

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X  
In the Matter of Violations of Articles 19 and 71 of the  
Environmental Conservation Law of the State of New York  
("ECL") and Parts 201 and 232 of Title 6 of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR")

**CONSENT ORDER**

DEC Case No. \_\_\_\_\_

-By-

\_\_\_\_\_

Respondent.

-----X

1. The New York State Department of Environmental Conservation ("the Department") is vested with jurisdiction to enforce laws governing the control and prevention of air pollution pursuant to Article 19 of the Environmental Conservation Law, the rules promulgated pursuant thereto at Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR"), and Section 3-0301 of the Environmental Conservation Law ("ECL").

2. The term Respondent shall refer to all Respondents who have executed this Consent Order.

3. Respondent owns, operates and maintains a dry cleaning facility, as defined in 6 NYCRR 232.2(b)(22), located at: \_\_\_\_\_. Respondent's dry cleaning facility uses perchloroethylene ("perc") as defined in 6 NYCRR 232.2(b)(48).

4. Respondent committed the following violations as described in the Notice of Violation dated \_\_\_\_\_.

(a) Respondent violated \_\_\_\_\_ by \_\_\_\_\_

(b) Respondent violated \_\_\_\_\_ by \_\_\_\_\_

5. Respondent admits the violations referenced above, waives its rights to a hearing in this matter and judicial review as provided by law, consents to the issuance of this Order, and agrees to be bound by the terms, provisions and conditions contained herein.

**NOW**, having considered this matter and being duly advised, it is **ORDERED**:

I. Civil Penalty. The Department assesses Respondent a civil penalty in the amount of \_\_\_\_\_, which is to be paid by **certified check or money order** made payable to "Commissioner of the Department of Environmental Conservation" and sent simultaneously with this Order to: \_\_\_\_\_

**OR (FOR USE WITH PAYMENT PLANS ONLY)**

I. Civil Penalty. The Department assesses Respondent a civil penalty in the amount of \_\_\_\_\_, of which amount Respondent shall pay by **certified check or**

**money order** made payable to "Commissioner of the Department of Environmental Conservation" and sent to the Department according to the following payment plan:

Payment One of \_\_\_\_\_ due on or before \_\_\_\_\_.

Payment Two of \_\_\_\_\_ due on or before \_\_\_\_\_.

Respondent shall return this executed Order and send the above payments to:

\_\_\_\_\_. It is agreed by the parties that in the event that Respondent fails to make any of the payments set forth herein by the above mentioned deadlines, the entire amount of the civil penalty shall become due and payable immediately and such failure shall be deemed a confession of judgment for the full amount of the civil penalty without the need for any further proceedings whatsoever.

**II. Schedule of Compliance. Respondent shall take all corrective actions described in Appendix A of this Consent Order. The parties herein agree that if the Department staff determines that Respondent has failed to take any of the corrective actions set forth in Appendix A of this Consent Order by the deadlines set forth therein, such failure shall be grounds for suspension or revocation of any registration or permit issued to Respondent and shall also be grounds to seal all air contamination sources at the facility pursuant to 6 NYCRR 200.5 without the need for any further proceedings whatsoever.**

III. Compliance with Order. Respondent shall strictly comply with the terms and conditions contained in this Order.

IV. Violation of Order. Respondent's failure to comply with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order and shall be deemed to be a violation of both this Order and the Environmental Conservation Law.

V. Reservation of Rights. The Department hereby reserves all its legal, administrative and equitable rights arising at common law or as granted to it pursuant to statute or regulation, including, but not limited to, any summary abatement powers the Commissioner may have pursuant to Section 71-0303 of the ECL.

VI. Indemnification. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and its successors (including successors in title) and assigns.

VII. Access. For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by Respondent to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility. This provision shall in no way limit the Department's right to inspect under ECL 19-0305(2)(a) or as otherwise allowed by law.

VIII. Dishonored Check Fee. Respondent will pay a dishonored check fee of Twenty Dollars (\$20.00) for all checks returned for insufficient funds. Respondent shall also be subject to State Finance Law §18.

IX. Effect of Order. The provisions hereof shall constitute the entire Order between Respondent and the Department regarding the violations referenced above. No modification to this Order shall be effective except as set forth in writing and approved by the Commissioner or a duly authorized representative with the same formality as this Order. The provisions, terms, and conditions of this Order shall be deemed to bind Respondent, its agents, servants, employees, successors and assigns.

X. Authority to Execute Order. The individual signatories to this Order represent that they have the authority to bind the respective parties by execution of this Order.

XI. Effective Date. The effective date of this Order shall be the date that it is signed by the Commissioner or the Commissioner's designee.

Dated:

Albany, New York

NEW YORK STATE DEPARTMENT  
OF ENVIRONMENTAL CONSERVATION  
ERIN M. CROTTY, COMMISSIONER

By: \_\_\_\_\_  
Director, Division of Air Resources