

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY OHIO E.P.A.

In the Matter of:

SEP -6 2012

ENTERED DIRECTOR'S JOURNAL

Young S. Lee, d.b.a. Sylvan Cleaners :
4900 North McCord Road :
Sylvania, Ohio 43560 :

Director's Final Findings
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Young S. Lee, d.b.a. Sylvan Cleaners ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and heirs and successors in interest liable under Ohio law. No change in ownership of the Respondent's facility as hereinafter defined shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. The City of Toledo Division of Environmental Services ("TES") is the contractual representative of Ohio EPA in Lucas County.

2. Respondent owns and operates a perchloroethylene ("PCE") dry cleaning facility ("Facility"), as defined in Ohio Administrative Code ("OAC") Rule 3745-21-01(K)(5), located at 4900 North McCord Road, Sylvania, Lucas County, Ohio. At the Facility, Respondent employs a PCE dry-to-dry cleaning machine (emissions unit D001). The Facility dry cleans at least 60,000 pounds of fabric annually using PCE. This Facility meets the definition of an "air contaminant source" and is subject to OAC Chapter 3745-21. The

Facility is located in Lucas County; therefore, it is subject to all relevant regulations listed in OAC Rule 3745-21-09(A)(1). As a PCE dry cleaning facility, it is also subject to regulations found in the Code of Federal Regulations ("CFR"), specifically 40 CFR Part 63, Subpart M, which pertain to the National Emission Standards for Hazardous Pollutants ("NESHAP").

3. The Facility was issued Permit to Install and Operate ("PTIO") number P0103724 for emissions unit D001 on August 12, 2008. All PTIOs are issued by Ohio EPA pursuant to ORC Chapter 3704.

4. ORC § 3704.05(C) states that no person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms and conditions.

5. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Chapter 3745-21 was adopted by the Director pursuant to ORC Chapter 3704.

Failure to perform monthly inspections of emissions unit D001 with a halogenated hydrocarbon detector or PCE gas analyzer for the Facility

6. Section C, terms d)(1) and d)(2) of Respondent's PTIO require monthly inspections of emissions unit D001 with a halogenated hydrocarbon detector or a PCE gas analyzer to measure leaks of PCE.

7. Facility inspections of April 29, 2009 and May 11, 2011 by TES personnel as well as the 2009 annual Permit Evaluation Report (PER) indicated that the required monthly inspections with a halogenated hydrocarbon detector or a PCE gas analyzer of emissions unit D001 were not performed during the periods of August 2008 to April 2011, in violation of the PTIO terms and conditions and ORC § 3704.05(C).

8. Notice of Violation ("NOV") letters were sent to Respondent for the above-mentioned violations on May 5, 2009 and May 17, 2010.

9. As of May 11, 2011, Respondent had purchased a halogenated hydrocarbon detector and performed leak inspections for the month of May 2011, in compliance with the terms and conditions of Respondent's PTIO.

Failure to maintain records of bi-weekly visual inspections of equipment for the Facility

10. OAC Rule 3745-21-09(AA)(4)(b) requires that a record be kept of the results of visual leak inspections conducted in accordance with OAC Rule 3745-21-09(AA)(3). Respondent's PTIO requires that records be kept of the results of biweekly visual leak inspections conducted in accordance with Section C, term d)(1) of Respondent's PTIO. OAC Rule 3745-21-09(AA)(4)(b) and Respondent's PTIO require that such records are to be kept for at least three years and five years, respectively, and that they must be available

for inspection by TES and/or Ohio EPA at any reasonable time.

11. Facility inspections of April 29, 2009 and May 11, 2011 by TES personnel found that the above-mentioned records were not kept from August 12, 2008 to May 11, 2011, in violation of the PTIO terms and conditions, OAC Rule 3745-21-09(AA)(4)(b), and ORC § 3704.05(C) and (G).

12. NOV letters were sent to Respondent for the above-mentioned violations on May 5, 2009 and May 17, 2011.

Failure to submit timely annual Permit Evaluation Reports ("PERs") for the Facility

13. The Authorization section of Respondent's PTIO requires Respondent to submit an annual Permit Evaluation Report every May 15 for the period of April 1 of the preceding year to March 31 of the current year. Respondent's PERs for the periods of April 1, 2009 to March 31, 2010, and April 1, 2010 to March 31, 2011 were due by May 15, 2010 and May 15, 2011, respectively.

14. Respondent's PER for 2009 was received on December 10, 2010, 212 days past the submission deadline of May 15, 2010, in violation of the PTIO terms and conditions and ORC § 3704.05(C). Respondent's PER for 2010 was received on January 6, 2012, 236 days past the submission deadline of May 15, 2011, in violation of the PTIO terms and conditions and ORC § 3704.05(C).

15. NOV letters were sent by TES to Respondent for the above-mentioned violations on December 13, 2010 and January 4, 2012.

