

# Refrigerants/Air Enforcement: U.S. Environmental Protection Agency and Colorado Springs Scrap Metal Recycling Facility Enter into Consent Agreement



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) and American Iron and Metal (“American Iron”) entered into a May 9th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of the regulations found at 40 C.F.R. Part 82 Subpart F applicable to recycling and emissions reductions of ozone-depleting substances.

The CAFO provides that American Iron owns and/or operates scrap metal recycling facilities at several locations which include Colorado Springs, Colorado.

The Colorado Springs facility is stated to accept for recycling and disposal, among other things, small appliances and MVACs within the meaning of 40 C.F.R. § 82.152, that contain or once contained ozone-depleting substances or substitutes. Such depleting substances or substitutes in the small appliances and MVACs that are accepted for recycling are stated to be “refrigerants” within the meaning of 40 C.F.R. § 82.152. Further, the facility’s recycling of small appliances and MVACs is stated to constitute disposal within the meaning of 40 C.F.R. § 82.152.

The American Iron facility is described as a final processor in the disposal process for vehicles and appliances, including MVACs and small appliances.

EPA is stated to have conducted an inspection of the Colorado Springs facility on June 22, 2022. The inspection is stated to have determined that the facility did not recover refrigerant from small appliances or MVACs delivered to the facility. EPA inspectors are stated to have observed at least one small appliance delivered for recycling from which the refrigerant had not been recovered. In addition, EPA inspectors are stated to have observed at least one small appliance that had been delivered to recycling from which refrigerant had not been recovered, and that had cut refrigeration lines.

The facility is stated to have indicated that it did not require documentation of refrigerant recovery for small appliances and MVACs arriving at the facility empty of refrigerant.

A civil penalty of \$155,000.00 is assessed.

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