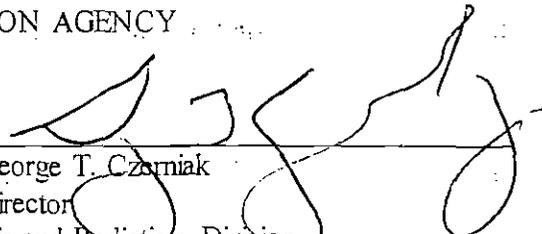
Truc Truong
d/b/a American Recycling Center

AGREED AND SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY

11/19/14

Date



George T. Czarniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-14-113(a)-IL-24, by certified mail, return receipt requested, to:

Truc Truong
American Recycling Center
110 Iowa Ave
Belleville, Illinois 62220

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-14-113(a)-IL-24, by first-class mail to:

Don Collins, Esq.
126 West Main Street
Belleville, Illinois 62220

Eric Jones
Bureau of Air, Compliance Unit
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 26 day of November 2014.

Kathy Jones
for Loretta Shaffer, Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7011 1150 0000 2640 5687