



REGION 9

SAN FRANCISCO, CA 94105

May 30, 2025

TRANSMITTED VIA EMAIL
RETURN RECEIPT REQUESTED

Duo Zhang
Mamo Trading Partners Inc.
1001 Brannock St.
Denver, CO 80204
DongBanChen@outlook.com

RE: Mamo Trading Partners Inc. – Finding of Violation R9-CAA-25-1030

Dear Duo Zhang:

The U.S. Environmental Protection Agency (“EPA”) is issuing the enclosed Finding of Violation (“FOV”) to Mamo Trading Partners Inc (“Mamo Trading” or “you”). The EPA alleges that you have violated the American Innovation and Manufacturing Act (“AIM Act”), 42 U.S.C. § 7675, the regulations promulgated thereunder at 40 C.F.R. Part 84, which governs the import of hydrofluorocarbons (“HFCs”), Title VI of the Clean Air Act (“CAA”), 42 U.S.C. § 7671 et seq., the regulations promulgated thereunder at 40 C.F.R. Part 82, which governs the import of ozone-depleting substances (“ODS”).

The EPA is issuing this FOV under Section 113(a) of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7413(a)(3)¹ for violations of 40 C.F.R. Parts 82 and 84. *See* 42 U.S.C. § 7675(k)(1)(C) and 42 U.S.C. § 7414.

Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), gives the EPA several enforcement options to resolve these violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, or bringing a judicial criminal action. The EPA is issuing this FOV based on information described in detail below that represents specific violations of applicable requirements relating to the importation of HFCs and ODS.

Without making a determination that your business or organization is a small business, the EPA is

¹ The AIM Act provides that Sections 113 and 114 of the CAA, 42 U.S.C. § 7413 and 42 U.S.C. § 7414, apply to the AIM Act and any regulation promulgated thereunder “as though this section were expressly included in title VI of that Act.” *See* 42 U.S.C. § 7675(k)(1)(C).

providing you with this Small Business Resources Information Sheet, which provides important information that may assist small businesses in identifying and complying with environmental requirements: <https://www.epa.gov/compliance/small-business-resources-information-sheet>. Mamo Trading may request a conference with the EPA to present information on the identified violations in the FOV, efforts you have taken to comply, and the steps you will take to prevent future violations within fourteen (14) calendar days following receipt of this FOV. You may have counsel represent you at this conference. Please direct such request to Gem Guzman, Scientist, at guzman.gem@epa.gov and 213-809-4478 or have your legal counsel contact Denise Leong, Attorney-Advisor, at leong.denise@epa.gov or 415-972-3409.

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement & Compliance Assurance Division U.S.
Environmental Protection Agency Region 9

Enclosure

cc: Amelie Isin, HFC Program Lead, EPA
Roshni Brahmbhatt, EPA
Gem Guzman, EPA
Denise Leong, EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SAN FRANCISCO, CA

IN THE MATTER OF:

Mamo Trading Partners Inc
Denver, CO

Proceedings Pursuant to
Section 113(a)(3) of the Clean Air Act, 42 U.S.C.
§ 7413(a)(3)

FINDING OF VIOLATION

R9-CAA-25-1030

FINDING OF VIOLATION

STATUTORY AND REGULATORY AUTHORITY

The AIM Act

1. The American Innovation and Manufacturing (AIM) Act, 42 U.S.C. § 7675, provides the EPA with authority to regulate hydrofluorocarbons (HFCs), which are greenhouse gases, and requires the EPA to phase down HFC production and consumption.
2. The AIM Act provides that section 113 of the CAA, 42 U.S.C. § 7413, applies to the AIM Act and any regulation promulgated thereunder “as though this section were expressly included in title VI of that Act.” See 42 U.S.C. § 7675(k)(1)(C).
3. The regulations at 40 C.F.R. Part 84, Subpart A, implement the AIM Act requirement to phase down HFC production and consumption.
4. 40 C.F.R. § 84.1(b) states that Subpart A applies to “any person that produces, transforms, destroys, imports, exports, sells or distributes, offers for sale or distribution, recycles for fire suppression, or reclaims a regulated substance.”
5. 40 C.F.R. § 84.3 defines “person” as “any individual or legal entity, including an individual, corporation, partnership, association; state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.”
6. 40 C.F.R. § 84.3 defines “regulated substance” as “a hydrofluorocarbon listed in the table contained in subsection (c)(1) of the AIM Act and a substance included as a regulated substance

