

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
MAR 27 P 2:47
REGIONAL HEARING
CLERK

United States Environmental Protection Agency, Region 2

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations

1. The purpose of this Expedited Settlement Agreement (ESA) is to settle alleged civil violations of the Clean Air Act (CAA) and its implementing regulations by Mr. Young Geun Cho (Mr. Cho), the owner/operator of Monarch Cleaners. The alleged violation is listed in Section 1 below and was documented during the United States Environmental Protection Agency (EPA) investigations described in Section 2 below.
2. Mr. Cho neither admits nor denies that it has committed the violation listed in Section 1 and neither admits nor denies the facts described in Section 2. However, Mr. Cho 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. Cho for the alleged violation, as well as the authority to resolve this alleged violation by executing this ESA.
3. To settle the alleged violation and avoid litigation, Mr. Cho agrees to: (a) take the corrective actions listed in Section 3 below, and (b) pay the civil penalty identified in Section 4 below by following the payment instructions contained in Section 4.
4. By signing this ESA, Mr. Cho certifies under penalty of perjury that he has completed the action(s) described in Section 3. In addition, Mr. Cho 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. Cho takes the action(s) 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. Cho. Together, the signed agreement and signed Final Order will commence and conclude EPA's CAA Section 113(d) civil administrative penalty proceeding against Mr. Cho.
6. If Mr. Cho fails to pay the civil penalty required by this ESA in full and on time, or fails to take the action(s) specified in Section 3, EPA may refer this matter to the United States Department of Justice and/or the United States Department of 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 agreement and bind that party to it.

8. Nothing in this ESA excuses Mr. Cho or Monarch Cleaners from complying with all applicable laws and regulations.

Signatures

For the EPA:



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

Date 2/26/13

For Mr. Young Geun Cho:

KIM, Kyoung Yoon



Young Geun Cho

Date 02/11/2013

Enclosures:

- (1) Sections 1-4
- (2) Final Order

Section 1: List of Violations:

EPA finds that Mr. Cho violated, and is in violation of:

- 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.

Section 2: Factual Basis for the Violations:

EPA Region 2 staff inspected Monarch Cleaners twice on February 15, 2012, first around 11:15 a.m. and second around 3 p.m. During both inspections, the EPA inspector used a photo ionization detector (PID) to measure perchloroethylene (Perc) concentrations inside Monarch's dry cleaning machine after the end of a cleaning cycle. In the morning, the PID detected a Perc concentration of 2189 parts per million (ppm). In the afternoon, the PID detected a Perc concentration of 1840 ppm. Upon learning of the afternoon reading, a Monarch Cleaners representative told the EPA inspector that she should come back later to obtain better readings, after Monarch had cleaned the lint filter and other items.

After the February 15, 2012, inspection, EPA called Monarch to obtain the make and serial number of the dry cleaning machine in use at the facility. EPA then called the manufacturer of that machine, Fibrimatic, to obtain the maintenance manual for that machine. The maintenance manual – a copy of which is enclosed with this expedited settlement agreement – indicates that the machine's primary air filter should be removed and cleaned at the end of each cleaning cycle and that the machine's secondary air filter should be removed and cleaned weekly.

Based on the February 15, 2012, readings and the Monarch Cleaner representative's statement about cleaning the filter, EPA has concluded that Mr. Cho, the owner and operator of Monarch Cleaners, has not followed the manufacturer's recommendations with respect to filter cleanings.

Section 3: Actions to be taken by Monarch Cleaners:

To correct the violation identified in Section 1 above, Mr. Cho will take the following action(s) by no later than the date it signs this ESA:

- Operate and maintain Monarch's dry cleaning equipment according to the manufacturer's specifications and recommendations, including but not limited to (i) cleaning the dry cleaning machine's primary air filter after each dry cleaning cycle and (ii) cleaning the machines' secondary air filter weekly.

By signing this ESA, Mr. Cho certifies under penalty of perjury that he has taken the action(s) listed in this Section 3.

Section 4: Civil Penalty to be Paid by Mr. Young Geun Cho:

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-02-2013-1202**
- (2) You are required to send the check and the signed original of this Expedited Settlement Agreement, at the same time, to the following address: 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 Expedited Settlement Agreement to EPA within forty-five (45) days of receiving this settlement offer from EPA.
- (4) After EPA receives the check and the signed Expedited Settlement Agreement from you, along with the records showing that the violation have been corrected, the Complainant will sign the agreement and send it back to you for your records.

In the Matter of Mr. Young Geun Cho, EPA Docket No. CAA-02-2013-1202:

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of Mr. Young Geun Cho. 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: March 26, 2013

Helen S. Ferrara

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

Certificate of Service

I certify that on March 27, 2013, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2013-1202, to be served on the following people in the manner listed below:

✓ *One Original and One Copy, by hand delivery to:*

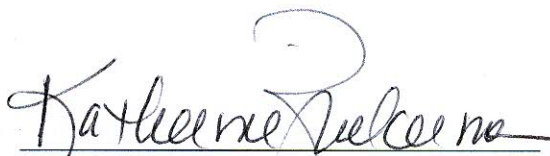
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

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:

Young Guen Cho
c/o Kyoung Youn Kim
Monarch Cleaners
3507 Broadway
New York, NY 10031


Katherine Zuckerman
Air Branch Secretary