BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Luci, Inc., d.b.a.
Cavalier Cleaners
9615 Meech Avenue
Cleveland, Ohio 44115

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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.

Date: 7-9-03

ENTERED DIRECTOR'S JOURNAL
JUL -9 2003
OHIO E.P.A.

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Luci, Inc., d.b.a. Cavalier Cleaners ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 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 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") is an agent of Ohio EPA for the Division of Air Pollution Control in Cuyahoga County.

2. Respondent owns and operates a commercial dry cleaning facility ("Facility") located at 9615 Meech Avenue, Cleveland, Cuyahoga County, Ohio. At the Facility, Respondent operates three dry cleaning machines; a Suprema E60L, a Suprema 235 L, and a Victory E. This Facility meets the definition of an "air contaminant source" and is subject to Ohio Administrative Code ("OAC") Chapters 3745-21, 3745-31, and 3745-35.

As a 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 Air Pollutants ("NESHAP"). Respondent uses perchloroethylene, a chemical that is regulated by the NESHAP regulations, during the dry cleaning process.

3. The Suprema 253L dry cleaning machine was issued PTI 13-04364 on June 10, 2004. The Suprema E60 L dry cleaning machine was issued PTI 13-04610 on June 27, 2006. The Victory E was issued PTI 13-04661 on June 27, 2006.

4. ORC Section 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. From July 1, 2004 and continuing to April 2006, Respondent operated the Suprema E60 L without maintaining the records required by the respective PTI, in violation of ORC Section 3704.05 (C) and OAC Rule 3745-21-09 (AA). The violations included:

- Failure to retain records of fabric dry cleaned, in pounds.
- Failure to keep receipts of the amount of perchloroethylene purchased and used.
- Failure to maintain visible leak inspection, maintenance, service, and repair logs.
- Failure to maintain weekly records of the temperature of the air perchloroethylene gas-vapor stream.

6. From June 1, 2005 and continuing to April 2006, Respondent operated the Victory E dry cleaning machine without maintaining the records required by OAC Rule 3745-21-09 (AA). The violations included:

- Failure to maintain visible leak inspection, maintenance, service, and repair logs.
- Failure to keep receipts of the amount of perchloroethylene purchased and used.

7. On November 28, 2005 and July 24, 2006, CDAQ sent notices of violation ("NOV") to Respondent for the above violations observed by CDAQ during inspections of the facility on November 15, 2005 and May 19, 2006.

8. 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 PTIs 13-04364, 13-04660, 13-04661 and 13-04610.

2. Respondent shall submit copies of all records and documentation required by the above PTIs to CDAQ on a semi-annual basis for the next year beginning January 31, 2008 for records kept during the second half of 2007. The final set of records will be due on July 31, 2008 for records kept during the first half of 2008.

3. Respondent shall pay the amount of ten thousand dollars ($10,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eight thousand dollars ($8,000) of the total amount. The 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

4. In lieu of paying the remaining two thousand dollars ($2,000) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $2,000 The 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

5. 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, Ohio 43216 - 1049

6. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 4, Respondent shall immediately pay to Ohio EPA $2,000 of the civil penalty in accordance with the procedures in Order 3.

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 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
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

Date 7/3/08

IT IS SO AGREED:

Luci, Inc., d.b.a. Cavalier Cleaners

Signature

Date 6/4/08