

EPA SETTLES CLEAN AIR ACT STRATOSPHERIC OZONE PROTECTION CASE FOR \$45,601

ACTION: On November 1, 2002, Transportation Management Services, Inc. (“TMSI”) signed a Consent Agreement settling violations of the “Stratospheric Ozone Protection” requirements of the Clean Air Act (“CAA”) and the “Protection of Stratospheric Ozone” regulations, which requirements and regulations EPA directly implements in Colorado. Under the terms of settlement, TMSI, which services eighteen-wheel trucks at its facility in Henderson, Colorado, will pay a civil penalty of \$45,601 and will not maintain, service, or repair any motor vehicle air conditioners (“MVACs”) in the future.

BACKGROUND: Invoices obtained during an EPA inspection showed that from August 7, 2000 until June 12, 2001, TMSI maintained, serviced and/or repaired five MVACs without properly using approved refrigerant recycling equipment, without using a technician who was properly trained and certified, and without certifying to the Administrator that it had acquired and was properly using approved refrigerant recycling equipment in service on MVACs involving a substitute substance, HFC-134a, and that each individual authorized to perform such service was properly trained and certified. According to the accounts of former employees of TMSI, the Respondent also knowingly vented or otherwise knowingly released or disposed of HFC-134a in a manner which permitted such substitute substance to enter the environment. After discussing this matter with EPA criminal enforcement personnel, the Region filed a Complaint seeking \$63,511 in civil penalties.

Consistent with EPA’s “Clean Air Act Stationary Source Civil Penalty Policy”, the Team agreed to reduce the penalty amount to \$45,601 because TMSI made extraordinary efforts to come into compliance after learning of a violation, and immediately ceased maintaining, servicing, or repairing MVACs at its facility and began outsourcing that work. Again, as part of this settlement, the Respondent has agreed that it will not maintain, service, or repair any MVACs at any time in the future.