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Air Enforcement: Alabama Department of Environmental Management and Auburn Dry Cleaning Facility Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Neil Foster d/b/a Fifth Avenue Cleaners ("Fifth Avenue") entered into an October 6th Consent Order ("CO") addressing certain ADEM Administrative Code provisions related to air pollution prevention. See Consent Order No. 21-_____-CAP.

The CO provides that Fifth Avenue owns and operates a perchloroethylene ("PERC") dry cleaning facility ("Facility") in Auburn, Alabama.

The Facility is stated to utilize one dry-to-dry PERC machine.

The National Emission Standards of Hazardous Air Pollutants ("NESHAP") for National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities is incorporated into the ADEM Administrative Code, making the standard applicable to PERC dry cleaners in Alabama.

ADEM is stated to have conducted an inspection of the Facility on April 19th. The operating manual and certain records were alleged to be unavailable at the time of the inspection:

- PERC purchase receipts, with the exception of two receipts (1/6/21 for 30 gallons and 1/27/21 for 15 gallons);
- Records of monthly PERC purchases;
- A 12-month rolling total for PERC purchases;
- Documentation showing that weekly leak detection inspections were conducted;
- Documentation showing that weekly temperature and/or pressure monitoring of the refrigerated condenser was conducted;
- Monthly documentation showing that leak detection and repair (LDAR) inspections were conducted; and,
- Complete operating manual

ADEM subsequently issued a Notice of Violation for alleged failure to have compliance records available for review or a complete operating manual in violation of certain ADEM Administrative Code provisions.

The NOV requested that Fifth Avenue submit a written response to the questions regarding:

- Recordkeeping and an explanation of how it will prevent any future compliance issues concerning the PERC NESHAP; and,
- Copies of the 2019-2021 calendar year's records and receipts

Fifth Avenue is stated to have provided copies of the records in response to the Notice of Violation on June 28th. However, it is stated that no responses to the questions were provided. The CO references the copies of records that were not provided.

ADEM is stated to have submitted return copies of the 2019-2020 calendars to Fifth Avenue, stating the calculation submitted in the response to the Notice of Violation were incorrect.

Fifth Avenue neither admits nor denies ADEM's contentions.

The CO assesses a civil penalty of \$1,000.

A copy of the CO can be downloaded [here](#).