



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

September 28, 2015

**CERTIFIED MAIL**

Nick Porco  
9615 Meech Avenue  
Cleveland, Ohio 44105

Re: Final Findings and Orders for violations of  
air pollution regulations at 9615 Meech  
Avenue in Cleveland, Cuyagoa County,  
Ohio.

Dear Mr. Porco:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a horizontal line.

James Kavalec, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

xc: James Lee, PIC  
Carol Butler, Fiscal Office  
Donald Vanterpool, Legal Office  
Muhammad Mereb/Lee Tullis, DAPC  
Valencia White, CDAQ

OHIO E.P.A.

SEP 28 2015

BEFORE THE

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OHIO ENVIRONMENTAL PROTECTION AGENCY

OEPA / OFA  
DIVISION FISCAL SECTION

In the Matter of:

Luci, Inc.  
9615 Meech Avenue  
Cleveland, Ohio 44105

:  
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:

**Director's Final Findings  
and Orders**

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.

**PREAMBLE**

It is agreed by the parties hereto as follows:

By *[Signature]* Date: 9-28-15

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Luci, Inc. ("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 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 meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a commercial dry cleaning facility ("Facility") located at 9615 Meech Avenue, Cleveland, Cuyahoga County, Ohio. Emissions unit D003 (RealStar M700 perchloroethylene dry-to-dry cleaning machine) at the facility is relevant to these Orders. This facility is a non-Title V source and it is identified by Ohio EPA facility ID 1318008407.

2. Permit-to-install and operate ("PTIO") P0094976 for emissions unit D003 was issued on July 6, 2012. The National Emission Standards for Hazardous Air

Pollutants for Perchloroethylene Dry Cleaning Facilities (Title 40 Code of Federal Regulations ("CFR") Part 63, Subpart M) are incorporated as applicable requirements in the PTIO permit.

3. Ohio Administrative Code ("OAC") Rule 3745-21-09(AA)(1)(e) requires, in part, the owner or operator of a perchloroethylene dry cleaning facility to maintain all equipment so as to prevent the leaking of perchloroethylene liquid and prevent perceptible vapor leaks from gaskets, seals, ducts, and related equipment.

4. OAC Rule 3745-21-09(AA)(3) requires the owner or operator of a perchloroethylene dry cleaning facility to conduct visual inspections of the dry cleaning system to insure compliance with OAC Rule 3745-21-09(AA)(1)(e).

5. OAC Rule 3745-21-09(AA)(4) requires, in part, the owner or operator of a perchloroethylene dry cleaning facility to maintain the following records in a readily accessible location for at least three years: the records of the control equipment maintenance, the records of the results of the leak inspections, the annual usage of perchloroethylene in gallons, and the amount of fabric dry cleaned with perchloroethylene in pounds.

6. 40 CFR § 63.322(k) requires the owner or operator of a perchloroethylene dry cleaning facility to inspect the dry cleaning system weekly for perceptible leaks while the dry cleaning system is operating. Each of these weekly inspections can also be satisfied by inspecting the dry cleaning system in accordance with 40 CFR § 63.322(o)(1).

7. 40 CFR § 63.322(o)(1) requires the owner or operator of a perchloroethylene dry cleaning facility to inspect the dry cleaning system monthly, while the dry cleaning system is operating, for vapor leaks using a halogenated hydrocarbon detector or perchloroethylene gas analyzer that is operated according to the manufacturer's instructions.

8. 40 CFR § 63.322(m) requires the owner or operator of a perchloroethylene dry cleaning facility to, within 24 hours, repair all leaks detected while conducting the inspections in accordance with 40 CFR § 63.322(k) and 40 CFR § 63.322(o)(1). If repair parts must be ordered, either a written or verbal order for those parts shall be initiated within 2 working days of detecting such leak. Such repair parts shall be installed within 5 working days after receipt.

9. 40 CFR § 63.323(a)(1) requires the owner or operator of a perchloroethylene dry cleaning facility that comply by using a refrigerated condenser to monitor either the refrigeration system high pressure and low pressure during the drying phase to determine if they are in the range specified in manufacturer's operating

instructions, or to monitor the temperature on the outlet side of the refrigerated condenser to determine if it is equal to or less than 45 °F (7.2 °C).

10. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

11. ORC § 3704.05(G) prohibits a person from violating any order, rule, or determination of the Director that was issued, adopted, or made under ORC Chapter 3704.

12. The City of Cleveland, Division of Air Quality ("CDAQ") is the contractual representative for Ohio EPA in air quality matters within Cuyahoga County.

