

United States Environmental Protection Agency, Region 2

**Expedited Settlement Agreement**  
**for Violations of the Clean Air Act's Dry Cleaning Regulations**  
**by Mr. Han Woo Bang, owner/operator of Broadway Cleaners**

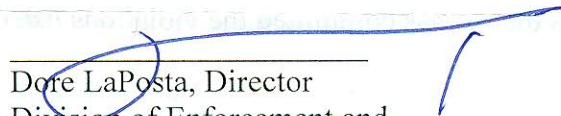
U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2011 FEB 13 A 11: 14  
REGIONAL HEARING  
CLERK

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. Han Woo Bang, the owner/operator of Broadway Cleaners (Broadway). 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. Bang 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. Bang 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 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. Bang 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. Bang certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition, Mr. Bang 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. Bang 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. Bang. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Bang.
6. If Mr. Bang 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. Bang from complying with all applicable laws and regulations.

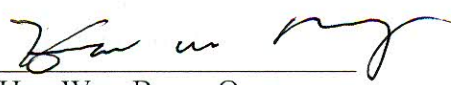
Signatures

For the EPA:

  
\_\_\_\_\_  
Dore LaPosta, Director  
Division of Enforcement and  
Compliance Assistance  
United States Environmental  
Protection Agency, Region 2

Date FEBRUARY 3, 2014

For Broadway Cleaners:

  
\_\_\_\_\_  
Han Woo Bang, Owner

Date 12/21/2013

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. Bang has violated:

- 1) 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;
- 2) 40 C.F.R. § 63.324(d)(2), by failing to maintain a log of the calculation and result of the yearly perchloroethylene (PERC) consumption determined on the first day of each month;
- 3) 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 14, 2011, and again on February 21, 2012. During the first inspection, the EPA inspectors noticed PERC odors inside the facility. They detected leaks at the door gasket, carbon adsorber, and lint trap using a halogen leak detector. The facility did not have weekly maintenance / leak detection records. Therefore, the owner failed to maintain a log of dates when the dry cleaning system components are inspected for leaks, a violation of 40 C.F.R. § 63.324(d)(3). Additionally, no PERC consumption records were found on-site for the previous 12 months. This is a violation of 40 C.F.R. § 63.324(d)(2).

During the second inspection of the facility, EPA inspectors measured PERC concentration inside the dry cleaning drum of a Lindus ML45 fourth generation machine. PERC levels peaked at 986.5 ppmv at the completion of the dry cleaning cycle, an indication that the dry cleaning system is not operating in accordance with manufacturer's specifications. A properly operated and maintained dry cleaning system of the type used by Broadway Cleaners would result in PERC concentrations of less than 300 ppmv. This is a violation of 40 C.F.R. § 63.322(d).

**Section 3: Actions to be taken by Mr. Bang**

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

- (1) 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;
- (2) 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);
- (3) 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;
- (4) Hire a certified technician to inspect the Facility's dry cleaning equipment to determine if it is working properly;
- (5) Correct or repair any problems identified by the technician; and
- (6) 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, Han Woo Bang 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. Bang**

Penalty Amount: **\$1,750**

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-02-2014-1207** :
- (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 Broadway Cleaners CAA-02-2014-1207*

**FINAL ORDER**

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

Certificate of Service

I certify that on February 12, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1207, 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, 16<sup>th</sup> 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, 16<sup>th</sup> Floor  
New York, NY 10007-1866

*One Copy, by First Class Mail to:*

Mr. Han Woo Bang  
Broadway Best Cleaners  
3458 Broadway #141  
New York, NY 10031

  
Katherine Zuckerman  
Air Branch Secretary