BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
AUG 22 2007
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Mr. Ronald Choe	:	**Director's Final Findings**
D.B.A. Avalon Cleaners	:	**and Orders**
17304 Harvard Road	:	
Cleveland, Ohio 44128	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ronald Choe, D.B.A. Avalon 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

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the 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 meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. The City of Cleveland, Division of Air Quality ("CDAQ") acts as an agent of Ohio EPA for the Division of Air Pollution Control in Cuyahoga County.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ **Date:** 8-22-07

2. Respondent owns and operates a dry cleaning facility at 17304 Harvard Road, Cleveland, Cuyahoga County, Ohio. This facility is an air contaminant source and is subject to the terms and conditions of the Permit to Install ("PTI") #13-3248. The facility is also subject to Ohio Administrative Code ("OAC") Chapters 3745-21 and 3745-31. As a dry cleaning facility, Respondent 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 Air Pollutants "(NESHAP"). Respondent uses perchloroethylene, a chemical that is regulated by the NESHAP regulations, during the dry cleaning process.

3. On October 14, 2005, CDAQ conducted a compliance inspection of Respondent's dry cleaning business.

4. During the inspection it was discovered that Respondent purchased the business on September 25, 2000 and failed to notify CDAQ of the change of ownership and also failed to file the paperwork necessary to transfer the PTI from the previous owner.

5. During the inspection, Respondent was unable to provide the CDAQ representative with purchase and disposal receipts for perchloroethylene; calculations of yearly perchloroethylene solvent consumption; visible leak inspection logs; maintenance, service and repair logs; temperature monitoring logs; and records of the amount of fabric cleaned per load for the entire length of Respondent's ownership of the facility dating back to September 25, 2000. These omissions violate the terms and conditions of PTI # 13-3248, OAC Rule 3745-21-09(AA)(1)(e), OAC Rule 3745-21-09(AA)(4) and 40 CFR Part 63 Subpart M. Specifically, PTI #13-3248 requires that the following records shall be kept on site in a log for a period of not less that 5 years, and shall be made available upon request:

a. receipts of all perchloroethylene purchases;
b. volume of perchloroethylene purchased each month;
c. the calculation and result of the yearly perchloroethylene consumption;
d. results of visible inspection, including dates when the dry cleaning system components are inspected for leaks and the name and location of dry cleaning system components where leaks are detected;
e. the dates of repair and record of written or verbal orders for repair parts; and,
f. the results and dates of all equipment monitoring required by this permit.

The PTI also requires that a leak detection system and repair program to inspect all dry cleaning equipment for leaks that are obvious from sight, smell, or touch shall be conducted. Any equipment found to be leaking perchloroethylene liquid or vapor is not to be operated until the leak is repaired. Compliance with this requirement shall be determined through bi-weekly visible inspections.

OAC Rule 3745-21-09 (AA)(1)(e) requires that all equipment must be maintained so as to prevent leaking of perchloroethylene liquid and prevent perceptible vapor leaks from gaskets, seals, ducts, and related equipment. OAC Rule 3745-21-09 (AA)(4) requires that each owner and operator of a perchloroethylene dry cleaning facility must maintain maintenance and inspection logs, as well as annual use of perchloroethylene in gallons and the amount of fabric cleaned in pounds for at least three years and must make these records available to the Director or an authorized representative at a reasonable time.

6. On October 21, 2005, CDAQ sent a Notice of Violation ("NOV") to Respondent that described the above violations and requested that Respondent begin to record and maintain the records required in the PTI and as stated above.

7. On December 2, 2005, CDAQ sent a second NOV to Respondent after Respondent failed to reply to the first NOV.

8. On September 28, 2006, in response to settlement negotiations, Respondent submitted financial documentation that indicated that it has an inability to pay the proposed penalty amount. The final penalty amount has been reduced to reflect Respondent's inability to pay analysis.

9. 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 benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall maintain all records and documentation as required by PTI #13-3248.

2. Respondent shall submit copies of all records and documentation required by PTI #13-3248 to CDAQ on a semi-annual basis for the next year beginning January 31, 2008. The final set of records will be due to CDAQ on July 31, 2008.

3. Respondent shall pay the amount of one thousand dollars ($1,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment shall be made in four equal installments of Two Hundred Fifty Dollars ($250.00), each made by an official check made payable to "Treasurer, State of Ohio". The first installment of Two Hundred Fifty Dollars ($250.00) shall be paid within thirty (30) days of the effective date of these Orders, the second installment of Two Hundred Fifty Dollars ($250.00) shall be paid within sixty (60) days of the effective date of these Orders, the third installment of Two Hundred Fifty Dollars ($250.00) shall be paid within ninety (90) days of the effective date of these Orders, and the fourth and last installment of Two Hundred Fifty Dollars ($250.00) shall be paid within one hundred twenty (120) days of the effective date of these Orders, Each official check shall be submitted to

Brenda Case, or her successor, together with a letter identifying the Respondent to:

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

A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, OH 43216-1049

The effective date of these Orders shall be on the date the Director signs these Orders. Respondent may submit any or all payments or any part of a payment earlier than required above.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative as that term is defined in the above-referenced rule..

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 arising 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. 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 Cleveland
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114
Attn: George Baker

and to:

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

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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

8/20/07
Date

IT IS SO AGREED:

Ronald Choe, D.B.A. Avalon Cleaners

Ron Choe
Signature

7/30/07
Date

RONALD CHOE
Printed or Typed Name

PRESIDENT
Title