13. On August 22, 2014, CDAQ inspected the facility. Using a halogenated hydrocarbon detector, CDAQ found several perchloroethylene leaks from emissions unit D003. Moreover, Respondent failed to present the following monitoring records to CDAQ:

- maintenance records of emissions unit D003 and the refrigerated system;
- records of the results of the weekly visual leak inspections;
- records of the results of the monthly inspections for vapor leaks using a halogenated hydrocarbon detector or perchloroethylene gas analyzer;
- records of the amount of perchloroethylene purchased each month in gallons;
- records of the amount of perchloroethylene used annually of in gallons; and
- records showing the results of the weekly checks of the refrigeration system's high and low pressure or the temperature on the refrigeration system's outlet during the drying phase.

14. On September 5, 2014, CDAQ sent a notice of violation ("NOV") letter to Respondent for the violations discovered during the inspection. Respondent was requested to repair the leaks and provide CDAQ with the repair invoices. Respondent was also requested to comply with the monitoring and record keeping requirements of the facilities PTIO.

15. On October 9, 2014, CDAQ received Respondent's response to the NOV. It was indicated that the leaks have been repaired in-house and no leak was detected after the repair.

16. On October 13, 2014, CDAQ visited the facility. Using a halogenated hydrocarbon detector, CDAQ found the front-loading door of emissions unit D003 and the door to the water separator leaking perchloroethylene. Respondent's halogenated

hydrocarbon detector did not detect the leaks indicating that it was not working properly. Respondent was complying with the monitoring and recordkeeping requirements of the facility's PTIO.

17. On October 20, 2014, CDAQ sent a letter to Respondent. CDAQ requested Respondent to fix all the leaks on emissions unit D003 by October 31, 2014.

18. On November 20, 2014, CDAQ visited the facility. Using a halogenated hydrocarbon detector, CDAQ found the front-loading door of emissions unit D003 and one of the pipes of the recovery unit leaking perchloroethylene. Respondent indicated that a new sensor was installed for the detector. Respondent's halogenated hydrocarbon detector did not detect the leaks indicating that it was still not working correctly. Respondent failed to provide CDAQ with the weekly monitoring records of the refrigeration system.

19. On November 26, 2014, CDAQ received an eleven month sample of the weekly monitoring records of the refrigeration system and some of the inspections were missing or illegible.

20. On December 12, 2014 and March 17, 2015, CDAQ sent letters to Respondent. CDAQ requested Respondent to fix all the leaks on emissions unit D003 and start using a functioning halogenated hydrocarbon detector to complete the required monthly leak inspections. CDAQ also requested explanation for the missing data on the monitoring records of the refrigeration system.

21. On March 31, 2015, CDAQ received a letter from Respondent. It was indicated that emission unit D003 was repaired and a new halogenated hydrocarbon detector is being used to complete the monthly inspections for vapor leaks. It was also indicated that Respondent has been complying with the monitoring and recordkeeping requirements of the facility's PTIO since the last week of August 2014.

22. Respondent violated the terms and conditions of PTIO P0094976, OAC Rule 3745-21-09(AA)(4), ORC § 3704.05(C), ORC § 3704.05(G) and 40 CFR Part 63, Subpart M from January 1, 2013 to August 22, 2014 for failure to maintain the records of the:

- results of the weekly visual leak inspections;
- results of the monthly inspections for vapor leaks using a halogenated hydrocarbon detector;
- amount of perchloroethylene purchased each month in gallons;
- calculated amount of perchloroethylene used annually in gallons;
- refrigeration system's high and low pressure or the temperature of the refrigeration system outlet during the drying phase every week; and
- maintenance completed on emissions unit D003 and the refrigerated

system;

23. Respondent violated the terms and conditions of PTIO P0094976, OAC Rule 3745-21-09(AA)(1)(e), ORC § 3704.05(C), ORC § 3704.05(G) and 40 CFR Part 63, Subpart M for failure to timely repair the leaks from emissions unit D003.

24. 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. Respondent shall pay the amount of five thousand dollars (\$5,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704 (Ohio EPA will distribute the received penalty among Funds 6960 and 6A10). Payment to Ohio EPA shall be made by official checks made payable to "Treasurer, State of Ohio" in ten (10) equal monthly instalments of five hundred dollars (\$500). The instalments are due in the fifth (5th) day of the month for ten (10) months beginning with the month of October 2015 and ending on July 5, 2016. The official check shall be submitted to Carol Butler, 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

## **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 arising from, or related to, operations by Respondent.

### **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 Cleveland  
Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
Cleveland, Ohio 44114  
Attention: Valencia White

and to:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: Jim Kavalec, Manager,  
Compliance and Enforcement Section

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**



Craig W. Butler  
Director

9/21/15

Date

**AGREED:**

**Luci, Inc.**



Signature

9/4/15

Date

Nick Porco

Printed or Typed Name

owner

Title