

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2048 | F: (518) 357-2087  
www.dec.ny.gov

**CERTIFIED - RETURN RECEIPT REQUESTED**  
7013 1090 0002 3365 3717

June 8, 2015

Peter Grandits, Jr., VP & CFO  
Clarus Linen Systems  
Atlas Health Care Linen Services Co., LLC  
60 Grider St.  
Buffalo, NY 14215

Re: Atlas Health Care Linen Services, Co.,LLC  
Order of Consent  
R4-2015-0414-51

Dear Mr. Grandits:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$1,000 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen Lavery  
Assistant Regional Attorney  
Region 4

Enclosure

cc: D. Welsted  
F. Riedy



Department of  
Environmental  
Conservation

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations  
of Environmental Conservation Law  
Article 19

Order on Consent  
File No. R4-2015-0414-51

-by-

Atlas Health Care Linen Services Co., LLC  
P.O. Box 398  
Hudson, NY 12534

Respondent  
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WHEREAS:

Jurisdiction

1. New York State Department of Environmental Conservation ("Department") has administrative jurisdiction to safeguard the air resources of the State pursuant to ECL Article 19.
2. Respondent, Atlas Health Care Linen Services Co., LLC., owns and operates a linen service located at 3 East Industrial Parkway, Troy, New York ("facility").
3. Department staff inspected the facility on April 9, 2015.
4. The facility has a lint collection system or Clean Cycle Systems control unit on the north side of the building.

Violation

5. At the time of the inspection, the collection system was releasing lint directly to the atmosphere through the fan. There was lint deposition on the ground surrounding the Clean Cycle Systems control unit.
6. Regulations at 6 NYCRR 200.7 provide that "*Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.*"
7. By failing to properly maintain its equipment, Respondent violated regulations at 6 NYCRR 200.7.

### Civil Penalty

8. ECL Section 71-2103(1) provides that: ..." any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto;... shall be liable, in the case of a first violation, for a penalty not less than five hundred dollars nor more than eighteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided."

### Waiver of Hearing

9. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, and has consented to the issuing and entering 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** that:

I. With respect to the aforesaid violation, a civil penalty in the amount of ONE THOUSAND DOLLARS (\$1,000) is hereby assessed against the Respondent which shall be payable to the New York State Department of Environmental Conservation by money order or certified check.

#### II. Settlement

Timely payment of the civil penalty and the EBP called for above and full compliance with the terms and conditions of this Order and Schedule of Compliance is accepted as full settlement of the violations described above.

#### III. Schedule of Compliance

The attached Schedule of Compliance is incorporated into the Order on Consent.

#### IV. Communications

All communications to the Department except where otherwise specifically directed should be sent to:

New York State Department  
of Environmental Conservation  
Region 4 - Air Division Attn: RAPCE  
1130 North Westcott Road  
Schenectady, New York 12306  
518-357-2350

V. 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, which relate to the site, in order 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.

VI. Summary Abatement

This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VII. Indemnification

Respondent shall indemnify and hold harmless the Department, the State of New York, and its 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 the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

VIII. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of The agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

IX. Document Reviews

1. All documents which Respondent must submit pursuant to this Order are subject to Department approval.
2. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.
3. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accepts such modifications as may be specified by the Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves of the revised submittal, the Department may seek to enforce the Order by asserting that Respondent's failure to submit an approvable report is a violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

c. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modification it specifies will be reasonable and consistent with customary engineering standards.

X. Effective Date

This Order is deemed effective on the date signed by the Department.

XI. Termination Date

This Order shall terminate upon the Department's determination that the Respondent has complied with the requirements of this Order including but not limited to the civil penalty, payment schedule and the Schedule of Compliance.

XII. Third Party Language

This Order is made strictly for the purposes of the Department, the State of New York and the United States Environmental Protection Agency and is not intended for use by any third party.

DATED: *June 2*, 2015  
Rotterdam, New York

Joseph J. Martens  
Commissioner  
New York State Department of  
Environmental Conservation

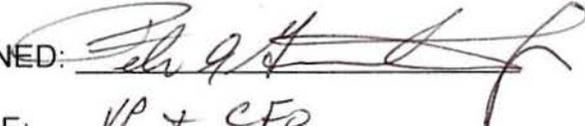
BY:

  
Keith Goertz  
Acting Regional Director  
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

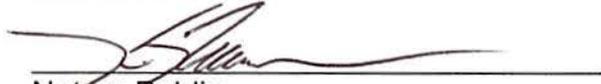
Atlas Health Care Linen Services Co., LLC

SIGNED:   
TITLE: VP + CFO  
DATE: 5/28/15

STATE OF New York )

COUNTY OF Erie ) ss.:  
)

On the 28<sup>th</sup> day of May in the year 2015 before me, the undersigned, a Notary Public in and for the State, personally appeared Peter A Grandits Jr. personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public  
Qualified in the County of: Erie  
My Commission Expires: 2/6/16

KRISTOPHER REUMANN  
Notary Public - State of New York  
No. 01-RE6255431  
Qualified in Erie County  
My Commission Expires 2-06-16

## SCHEDULE OF COMPLIANCE

1. Within 30 days of the effective date of this Order, Respondent shall submit to the Department, proof of repairs that were made to the lint control unit to ensure that the unit is operating effectively.