

**SUBCHAPTER G: NON-PERCHLOROETHYLENE USERS, FACILITIES AND  
DROP STATIONS**

**§§337.61 - 337.64  
Effective June 26, 2008**

**§337.61. Nonparticipating Non-Perchloroethylene User Registration Certificate.**

To obtain a nonparticipating non-perchloroethylene user registration certificate, an owner of a dry cleaning facility or dry cleaning drop station must meet the requirements of Texas Health and Safety Code, §374.104 and swear in an affidavit approved by the executive director that:

- (1) the owner has never used or allowed the use of the dry cleaning solvent perchloroethylene at any dry cleaning facility or drop station in the state;
- (2) the dry cleaning solvent perchloroethylene has never been used at the location to which the nonparticipating non-perchloroethylene user registration certificate would apply;
- (3) the owner will not now or ever use or allow the use of perchloroethylene at the location to which the nonparticipating non-perchloroethylene user registration certificate would apply; and
- (4) the owner was the owner of the dry cleaning facility or dry cleaning drop station on January 1, 2004, and was eligible to file the option not to participate on or before January 1, 2004, and inadvertently failed to file before that date.

Adopted January 11, 2006

Effective February 1, 2006

**§337.62. Nonparticipating Non-Perchloroethylene Facilities and Drop Stations.**

(a) In accordance with Texas Health and Safety Code, §374.104, after a dry cleaning facility or drop station is designated as nonparticipating:

- (1) the dry cleaning facility or drop station is not eligible for any expenditures of money from the Dry Cleaning Facility Release Fund or other benefits of participation for that facility or drop station;
- (2) that dry cleaning facility or drop station may not later become a participating facility or drop station, regardless of whether the owner of the facility, the owner of the drop station, or the owner of the real property is applying for participation in Dry Cleaning Facility Release Fund benefits; and
- (3) perchloroethylene must never be used at that facility.

(b) In any sales transaction of the nonparticipating non-perchloroethylene facility, drop station, or of the real property on which the facility or drop station is located, the owner of the facility, the owner of the drop station, or the owner of the real property, as applicable, shall disclose the following to potential buyers prior to any sale:

- (1) the nonparticipating status of the dry cleaning facility or drop station;
- (2) the fact that the dry cleaning facility or drop station may not later become a participating facility or drop station; and
- (3) the prohibition on the use of perchloroethylene at the dry cleaning facility or drop station.

Adopted January 11, 2006

Effective February 1, 2006

**§337.63. Owner Affiliation.**

For the purposes of this subchapter, the term "owner" includes any entity or person affiliated with the owner through:

- (1) any relationship within the third degree of consanguinity or second degree of affinity as described in Texas Government Code, Chapter 573, Subchapter B;
- (2) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created solely by the instruments by which title to the facility is conveyed or financed, by a contract for the sale of goods or services, or by a contract for employment); or
- (3) the result of a reorganization of a business entity that used or uses perchloroethylene.

Adopted May 11, 2005

Effective June 1, 2005

**§337.64. Retaining Nonparticipating Status for a Drop Station Moved to a New Location.**

(a) To retain the nonparticipating status of a drop station when that drop station is moved to a new location, the owner of the drop station must:

- (1) Hold a current nonparticipating non-perchloroethylene user registration certificate for the drop station pursuant to §337.61 of this title (relating to Nonparticipating Non-Perchloroethylene User Registration Certificate);
- (2) Submit updated registration information for the drop station pursuant to §337.10 of this title (relating to Registration for Dry Cleaning Facilities and Drop Stations);
- (3) Continue to meet all requirements of Texas Health and Safety Code, §374.104 and of this subchapter; and
- (4) Swear in an affidavit approved by the executive director that:

(A) the dry cleaning solvent perchloroethylene has never been used at the new location to which the nonparticipating non-perchloroethylene user registration certificate would now apply; and

(B) the owner will not now or ever use or allow the use of perchloroethylene at the new location to which the nonparticipating non-perchloroethylene user registration certificate would now apply.

(b) All provisions of this subchapter apply to any new drop station location that retains its nonparticipating status pursuant to this section.

(c) A nonparticipating non-perchloroethylene user registration certificate issued pursuant to §337.61 of this title may only apply to one drop station location at a time.

Adopted June 4, 2008

Effective June 26, 2008