Failure to record the volume of PCE purchased each month for the Facility

16. Section C, term d)(4)b. of Respondent's PTIO requires that records be kept of the volume of PCE purchased each month, in gallons. Such records are to be kept for at least five years and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

17. The April 29, 2009 inspection of the Facility by TES personnel revealed that records of the volume of PCE purchased were not being kept from the period of August 2008 to April 2009, in violation of the terms and conditions of Respondent's PTIO and ORC § 3704.05(C).

18. A NOV letter was sent by TES to Respondent for the above-mentioned violations on May 5, 2009. An inspection of the Facility by TES on May 11, 2011 found that Respondent was keeping monthly records of PCE purchases, in compliance with the terms and conditions of Respondent's PTIO.

Failure to keep records of PCE consumption for the Facility

19. Section C, term d)(4)c. of Respondent's PTIO requires the calculation of the yearly PCE consumption (with a 12-month rolling summation) on the first day of every month. Such records are to be kept for at least five years and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

20. OAC Rule 3745-21-09(AA)(4)(d) also requires that the owner or operator of a dry cleaning facility keep records of the annual usage of PCE, in gallons. Such records are to be kept for at least three years and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

21. TES inspections of April 29, 2009 and May 11, 2011 found that Respondent did not keep records of the volume of PCE used each month and year, and of the 12-month rolling summation during the periods of September 1, 2008 to May 1, 2011, in violation of the PTIO terms and conditions, OAC Rule 3745-21-09(AA)(4)(b), and ORC § 3704.05(C) and (G).

Failure to maintain temperature and pressure records of the air and PCE gas stream for the Facility

22. Section C, term d)(4)f. of Respondent's PTIO requires weekly records be maintained of the data collected from the temperature and pressure monitoring gauges on the air-PCE gas outlet stream. Respondent's PTIO requires that such records are to be kept for at least five years and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

23. TES inspections of April 29, 2009 and May 11, 2011 found that Respondent did not keep the above-mentioned temperature and pressure records for the period of August 12, 2008 to May 11, 2011, in violation of the terms and conditions of Respondent's PTIO and ORC § 3704.05(C).

24. NOV letters were sent to Respondent for the above-mentioned violations on May 5, 2009 and May 17, 2011.

Failure to keep a record of control equipment maintenance performed for the Facility

25. Section C, term d)(4)g. of Respondent's PTIO and OAC Rule 3745-21-09(AA)(4)(a) require that records be kept of any control equipment maintenance and the date it was performed. Respondent's PTIO and OAC Rule 3745-21-09(AA)(4)(a) require that such records are to be kept for at least five and three years, respectively, and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

26. Inspection of the Facility by TES personnel on May 11, 2011 found that the required control equipment maintenance records were not kept for the period of January 10, 2011 to May 11, 2011, in violation of the PTIO terms and conditions, OAC Rule 3745-

21-09(AA)(4)(a), and ORC § 3704.05(C) and (G).

27. A NOV letter was sent by TES to Respondent for the above-mentioned violations on May 17, 2011.

Failure to record the amount, in pounds, of fabric dry cleaned with PCE for the Facility

28. Section C, term d)(4)h. of Respondent's PTIO and OAC Rule 3745-21-09(AA)(4)(d) require that records be kept of the annual amount, in pounds, of fabric dry cleaned with PCE. Respondent's PTIO and OAC Rule 3745-21-09(AA)(4)(d) require that such records must be kept for at least five and three years, respectively, and must be available for inspection by TES and/or Ohio EPA at any reasonable time.

29. An inspection of the Facility on April 29, 2009 by TES personnel found that the above-mentioned records were not kept for the period of January 2009 to January 10, 2011, in violation of the PTIO terms and conditions, OAC Rule 3745-21-09(AA)(4)(d), and ORC § 3704.05(C) and (G).

30. A NOV letter was sent by TES to Respondent for the above-mentioned violations on May 5, 2009.

31. A TES inspection of May 11, 2011 found that Respondent was keeping records of the annual amount of fabric dry cleaned with PCE, in pounds, in compliance with the PTIO terms and conditions and OAC Rule 3745-21-09(AA)(4)(b).

32. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to ORC § 3704.06, Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) in settlement of Ohio EPA's claims for civil penalties. Respondent shall pay Ohio EPA the amount of \$500 in five equal monthly installments of \$100 each, with the payments due within 30, 60, 90, 120 and 150 days after the effective date of these Orders. Each payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$100. The official checks shall be submitted to Aki Smith, or her successor, with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

2. A copy of each check shall be sent to Bruce Weinberg, Environmental Manager, Enforcement Section, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability rising from, or related to, the Respondent's activities at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
Attn: Pam Barnhart

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Bruce Weinberg

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation, or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

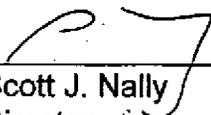
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



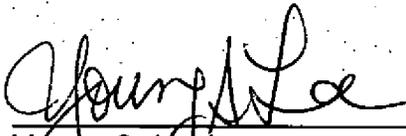
Scott J. Nally
Director

9/4/12

Date

AGREED:

Young S. Lee, d.b.a. Sylvan Cleaners.



Young S. Lee

5-28-12

Date