

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
REGIONAL HEARING  
CLERK  
JUN 20 P 2:19

**United States Environmental Protection Agency, Region 2**


**Expedited Settlement Agreement**  
**for Violations of the Clean Air Act's Dry Cleaning Regulations**  
**by Mr. Won Kim, owner/operator of CESCA Dry Cleaners**

1. The purpose of this Expedited Settlement Agreement (ESA) is to settle alleged civil violations of the federal Clean Air Act (CAA) and its implementing regulations by Mr. Won Kim, the owner/operator of CESCA Dry Cleaners (CESCA). The alleged violations are listed in Table 1 below and were discovered as a result of the United States Environmental Protection Agency (EPA) investigation described in Table 2 below.
2. Mr. Kim neither admits nor denies that he has committed the violations listed in Table 1 and neither admits nor denies the facts described in Table 2. However, Mr. Kim admits that EPA – through the official identified below in the “Signatures” section of this ESA – has the jurisdiction and the authority to seek civil penalties for the alleged violations, as well as the authority to resolve those alleged violations by executing this ESA.
3. To settle the alleged violations and avoid litigation, Mr. Kim agrees to: (a) take the actions listed in Table 3 below, and (b) pay the civil penalty listed in Table 4 below, and follow the payment instructions in Table 4.
4. By signing this ESA, Mr. Kim certifies under penalty of perjury that he has completed the actions described in Table 3 below. In addition, Mr. Kim also: (a) expressly waives any right to contest the alleged violations; (b) expressly waives any right to a hearing concerning the alleged violations; (c) admits that EPA, through the EPA Region 2 Regional Judicial Officer, has the authority and jurisdiction to issue the attached Final Order; (d) agrees that EPA can issue the attached Final Order; (e) expressly waives any right to challenge the attached Final Order once it has been signed; and (f) expressly agrees to be bound by this ESA.
5. After Mr. Kim takes the actions listed in Table 3, signs this ESA and mails the signed agreement and the required payment to EPA, EPA will sign the agreement and the attached Final Order and will return a copy to Mr. Kim. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Kim.
6. If Mr. Kim fails to pay the civil penalty required by this ESA in full and on time, or fails to take the actions specified in Table 3 below, EPA may refer this matter to the United States Department of Justice and/or the United States Department of the Treasury.
7. Each person signing this ESA certifies under penalty of perjury that he or she is duly authorized by the party whom he or she represents to enter into this ESA and bind that party to it.

8. Nothing in this ESA excuses CESCA from complying with all applicable laws and regulations.

Signatures

For the EPA:

  
\_\_\_\_\_  
Dore LaPosta, Director  
Division of Enforcement and  
Compliance Assistance  
United States Environmental  
Protection Agency, Region 2

Date JUNE 18, 2013

For CESCA Dry Cleaners:

  
\_\_\_\_\_  
Won Kim, Owner

Date 6/7/2013

Enclosures:

- (1) Tables 1-4
- (2) Final Order

**Table 1: List of Violations**

Based on the facts described in Table 2 below, EPA finds that Mr. Kim has violated:

- 1) 40 C.F.R. § 63.322(o)(1)(i), by failing to inspect the components listed in 40 C.F.R. § 63.322(k) for vapor leaks on a monthly basis, using a halogenated hydrocarbon detector or a PCE gas analyzer, as required for area sources;
- 2) 40 C.F.R. §63.322(d), by failing to regenerate the carbon adsorber after 40-50 cycles as recommended by the manufacturer, thus not operating and maintaining the dry cleaning system, including its ancillary equipment, according to manufacturer's specifications and recommendations.

**Table 2: Factual Basis for the Violations**

EPA Region 2 staff inspected the CESCA facility on December 14, 2011 and on February 14, 2012. During the first inspection, the EPA inspectors noticed PERC odors inside the facility. In addition, they detected leaks at the door gasket and at a fitting on the side of the machine using a halogen leak detector. While Mr. Kim stated that he conducts a leak detection program weekly, he also stated that he had not used his leak detector in years. Therefore, by his own admission, the owner failed to conduct monthly monitoring of the regulated dry cleaning system components using a halogenated hydrocarbon detector or PCE gas analyzer. This is a violation of 40 C.F.R. § 63.322(o)(1)(i).

