



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2007 JUL 12 AM 11:32
REGIONAL HEARING
CLERK

JUL 11 2007

Mr. Manuel Ortega
Cary's Dry Cleaners
631 Willow Avenue
Hoboken, New Jersey 07030

Re: CAA-02-2007-1208

Dear Sir:

I am enclosing your copy of the Consent Agreement and Order that concludes this matter.
Please call me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink that reads "John F. Dolinar".

John F. Dolinar
Assistant Regional Counsel

enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2007 JUL 12 AM 11:32
REGIONAL HEARING
CLERK

In the Matter of:
Cary's Dry Cleaners
Respondent

CONSENT AGREEMENT AND FINAL ORDER
CAA-02-2007-1208

In a proceeding under
Section 113(d) of the Clean
Air Act, 42 U.S.C. § 7413(d)

PRELIMINARY STATEMENT

This Consent Agreement settles the Complaint and Notice of Opportunity for Hearing, CAA-02-2007-1208. The United States Environmental Protection Agency (EPA) issued the Complaint to Cary's Dry Cleaners (Respondent), on June 15, 2006.

Respondent is located at 631 Willow Avenue, Hoboken, NJ 07030. In the Complaint, EPA alleged violations and proposed penalties for Respondent's violations of EPA's "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities," 40 C.F.R. Part 63, Subpart M.

In the Complaint CAA-02-2007-1208, EPA alleged that Respondent had violated the following sections of 40 C.F.R. Part 63, Subpart M:

Section 63.322(j) - by failing to store all perchloroethylene and wastes that contain perchloroethylene in solvent tanks or solvent containers with no perceptible leaks;

Section 63.324(d) - by failing to keep receipts of perchloroethylene purchased on site for a period of five years and by failing to show such log to EPA upon request;

Section 63.324(d)(1) - by failing to keep a log of the volume of perchloroethylene that it purchased each month and by failing to maintain such log on site for a period of five years and by failing show such log to EPA upon request;

Section 63.324(d)(2) - by failing to keep a log of the yearly consumption of perchloroethylene and by failing to maintain such log on site for a period of five years and by failing show such log to EPA upon request;

Section 63.324(d)(3) - by failing to keep a log of the dates when the dry cleaning system components are inspected for perceptible leaks which included the name or location of components where perceptible leaks are detected and by failing to maintain such log on site for a period of five years and by failing to show such log to EPA upon request;

Section 63.324(d)(5) - by failing to keep a log of the date and temperature monitoring results for the refrigerated condenser and by failing to maintain such log on site for a period of five years and by failing to show such log to EPA upon request.

The parties wish to settle these cases expeditiously and without further litigation.

CONSENT AGREEMENT

1. Based on the foregoing, and in accordance with federal laws and regulations, EPA and Respondent, by their undersigned representatives, consent and agree to the terms of this Consent Agreement.
2. EPA has authority to assess a civil penalty for the violations that are alleged in EPA's Complaint under Section 113(d) of the Clean Air Act.
3. Respondent neither admits nor denies the factual allegations contained in the Complaint, and admits the jurisdictional allegations in the Complaints.
4. Respondent asserts that at the time it executes this Consent Agreement and Final Order; it is in compliance with 40 C.F.R. Part 63, Subpart M.
5. Respondent agrees to pay, a civil penalty in the amount of \$704 (seven hundred four dollars) which shall be made in one (1) payment within 90 days from the date the EPA issues the attached Final Order. Such payment shall be made by means of

cashiers' or certified check payable to the "Treasurer, United States of America," marked with the CAA-02-2007-1208. The check must be mailed to:

Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

6. A copy of the check and any transmittal letter shall be sent to each of the following individuals:

John Dolinar, Esq.
Office of Regional Counsel, Air Branch
U.S. Environmental Protection Agency - Region 2
290 Broadway – 16th Floor
New York, NY 10007-1866

and

Karl Mangels, Chief
Stationary Source Compliance Section
Air Compliance Branch
U.S. Environmental Protection Agency - Region 2
290 Broadway – 21st Floor
New York, NY 10007-1866

and

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

7. Full and complete payment in compliance with this Consent Agreement and Final Order is in full settlement of all civil claims alleged in the Complaint.

