

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

IN THE MATTER OF:)	
)	
Camila Dry Cleaners, LLC)	
d/b/a Rainbow Cleaners)	
)	
101 Reservoir Avenue)	NOTICE OF VIOLATION AND ADMINISTRATIVE COMPLIANCE ORDER
Providence, RI 02905)	
)	
Respondent)	
)	
Proceeding under Section 113)	
of the Clean Air Act)	
)	

STATEMENT OF AUTHORITY

1. The United States Environmental Protection Agency, Region 1 (“EPA”) issues this Notice of Violation (“NOV”) and Administrative Order (“Order”) to Camila Dry Cleaners, LLC, d/b/a Rainbow Cleaners (“Rainbow Cleaners”), to require it to comply with the Clean Air Act (“CAA” or the “Act”), and implementing regulations set forth under the *National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities*, found at 40 C.F.R. Part 63, Subpart M (“Subpart M”).

2. EPA issues this NOV and Order pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

STATUTORY AND REGULATORY AUTHORITY

3. Section 112 of the CAA, 42 U.S.C. § 7412, lists hazardous air pollutants (“HAPs”) and requires EPA to establish national emissions standards for these HAPs. *See* 42 U.S.C. §§ 7412(b) and (d).

4. Sections 113(a)(3) and (4) of the Act, 42 U.S.C. §§ 7413(a)(3) and (4), authorize EPA to issue an order requiring compliance with the requirements or prohibitions of Subchapter I of the Act (which includes, among other things, the requirements of Section 112, 42 U.S.C. § 7412). EPA must send a copy of the order to the relevant state air pollution control agency. An order relating to a violation of Section 112 of the Act, 42 U.S.C. § 7412, can take effect immediately upon issuance.

5. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Source Categories (“NESHAPS”), found at 40 C.F.R. §§ 63.1–63.12099 (“Part 63”). Part 63 regulates specific categories of stationary sources that emit (or have the potential to emit) one or more HAPs. *See* 40 C.F.R. § 63.1(a).

6. The NESHAPS found in Part 63 include, among others, Subpart M — National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, found at 40 C.F.R. §§ 63.320–63.326.

7. Under 40 C.F.R. § 63.320, the standards of Subpart M apply to major and area sources. A "major source" is defined by Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a HAP, or 25 tons per year or more of a combination of HAPs. *See also* 40 C.F.R. § 63.320(g), which explains that in lieu of measuring or determining a dry cleaning facility's potential to emit, the facility's total yearly PERC consumption may be measured to determine if it is a major source. An "area source" is defined by Section 112(a)(2), 42 U.S.C. § 7412(a)(2), as any stationary source that is not a major source. *See also* 40 C.F.R. § 63.320(h) and <https://www.epa.gov/stationary-sources-air-pollution/national-emissions-standards-hazardous-air-pollutants-area-source>.

8. The provisions of Subpart M apply to the owner or operator of each dry cleaning facility that uses perchloroethylene ("PERC"). *See* 40 C.F.R. § 63.320(a).

9. A "dry cleaning facility" is defined by 40 C.F.R. § 63.321 as an establishment with one or more dry cleaning systems.

10. A "dry cleaning system" is defined by 40 C.F.R. § 63.321 as a dry-to-dry machine and its ancillary equipment or a transfer machine system and its ancillary equipment.

11. A “dry cleaning machine” is defined by 40 C.F.R. § 63.321 as a dry-to-dry machine or each machine of a transfer machine system.

12. A “dry-to-dry machine” is defined by 40 C.F.R. § 63.321 as a one-machine dry cleaning operation in which washing and drying are performed in the same machine. The primary sources of PERC emissions from dry-to-dry machines are from the opening of the drum door at the end of the cleaning cycle and from fugitive emission leaks from system components. See National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, 71 Fed. Reg. 42724, 42746 (July 27, 2006).

13. Under 40 C.F.R. § 63.322(o)(5)(i), after December 21, 2020, the owner or operator of a stationary source shall eliminate any emission of PERC from any dry cleaning system that is located in a building with a residence.

14. The Rhode Island Department of Environmental Management (“RI DEM”) has not taken delegation of Subpart M, thus EPA is the Administrator or delegated authority of Subpart M for the purposes of their implementation in Rhode Island. See U.S. EPA, Rhode Island Delegation of New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs) (September 27, 2024), <https://www.epa.gov/caa-permitting/rhode-island-delegation-new-source-performance-standards-nsps-and-national-emissions>.

LEGAL AND FACTUAL BACKGROUND

15. Rainbow Cleaners is the owner and operator of a dry cleaning facility located at 101 Reservoir Avenue in Providence, Rhode Island (the “Facility”).

16. On July 29, 2008, Rainbow Cleaners submitted to the EPA a Notification of Compliance Status (“NOCS”) under Subpart M stating that the Facility is located in a building that contains residences.

17. Three employees work at the Facility.

18. Rainbow Cleaners is a limited liability company organized under the laws of Rhode Island, with its principal office located in Providence, RI.

19. As a limited liability company, Rainbow Cleaners is a “person” within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), against whom a compliance order may be issued under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

20. The Facility’s building and equipment are “stationary sources,” as that term is defined at Section 112(a) of the CAA, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2.

21. On July 16, 2024, and September 6, 2024, EPA CAA inspectors performed inspections at the Facility.

22. During the inspection on July 16, 2024, a Rainbow Cleaners representative explained that the Facility is a “dry cleaning facility” that owns and operates one Union L-80, “dry cleaning system” with a load capacity of 80 pounds (serial number: 39-E9-713).

