

## **Dry Cleaner Advisory Committee**

Meeting Minutes  
November 9, 2012

### **Opening:**

The regular meeting of the Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Advisory Committee was called to order at 10:00 a.m. on November 9, 2012 in Austin, Texas.

### **Present:**

Advisory member in attendance was Ms. Shirley French Reichstadt. TCEQ employees in attendance were Beth Seaton, Ken Davis, Michael Bame, Richard Scharlach, Dan Switek, Kristine Elliott, David Cullen, Don Kennedy, Martha Glasgow, Barbara Watson, Kera Bell, Will Wyman, Mandi Thomas, Wendy Hutchinson, Charmaine Backens, Elizabeth Slone, and Lynne Haase.

#### **A. Handouts**

The handouts included the TCEQ Dry Cleaner Environmental Response Program Status Report for Fiscal Year 2012 and Dry Cleaning Activities: Report to the 83<sup>rd</sup> Texas Legislature.

#### **B. Introductions**

Ms. Reichstadt and present TCEQ employees were introduced.

#### **C. Discussion of Reports**

Michael Bame, Dry Cleaner Remediation Program Manager, introduced the legislative report and summarized the four goals of the report. These are to document: 1) the funds collected and deposited to the Dry Cleaning Facility Release Fund (the Fund); 2) the disbursements from the Fund; 3) the extent of corrective action conducted at Dry Cleaner Remediation Program (DCRP) sites; and 4) the ranking of sites as of the day of the report. Mr. Bame also stated that \$6.4 million from registration fees, \$2.4 million from solvent fees, and \$400,000.00 from deductibles, penalties and interest resulted in a total collection over the Fiscal Year (FY) 2011 – 2012 biennium of \$9.2 million.

Martha Glasgow of the TCEQ Dry Cleaner Registration Section summarized registration data in the report, stating that as of October 2012, 33 solvent distributors were registered with the TCEQ, of which 26 were active distributors. Property owner registrations increased to 193, while 1509 facilities and 1766 drop stations were also registered. In addition, 726 facilities reported using perchloroethylene (PERC), while 783 reported using other solvents.

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Ms. Reichstadt asked a question about the 726 facilities apparently still using PERC, if this number could possibly reflect mistakes in filling out TCEQ registration forms. Ms. Glasgow replied that she did not think so.

The disbursements from the Fund were discussed. Corrective action costs over the biennium totaled \$9.8 million, and an additional \$855,000.00 covered administrative costs for a total disbursement from the Fund of approximately \$10.6 million. The DCRP received 12 applications in FY11, and 9 in FY12, for a total of 21 applications during the biennium. Additionally, to date the DCRP has accepted 214 applications for ranking. Of those 214, 167 sites currently remain in the DCRP, and corrective action has been completed at 47 sites. Of the 167 sites currently in the DCRP, 86 are in postponed status and 81 are in active status. The Legislative Budget Board has decreased the site closure requirement to two sites per year. The Advisory Committee's approval of the legislative report was requested. Ms. Reichstadt approved.

The next item discussed was the TCEQ Dry Cleaner Environmental Response Program Status Report for Fiscal Year 2012. The current numbers show that registrations for 2012 have increased over 2010 and 2011. The TCEQ Registration and Reporting Section has worked to increase registrations by comparing the Texas Comptroller of Public Accounts' list of dry cleaners with the TCEQ's registration list. Based on that comparison, the Registration and Reporting Section mailed 2,410 letters to potentially unregistered dry cleaning facilities and drop stations. The Registration and Reporting Section also made 450 phone calls to potentially unregistered facilities. In March, 2012, a second letter was sent out. In addition, the Registration and Reporting Section conducted 333 site visits to potentially unregistered dry cleaning facilities and drop stations, located in Killeen, Dallas, San Antonio, Austin, Houston and the Rio Grande Valley. Ms. Glasgow stated that the initiative was very effective, with a net increase of 472 registered sites, and \$788,000 invoiced fees resulting from those new registrations.

Ms. Reichstadt commended this effort.