8. If Respondent fails to make full and complete payment of the penalty agreed upon in this Consent Agreement and required by the Final Order, this case may be referred by EPA to the United States Department of Justice and/or the United States Department of the Treasury for collection.

9. If full and complete payment is not received on or before the due date, Respondent will also owe interest on the overdue amount of the penalty at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, for the period from the date that payment is due through the date when it is paid in full. In addition, a late payment handling charge of \$15.00 will be assessed for the 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. Further, if payment is not received by the due date, a quarterly nonpayment penalty will be imposed under Section 113(d)(5) of the Clean Air Act for each calendar quarter during which such nonpayment persists. The quarterly nonpayment penalty is 10% of the aggregate amount of penalties and quarterly nonpayment penalties that are unpaid as of the beginning of such quarter. Respondent may also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs for collection proceedings in connection with nonpayment.

10. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full settlement of all civil liabilities alleged in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consents to its issuance and its terms.

11. Nothing in this Consent Agreement and Final Order shall relieve Respondent of the duty to comply with all applicable provisions of the Clean Air Act and other environmental laws, nor shall this Consent Agreement and Final Order affect the right of the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

12. Respondent explicitly waives its rights to contest the allegations in the Complaint, request a hearing on the Complaint, this Consent Agreement or the attached Final Order and agrees to pay the penalty amount set forth in this Consent Agreement.

13. Each party shall bear its own costs and attorneys' fees in the action resolved by this Consent Agreement.

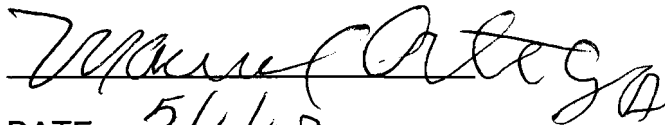
14. Respondent waives any rights which it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any

memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to recommend that such official accept this Consent Agreement and issue the attached Final Order.

15. This Consent Agreement shall be binding on Respondent and its successors and assigns.

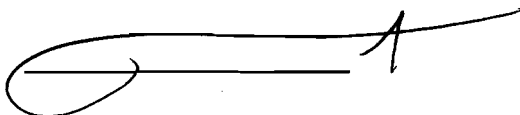
16. The undersigned representative of each party to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and conditions of this Consent Agreement and bind that party to it.

FOR RESPONDENT, Manuel Ortega, Owner



DATE: 5/1/07

FOR COMPLAINANT:



PATRICIA DUFFALO
FOR DL

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway – 21st Floor
New York, NY 10007-1866

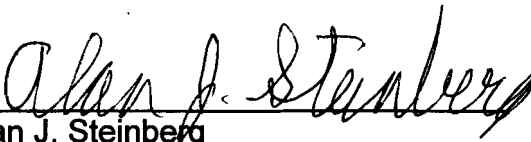
DATE: JUNE 18, 2007

TO: Manuel Ortega, Owner
Cary's Dry Cleaners
631 Willow Avenue
Hoboken, NJ 07030

FINAL ORDER

The Regional Administrator of EPA, Region 2, concurs in the foregoing Consent Agreement, Docket No. CAA-02-2007-1208, for Cary's Dry Cleaners. The Agreement entered into by the parties is hereby approved and issued, as an Order, effective immediately.

DATE: July 8, 2007


Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, New York 10007-1866

CERTIFICATE OF SERVICE

In re: Cary's Dry Cleaners
CAA-02-2007-1208

I certify that I have this day, July 11, 2007, caused to be sent the foregoing fully executed CONSENT AGREEMENTS AND FINAL ORDERS, bearing the above-referenced docket numbers, in the following manner to the respective addressees below:

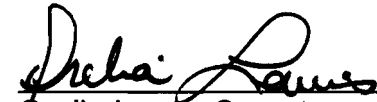
Original and One Copy by Hand To:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection
Agency – Region 2
Office of Regional Counsel
290 Broadway – 16th Floor
New York, New York 10007

Copy by Certified Mail
Return Receipt Requested To:

Mr. Manuel Ortega
Cary's Dry Cleaners
631 Willow Avenue
Hoboken, New Jersey 07030

Dated: July 11, 2007
New York, New York


Orelia Lewis, Secretary