



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**

Mr. Charles Clark  
Owner and President  
Clark Iron & Metal, Inc.  
P.O. Box 771  
Murfreesboro, Tennessee 37133

**Re: Finding of Violation**  
Clark Iron & Metal, Inc.  
Murfreesboro, Tennessee

Dear Mr. Clark:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Clark Iron & Metal, Inc. (you) related to activities at your scrap metal recycling facility located in Murfreesboro, 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.

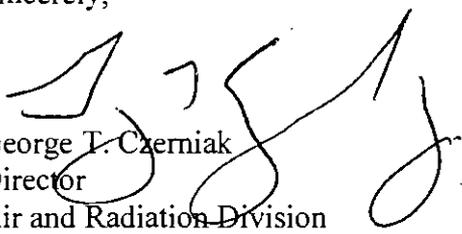
EPA has several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a civil and/or criminal action in federal court.

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 Eleanor Kane. You may call her at (312) 353-4840 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,



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 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.
7. 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, 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**

8. Clark Iron & Metal owns and/or operates a scrap metal recycling facility at 217 Hillard Street, Murfreesboro, Tennessee.
9. Clark Iron & Metal accepts for recycling, among other things, household appliances and vehicles.
10. At all times pertinent to this Finding of Violation, Clark Iron & Metal 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.
11. On May 7, 2014, EPA inspected the facility to assess Clark Iron & Metal’s compliance with regulations governing the handling of refrigerant under the CAA.
12. During the May 7, 2014, inspection, Clark Iron & Metal representatives stated that Clark Iron & Metal does not own or operate refrigerant recovery equipment at the facility.
13. During the May 7, 2014, inspection, Clark Iron & Metal representatives stated that Clark Iron & Metal does not collect written statements from its vendors or suppliers verifying that refrigerant had been properly recovered prior to the delivery of appliances or MVACs to its facility.

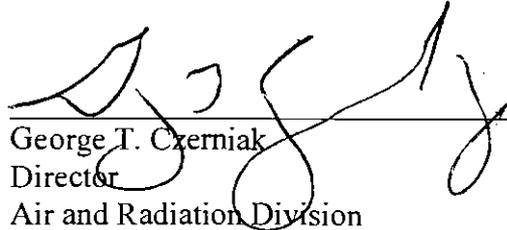
14. During the May 7, 2014, inspection, Clark Iron & Metal representatives stated that Clark Iron & Metal does not have contracts or agreements in place with suppliers stating that refrigerant will be properly recovered prior to the delivery of appliances or MVACs to its facility.

**Finding of Violations**

15. Clark Iron & Metal's failure to either recover refrigerant from small appliances, room air conditioning units, MVACs, and MVAC-like appliances as described above, or to verify via a signed 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-09, by Certified Mail, Return Receipt Requested, to:

Mr. Charles Clark  
President & Owner  
Clark Iron & Metal, Inc.  
P.O. Box 771  
Murfreesboro, TN 37133

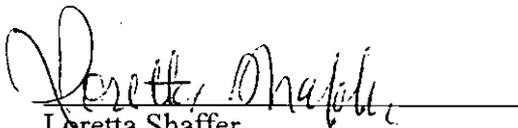
I also certify that I sent copies of the Finding of Violation by first-class mail to:

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 22 day of September 2014.

  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2311