Revenues for 2011 and 2012 were discussed. The total revenues for 2011 were \$4.5 million and for 2012, \$4.7 million. Revenue from registrations increased, but revenue from solvent fees decreased. Ms. Reichstadt pointed out that "piece count" was down at all dry cleaners, and that facilities are using less solvent, and being better stewards of their solvent. She expects that trend to continue.

Will Wyman of the TCEQ Small Business and Local Government Assistance (SBLGA) program described the outreach SBLGA conducted to dry cleaning facilities by sending out postcards, and assisting facilities with questions. Mr. Bame asked if SBLGA could send out a registration reminder postcard for fiscal year 2013. Mr. Wyman replied that they could.

Mr. Bame then again summarized the fees brought in to the Fund. In 2012, registration fees, solvent fees, and deductibles, penalties and interest totaled approximately \$4.7 million and the total collected to date is approximately \$53 million. The Fund's current

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balance is approximately \$19 million. Kera Bell, of the Field Operation Support Division (FOS), stated that during FY 2012 the TCEQ FOS conducted 38 investigations at dry cleaning facilities. Thirty-five of these investigations were conducted in the Dallas/Ft. Worth region. Of those 35, 32 were onsite investigations and three were file reviews. An additional two investigations were conducted in the Houston region and one was conducted in the Corpus Christi region. These efforts resulted in 19 Notices of Violation (NOVs) and 8 Notices of Enforcement (NOEs).

Mark Oliver of the TCEQ Enforcement Division discussed enforcement actions and penalties. Two orders of enforcement were issued in FY12. The fines payable resulting from the orders of enforcement during FY12 were greater than \$11,000.00.

Ms. Reichstadt asked if there was a trend in the type of violations. Mr. Oliver agreed that there are trends in violations regarding hazardous waste handling and secondary containment. Ms. Reichstadt then asked if this is something that the SBLGA program can address. The SBLGA agreed to send out the regulatory guidance about waste determination and handling.

Mr. Bame continued the meeting by stating that there has been no new dry cleaner legislation, however the legislative session does begin in January of 2013. Corrective actions for FY12 were also discussed. The table, "Corrective Action Status of DCRP sites" was discussed as was the prioritization list attached to the report.

Mr. Scharlach discussed the new prioritization system for the DCRP. In FY13 the DCRP slightly changed how sites are ranked and prioritized semiannually. The TCEQ dry cleaner rules require that the DCRP develop a numerical ranking system, and specify what criteria are used to rank and prioritize sites. The program continues to grow in total numbers. The new priority classification is based on two things: one, the specific risks the site poses and exposure-based criteria, and two, the sites' historical data. The DCRP wanted to maximize the use of funds on sites that were actually impacting or threatening environmental receptors. For example, the DCRP wants to work those sites that may be affecting residential areas, and keep successful remediation systems active. Also the DCRP wants every site coming into the program to have at least minimal assessment so the DCRP understands what risks it poses. The DCRP wants to ensure that lower-risk sites are visited at least once every three years to check up on wells, assess current conditions, etc. These sites are priority classes 1 through 3, and will most likely be funded. For a majority of sites that don't have those concerns, the DCRP will address them in order of their queue. Beth Seaton added that this system is similar for the majority of TCEQ remediation programs; the remediation division looks at risk to prioritize and determine which sites are worked.

Ms. Reichstadt asked whether there are any new technologies or efficient methods for cleanup. Mr. Scharlach responded that the methods are not new, but possibly implemented with more success. In the program, the two closures were achieved utilizing active remedial technologies. Some successful sites utilized bioremediation. It is a cheaper method, but a successful technology that removes contaminant mass.

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Ms. Reichstadt expressed interest in what could be done to complete corrective action at a large number of sites within the next year or two. Ms. Seaton explained that this is a difficult question, considering the differences among sites with respect to costs of corrective action.

Ms. Reichstadt had no questions and thanked TCEQ staff for attending.

**Adjournment:**

Meeting was adjourned at 10:51 by Michael Bame.

Minutes submitted by: Kristine Elliott

Approved by: Michael Bame