by the Administrator under the authority granted in subsection (c)(3). A current list of regulated substances can be found in appendix A to this part.”

7. 40 C.F.R. § 84.3 defines “bulk” to mean “a regulated substance of any amount that is in a container for the transportation or storage of that substance such as cylinders, drums, ISO tanks, and small cans. A regulated substance that must first be transferred from a container to another container, vessel, or piece of equipment in order to realize its intended use is a bulk substance. A regulated substance contained in a manufactured product such as an appliance, an aerosol can, or a foam is not a bulk substance.”
8. 40 C.F.R. § 84.3 defines “consumption allowances” as “a limited authorization to produce and import regulated substances; however, consumption allowances may be used to produce regulated substances only in conjunction with production allowances. A person’s consumption allowances are the total of the allowances obtained under [40 C.F.R.] § 84.11 or § 84.15 and may be modified under [40 C.F.R.] §§ 84.17 (availability of additional consumption allowances), 84.19 (transfer of allowances), and 84.35 (administrative consequences).”
9. 40 C.F.R. § 84.3 defines “application-specific allowance” as “a limited authorization granted in accordance with subsection (e)(4)(B)(iv) of the AIM Act for the production or import of a regulated substance for use in the specifically identified applications that are listed in that subsection and in accordance with the restrictions contained at § 84.5(c).”
10. 40 C.F.R. § 84.3 defines “import” as “to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, regardless of whether that landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States. Offloading used regulated substances recovered from equipment aboard a marine vessel, aircraft, or other aerospace vehicle during servicing is not considered an import.”
11. 40 C.F.R. § 84.3 defines “importer” as “any person who imports a regulated substance into the United States. ‘Importer’ includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes: (1) [t]he consignee; (2) [t]he importer of record; (3) [t]he actual owner; or (4) [t]he transferee, if the right to draw merchandise in a bonded warehouse has been transferred.”
12. 40 C.F.R. § 84.3 defines “exchange value” as “the value assigned to a regulated substance in accordance with AIM Act subsections (c) and (e), as applicable, and as provided in appendix A to this part.”
13. 40 C.F.R. § 84.3 defines “exchange value equivalents” (EVe) as “the exchange value-weighted amount of a regulated substance obtained by multiplying the mass of a regulated substance by the exchange value of that substance.”
14. Appendix A to 40 C.F.R. Part 84 lists the substances regulated by the AIM Act by HFC, chemical formula, and exchange value.

15. Appendix A to 40 C.F.R. Part 84 includes the compounds HFC-32, HFC-125, and HFC-134a.
16. Appendix A of 40 C.F.R. Part 84 lists the exchange value as 675 for HFC-32, 3,500 for HFC-125, and 1,430 for HFC-134a.
17. 40 C.F.R. § 84.5(b)(1)(i) states, in relevant part, that “[n]o person may import bulk regulated substances, either as a single component or a multicomponent substance, except . . . [i]f the importer of record possesses at the time they are required to submit reports to EPA pursuant to § 84.31(c)(7), and expends at the time of ship berthing for vessel arrivals, border crossing for land arrivals such as trucks, rails, and autos, and first point of terminus in U.S. jurisdiction for arrivals via air, consumption or application-specific allowances in a quantity equal to the exchange-value weighted equivalent of the regulated substances imported, whether present as a single component or a multicomponent blend.”
18. 40 C.F.R. § 84.5(b)(3) states that “[e]ach person meeting the definition of importer for a particular regulated substance import transaction is jointly and severally liable for a violation of paragraph (b)(1) of this section, unless they can demonstrate that the importer of record possessed and expended allowances in accordance with the requirement outlined in paragraph (b)(1)(i) or (v) of this section or another party who meets the definition of an importer met one of the exceptions set forth in (b)(1)(ii) through (iv) of this section.”
19. 40 C.F.R. § 84.31(c)(7) provides that the importer of record is required to submit the information described in 40 C.F.R. § 84.31(c)(7)(i) - (xvi) in an “advance notification report” for each shipment of regulated substances imported no later than 10 days if arriving by marine vessel or 5 days for non-marine vessel prior to the date of importation.

