



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY, 17th FLOOR  
NEW YORK, NEW YORK 10007-1866

U.S. Environmental  
Protection Agency-Reg 2  
2014 APR 10 PM 2:55  
REGIONAL HEARING  
CLERK

April 8, 2014

*By First Class Mail*

Mr. Daniel Brown  
Galaxy Star of NY Corp.  
212 Willis Avenue  
Bronx, NY 10454

Re: Settlement of Clean Air Act Violations by Galaxy Star of NY Corp.,  
Docket No. CAA-02-2014-1201

Dear Mr. Brown:

Enclosed is a fully executed copy of the Expedited Settlement Agreement in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Clara Beitin".

Clara Beitin  
Assistant Regional Counsel  
Office of Regional Counsel, Air Branch

United States Environmental Protection Agency, Region 2

**Expedited Settlement Agreement**  
**for Violations of the Clean Air Act's Dry Cleaning Regulations**  
**by Mr. Daniel Brown, doing business as Galaxy Star of NY Corp.**

U.S. Environmental  
Protection Agency-Reg 2

2014 APR 10 PM 2: 55


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 Daniel Brown, doing business as Galaxy Star of NY Corp. 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. Brown 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. Brown 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. Brown 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. Brown 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. Brown certifies under penalty of perjury that he has completed the actions described in Section 3 below. In addition, Mr. Brown 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. Brown 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. Brown. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Brown.
6. If Mr. Brown 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. Brown 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 March 27, 2014

For Galaxy Star of NY Corp.:

  
\_\_\_\_\_  
Daniel Brown, Owner

Date 3/13/14

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. Brown has violated 40 CFR § 63.324(e), by failing to maintain, at his 212 Willis Avenue dry cleaning facility, a copy of the design specifications and operating manuals for each of the facility's dry cleaning systems and emission control devices.

**Section 2: Factual Basis for the Violation**

EPA Region 2 staff inspected the Facility on December 14, 2011. The facility uses a Sailstar P440 fourth generation machine. Based on the perc usage records observed during the inspection, the facility is a small area source. EPA staff asked the facility staff, including Daniel Brown, to produce a copy of the operating manual for the machine, but the facility did not have the manual on site. This is a violation of 40 CFR § 63.324(e).

**Section 3: Actions to be taken by Daniel Brown**

To correct the violation identified in Section 1 above, Mr. Brown agrees to take the following actions by no later than the date he signs this ESA:

- (1) Obtain copies of the design specifications and operating manuals for each dry cleaning system and each emission control device at the 212 Willis Avenue facility;
- (2) Submit a copy of the manual(s) mentioned in item (1) 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, so as to demonstrate that item (1) has been performed.

By signing this ESA, Mr. Brown certifies under penalty of perjury that he has taken the actions listed in this Section 3.

**Section 4: Civil Penalty to be Paid by Daniel Brown**

Penalty Amount: **\$400**

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-02-2014-1201**;
- (2) You are required to send the check and the signed original of this ESA, at the same time, to the following EPA employee: 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 a copy back to you for your records.

*In the Matter of Galaxy Star Cleaners CAA-02-2014-1201*

**FINAL ORDER**

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of Galaxy Star 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: April 2, 2014

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

**Certificate of Service**

I certify that on April 10, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1201, 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. Daniel Brown  
Galaxy Star of NY Corp.  
212 Willis Avenue  
Bronx, NY 10454

  
Katherine Zuckerman  
Air Branch Secretary