

EXAMPLE SECTION 114 LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COMPANY
ADDRESS

Dear COMPANY:

The United States Environmental Protection Agency (EPA) has come into possession of information indicating that **COMPANY** may have knowingly vented a class I or class II substance in the course of maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration in violation of Section 608(c) (1) of the Act, 42 U.S.C. Section 7671g (copy enclosed). Class I and class 11 substances are defined in Section 602 of the Act. A list of such substances is enclosed.

Section 608(c) (1) of the Clean Air Act (the Act) states:

Effective July 1, 1992, it shall be unlawful for any person, in the course of maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration, to knowingly vent or otherwise knowingly release or dispose of any class I or class 11 substance used as a refrigerant in such appliance (or industrial process refrigeration) in a manner which permits such substance to enter the environment. De minimis releases associated with good faith attempts to recapture and recycle or safely dispose of any such substance shall not be subject to the prohibition set forth in the preceding sentence.

Pursuant to Section 114(a) of the Act, 42 U.S.C. Section 7414(a), the Administrator of EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as he may reasonably require, for the purposes of determining whether such person is in violation of any provision of this Act.

Therefore, in accordance with Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1) you are hereby required to provide the following information:

1. A copy of all service invoices for any service, maintenance, repair or disposal performed on appliances at the **FACILITY** on or after July 1, 1992.
2. Records indicating the number of appliances serviced, maintained, repaired or disposed at the **FACILITY** on or after July 1, 1992.
3. Records indicating the amount of refrigerant consumed during the service, maintenance, repair or disposal of any appliances at the **FACILITY** on or after July 1, 1992.
4. Records indicating the amount of refrigerant recovered or recycled during the service, maintenance, repair or disposal of any appliances at the **FACILITY** on or after July 1, 1992.
5. Records the type of equipment used to recover or recycle refrigerants contained in appliances during the service, maintenance, repair or disposal of any appliances at the **FACILITY** on or after July 1, 1992.

6. Records indicating any other method used to prevent the release of refrigerants into the atmosphere during the service, maintenance, repair or disposal of any appliances at the **FACILITY** on or after July 1, 1992.
7. A copy of all service invoices for any service, maintenance, repair or disposal performed on any appliance other than those located at the **FACILITY** on or after July 1, 1992.
8. Records indicating the number of any appliances other than those located at the **FACILITY** serviced, maintained, repaired or disposed on or after July 1, 1992.
9. Records indicating the amount of refrigerant consumed during the service, maintenance, repair or disposal of any appliances other than those located at the **FACILITY** on or after July 1, 1992.
10. Records indicating the amount of refrigerant recovered or recycled the service, maintenance, repair or disposal of any appliances other than those located at the **FACILITY** on or after July 1, 1992.
11. Records indicating the type of equipment used to recover or recycle refrigerants contained in appliances during the service, maintenance, repair or disposal of any appliances other than those located at the **FACILITY** on or after July 1, 1992.
12. Records indicating any other methods used to prevent the release of refrigerants into the atmosphere during the service, maintenance, repair or disposal of any appliances other than those located at the **FACILITY** on or after July 1, 1992.

The above information must be submitted and postmarked within (20) business days from the date of receipt of this letter. Such information should be submitted to:

United State Environmental Protection Agency
ADDRESS

Failure to comply with this letter may result enforcement action being taken against **COMPANY** in accordance with Section 113 of the Act, 42 T.T.S.C. Section 7413. This may include civil and administrative penalties of up to \$25,000 per day of non-compliance, pursuant to Section 113(b)(2) and 113(d), 42 U.S.C. Section 7413(b)(4) and 7413(d). In addition, the submission of knowingly false or misleading statements may result in criminal penalties, including imprisonment of up to two years, or a fine of up to \$10,000, pursuant to Section 113(c)(2) of the Act, 42 U.S.C. Section 7413(c)(2), or both.

This letter no way affects the obligation of **COMPANY** to comply with other local, State and Federal laws and regulations. In addition, nothing in this letter shall be construed to be a waiver by EPA of any rights or remedies under the Clean Air Act.

If you have any legal questions regarding compliance with this letter, please contact **NAME** of the Air Enforcement Division at **NUMBER**. For all other questions, contact **NAME** of my staff at **NUMBER**.

Sincerely,

SIGNATURE

Enclosures