

## Refrigerants/Air Enforcement: U.S. Environmental Protection Agency and Brook Park, Ohio, Recycling Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and KB Trading, Inc. (“KB”) entered into a Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of the Clean Air Act regulations addressing:

. . . disposing of appliances, including small appliances and motor vehicle air conditioners that contain Class I, Class II, or non-exempt substitute refrigerants.

See Docket No. CAA-05-2021-0014.

The CAFO provides that KB owns and operates a scrap metal recycling facility (“Facility”) in Brook Park, Ohio.

The Facility is stated to accept for recycling (among other things) small appliances and motor vehicle air conditioners (“MVACs”) that contain or once contained ozone depleting substances or substitutes.

EPA is stated to have conducted an unannounced inspection of the Facility on June 13, 2019. The Facility is stated to be a final processor in the disposal process for vehicles and appliances, including small appliances and MVACs, within the meaning of 40 C.F.R § 82.155( b). Representatives of the Facility are stated to have indicated that it did not recover refrigerant from small appliances or MVACs.

The Facility is stated to have lacked at the time of the inspection proper equipment to recover refrigerant from small appliances or MVACs. Facility representatives are also stated to have indicated that it did not at the time of the inspection require suppliers to sign a contract prior to acceptance of small appliances or MVACs. Further, at the time of the inspection, the CAO provides:

- The Facility does not have a verification statement for any supplier to verify that the refrigerants have been recovered from the small appliances or MVACs prior to delivery to the Facility
- EPA inspectors observed small appliances in the scrap yard at the Facility which are stated to have had no signs of proper recovery

The CAFO alleges that by failing to recover refrigerants from appliances during scrap recycling or to verify that the refrigerants had been recovered as required by the regulations the Facility violated 40 C.F.R. § 82.155(b).

The KB Facility is also stated to have not had any signage, or other equivalent means, to notify suppliers of appliances that refrigerant must be properly recovered in accordance with 40 C.F.R. § 82.155(a) prior to

the delivery of the appliance. Such alleged failure to notify suppliers of appliances that refrigerant must be properly recovered before delivery of the items to the Facility is stated to have violated 40 C.F.R. § 82.155(b)(2)(ii).

A civil penalty of \$25,000 is assessed.

A copy of the CAFO can be downloaded [here](#).