

United States Environmental Protection Agency, Region 2

Expedited Settlement Agreement
for Violations of the Clean Air Act's Dry Cleaning Regulations
by Mr. Louis Romero, owner/operator of FLR Cleaners

REGIONAL HEARING
CLERK

2014 MAY 30 PM 3:00

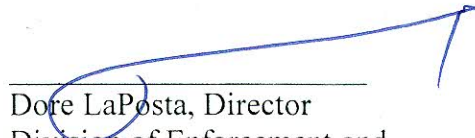
U.S. Environmental
Protection Agency-Reg 2

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 Louis Romero at FLR Cleaners (FLR). 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. Romero 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. Romero 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. Romero 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. Romero agrees to pay the civil penalty listed in Section 3 below, and follow the payment instructions in Section 3.
4. By signing this ESA, Mr. Romero certifies under penalty of perjury that he is operating the dry cleaning facility as a drop-off establishment. In addition, Mr. Romero 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. Romero 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. Romero. Together, the signed agreement and signed Final Order will commence and conclude EPA’s CAA Section 113(d) civil administrative penalty proceeding against Mr. Romero.
6. If Mr. Romero fails to pay the civil penalty required by this ESA in full and on time, 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. Romero 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 MAY 23, 2014

For FLR Cleaners:



Louis Romero, Owner

Date 05-08-14

Enclosures:

- (1) Sections 1-3
- (2) Final Order

Section 1: List of Violations

Based on the facts described in Section 2 below, EPA finds that Mr. Romero has violated:

- 1) 40 CFR § 63.324(d)(1), by failing to maintain a log of perchloroethylene (Perc) purchased each month.

Section 2: Factual Basis for the Violation

EPA Region 2 staff inspected the Facility on December 14, 2011, and again on February 15, 2012. During the first inspection, the facility did not have the past 12-months of PERC usage/consumption recorded. This is a violation of 40 C.F.R. § 63.324(d)(1) and 40 C.F.R. § 63.324(d)(2). In addition, EPA inspectors detected leaks at the top of the carbon adsorber.

In the second inspection on 2/15/12, the machine was not in use and no PERC odors were detected. The owner stated that the facility no longer does dry cleaning on the premises as of 12/31/11, and they are now only a drop-off shop. Since the facility has converted to a drop-off shop, EPA will not pursue records demonstrating repair of the leaks detected on 12/14/11.

Section 3: Civil Penalty to be Paid by Louis Romero

Penalty Amount: \$500

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-02-2014-1203**;
- (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, EPA will sign the agreement and send it back to you for your records.

In the Matter of FLR Cleaners CAA-02-2014-1203

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement, in the matter of FLR 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: May 29, 2014


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

Certificate of Service

I certify that on May 30, 2014, I caused the foregoing fully-executed Expedited Settlement Agreement and Final Order in CAA-02-2014-1203, to be served on the following people in the manner listed below:

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

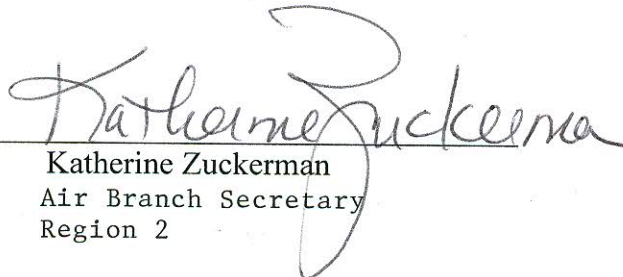
Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

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. Louis Romero
FLR Cleaners
3345 Broadway
New York, NY 10031


Katherine Zuckerman
Air Branch Secretary
Region 2