The CAA – Ozone Depleting Substances

20. Title VI of the Clean Air Act, 42 U.S.C. §§ 7671-7671q, and the regulations promulgated thereunder, mandate the phase-out of the production and consumption of class I and class II substances that deplete the ozone layer, such as chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).
21. The EPA regulations at 40 C.F.R. Part 82, Subpart A, implement the Title VI requirement to phase out the production and consumption of class I and class II substances that deplete the ozone layer.
22. 40 C.F.R. § 82.1(b) states, “This subpart applies to any person that produces, transforms, destroys, imports or exports a controlled substance or imports or exports a controlled product.”
23. 40 C.F.R. § 82.3 contains the following definitions:
 - a. Class II refers to the controlled substances listed in appendix B to this subpart.

- b. Controlled substance means “any substance listed in appendix A or appendix B to this subpart, whether existing alone or in a mixture, but excluding any such substance or mixture that is in a manufactured product other than a container used for the transportation or storage of the substance or mixture. Thus, any amount of a listed substance in appendix A or appendix B to this subpart that is not part of a use system containing the substance is a controlled substance. If a listed substance or mixture must first be transferred from a bulk container to another container, vessel, or piece of equipment in order to realize its intended use, the listed substance or mixture is a controlled substance.”
- c. Import means “to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with [exemptions not relevant to this matter]....”
- d. Importer means “any person who imports a controlled substance or a controlled product into the United States. ‘Importer’ includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate: (1) [t]he consignee; (2) [t]he importer of record; (3) [t]he actual owner; or (4) [t]he transferee, if the right to draw merchandise in a bonded warehouse has been transferred.”
- e. Person means any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.

- 24. 40 C.F.R. Part 82, Subpart A, Appendix B, lists substances defined as Class II controlled substances.
- 25. Effective January 1, 2020, 40 C.F.R. § 82.16(e)(1) prohibits the import of HCFC-22 or HCFC-142b for any purpose other than for use in a process resulting in their transformation or their destruction, for export under 40 C.F.R. § 82.18(a) using unexpended Article 5 allowances, or for exemptions permitted in 40 C.F.R. § 82.15(f).
- 26. 40 C.F.R. § 82.15(f) provides an exemption for import of HCFC-22 for medical devices.

FINDINGS OF FACT

- 27. Mamo Trading Partners Inc (“Mamo Trading”) is a company located at 1001 Brannock St., Denver, Colorado 80204.
- 28. Mamo Trading is a “person” as that term is defined at Section 302(e) of the Act, 42 U.S.C. § 7602(e) and 40 C.F.R. § 84.3.

