

United States Environmental Protection Agency, Region 2

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations
by Mr. Zianda Lin, owner/operator of K&L 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 Mr. Zianda Lin, the owner/operator of K&L Cleaners. 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. Lin 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. Lin 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. Lin 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. Lin 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. Lin certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition Mr. Lin 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. Lin 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. Lin. Together, the signed agreement and signed Final Order will commence and conclude EPA's CAA Section 113(d) civil administrative penalty proceeding against Mr. Lin.
6. If Mr. Lin 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.

AIR COMPLIANCE BR.

2014 JAN 24 AM 7: 12

1010

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. Lin 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 K&L Cleaners:



Zianda Lin, Owner

Date 1/20/14

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. Lin has violated:

- 1) 40 C.F.R. § 63.324(d)(2), by failing to maintain a log of the calculation and result of the yearly perchloroethylene consumption determined on the first day of each month;
- 2) 40 C.F.R. § 63.324(d)(3), by failing to maintain a log of dates when the dry cleaning system components are inspected for leaks, as specified in 40 C.F.R. § 63.322(k), (l), or (o)(1), and the name or location of dry cleaning system components where leaks are detected;
- 3) 40 C.F.R. § 63.323(a)(2)(i), by failing to install and operate each temperature sensor in accordance with manufacturer's specifications, designed to measure a temperature range from 0°C (32°F) to 48.9°C (120°F) to an accuracy of $\pm 1.1^\circ\text{C}$ ($\pm 2^\circ\text{F}$);
- 4) 40 C.F.R. § 63.322(d), by failing to operate and maintain machinery according to manufacturer's specifications.

Section 2: Factual Basis for the Violations

EPA Region 2 staff inspected the Facility on December 20, 2011, and again on February 23, 2012. During the first inspection, EPA inspectors noticed PERC odors inside the facility. They detected leaks at fittings/connections, and at the carbon adsorber sample port using a halogen leak detector. There were no total PERC consumption records for the previous 6 months, a violation of 40 C.F.R. § 63.324(d)(2). In addition, no weekly maintenance records were found for 2011. Although the facility operator stated that a weekly leak detection program is conducted, there were no records of such. In fact, the owner stated that he did not remember the last time he used his halogen leak detector. This constitutes a violation of 40 C.F.R. § 63.324(d)(3); failure to maintain a log of dates when the dry cleaning system components are inspected for leaks, and the name or location of dry cleaning system components where leaks (if any) are detected.

Temperature records before 2011 were recorded as 0°F for the previous 5 years. Temperature measurements should be within the range of 32°F -120°F. Since temperature measurements were consistently out of range, this is an indication of faulty installation or operation of temperature sensors, a violation of 40 C.F.R. § 63.323(a)(2)(i). During the second inspection of the facility, PERC levels peaked at 2243 ppmv at the completion of the dry cleaning cycle, an indication that the dry cleaning machinery is not being properly maintained according manufacturer's specifications. Hence, this is a violation of 40 C.F.R. § 63.322(d).

Section 3: Actions to be taken by Mr. Lin

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

- (1) Maintain a log of the calculation and result of the yearly perchloroethylene consumption determined on the first day of each month as specified in 40 C.F.R. § 63.323(d) according to 40 C.F.R. § 63.324(d)(2);
- (2) Maintain a log of dates when the dry cleaning system components are inspected for leaks, as specified in 40 C.F.R. § 63.322(k), (l), or (o)(1), and the name or location of dry cleaning system components where leaks are detected;
- (3) Install and operate each temperature sensor in accordance with manufacturer's specifications, designed to measure a temperature range from 0°C (32°F) to 48.9°C (120°F) to an accuracy of $\pm 1.1^\circ\text{C}$ ($\pm 2^\circ\text{F}$) in accordance with 40 C.F.R. § 63.323(a)(2)(i);
- (4) 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;
- (5) Hire a certified technician to inspect the Facility's dry cleaning equipment to determine if it is working properly;
- (6) Correct or repair any problems identified by the technician; and
- (7) Submit records (including repair receipts, and the first log entry created under items (1) and (2) above) 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, Zianda Lin certifies under penalty of perjury that he has taken the actions listed in this Section 3.

Section 4: Civil Penalty to be Paid by Mr. Lin

Penalty Amount: **\$2,750**

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-02-2014-1208**;
- (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 K&L Cleaners CAA-02-2014-1208

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of K&L 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

Certificate of Service

I certify that on February 12, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1208, to be served on the following people in the manner listed below:

One Original and One Copy, by hand delivery to:

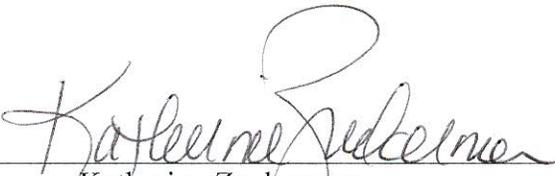
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

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. Zianda Lin
K & L Cleaners
111 Avenue O
Brooklyn, NY 11204-6597


Katherine Zuckerman
Air Branch Secretary