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

AUG 1 1 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aaron Adelman, Manager
Adelman's Truck and Equipment Corp.
d/b/a Adelman's Resource Solutions
3051 East 106th Street
Chicago, Illinois 60617

Re: Finding of Violation
Adelman's Truck and Equipment Corp d/b/a Adelman's Resource Solutions
Chicago, Illinois

Dear Mr. Adelman:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Adelman's Truck and Equipment Corp. d/b/a Adelman's Resource Solutions (you) related to activities at your Chicago, Illinois facility. 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.

The EPA contact in this matter is Katie Owens. You may call her at (312) 886-6097 to request a conference. You should make the request within 10 calendar days following your receipt of this letter.

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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: Eric Jones, IEPA
Stephen T. Grossmark, Esq.
Tressler LLP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Adelman's Truck and Equipment Corp.	)	**FINDING OF VIOLATION**
d/b/a Adelman's Resource Solutions	)	
Chicago, Illinois	)	
	)	**EPA-5-14-IL-20**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 *et seq.*	)	
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) finds that Adelman's Truck and Equipment Corp. d/b/a Adelman's Resource Solutions (Adelman's) is violating the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (CAA). Specifically, Adelman's is failing to reduce emissions of ozone-depleting substances as required by 40 C.F.R. Part 82, Subpart F.

Statutory and Regulatory Authority

1. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines the term "person" to include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

2. Section 608 of the CAA, 42 U.S.C. § 7671g, requires EPA to, among other things, promulgate regulations that establish standards and requirements regarding the use and disposal of class I and class II refrigerants.

3. Pursuant to Section 608 of the CAA, EPA promulgated regulations at 40 C.F.R. Part 82, Protection of Stratospheric Ozone.

4. The regulations at 40 C.F.R. Part 82, subpart F, Recycling and Emissions Reduction, apply to, among others, persons disposing of appliances, including small appliances and motor vehicle air conditioners (MVAC). 40 C.F.R. § 82.150(b).

5. The purpose of the regulations, in part, is to reduce emissions of class I and class II refrigerants and their substitutes to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).

6. The regulations at 40 C.F.R. § 82.156(f), require persons (including but not limited to 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 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).

Finding of Fact

7. Adelman's owns and/or operates a scrap metal recycling facility at 3051 East 106th Street, Chicago, Illinois (the facility).

8. Adelman's is a "person" as defined by the CAA.

9. On March 11, 2014, EPA inspected the facility to assess Adelman's compliance with regulations governing the handling of refrigerant under the CAA.

10. During the March 11, 2014, inspection, EPA observed, among other things, many wrecked trucks and semi cabs in Adelman's yard.

11. Upon information and belief, Adelman's accepted at least 270 motor vehicles at its facility from January 1, 2011 through April 8, 2014. Many of these vehicles are believed to have had air conditioners.

12. On June 27, 2014, EPA issued a Request for Information under Section 114 of the CAA to Adelman's.

13. Adelman's submitted a response to EPA's Request for Information on July 31, 2014.

14. Based on its July 31, 2014, response to EPA's Information Request, no company recovered refrigerant from any appliances or MVAC accepted by Adelman's from June 1, 2009, to July 3, 2014.

15. Based on its July 31, 2014, response to EPA's Information Request, Adelman's has no verification of refrigerant removal statements or refrigerant recovery contracts for any appliance or MVAC accepted by Adelman's from June 1, 2009, to July 3, 2014.

16. Based on its July 31, 2014, response to EPA's Information Request, one of its employees may have recovered refrigerants at the facility although it is not clear from the records during what time period, if any, employees recovered refrigerant from any appliance or

MVAC accepted by Adelman's at the facility. Adelman's provided no refrigerant recovery records for the time period from January 1, 2011 through July 3, 2014.

17. Based on its July 31, 2014, response to EPA's Information Request, Adelman's ceased purchasing vehicles on April 8, 2014.

Finding of Violations

18. Adelman's failed to recover any remaining refrigerant from MVACs from at least January 1, 2011 through April 8, 2014 as required by 40 C.F.R. § 82.156(f)(1) or to verify that the refrigerant has been evacuated from the MVAC as required by 40 C.F.R. § 82.156(f)(2).

19. Adelman's failure to either recover refrigerant from MVACs, 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.

8/11/14
Date

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-IL-20, by Certified Mail, Return Receipt Requested, to:

Aaron Adelman, Manager
Adelman's Truck and Equipment Corp
d/b/a Adelman's Resource Solutions
3051 East 106th Street, Chicago, IL
Chicago, Illinois 60617

Delivered 8/13/14
7011-1150-0000-2639-2970

Stephen T. Grossmark, Partner
Tressler LLP
233 South Wacker Drive, 22nd Floor
Chicago, Illinois 60606

7011-1150-0000-2639-2987
Delivered 8/15/14

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

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

On the 12th day of AUGUST 2014.

Randy Harris for
Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

7011-1150-0000-2639-2970

CERTIFIED MAIL RECEIPT NUMBER: 7011-1150-0000-2639-2987