

United States Environmental Protection Agency, Region 2

2017 FEB 13 A 11: 13

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations
by Mr. Xin Xiang Jiang, owner/operator of Top Cleaners

REGIONAL HEARING
CLERK

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 Xin Xiang Jiang at Top Cleaners. The alleged violation is listed in Section 1 below and was discovered as a result of the United States Environmental Protection Agency (EPA) investigation described in Section 2 below.
2. Mr. Jiang neither admits nor denies that he has committed the violation listed in Section 1 and neither admits nor denies the facts described in Section 2. However, Mr. Jiang 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 from Mr. Jiang for the alleged violation, as well as the authority to resolve the alleged violation by executing this ESA.
3. To settle the alleged violation and avoid litigation, Mr. Jiang agrees to: (a) take the actions listed in Section 3 below, and (b) pay the civil penalty listed in Section 4 below, and follow the payment instructions in Section 4.
4. By signing this ESA, Mr. Jiang certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition, Mr. Jiang also: (a) expressly waives any right to contest the alleged violation; (b) expressly waives any right to a hearing concerning the alleged violation; (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. Jiang takes the actions listed in Section 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. Jiang. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Jiang.
6. If Mr. Jiang fails to pay the civil penalty required by this ESA in full and on time, or fails to take the actions specified in Section 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 Mr. Jiang 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 FEBRUARY 3, 2014

For Top Cleaners:



Xin Xiang Jiang, Owner

Date 12/18/13

Enclosures:

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

Section 1: List of Violations

Based on the facts described in Section 2 below, EPA finds that Xin Xiang Jiang has violated:

- 1) 40 C.F.R. § 63.322(d), which requires the owner or operator of each dry cleaning system to operate and maintain the system according to the manufacturer's specifications and recommendations. 40 C.F.R. § 63.321 defines "dry cleaning system" as "a dry-to-dry machine and its ancillary equipment or a transfer machine system and its ancillary equipment."

Section 2: Factual Basis for the Violations

EPA Region 2 staff inspected the Facility on December 20, 2011, and again on February 15, 2012. During the first inspection, the EPA inspectors detected leaks at the door gasket, fittings/connections, filter gaskets/seatings, lint trap, and at the bottom of the carbon adsorber of the dry cleaning machine using a halogen leak detector.

During the second inspection, EPA inspectors measured PERC concentration inside the dry cleaning drum of a Bowe Permac P25 fourth generation machine. PERC levels peaked at 1405 ppmv at the completion of the dry cleaning cycle, an indication that the dry cleaning machinery is not being properly maintained according to manufacturer's specifications. A properly operated and maintained dry cleaning system of the type used by Top Cleaners would result in PERC concentrations of less than 300 ppmv. Therefore, this is a violation of 40 C.F.R. § 63.322(d).

Section 3: Actions to be Taken by Xin Xiang Jiang

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

- (1) Operate and maintain machinery according to manufacturer's specifications so that a PERC level above 300 ppmv is not present in the dry cleaning drum at the end of the dry cleaning cycle;
- (2) Hire a certified technician to inspect the Facility's dry cleaning equipment to determine if it is working properly;
- (3) Correct or repair any problems identified by the technician; and

- (4) Submit records (including repair receipts) to Kenneth Eng, 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, demonstrating that the actions listed above have been taken.

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

Section 4: Civil Penalty to be Paid by Xin Xiang Jiang

Penalty Amount: **\$750**

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-02-2014-1205**
- (2) You are required to send the check and the signed original of this ESA, at the same time, to the following EPA employee: Kenneth Eng, 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, EPA will sign the agreement and send it back to you for your records.

In the Matter of Top Cleaners CAA-02-2014-1205

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of Top 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: February 6, 2014



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

bcc: Aisha Sexton-Sims, DECA-ACB
Gaetano La Vigna, DECA-ACB
ACB Source File, DECA
Clara Beitin, ORC-Air
ORC-Air Chron File

Certificate of Service

I certify that on February 12, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1205, to be served on the following people in the manner listed below:

One Original and One Copy, by hand delivery to:

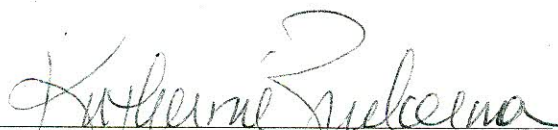
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy, by hand delivery to:

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

One Copy, by First Class Mail to:

Mr. Xin Xiang Jiang
Top Cleaners
7001 20th Avenue
Brooklyn, NY 11204



Katherine Zuckerman
Air Branch Secretary