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Texas Commission on Environmental Quality

Remediation Division

SFR-083/06

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Dry Cleaning Activities: Report to the 80th Texas Legislature

The Dry Cleaner Environmental Response Program was created in 2003 by House Bill 1366 (78th Legislature, Regular Session) and codified in the Texas Health and Safety Code (THSC), Chapter 374. This law established new environmental standards for dry cleaners and a remediation fund to assist with the assessment and remediation of contamination caused by dry cleaning solvents. The Dry Cleaner Environmental Response Act of 2003 was amended in 2005 by HB 2376 and Senate Bill 444 (79th Legislature, Regular Session).

As mandated by THSC 374.056, the Texas Commission on Environmental Quality (TCEQ) is required to submit a report to the Governor and Legislature on or before December 1 of each even-numbered year. This report shall include a compilation of the following data for the previous two fiscal years:

- (1) Funds collected and deposited to the Dry Cleaning Facility Release account**
- (2) Disbursements from the Dry Cleaning Facility Release account and the purposes of the disbursements**
- (3) Extent of corrective action conducted**
- (4) Ranking of sites for the previous two fiscal years**

As of September 1, 2006, 26 solvent distributors, 1,944 facilities, and 1,821 drop stations were registered with the agency. Registrants self-reported gross receipts as follows:

Registration Status and Receipts	Facilities	Drop Stations
Participating status, gross receipts > \$150,000	928	389
Non-Participating status, gross receipts > \$150,000	206	34
Participating status, gross receipts < \$150,000	677	1,262
Non-Participating status, gross receipts < \$150,000	133	136
TOTAL REGISTRATIONS	1,944	1,821

Of the facilities, 60 percent (1,171) registered as perchloroethylene (PERC) facilities and the remaining 40 percent (773) registered as non-PERC facilities.

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During the 79th Legislative Session, HB 2376 and SB 444 passed, amending requirements for non-participating status for the Dry Cleaning Facility Release fund. The bills extend the deadline for becoming non-participating, allowed drop stations to be non-participating, and required landowner permission for facilities or drop stations to become non-participating.

The terms “participating” and “non-participating” refer to one’s eligibility to receive benefits from the Dry Cleaner Facility Release fund. This status also affects the fees and registrations to which one is subject. To be “non-participating” (e.g., not eligible to receive benefits), one must meet the following requirements.

- Applied for non-participating status by February 28, 2006
- Owned the dry cleaning facility or drop station on January 1, 2004
- Eligible to opt out of the fund before January 1, 2004 but inadvertently failed to file before that date
- Attested they never used or allowed the use of perchloroethylene at any dry cleaning facility or drop station in Texas
- Agreed perchloroethylene would not be used as a dry cleaning solvent at the facility or drop station
- Obtained written consent to opt out of the fund from the person who owned the real property on which the dry cleaning facility or drop station was located

There are five basic types of facilities and drop stations as they relate to the fund.

Type	Solvent Fees Collected	Registration Fee	
		Gross Receipts >\$150,000	Gross Receipts ≤\$150,000
Facility <i>(aka: Participating Facility)</i>	Yes <i>(perchloroethylene: \$15 per gallon / other solvent: \$5 per gallon)</i>	\$2,500	\$250
Participating Non-Perchloroethylene Facility <i>(type will not transfer to new owner)</i>	No <i>(should not be receiving perchloroethylene)</i>	\$2,500	\$250
Non-Participating Non-Perchloroethylene Facility <i>(type will transfer to new owner)</i>	No <i>(should not be receiving perchloroethylene)</i>	\$250	\$250
Drop Station <i>(aka: Participating Drop Station)</i>	N.A. <i>(should not be receiving solvent)</i>	\$750	\$250
Non-Participating Non-Perchloroethylene Drop Station <i>(type will transfer to new owner)</i>	N.A. <i>(should not be receiving solvent)</i>	\$125	\$125

Note: The term “non-perchloroethylene” means the owner has attested that he has never used, allowed the use of, or will allow the use of perchloroethylene at any dry cleaning facility or drop station in Texas.

(1) Funds collected and deposited to the Dry Cleaning Facility Release account (5093) during FY05 and FY06. Dry cleaning facilities and drop stations are required to pay fees when registering with the TCEQ and when purchasing solvent from distributors. In addition to these primary revenue sources, the fund also includes revenue from deductibles, penalties, and interest.

