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Texas Commission on Environmental Quality

Remediation Division

SFR-083/04

12/01/04

Dry Cleaning Activities: Report to the 79th Texas Legislature

The Dry Cleaner Environmental Response Act (Chapter 374, Section 374.056), requires the TCEQ to submit a report to the Governor and Legislature on or before December 1 of each even-numbered year regarding the following:

- collection of funds,
- disbursements from the fund,
- the extent of corrective action, and
- the ranking of sites for the previous two fiscal years.

As required by statute, a Dry Cleaner Advisory Committee was formed to offer input into the development of the Dry Cleaner program and draft rules. The TCEQ received several nominations from industry and elected officials. The TCEQ selected five individuals who have offered valuable professional knowledge and experience in establishing this new regulatory program. The Advisory Committee met several times with TCEQ staff, participated in stakeholder meetings, and helped open communication with industry members. The members of the Dry Cleaner Advisory Committee are:

- Mr. James Cripe, Temple (representing dry cleaners);
- Mr. Charles Franklin, Houston (representing dry cleaners);
- Ms. Shirley French Reichstadt, Dallas (representing dry cleaners);
- Dr. Charles Riggs, Denton (representing the urban public); and
- Mr. Michael L. Trollinger, Brady (representing the rural public).

Since the program has only been in existence during FY04, the information provided in this report is for that year only. This report has been reviewed and commented on by the Dry Cleaner Advisory Committee as required by Section 374.004(b)(2) of the Health and Safety Code.

The following four items are included to meet the statutory requirements for the report:

- Funds deposited to the Dry Cleaning Facility Release Account (5093) during the two previous fiscal years and the revenue sources:

FY04 Registration Fees	\$ 3,397,792
FY04 Solvent Fees	\$ 1,018,854
FY04 Interest Earned	\$ 22,213
FY04 TOTAL	\$ 4,438,859

A total of 2,146 dry cleaning facilities and 1,658 drop stations were registered in FY04, the first year of the program. There are a total of 2,356 dry cleaning facilities and TCEQ's records indicate that 64% of registered facilities have used perchloroethylene. As allowed by statute, a total of 384 non-perchloroethylene facilities chose to opt-out of the program.

In recognition that many dry cleaning facilities are small businesses and this is a new regulatory program, the TCEQ authorized quarterly payment of registration fees for fiscal year 2004. The TCEQ is continuing this arrangement for fiscal year 2005; however, owners must make an initial payment of at least \$250 or 25% of the total due for 2005 fees, whichever is greater. The remaining balance (if any) will be due in no more than three installments of at least \$250. This arrangement allows these small businesses to adjust their operating budgets to cover the regulatory fee requirements.

- Disbursements from the Dry Cleaning Facility Release Account during the two previous fiscal years and the purposes of the disbursements:

For FY 04, expenditures either from the account, or on behalf of the program, have only been for the purpose of FY04 administrative costs. These amounts include salaries and the cost of fringe benefits needed to begin implementation of the program.

FY04 Salaries	\$166,787
FY04 Fringe Benefits	\$ 40,029

- The extent of corrective action taken under this chapter during the two previous fiscal years:

Since the statute allows only expenditures for administrative and start-up costs prior to January 2005, corrective actions have not yet been conducted.

- The ranking of sites on the date the report is made:

The Application for Ranking was developed during FY04 and made available in September 2004. The TCEQ has received the first two applications as of the date of this report, however, one was administratively incomplete. The other site is undergoing technical evaluation and will soon receive a ranking score. It is anticipated that more Applications for Ranking will be received in the near future as the agency prepares to begin corrective action activities.

Additional activities completed in FY04:

- development of the scope of work and contract documents to procure the services of environmental consulting firms to initiate corrective action in January 2005;
- hiring of additional staff in the Remediation program; and
- currently evaluating proposals received in response to the posting of this contracting opportunity on the Texas Marketplace.