29. R-134A is a refrigerant blend that contains the bulk regulated substances HFC-134a and has an exchange value of 1,430.
30. R-404A is a refrigerant blend that contains the bulk regulated substances HFC-125, HFC-143A, and HFC-134A and has an exchange value of 3,922.
31. R-407C is a refrigerant blend that contains the bulk regulated substances HFC-32, HFC-125, and HFC-134A and has an exchange value of 1,774.
32. R-410A is a refrigerant blend that contains the bulk regulated substances HFC-125 and HFC-32 and has an exchange value of 2,088.
33. R-22, also known as HCFC-22, is a class II controlled substance and ODS.
34. On or about June 20,2024, Mamo Trading imported, approximately 95 kg of R-134A from China without expending consumption or application-specific allowances or receiving a non-objection notice from the EPA. See Table 1 below.
35. On or about June 20, 2024, Mamo Trading imported, approximately 758 kg of R-404A from China without expending consumption or application-specific allowances or receiving a non-objection notice from the EPA. See Table 1 below.
36. On or about June 20, 2024, Mamo Trading imported approximately 110 kg of R-407C from China without expending consumption or application-specific allowances or receiving a non-objection notice from the EPA. See Table 1 below.
37. On or about June 20, 2024, Mamo Trading imported approximately 409 kg of R-410A from China without expending consumption or application-specific allowances or receiving a non-objection notice from the EPA. See Table 1 below.
38. On or about June 20, 2024, Mamo Trading imported approximately 6,518 kg of R-22 from China for a purpose other than their transformation or their destruction and no allowances or exemptions were applicable. See Table 1 below.

Table 1: Illegal Importation of HFCs and ODS

Import Entry Number	Date of Import	HFC and ODS Type	Quantity Imported (kg)
8K3-99990933	6/20/2024	R-134A	95
8K3-99990933	6/20/2024	R-404A	758
8K3-99990933	6/20/2024	R-407C	110
8K3-99990933	6/20/2024	R-410A	409
8K3-99990933	6/20/2024	R-22	6,518

39. The R-134A, R-410A², R-404A³, and R-407C⁴, described in paragraphs 29-32 above are the “Subject HFCs.”
40. The R-22 described in paragraph 33 above are the “Subject ODS.”
41. Mamo Trading was the Importer of Record for the Subject HFCs and Subject ODS and was an “importer” of the Subject HFCs and Subject ODS, as that term is defined in 40 C.F.R. §§ 82.3 and 84.3.
42. The EPA calculates metric tons of exchange value equivalent (MTEVe) by multiplying the mass of the regulated substance in kg by the exchange value of the bulk regulated substance and dividing the product by 1,000, pursuant to 40 C.F.R. § 84.3.
43. 409 kg of R-410A is equivalent to about 854.1 MTEVe; 758 kg of R-404A is equivalent to about 2,974.2 MTEVe; 110 kg of R-407C is equivalent to about 194.7 MTEVe; 95 kg of R-134A is equivalent to about 136.2 MTEVe. The total MTEVe for the Subject HFCs is approximately 4,159.2.
44. 6,518 kg of R-22 is equivalent to about 11,798 MTEVe for the Subject ODS.
45. Mamo Trading did not expend any consumption or application-specific allowances, provide adequate transshipment notice, or receive a non-objection notice from the EPA for the Subject HFCs.
46. Mamo Trading did not file an advance notification report for the import of the bulk regulated substances, for import Entry Number 8K3-99990933, 10 days prior to the importation on June 20, 2024, and did not receive a non-objection notice from the EPA for the Subject HFCs. The date of filing in the Automated Commercial Environment⁵ was June 22, 2024.
47. Mamo Trading did not list Subject HFCs or Subject ODS in the Arrival Notice / Freight Invoice filed during entry for Entry 8K3-99990933. In the Description of Goods section of the Arrival Notice / Freight Invoice, Mamo Trading listed “storage rack.”
48. Mamo Trading did not provide a purpose for the importation of the Subject ODS, expend allowances or request any applicable exemptions for the Subject ODS.

² R-410A is a refrigerant blend that contains the bulk regulated substances HFC-125 and HFC-32.

³ R-404A is a refrigerant blend that contains the bulk regulated substances HFC-125, HFC-143A, and HFC-134A.

⁴ R-407C is a refrigerant blend that contains the bulk regulated substances HFC-32, HFC-125, and HFC-134A.

⁵ U.S. Customs and Border Patrol Automated system – Automated Commercial Environment Automated Broker Interface.

