

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

IN THE MATTER OF:	)	
	)	
	)	
Segama's Du Pro Lux Cleaners, Inc.	)	
d/b/a Segama's Cleaners	)	
	)	
597 Plainfield Street	)	
Providence, RI 02909	)	
	)	
Respondent	)	
	)	
Proceeding under Section 113	)	
of the Clean Air Act	)	
	)	

**NOTICE OF VIOLATION AND
ADMINISTRATIVE COMPLIANCE
ORDER ON CONSENT**

STATEMENT OF AUTHORITY

1. The United States Environmental Protection Agency, Region 1 ("EPA") issues this Notice of Violation ("NOV") and Administrative Order on Consent ("Order") to Segama's Du Pro Lux Cleaners, Inc. d/b/a Segama's Cleaners ("Segama's 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.

3. This Order, to which Segama's Cleaners has consented and signed, requires Segama's Cleaners to comply with the requirements of the Act and Subpart M.

STATUTORY AND REGULATORY AUTHORITY

4. 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).

5. 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.

6. 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).

7. 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.

8. 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>.

9. 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).

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

11. 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.

12. 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.

13. 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).

14. 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.

15. The Rhode Island Department of Environmental Management ("RIDEM") 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

16. Segama's Cleaners is the owner and operator of a dry cleaning facility located at 597 Plainfield Street in Providence, Rhode Island (the "Facility").

17. On May 2, 2006, Segama's Cleaners provided written notification to RIDEM that it had installed one Solo Fimbimatic fourth generation dry cleaning machine (model number 918L/40, serial number 114AS015) on May 1, 2006.

18. On July 22, 2008, Segama's 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.

19. Three employees work at the Facility.

20. Segama's Cleaners is a domestic profit corporation organized under the laws of Rhode Island, with its principal office located in Providence, RI.

21. As a domestic for-profit corporation, Segama's 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).

22. 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.

23. On December 11, 2024 and December 19, 2024, EPA CAA inspectors performed inspections at the Facility.

24. During the inspection on December 11, 2024, a Segama's Cleaners representative explained that the Facility is a "dry cleaning facility" that owns and operates one fourth generation "dry cleaning system" that has utilized PERC as a solvent since 2006.

25. 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).

26. The dry cleaning system is not coin operated.

27. Each year, Segama's Cleaners uses approximately 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).

26. One or more residences are co-located with the Facility.

27. EPA alleges the following violations of Subpart M.

NOTICE OF VIOLATION

28. The allegations in Paragraphs 1 through 27 are incorporated herein by reference.

29. 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.

30. Based upon EPA's observations at the Facility, EPA has determined that Segama's 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).

31. Accordingly, EPA finds that Segama's Cleaners has violated the Standards for dry-cleaning systems found in Subpart M.

ADMINISTRATIVE ORDER ON CONSENT

32. 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, Segama's 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.

33. Within six months of the Effective Date of this Order, Segama's Cleaners shall 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.

34. EPA Region 1's Manager of the Air Compliance Section, Enforcement and Compliance Assurance Division, shall have the authority to extend the deadlines in Paragraph 32 for good cause.

GENERAL PROVISIONS

35. EPA reserves its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to failure by Segama's Cleaners to

comply with any of the requirements in this Order. This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which EPA has under any other statutory, regulatory, or common law authority of the United States.

36. 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.

37. EPA may use any information submitted under this Order in any subsequent administrative, civil judicial, or criminal action.

38. This Order does not resolve any civil or criminal claims of the United States for the violations alleged in this Order, nor does it limit the rights of the United States to obtain penalties or injunctive relief under the CAA or other applicable federal law or regulation. See CAA § 113(a)(4), 42 U.S.C. § 7413(a)(4). Nothing herein shall be construed to limit the power of EPA to undertake any action against Segama's Cleaners or any person in response to conditions observed after the execution of this Order that may

present an imminent and substantial endangerment to the public health, welfare, or the environment.

