



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY, 17th FLOOR
NEW YORK, NEW YORK 10007-1866

U.S. Environmental
Protection Agency-Reg 2
2014 APR 10 PM 2: 54
REGIONAL HEARING
CLERK

April 8, 2014

By First Class Mail

Mr. John Kang
Divine Touch Cleaners
2709 8th Avenue
New York, NY 10039

Re: Settlement of Clean Air Act Violations by Divine Touch Cleaners,
Docket No. CAA-02-2014-1202

Dear Mr. Kang:

Enclosed is a fully executed copy of the Expedited Settlement Agreement in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Clara Beitin".

Clara Beitin
Assistant Regional Counsel
Office of Regional Counsel, Air Branch

United States Environmental Protection Agency, Region 2

U.S. Environmental
Protection Agency-Reg 2

2014 APR 10 PM 2: 54

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations
by Mr. John Kang, doing business as Divine Touch Cleaners

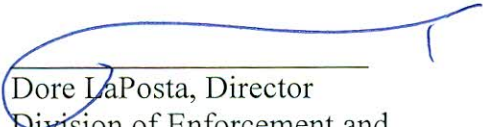
REGIONAL HEARING
CLERK

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 John Kang, doing business as Divine Touch Cleaners (DTC). The alleged violations are listed in Section 1 below and were discovered as a result of the United States Environmental Protection Agency (EPA) investigation described in Section 2 below.
2. Mr. Kang neither admits nor denies that he has committed the violations listed in Section 1 and neither admits nor denies the facts described in Section 2. However, Mr. Kang 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. Kang 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. Kang 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. Kang certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition, Mr. Kang 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. Kang 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. Kang. Together, the signed agreement and signed Final Order will commence and conclude EPA's CAA Section 113(d) civil administrative penalty proceeding against Mr. Kang.
6. If Mr. Kang 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. Kang 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 March 27, 2014

For Divine Touch Cleaners:



John Kang, Owner

Date 12/15/13

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 Mr. Kang has violated:

- 1) 40 CFR § 63.324(d)(1), by failing to maintain a log of perchloroethylene (Perc) purchased each month;
- 2) 40 C.F.R. § 63.324(d)(4), by failing to maintain a log of the dates of repair and records or written or verbal orders for repair parts; and
- 3) 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 Perc gas analyzer.

Section 2: Factual Basis for the Violations

EPA Region 2 staff inspected the Divine Touch dry cleaning facility on June 25, 2013. The facility did not have a halogen leak detector and did not check for leaks on a week or bi-weekly basis. The owner and operator stated that the last leak detection was done by the mechanic whose last visit was in April. Two leaks were detected by the EPA inspector at the door gasket.

The facility did have a copy of the owner's manual onsite. However, the owner stated that they could not find any records, including, Perc purchase, repair receipts, and Perc consumption logs. Since we have no reliable information as to the quantity of perc usage at your facility, EPA is making the assumption that the facility is a small area source.

Section 3: Actions to be taken by John Kang

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

- (1) Maintain a log of the volume of Perc purchased each month, as required by 40 CFR § 63.324(d)(1);
- (2) Calculate and record on a log, on the first day of each month, the total Perc purchased in the past year, as required by 40 C.F.R. § 63.324(d)(2);
- (3) Maintain a log of the dates when the dry cleaning system components are inspected for leaks, as specified in § 63.322(k), (l), or (o)(1), and the name or location of dry cleaning system components where leaks were detected, as required by § 63.324(d)(3);

- (4) Maintain a log of the dates of repair and records of written or verbal orders for repair parts, as required by § 63.324(d)(4);
- (5) Submit the first log entry created under items (1), (2), (3), and (4) 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, so as to demonstrate that Divine Touch has begun complying with the applicable provisions; and
- (6) Demonstrate the ownership of a halogenated hydrocarbon detector or a Perc gas analyzer by providing a purchase receipt.

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

Section 4: Civil Penalty to be Paid by John Kang

Penalty Amount: \$1,850

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-02-2014-1202**;
- (2) You are required to send the check and the signed original of this ESA, at the same time, to the following EPA employee: 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 a copy back to you for your records.

In the Matter of Divine Touch Cleaners CAA-02-2014- 1202

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of Divine Touch 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: April 2, 2014



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

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

Certificate of Service

I certify that on April 10, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1202, 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. John Kang
Divine Touch Cleaners
2709 8th Avenue
New York, NY 10039



Katherine Zuckerman
Air Branch Secretary