Registration Fees (FY 05 and 06)	\$ 7,159,234
Solvent Fees (FY 05 and 06)	\$ 6,491,005
Deductibles, Penalties, and Interest (FY 05 and 06)	\$ 788,506
TOTAL COLLECTIONS, FY 05 and 06	\$ 14,438,745

Potential Loss of Funds Due to Non-Registration

The number of registered dry cleaning facilities and drop stations declined during FY06 while industry information indicated a number of facilities may never have registered as required. As a result, the TCEQ began an initiative to improve compliance with registration requirements by mailing letters to unregistered dry cleaners requesting they register. Locations that remained unregistered were included on a list of sites targeted for investigation.

TCEQ conducted a total of 1,682 investigations across the state between May 17, 2006 and June 20, 2006. Investigators found 814 active dry cleaners or drop stations operating without a registration. Owners of unregistered sites identified during the initiative were referred for formal enforcement. Total registrations increased from 2,336 on January 27, 2006 to 3,628 on July 19, 2006.

(2) Disbursements from the Dry Cleaning Facility Release account during the two previous fiscal years and the purposes of the disbursements: Disbursement from the fund during FY05 and FY06 total \$2.7 million, as follows:

Corrective Action costs	\$ 637,226
Administrative costs	\$ 2,074,430
TOTAL DISBURSEMENTS, FY 05 and 06	\$ 2,711,656

(3) Extent of corrective action conducted and (4) Ranking of sites during the two previous fiscal years:

Application for Ranking: Eligible facility owners or landowners may submit an Application for Ranking to the TCEQ-DCRP if a contaminant release to the environment is documented. Complete applications are ranked by the TCEQ within 90 days of receipt. In FY05 and FY06 the TCEQ received a total of 91 Applications for Ranking. To date, an additional eight applications have been received in FY07.

Site Ranking and Prioritization: The dry cleaning site ranking system is a methodology designed to determine a numerical score for a facility based on the TCEQ’s judgment regarding various factors that may harm human health or the environment. Site ranking is a measure of a site’s

potential to harm human health and the environment. The TCEQ ranks sites using site environmental data supplied by the applicant.

Site prioritization is based in part on site ranking but also takes into account non-risk factors which promote effective use of the fund. The TCEQ prioritizes all ranked sites at a frequency of every six months or less. As of October 20, 2006, the TCEQ has ranked and prioritized 77 Applications for Ranking.

Corrective Action: Corrective action includes the assessment and remediation (i.e., cleanup) of soils, groundwater, or surface water affected by a release of dry cleaner solvent. Corrective action cannot begin at a site until the Dry Cleaner Remediation Program has conducted both site ranking and site prioritization.

The corrective action process involves several different phases:

- pre-assessment: corrective action is expected to begin in fiscal year 2007,
- assessment: characterization of extent of contamination and environmental impact,
- remediation: assessment is complete and cleanup has begun,
- monitoring: additional data collection to confirm effectiveness of the remediation, and
- closure: site has met a regulatory closures standard.

Corrective action at a site may be postponed or suspended in order to make money available for corrective action at a site with a higher priority. During the previous two fiscal years, there were sufficient funds available so that no corrective actions at any sites were postponed or suspended.

As of October 20, 2006, the TCEQ has initiated corrective action on 59 sites. The majority of sites are in the assessment phase, in which the extent of contamination is determined. The remediation phase has begun on two of the sites. One site has withdrawn from the program. The remaining sites are in the pre-assessment phase and corrective action is expected to begin in fiscal year 2007.

The following table summarizes the site ranking score, site priority, and corrective action phase for each of the sites in the Dry Cleaner Remediation Program.

Table 1 - Extent of Corrective Action and Ranking of Sites Conducted during Fiscal Years FY05 and FT06

