

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations  
of the Environmental Conservation  
Law ("ECL") Article 19 and  
Title 6 of the Official Compilation  
of Codes, Rules and Regulations  
of the State of New York ("6 NYCRR"),

**MODIFICATION OF  
ORDER ON CONSENT**

- by -

File No. R4-2006-0406-77M1

Armando DeLuca

Respondent

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WHEREAS:

1. Pursuant to ECL Article 19 and the rules and regulations promulgated pursuant to Article 19, the Department of Environmental Conservation ("Department") has jurisdiction over matters concerning air resources and pollution.
2. Respondent, Armando DeLuca, owns and operates a dry cleaning business known as Tailorama Cleaners, located at 180 Clinton Street, Albany, New York ("facility"). The facility is registered as an air contamination source with an effective date of March 8, 2006. The facility has a dry cleaning machine which uses perc as a cleaning solvent.
3. Respondent is subject to Order on Consent R4-2006-0406-77 (effective on July 11, 2006) ("Order"). The Order contains a Schedule of Compliance.
4. Item 2 of the Order's Schedule of Compliance required Respondent, within 60 days of the effective date of the Order, to obtain the appropriate owner/manager dry cleaning certifications or have a manager with a current owner/manager dry cleaning certification and submit proof of such certification. Respondent was required to obtain the certifications by September 11, 2006.
5. On February 3, 2009, Department staff conducted an inspection of the facility and determined that Respondent does not have the appropriate owner/manager dry cleaning certifications, nor does the facility have a manager with a current owner/manager dry cleaning certification.
6. 6 NYCRR 232.14(a)(1) states that it is unlawful for any person to operate a dry cleaning facility subject to 6 NYCRR Part 232 unless the facility manager and/or owner has a current and valid dry cleaning owner/manager certification.

7. Respondent's failure to comply with item 3 of the Order's Schedule of Compliance and obtain the appropriate owner/manager dry cleaning certifications is a violation of Order on Consent R4-2006-0406-77 and 6 NYCRR 232.14(a)(1).

8. Respondent has affirmatively waived his right to a hearing in the manner provided by law and has consented to the issuing of this Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. In respect of the aforesaid violation, a civil penalty in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) is hereby assessed against the Respondent. Payment of the civil penalty is due in accordance with the following schedule:

1. \$100 with the return of the signed and notarized copy of this Order;
2. \$250 by April 30, 2009;
3. \$250 by May 31, 2009;
4. \$250 by June 30, 2009;
5. \$250 by July 31, 2009;
6. \$250 by August 31, 2009, and
7. \$150 by September 30, 2009.

The failure to make a timely payment shall result in the entire balance of civil penalty being immediately due. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.

II. Respondent shall comply with the Schedule of Compliance set forth in this Modification, which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supercedes any Schedule of Compliance set forth in the Order.

III. The effective date of this Modification shall be the date it is signed by the Department.

IV. All terms, provisions, and conditions of the Orders remain in effect unless expressly modified in this Modification.

DATED: \_\_\_\_\_, 2009  
Rotterdam, New York

Alexander B. Grannis  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

\_\_\_\_\_  
Eugene J. Kelly  
Regional Director  
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Order, waives the right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained in this Order.

\_\_\_\_\_  
Armando DeLuca

Date: \_\_\_\_\_

STATE OF NEW YORK    )  
  )ss.:  
COUNTY OF                    )

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_, 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 s/he executed the same in his capacity, and that by the 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:  
My Commission Expires:

## SCHEDULE OF COMPLIANCE

1. Within sixty (60) days of the effective date of this Order, Respondent shall obtain the required dry cleaning owner/manager certification, hire a certified owner/manager, or cease dry cleaning operations including the proper shutdown of the dry cleaning machine in accordance with the regulations. A copy of the dry cleaning owner/manager certification or Notice of Equipment Shutdown shall be submitted to the Department.