

SUBCHAPTER F: CORRECTIVE ACTION

§337.50 - 337.53

Effective June 26, 2008

§337.50. Corrective Action.

(a) Corrective action will be conducted under Chapter 350 of this title (relating to Texas Risk Reduction Program) or other guidance established by the executive director.

(b) Corrective action at a site may be postponed or suspended indefinitely in order to make money available for corrective action at a site with a higher priority.

(c) Postponement or suspension of corrective action under subsection (b) of this section does not mean that the cleanup standards under Chapter 350 of this title have been met.

(d) Corrective action will allow for the use of new technologies as they become available.

Adopted May 11, 2005

Effective June 1, 2005

§337.51. Eligibility for Corrective Action.

An owner or other person is eligible to have corrective action costs paid by the Dry Cleaning Facility Release Fund if:

(1) the owner or other person is eligible to apply for a site to be ranked under §337.31(a)(2) of this title (relating to Ranking of Sites);

(2) an application for ranking package under §337.31(a)(3) of this title has been properly submitted to, and accepted by, the executive director as administratively and technically complete;

(3) the owner or other person is not currently in violation of this chapter; and

(4) the owner or other person is not otherwise ineligible for corrective action under this chapter or Texas Health and Safety Code, Chapter 374.

Adopted June 4, 2008

Effective June 26, 2008

§337.52. Site Restrictions Upon Commencement of Corrective Action.

(a) Once corrective action under this chapter has begun at a site, perchloroethylene may not be used at that site.

(b) Following the commencement of corrective action under this chapter, a written notice will be filed in the real property records of the county or counties in which the site is located to notify future property owners that perchloroethylene may not be used at that site.

Adopted June 4, 2008

Effective June 26, 2008

§337.53. Withdrawal of Site from the Dry Cleaner Remediation Program.

(a) Once corrective action costs have been incurred at a site by the Dry Cleaner Remediation Program (the commission program that administers the Dry Cleaning Facility Release Fund), an applicant may not withdraw the site from the Dry Cleaner Remediation Program prior to completion of corrective action at the site.

(b) Notwithstanding subsection (a) of this section, in the event that corrective action has been suspended, postponed, or terminated at a site pursuant to §337.30 of this title (relating to Prioritization of Sites) or §337.50 of this title (relating to Corrective Action), an applicant may request to withdraw the site from the Dry Cleaner Remediation Program. An applicant may withdraw a site pursuant to this subsection only upon the express approval of the executive director.

Adopted June 4, 2008

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