



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2009

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Douglas Pfeffer
Pfeffer's Cleaners.
2490 County Road East
White Bear Lake, Minnesota 55110

Dear Mr. Pfeffer:

Enclosed is the Administrative Consent Order (ACO) which resolves the Finding of Violation issued to Pfeffer's Cleaners on January 23, 2009 and will bring Pfeffer's Cleaners into compliance with the Clean Air Act.

The terms of this Order become effective on the date of signature by the Director, and are binding for one year from the effective date. Failure to comply with this Order may subject Pfeffer's Cleaners to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Ms. Padmavati Bending, Associate Regional Counsel, at (312) 886-3850, or Mr. Nathan Frank, of my staff, at (312) 353-8917.

Sincerely,

A handwritten signature in black ink that reads "William MacDowell".

William MacDowell, Chief
Air Enforcement and Compliance Assurance Section (OH/MN)

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-09-113(a)MN-06
)	
Pfeffer's Cleaners)	Proceeding Under Sections 113(a)(3),
White Bear Lake, Minnesota)	114(a)(1) of the Clean Air Act
)	42 U.S.C. §§ 7413(a)(3), 7414(a)(1)
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Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5, is issuing this Order to Pfeffer's Cleaners under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Dry Cleaning Facilities at 40 C.F.R. §§ 60.320 through 60.326. The NESHAP for Dry Cleaning Facilities applies to all dry cleaning facilities that use perchloroethylene.

3. The NESHAP, at 40 C.F.R. § 63.322(o)(3), prohibits the owner or operator of any dry cleaning facility from operating any transfer machine. A "transfer machine" is a multiple-machine dry cleaning operation in which washing and drying are performed in different machines.

4. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air

and Radiation Division.

5. The Administrator of EPA may require any person who owns or operates an emission source to make reports and to provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

6. Pfeffer's Cleaners owns and operates a dry cleaning facility at 2490 County Road East, White Bear Lake, Minnesota.

7. Pfeffer's Cleaners uses perchloroethylene at its dry cleaning facility. Therefore, Pfeffer's Cleaners is subject to the NESHAP for dry cleaning facilities at 40 C.F.R. §§ 60.320 through 60.326, including the prohibition against operating transfer machines at 40 C.F.R. § 63.322(o)(3).

8. Pfeffer's Cleaners owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Pfeffer's Cleaners is subject to the requirements of Section 114(a)(1).

9. On January 23, 2009, EPA issued to Pfeffer's Cleaners a finding of violation alleging that it violated the NESHAP for dry cleaning facilities by operating a transfer machine.

10. On February 25, 2009, representatives of Pfeffer's Cleaners and EPA discussed the January 23, 2009 finding of violation.

11. Pfeffer's Cleaners violated the NESHAP for dry cleaning facilities at 40 C.F.R. § 63.322(o)(3).

Compliance Program

12. By the effective date of this Order, Pfeffer's Cleaners must achieve, demonstrate, and maintain compliance with the NESHAP for dry cleaning facilities at its White Bear Lake, Minnesota facility.

13. By no later than the effective date of this Order, Pfeffer's Cleaners must cease and desist all operation of the transfer machine at its White Bear Lake, Minnesota dry cleaning facility.

14. By no later than September 1, 2009, Pfeffer's Cleaners must dismantle and permanently remove the transfer machine from the premises of its White Bear Lake, Minnesota dry cleaning facility.

15. By no later than October 1, 2009, Pfeffer's Cleaners must submit to EPA a scrap certificate or other documentary proof that it satisfied Paragraph 14 above, under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

16. Pfeffer's Cleaners must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

17. This Order does not affect Pfeffer's Cleaners' responsibility to comply with other federal, state, and local laws.

18. This Order does not restrict EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

19. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Pfeffer's Cleaners violation of the NESHAP for dry cleaning facilities.

20. Failure to comply with this Order may subject Pfeffer's Cleaners to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

21. The terms of this Order are binding on Pfeffer's Cleaners, its assignees and successors. Pfeffer's Cleaners must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

22. Pfeffer's Cleaners may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Pfeffer's Cleaners fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

23. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring

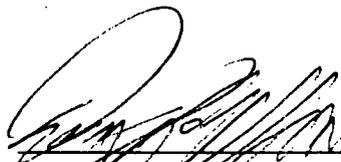
binders are acceptable.

24. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

25. Pfeffer's Cleaners agrees to the terms of this Order.

26. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Pfeffer's Cleaners has complied with all terms of the Order throughout its duration.

6-5-09
Date



Douglas Pfeffer
Proprietor
Pfeffer's Cleaners

6/18/09
Date



Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

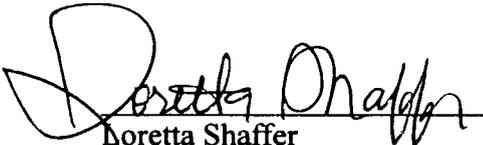
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-09-113(a)MN-06, by Certified Mail, Return Receipt Requested, to:

Douglas Pfeffer
Pfeffer's Cleaners
2490 County Road East
White Bear Lake, Minnesota 55110

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. EPA-5-09-113(a)MN-06, by First Class Mail to:

Jeff Connell, Manager
Compliance and Enforcement Section
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

on the 19 day of JUNE 2009.


Loretta Shaffer
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 1765