



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

SEP 14 2012

REPLY TO THE ATTENTION OF:

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

John Miller, Manager  
Allied Iron & Steel Company  
2900 West Clarke Street  
Peoria, Illinois 61607

**Re: Finding of Violation**  
Allied Iron & Steel Company  
Peoria, Illinois

Dear Mr. Miller:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation to Allied Iron & Steel Company (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F, at your Peoria, Illinois facility. EPA promulgated these regulations as required by Section 608 of the CAA, 42 U.S.C. § 7671g.

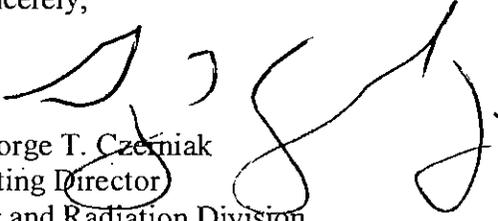
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us 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.

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.

The EPA contact in this matter is Gregory Gehrig. You may call him at 312-886-4434 or email him at [gehrig.greg@epa.gov](mailto:gehrig.greg@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

  
George T. Czerniak  
Acting Director  
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Ray Pilapil, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )

Allied Iron & Steel Company )  
Peoria, Illinois )

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

FINDING OF VIOLATION

EPA-5-12-IL-17

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) finds that Allied Iron & Steel Company (Allied) is violating the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*. Specifically, Allied is failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F, as follows:

**Statutory and Regulatory Authority**

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 the 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 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).

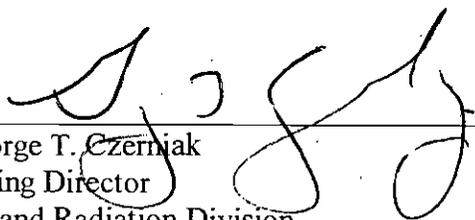
**Factual Background**

3. Allied owns and operates a scrap metal recycling facility (the facility) at 2900 West Clarke Street, Peoria, Illinois.
4. EPA conducted an on-site inspection of the facility on March 28-29, 2012. During this inspection, Allied provided EPA with a blank weight ticket issued to its customers for each load. These weight tickets contain a section where the customer may indicate whether there were MVACs and MVAC-like appliances in the load, and that the refrigerant had either previously leaked or been properly recovered.
5. On June 7, 2012 under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to Allied seeking information about the facility compliance with the CAA. On July 10 and August 23, 2012, EPA received responses from Allied.
6. In its July 10, 2012 response, Allied stated that it accepts MVACs and MVAC-like appliances that once contained refrigerant for recycling at the facility, and that it had accepted MVACs and MVAC-like appliances for recycling within the past 12 months. It estimated that it receives approximately 100 to 125 “uncrushed” MVACs and MVAC-like appliances per year. It did not indicate the number of “crushed” MVACs and MVAC-like appliances, principally crushed automobiles, which it receives.
7. In its August 23, 2012 response, Allied provided copies of 20 recent load tickets related to MVACs and MVAC-like appliances where the customer indicated the refrigerant had been properly recovered. These tickets, however, failed to include the name and address of the person who recovered the refrigerant, the date the refrigerant was recovered or any other information about the refrigerant recovery.

**Finding of Violation**

EPA finds that Allied has violated 40 C.F.R. § 82.156. Allied has not ensured the proper removal of refrigerant from MVACs and MVAC-like appliances, by failing to include in its load tickets the information required by 40 C.F.R. § 82.156(f)(2).

9/14/12  
\_\_\_\_\_  
Date

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

**CERTIFICATE OF MAILING**

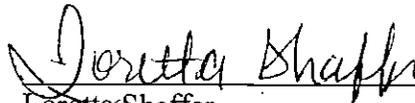
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-12-IL-17, by Certified Mail, Return Receipt Requested, to:

John Miller, Manager  
Allied Iron & Steel Company  
2900 West Clarke Street  
Peoria, IL 61604

I also certify that I sent copies of the 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 14 day of September 2012

  
\_\_\_\_\_  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 700916800000 7667 6175