DCRP Site	Site Name	City	Site Corrective Action Status	Site Ranking Score	Site Priority	Contaminant Type	Costs to Date*
7	Comet Cleaners	Arlington	Assessment	495	1	Chlorinated Solvent	\$48,183
4	Inwood Shopping Center	Houston	Remediation	410	2	Chlorinated Solvent	\$40,719
33	Parkway Central Shopping Center	Arlington	Assessment	445	3	Chlorinated Solvent	\$35,044
39	Boss Cleaners	Arlington	Assessment	435	4	Chlorinated Solvent	\$8,705
30	Val-U Cleaners	Arlington	Assessment	460	5	Chlorinated Solvent	\$86,017
29	Town & Country Dry Cleaners	Grapevine	Assessment	375	6	Chlorinated Solvent	\$75,626
34	Posh Cleaners	Dallas	Assessment	370	7	Chlorinated Solvent	\$46,934
52	Fmr Woodforest Foodmart	Houston	Pre-Assessment	370	8	Chlorinated Solvent	\$0
19	Jack Brown / One Price	Austin	Assessment	390	9	Chlorinated Solvent	\$9,841
16	Northgate Shopping Center	Houston	Assessment	380	10	Chlorinated Solvent	\$12,575
10	Memorial Village Dry Cleaners	Houston	Assessment	420	11	Chlorinated Solvent	\$102,040
57	Greens Imperial Center	Houston	Pre-Assessment	415	12	Chlorinated Solvent	\$0
6	Hi-Tech Cleaners	The Colony	Assessment	415	13	Chlorinated Solvent	\$48,183
12	Fmr Pioneer Cleaners	Houston	Assessment	365	14	Chlorinated Solvent	\$107,621
64	Former Star Cleaners	Houston	Pre-Assessment	325	15	Chlorinated Solvent	\$0
54	A-1 Dry Cleaners	Corpus Christi	Pre-Assessment	405	16	Chlorinated Solvent	\$0
20	Corrigan's Properties	Dallas	Assessment	405	16	Chlorinated Solvent	\$40,334
58	Cypress Creek Cleaners	Cypress	Assessment	400	18	Chlorinated Solvent	\$82,901
60	Good Neighbor Cleaners	Houston	Pre-Assessment	400	18	Chlorinated Solvent	\$0
62	Former Continental Cleaners	Dallas	Assessment	315	20	Chlorinated Solvent	\$1,223
43	Eastgate One Hour Martinizing	Garland	Assessment	355	21	Chlorinated Solvent	\$1,223
31	Jefferson Cleaners	Port Arthur	Assessment	350	22	Chlorinated Solvent	\$33,374
1	Fmr Hallmark Cleaners	Houston	Assessment	385	23	Chlorinated Solvent	\$77,863
85	La Rose Dry Cleaners	Houston	Pre-Assessment	385	24	Chlorinated Solvent	\$0
42	Country Club Cleaners	Dallas	Assessment	340	25	Chlorinated Solvent	\$10,394
44	Fmr Kwik Wash Laundry	Dallas	Assessment	380	26	Chlorinated Solvent	\$7,365
69	Former Dry Cleaner Site	Corpus Christi	Pre-Assessment	335	27	Chlorinated Solvent	\$0
50	Randalls Center - Bay Area	Friendswood	Assessment	365	28	Chlorinated Solvent	\$4,163

