

**Texas Commission on Environmental Quality
Dry Cleaner Advisory Committee Meeting
November 7, 2014
12100 Park 35 Circle, Building B, Room B-201A
Austin, TX 78753
10:00am – 12:00pm**

Opening:

The regular meeting of the Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Advisory Committee was called to order at 10am by Michael A. Bame, P.G., Dry Cleaner Remediation Program Manager.

Attendees:

Advisory members in attendance were Vicky Maisel, Dr. Charles Riggs, Shirley Reichstadt and Rick Sims.

TCEQ employees in attendance were Kera Bell, David Cardona, David Cullen, Ken Davis, Martha Glasgow, Jenn Grossman, Lynne Haase, Wendy Hutchinson, Don Kennedy, Kerry Martin, Mark Oliver, Beth Seaton, and Mandy Thomas.

Also in attendance was Allan Johnson, III, National President of Dry Cleaning & Laundry Institute International.

Agenda:

Report to the 84th Texas Legislature:

Pursuant to Texas Health and Safety Code, Chapter 374, the Dry Cleaning Activities Report is prepared by the TCEQ, approved by the Dry Cleaner Advisory Committee, and submitted to the Texas Legislature each even numbered year prior to the legislative session.

The following items were noted prior to opening the topic for discussion:

- The Solvent Fees referenced in Table 1 of the report should be corrected to \$1,802,938.00 increasing the Total Collections to \$8,558,399.00.
- As denoted by the asterisk in Table 4, Corrective Action costs reflects obligated costs versus actual invoices because not all FY 2014 invoices have been submitted and paid. The difference between obligated costs and actual invoices is approximately \$20,000.
- The Administrative costs listed in Table 4 are far below the 15% allowed by statute. Administrative costs in FY 13 and FY 14 were \$134,000 and \$119,000 as compared to the allowable amount of \$659,000 and \$624,000 respectively.

Committee members also asked about ranking by category. The ranking system was explained in more detail, including how the rankings are done twice a year as required by statute. The statute

requires that the rankings be listed by site number, versus ranking, in this report. A list of the sites by their ranking is attached to the Status Report. Rankings are available on the website in the format as attached to the Status Report.

There was additional discussion about active status and also about the number of contractors associated with the program. Mr. Bame explained that there are currently two Dry Cleaner Engineering contracts and four Dry Cleaner Site Activities contracts held by a total of four contractors. New Dry Cleaner Engineering contracts will be procured in FY 2015 and new Dry Cleaner Site Activities contracts will be procured in FY 2016.

Dr. Riggs moved to approve the report with corrections to Table 1.

Rick Sims seconded the motion.

The report is approved by a vote of 4-0.

Program Status Report – Fiscal Year 2014:

A Program Status Report is prepared each year and presented to the Committee for approval. Upon approval, the report is posted on the program website and made available to the Legislature. Martha Glasgow addressed the Registration and the Dry Cleaning Registration Initiative sections of the report by explaining the tables as well as the Initiative Program details on pages 3-5. There was discussion about the registration numbers, the possible enforcement penalties and the enforcement authority of the DCRP.

Ms. Glasgow reviewed the Initiative Program numbers for FY 2014 to illustrate how the program impacts registration. Ms. Glasgow spoke in detail about the Final Results table on page 5 of the report by going over the process for how businesses are selected; how those businesses are contacted by mail and the response to that mail out; the areas in Texas where site visits take place; how many businesses were visited and what the results of those visits were.

Mr. Bame spoke about the Dry Cleaning Facility Release Fund (Fund 5093) on page 5. As requested by the committee, the last sentence on page 5 will be amended to reflect the actual percentage of funds expended for administration of the program.

Kera Bell, Program Support Section, and Mark Oliver, Enforcement Division discussed the Compliance and Enforcement Action portion of the report.

Ms. Bell spoke about site visits completed in FY 2014, most of which were done in the Dallas—Fort Worth area. Questions and discussion about the inspection process and requirements followed her review.

Mr. Oliver spoke about the enforcement actions at dry cleaner facilities in FY 2014. He further explained that the enforcement cycle can run from one fiscal year to the next so the number of actions in FY 2014 is not a reduction as compared to the previous year. Members asked the amount of assessed penalties actually collected. Mr. Oliver indicated he would get that number from Financial Administration. He further explained that enforcement fees and penalties go to the General Revenue Fund and not to the DCRP fund.

Mr. Oliver gave additional information about the historical data of enforcement actions with respect to dry cleaning. The most prevalent of those enforcement actions being registration violations and the second most being secondary containment violations. He stated the top four

violations are registration, secondary containment, not maintaining records, and not conducting inspections. He added to this that in FY 2014, the top violation with respect to enforcement was secondary containment over registration. This updated was followed by a discussion about secondary containment.

There was discussion about corrective action and what the future expectations are for FY 2015 as well as the Legislative Budget Board requirements for FY 2015.

There was also discussion about the attachments to the reports. Mr. Bame explained the priority point system used in those attachments. Online registration was also discussed. Ms. Glasgow reported that a formal request was made for this in July 2014.

The TCEQ will report back to the Committee on the follow-up items listed below:

- The TCEQ's Shut-Down Authority and the scope of that authority as it relates to registration.
- The number of registered versus non-registered dry cleaners where site visits were completed in FY 2014.
- The inspection check list that field inspectors use when doing a site visit to dry cleaner's facilities and drop stations.
- The letter that will be sent to 150 dry cleaners that still need to comply with the secondary containment regulation that begins January 1, 2015.
- Forms/calendars available for dry cleaners to use for reference on TCEQ forms and due dates.

The Dry Cleaner Environmental Response Program Fiscal Year 2014 Status Report is approved with the agreed change to page 5. Mr. Bame will send the corrected copy to the members via email.

Public comments:

Allan Johnson, III provided updates and comments on behalf of the Dry Cleaning & Laundry Institute International (DLI) regarding the sunset of dry cleaning legislation in 2020. Mr. Johnson mentioned the DLI will continue to look into trying to extend the program and funding.

Mr. Bame clarified that the sunset date of the program is currently September 1, 2021. All remediation work accepted in the DCRP will be completed based on available funding. Funding remaining after that cleanup goes to the general revenue fund after the program is officially closed. If the program is not continued by future legislation, all remediation will stop on or before September 1, 2021 if the funding source is depleted prior to the sunset date.

Other Business:

Norberto Garcia resigned from the Committee. The TCEQ will be soliciting for a replacement member and may request assistance from the current committee members.

Adjournment:

The meeting was adjourned by Michael Bame.