



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

JUN 26 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Immormino
JBI Scrap Processors
2925 East 55th Street
Cleveland, Ohio 44127

Re: Finding of Violation
JBI Scrap Processors

Dear Mr. Immormino:

This is to advise you that the U. S. Environmental Protection Agency has determined that JBI Scrap Processor's facility at 2925 East 55th Street, Cleveland, Ohio (JBI or acility) 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.

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. 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:

- 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. These 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).
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that JBI has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. 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 EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage JBI's compliance with the requirements of the CAA.

Sincerely,



 Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, Supervisor
Northeast District Office
Ohio Environmental Protection Agency

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 an April 8, 2008, inspection, and in the response to an information request EPA issued pursuant to Section 114 of the Clean Air Act, JBI informed EPA that JBI accepts refrigerant-containing appliances for recycling.
- 3. During the inspection and in the Section 114 response, JBI informed EPA that JBI does not recover refrigerant from appliances that are brought to the facility.
- 4. JBI does not verify that refrigerants have been properly removed from appliances prior to delivery at the facility through the use of verification statements as required by 40 C.F.R. § 82.156(f).

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.

6/26/08
Date



Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-OH-18, by Certified Mail, Return Receipt Requested, to:

Joe Immormino, President
JBI Scrap Processors
2925 East 55th Street
Cleveland, Ohio 44127

on the 27th day of June, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, OH 43216-1049

And

Dennis Bush, Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8920 2399