71	Bay Plaza	Baytown	Pre-Assessment	365	29	Chlorinated Solvent	\$1,272
55	Sulfur Springs Shopping Center	Sulfur Springs	Assessment	365	29	Chlorinated Solvent	\$7,419
53	Bell Cleaners – Midway	Dallas	Pre-Assessment	365	31	Chlorinated Solvent	\$0
48	Barkers Comet Cleaners	Burleson	Assessment	360	31	Chlorinated Solvent	\$7,923
24	Beechnut Centre one	Houston	Assessment	360	33	Chlorinated Solvent	\$36,483
61	Premium Cleaners	Carrollton	Assessment	355	34	Chlorinated Solvent	\$8,726
23	Grogans Center One	Houston	Assessment	355	35	Chlorinated Solvent	\$74,571
36	Former Collins Street Cleaners	Arlington	Assessment	355	35	Chlorinated Solvent	\$107,088
11	City Cleaners	Missouri City	Assessment	390	37	Chlorinated Solvent	\$96,525
68	Comet Cleaners - Mid Cities	N Richland Hills	Assessment	350	38	Chlorinated Solvent	\$8,705
28	Nifty Cleaners	Houston	Assessment	350	39	Chlorinated Solvent	\$4,225
14	Quality Cleaners	Dallas	Assessment	345	40	Chlorinated Solvent	\$22,546
59	Village Creek Shopping Center	Plano	Pre-Assessment	345	41	Chlorinated Solvent	\$0
67	Former Cottage Cleaners	Dallas	Assessment	345	42	Chlorinated Solvent	\$42,877
79	Former Crescent Cleaners	Houston	Pre-Assessment	340	43	Chlorinated Solvent	\$0
84	Former Carrollton Cleaners	Carrollton	Pre-Assessment	335	44	Chlorinated Solvent	\$0
26	Brothers II Cleaners	Lake Worth	Remediation	330	45	Chlorinated Solvent	\$21,971
37	Beltline Venture Shopping Center	Dallas	Assessment	330	46	Chlorinated Solvent	\$20,172
45	Former Town & Country Cleaner	Dallas	Pre-Assessment	330	47	Chlorinated Solvent	\$0
40	Custom Cleaners	Baytown	Assessment	330	47	Chlorinated Solvent	\$14,648
65	Natchez Properties - Fmr Globe Laundry	Houston	Assessment	285	49	Chlorinated Solvent	\$35,740
41	ZIP Cleaners	Killeen	Pre-Assessment	325	49	Chlorinated Solvent	\$1,223
3	Sparky's Cleaners	Deer Park	Pre-Assessment	325	51	Chlorinated Solvent	\$0
15	Oak Village Cleaners	Houston	Assessment	320	52	Chlorinated Solvent	\$97,730
63	Blue Ribbon Cleaners and Laundry	Duncanville	Assessment	320	53	Chlorinated Solvent	\$8,563
72	USA Cleaners	Dallas	Pre-Assessment	310	54	Chlorinated Solvent	\$0
17	Westgate Shopping Center - Former KC Cleaners	Abilene	Assessment	310	55	Chlorinated Solvent	\$14,951
47	Baumgart Family Cleaners	Flower Mound	Assessment	310	55	Chlorinated Solvent	\$42,044
25	Pride Cleaners & laundry	McAllen	Assessment	305	57	Chlorinated Solvent	\$59,889
66	Former Decent Cleaners	Dallas	Assessment	255	58	Chlorinated Solvent	\$9,447
5	SA Five Star Dry Cleaners	San Antonio	Assessment	290	59	Chlorinated Solvent	\$54,945
8	Jack Brown Balcones Woods	Austin	Assessment	290	59	Chlorinated Solvent	\$87,254
27	Wyman One Hour	Wichita Falls	Assessment	280	61	Chlorinated Solvent	\$66,554

38	Park Place Plaza	College Station	Pre-Assessment	270	62	Chlorinated Solvent	\$0
70	Prestige Fabricare	Lubbock	Assessment	270	63	Chlorinated Solvent	\$4,334
13	Comet 1-Hour Cleaners	Arlington	Assessment	265	64	Chlorinated Solvent	\$43,159
56	Adrians Cleaners	Fort Worth	Assessment	260	65	Chlorinated Solvent	\$16,495
22	Ryan's Express Houston	Houston	Assessment	250	66	Chlorinated Solvent	\$66,901
81	Bellaire \$1.75 Cleaners	Baytown	Pre-Assessment	245	67	Chlorinated Solvent	\$0
32	Village Custom Cleaners	Colleyville	Assessment	245	68	Chlorinated Solvent	\$36,150
21	Ryan's Express Cleaners	Humble	Assessment	245	68	Chlorinated Solvent	\$100,695
46	Lone Star Cleaners	Dallas	Assessment	240	70	Chlorinated Solvent	\$26,944
2	Cooks Cleaners	Rosenberg	Assessment	235	71	Chlorinated Solvent	\$60,152
86	Joyce Cleaners	Farmers Branch	Pre-Assessment	235	72	Chlorinated Solvent	\$0
78	Pilgrim Cleaners	Houston	Pre-Assessment	230	73	Chlorinated Solvent	\$0
18	Woodway Augusta Plaza	Houston	Assessment	185	74	Chlorinated Solvent	\$72,618
49	Dixon Cleaners	Dallas	Assessment	175	75	Chlorinated Solvent	\$32,506
51	Classic Cleaners	Dallas	Assessment	140	76	Chlorinated Solvent	\$3,480
35	Glo Dry Cleaners	Dallas	Withdrawn	N/A		Chlorinated Solvent	\$2,158

* The "Costs to Date" represents the current budgeted (encumbered) amount for Corrective Action at each DCRP Site during FY 05 and FY 06. For sites which were accepted into the DCRP but corrective action has no yet been initiated, the "Costs to Date" value is zero.