ALLEGED VIOLATIONS

Violation 1 – Illegal Importation of a Bulk Regulated Substance in Violation of the AIM Act

49. Based on the facts in the section above, the EPA alleges that the Subject HFCs are bulk regulated substances.
50. Based on the facts in the section above, the EPA alleges that the Subject HFCs are bulk regulated substances that were imported on June 20, 2024 in Entry 8K3-99990933 without the importer expending consumption or application-specific allowances in a quantity equal to the exchange-value weighted equivalent of the regulated substances imported, a violation of 40 C.F.R. § 84.5(b)(1). See Table 1 above.

Violation 2 – Failure to Submit an Advance Notification Report in Violation of the AIM Act

51. Based on the facts in the section above, Mamo Trading violated 40 C.F.R. § 84.31(c)(7) by failing to submit an advance notification report for the importation of the bulk regulated substances, Entry 8K3-99990933, imported on June 20, 2024, no later than 10 days prior to importation. See paragraph 46 above.

Violation 3 – Illegal Importation of a Controlled Substance in Violation of the CAA

52. Based on the facts in the section above, the EPA alleges that the Subject ODS are HCFC-22 class II controlled substances.
53. Based on the facts in the section above, the EPA alleges that the Subject ODSs are HCFC-22 controlled substances that were imported on June 20, 2024 in Entry 8K3-99990933 for the purpose other than for use in a process resulting in their transformation or their destruction, in violation of 40 C.F.R. § 82.16(e)(1). No allowances were expended and no applicable exemptions were requested. See Table 1 above.

ENVIRONMENTAL AND HEALTH IMPACTS

54. HFCs are potent greenhouse gases that impact our environment by trapping heat in the atmosphere.
55. Exposure to high concentrations of HFCs can lead to respiratory problems such as shortness of breath, coughing, and more severe cases of lung irritation. HFCs can displace oxygen in enclosed or poorly ventilated spaces, increasing the risk of asphyxiation. Short-term exposure to high levels of HFCs can cause dizziness, nausea, headaches, and disorientation. Prolonged exposure to HFCs at elevated levels can potentially impact heart function, leading to palpitations or other cardiovascular stress.

ENFORCEMENT

56. The EPA's investigation into this matter is continuing. The above information represents specific violations that the EPA believes, at this point, are sufficiently supported by evidence to warrant the allegations in this Finding of Violation ("FOV"). The EPA may find additional violations as the investigation continues.
57. Section 113(a)(3) of the Act, 42 U.S.C § 7413(a)(3), provides the Administrator with several enforcement options to resolve these violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

PENALTY ASSESSMENT CRITERIA

58. Section 113(e)(1) of the Act states that, in determining the amount of any penalty to be assessed, the Administrator will take into consideration (in addition to such other factors as justice may require) the size of the violator, the economic impact of the penalty on the violator, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator for penalties previously assessed for the same violation, the economic benefit of non-compliance, and the seriousness of the violation.
59. Section 113(e)(2) of the Act allows the Administrator to assess a penalty for each day of violation. For the purposes of determining the number of days of violation, where EPA makes a prima facie showing that the conduct or events giving rise to this violation likely to have continued or recurred past the date of this FOV, the days of violation shall be presumed to include the date of this FOV and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

OPPORTUNITY FOR CONFERENCE

60. Mamo Trading may, upon request, confer with EPA. The conference will enable Mamo Trading to present evidence bearing upon the Finding of Violation, on the nature of the violations, and on any efforts, Mamo Trading has taken or may have taken or proposes to take to achieve compliance. Mamo Trading has the right to be represented by counsel. A request for conference with EPA must be made within fourteen (14) working days from receipt of this FOV,

and the request for a conference or other inquiries concerning this FOV should be made in writing to Gem Guzman of the Enforcement and Compliance Assurance Division at guzman.gem@epa.gov and 213-809-4478 or have your legal counsel contact Denise Leong, Assistant Regional Counsel, at leong.denise@epa.gov or 415-972-3409.

Amy C. Miller-Bowen, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency Region 9