The facility operates a Realstar RS323 fourth generation machine. On July 24, 2012, EPA staff contacted Realstar to determine manufacturer's specifications for regenerating the carbon adsorber in the RS323. A Realstar technician stated that regardless of non-detection of PERC odor, the recommended frequency for regenerating the carbon adsorber in the RS323 dry cleaning machine is every 40-50 loads. Based on information gathered during the inspections, CESCA processes approximately 5-6 loads per day in this Realstar machine, or approximately 35-40 loads per week. The owner stated that the carbon adsorber is regenerated when a PERC odor is detected, and not every 40-50 loads, or every 7-10 days based on CESCA's actual load frequency. Therefore, by his own admission, the owner has and/or is not regenerating the adsorber according manufacturer's specifications or recommendations. This is a violation of 40 C.F.R. § 63.322(d).

**Table 3: Actions to be taken by CESCA Dry Cleaners**

To correct the violations identified in Table 1 above, Mr. Kim will take the following actions by no later than the date he signs this ESA:

- (1) Commence monthly vapor leak inspections of the components listed in 40 C.F.R. § 63.322(k) using a halogenated hydrocarbon detector or a PCE gas analyzer, as required for area sources. Repair all leaks detected within 24 hours as required by 40 C.F.R. § 63.322(m);
- (2) Commence regeneration of carbon adsorber at the frequency specified by the manufacturer;
- (3) Submit records (including manufacturer specification of carbon adsorber and leak repair receipts) to Kenneth Eng, Air Compliance Branch Chief, Division of Enforcement and Compliance Assistance, U.S. Environmental Protection Agency – Region 2, 290 Broadway – 21st Floor, New York, New York 10007, demonstrating that the actions listed above have been taken.

By signing this ESA, Mr. Kim certifies under penalty of perjury that he has taken the corrective actions listed in this Table 3.

**Table 4: Civil Penalty to be Paid by CESCO Dry Cleaners**

Penalty Amount: **\$1,500**

Payment Instructions:

- (1) You are required to pay the penalty by corporate, cashier's or certified check, made payable to the order of "Treasurer, United States of America," and with the following docket number typed or written on the check: **CAA-02-2013-1201**;
- (2) You are required to send the check and the signed original of this Expedited Settlement Agreement, at the same time, to the following EPA address: Chief, Air Compliance Branch, Division of Enforcement and Compliance Assistance, U.S. Environmental Protection Agency – Region 2, 290 Broadway – 21st Floor, New York, New York 10007.
- (3) You must send the check and the signed original of this ESA to EPA within forty-five (45) days of receiving this settlement offer from EPA.
- (4) After EPA receives the check and the signed ESA from you, along with the records showing that the violations have been corrected, the Complainant will sign the agreement and send it back to you for your records.

*In the Matter of CESCA Dry Cleaners CAA-02-2013-1201*

**FINAL ORDER**

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of CESCA Dry Cleaners. The Expedited Settlement Agreement entered into by the parties is hereby approved and issued as a Final Order, effective upon filing with the Regional Hearing Clerk.

DATE: June 20, 2013

Helen S. Ferrara

Helen S. Ferrara  
Regional Judicial Officer  
United States Environmental  
Protection Agency, Region 2

**Certificate of Service**

I certify that on June 20, 2013, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2013-1201, to be served on the following people in the manner listed below:

✓ *One Original and One Copy, by hand delivery to:*

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

*One Copy, by hand delivery to:*

Helen S. Ferrara  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

*One Copy, by First Class Mail to:*

Mr. Won Kim  
CESCA Dry Cleaners  
347 East 138<sup>th</sup> Street  
Bronx, NY 10454

  
Katherine Zuckerman  
Air Branch Secretary