

United States Environmental Protection Agency, Region 2

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations
by Mr. Ting Huang, owner/operator of Wholesale Cleaners

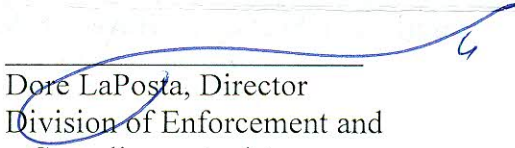
U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 FEB 13 A 11: 14
REGIONAL HEARING
CLERK

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 Ting Huang at Wholesale 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. Huang 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. Huang 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. Huang 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. Huang 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. Huang certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition, Mr. Huang 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. Huang 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. Huang. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Huang.
6. If Mr. Huang 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. Huang 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 Wholesale Cleaners:



Ting Huang, Owner

Date 12/28/13

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 Ting Huang 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, and at the muck cooker 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 Legend L40 fourth generation machine. PERC levels peaked at 2864 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 Wholesale 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 Ting Huang

To correct the violation identified in Section 1 above, Mr. Huang will take the following actions by no later than the date it 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, 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. Huang certifies under penalty of perjury that he has taken the actions listed in this Section 3.

Section 4: Civil Penalty to be Paid by Ting Huang

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-02-2014-1206**
- (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 Wholesale Cleaners CAA-02-2014-1206

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of Wholesale 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
Helen S. Ferrara
Regional Judicial Officer
United States Environmental
Protection Agency, Region 2

Expedited Settlement Agreement
EPA Index Number CAA-02-2014-1206

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-02-2014-1206, to be served on the following people in the manner listed below:

One Original and One Copy, by hand delivery to:

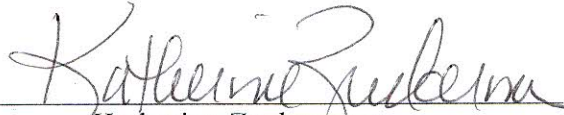
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

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. Ting Huang
Wholesale Cleaners
2227 65th Street
Brooklyn, NY 11204


Katherine Zuckerman
Air Branch Secretary