39. This Order is not intended to be and shall not be construed to be a permit. Further, Segama's Cleaners acknowledges and agrees that EPA's approval of this Order does not constitute a warranty or representation that requirements provided hereunder will meet the requirements of Subpart M. Nothing in this Order shall relieve Segama's Cleaners of the duty to comply with all applicable provisions of the CAA, or other federal, state, or local laws or statutes.

40. Segama's Cleaners has entered into this Order in good faith without any trial or adjudication of any issue of fact or law.

41. Segama's Cleaners reserves all rights and defenses it may have regarding liability or conditions at its facility located at 597 Plainfield Street, Providence, Rhode Island, except that, for the purpose of this proceeding, Segama's Cleaners admits the jurisdictional allegations in this Order; neither admits nor denies specific factual allegations made in the Order; consents to compliance actions and conditions specified in the Order; and waives any rights to contest the allegations or to appeal this Order.

42. Segama's Cleaners waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Segama's Cleaners may

have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1).

43. In any subsequent administrative or judicial proceeding initiated by EPA or the United States for injunctive or other appropriate relief related the Facility, Segama's Cleaners shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by EPA or the United States in the subsequent proceeding were or should have been raised in the present matter.

44. The provisions of this Order shall apply to and be binding upon Segama's Cleaners and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns, and to all persons, firms, and corporations acting under, through or for Segama's Cleaners. From the Effective Date of this Order until the Termination Date as set out below, Segama's 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, Segama's Cleaners shall provide written notice of such transfer, assignment, or delegation to EPA.

45. Neither EPA nor the United States, by issuance of this Order, assumes any liability for any acts or omissions by Segama's Cleaners or its employees, agents, contractors, or consultants engaged to carry out any action or activity pursuant to this Order. Nor shall the EPA or the United States be held as a party to any contract entered into by Segama's Cleaners or by its employees, agents, contractors, or consultants.

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

47. To the extent this Order requires Segama's Cleaners to submit any information to EPA, Segama's 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 Segama's Cleaners does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Segama's Cleaners.

48. Each party, Segama's Cleaners and EPA, shall bear their own costs and fees in this action, including attorneys' fees.

SEVERABILITY

49. If any provision or authority of this Order or the application of this Order to Segama's Cleaners or EPA is held by any judicial or administrative authority to be invalid, the remainder of the Order shall remain in force and shall not be affected thereby.

EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE

50. Pursuant to Section 113(a)(4) of the CAA, 42 U.S.C. § 7313(a)(4), an order does not take effect until the person to whom it has been issued has had an opportunity to confer with EPA concerning the alleged violations. By signing this Order, Segama's Cleaners acknowledges and agrees that it has been provided an opportunity to confer with the EPA prior to issuance of this Order. Accordingly, this Order will take effect immediately upon signature by the latter of Segama's Cleaners or EPA.

51. Each undersigned representative certifies that he or she is authorized to enter into the terms and conditions of this Order to execute and bind legally Segama's Cleaners and EPA to this document.

52. Segama's Cleaners and EPA agree that this Order may be executed by electronic signature, and acknowledge that electronic signatures carry the legal effect, validity, or enforceability of handwritten signatures. Each party also agree to electronic service of documents related to this Order.

MODIFICATION

53. This Order may only be modified by mutual agreement from Segama's Cleaners and EPA. Any agreed-upon modifications shall be in writing, shall be signed by representatives for EPA and Segama's Cleaners, shall have as their effective date the date on which they are signed by EPA, and shall be incorporated into this Order. Changes to scheduling in the Order may be approved by EPA Region 1's Manager of the Air Compliance Section, Enforcement and Compliance Assurance Division.

TERMINATION

54. This Order shall terminate on the earlier of the following (the "Termination Date"), at which point Segama's 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 Segama's Cleaners has achieved compliance with all terms of this Order; or
- c. Immediately upon receipt by Segama's Cleaners of notice from EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

FOR SEGAMA'S DU PRO LUX CLEANERS, INC., D/B/A SEGAMA'S CLEANERS:

ALDO SEGAMA

Aldo Segama, President
Segama's Du Pro Lux Cleaners, Inc.
d/b/a Segama's Cleaners

4-8-2025

Date

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 1:

James Chow 4/16/25

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 1 – New England