23. The Facility’s dry cleaning system includes a “dry-to-dry machine,” in which washing and drying operations take place in the same machine, and ancillary equipment (including, but not limited to, emission control devices, pumps, filters, muck cookers, stills, solvent tanks, solvent containers, water separators, exhaust dampers, diverter valves, interconnecting piping, hoses, and ducts).

24. The dry cleaning system was installed after July 27, 2006.

25. The dry cleaning system is not coin operated.

26. Each year, Rainbow Cleaners uses approximately 10 to 15 gallons of PERC as a solvent for the Facility’s dry cleaning system. Therefore, the Facility is considered an “area source” of HAPs, as defined by at Section 112(a) of the CAA, 42 U.S.C. § 7412(a), 40 C.F.R. § 63.2, and in Subpart M at 40 C.F.R. § 63.320(h).

27. Two residences are co-located with the Facility.

28. On January 10, 2025, EPA sent a draft NOV and Order to Rainbow Cleaners. EPA subsequently sent a Spanish translation of the documents to Rainbow Cleaners and met with Rainbow Cleaners to discuss the draft NOV and Order on February 10, 2025.

29. EPA alleges the following violations of Subpart M.

NOTICE OF VIOLATION

30. The allegations in Paragraphs 1 through 29 are incorporated herein by reference.

31. Pursuant to 40 C.F.R. § 63.322(o)(5)(i), after December 21, 2020, an owner or operator shall eliminate any emission of PERC from any dry-cleaning system that is located in a building with a residence.

32. Based upon EPA's observations at the Facility, EPA has determined that Rainbow Cleaners continues to operate a dry-cleaning system with PERC emissions that is located in a building with a residence, as prohibited by 40 C.F.R. § 63.322(o)(5)(i).

33. Accordingly, EPA finds that Rainbow Cleaners has violated the Standards for dry-cleaning systems found in Subpart M.

ADMINISTRATIVE ORDER

34. To correct the violation cited above, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413(a)(3), within six months of the effective date of this Order, Rainbow Cleaners shall:

- a. Come into compliance with the requirements of Subpart M, including 40 C.F.R. § 63.322(o)(5)(i); and

- b. Provide notice of such compliance to the designated EPA representative listed in the following paragraph.

35. Submit documentation and notifications required by the order by email to Karen Peltier, Environmental Engineer, EPA Region 1 Environmental Compliance and Assurance Division, at peltier.karen@epa.gov.

36. EPA Region 1's Manager of the Air Compliance Section shall have the authority to extend the deadlines in Paragraph 34 for good cause.

GENERAL PROVISIONS

37. Any violation of the CAA requirements of this Order may result in a civil administrative or judicial action for an injunction or civil penalties per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the CAA, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). These penalties and sanctions are subject to inflation adjustments as specified in 40 C.F.R. Part 19.

38. EPA may use any information submitted under this Order in an enforcement action.

39. Nothing in this Order shall relieve Rainbow Cleaners of the duty to comply with all applicable provisions of the CAA, or other federal, state or local laws or statutes.

Nor shall the Order restrict EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

40. This Order does not resolve Rainbow Cleaners' liability for past violations of the Act or for any violations that continue from the date of this NOV up to the date of compliance.

41. The provisions of this Order shall apply to and be binding upon Rainbow Cleaners and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out below, Rainbow Cleaners must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Simultaneously with such notice, Rainbow Cleaners shall provide written notice of such transfer, assignment, or delegation to EPA.

42. All notices and submissions shall be considered effective upon receipt.

43. To the extent this Order requires Rainbow Cleaners to submit any information to EPA, Rainbow Cleaners may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. EPA will disclose information submitted under a

confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If Rainbow Cleaners does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Rainbow Cleaners.

EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE

44. Pursuant to Section 113(a)(4) of the Act, Rainbow Cleaners may request a conference with EPA concerning the violations alleged in this Order to present evidence bearing on the finding of violations, on the nature of the violations, on any efforts it may have taken or it proposes to take to achieve compliance, and on the feasibility of the deadlines imposed herein. Rainbow Cleaners may have legal counsel at the conference. To schedule a meeting, please contact Environmental Engineer, Karen Peltier at (617) 918-1613 or at peltier.karen@epa.gov or have your attorney contact EPA's enforcement counsel for this case, Lindsey Short, at (617) 918-1537 or at short.lindsey@epa.gov.

45. As the parties already met on February 10, 2024, to discuss the draft NOV and Order, any request for additional conference must be confirmed in writing within seven (7) days of receipt of this Order. If the requested conference is held, this Order shall become effective seven (7) days after the conference is held.

46. If Rainbow Cleaners does not request a meeting within seven (7) days of receipt of this Order, Rainbow Cleaners waives its right to a conference, and this Order shall become effective seven (7) days from its receipt.

47. Any request for a conference, or other inquiries concerning this Order, should be made in writing via email to the individual(s) listed in Paragraph 44.

JUDICIAL REVIEW

48. Rainbow Cleaners may seek federal judicial review of the Order pursuant to Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1).

TERMINATION

49. This Order shall terminate on the earlier of the following (the “Termination Date”), at which point Rainbow Cleaners shall operate in compliance with the CAA and Subpart M:

- a. One year after the Effective Date of this Order;
- b. The effective date of any determination by EPA that Rainbow Cleaners has achieved compliance with all terms of this Order; or
- c. Immediately upon receipt by Rainbow Cleaners of notice from EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

SO ISSUED:

JAMES CHOW

Digitally signed by JAMES
CHOW
Date: 2025.03.10 16:50:47
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James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 1 – New England