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However, per TCEQ rules, advisory committee meetings are open to the public.

Dry Cleaners Advisory Committee Meeting Minutes
Texas Commission on Environmental Quality
November 24, 2003
Room 201A, Building B
1:00 - 4:00pm

Attendees:(Total attendance was approx. 50 people)

All 5 members of the advisory committee:

Mike Trollinger
Jim Cripe
Shirley French Reichstadt
Dr. Charles Riggs
Chuck Franklin

TCEQ attendees:

Jay Carsten,
Caroline Sweeney
Derek Chapin
John Racanelli
Michael Bame
Frank Salat
Don Kennedy

- Introductions
 - Debra Clonts, Chief of Staff, Rep. Elkins
 - Brief introduction by each person at the head table; then audience
- Debra Clonts

Gave history behind the House Bill 1366 and the intent of bill; Rep. Elkins will be monitoring the Dry Cleaning Program and plans to present any changes in the 79th Legislation Session. Debra explained that the actual bill that was passed was a compromise between the different groups within (PERC vs. Petroleum Solvent) the dry cleaning industry.
- Jay Carsten - went over the agenda for this meeting.
 - Agenda
 - 1:00 - 1:45
 - Introductions, explanation of meeting purpose and format (Davis - Carsten)
 - Legislative Process and Dry Cleaning Law (Debra Clonts)
 - Advisory Committee organization (Sweeney)
 - HB 1366 Activities (Carsten)
 - 1:45 - 2:45
 - Issues from Advisory Committee
 - Break
 - 3:00 - 3:45
 - Introduce proposed outline of rule concepts
 - Discuss specific issues related to rule development

- Advisory Committee Member (Riggs) asked Jay Carsten
Question: How many dry cleaning sites are in the Voluntary Cleanup Program. Answer:
Approximately 300.
Question: Where are these sites located? Answer: All over Texas
Question: How many chemicals are involved with these sites? Answer: PERC
Question: Is the fund just for PERC? Answer: No
- The Advisory Committee was asked: Can you represent the PERC dry cleaners in a fair manner even though none of you still use PERC? Answer: All five members answer with "yes".
- Caroline Sweeney: Addresses Advisory Committee...giving purpose of the Advisory Committee. She also tells the members that should they miss three consecutive meetings they may be replaced. Discussed electing chair for committee.
- Discussion on TCEQ status of implementing law.
- The Committee members and the TCEQ members agree that Performance Standards, addressing pollution prevention are very important for the industry.
- There was considerable discussion regarding the sections of HB1366 setting the fees for drop stations. Input from the committee and public speakers at the meeting was a clear consensus that the fees were unfair. Drop stations have no solvent on premises and do not constitute an environmental risk. The fees should all be the same regardless of whether the drop station is owned by someone that also owns a cleaning plant or someone that is independent of a cleaning facility.
- Debra Clonts was asked if changes to the House Bill 1366 are foreseen. Answer: It is foreseen that changes to the bill will be identified and at this time Rep. Elkins plans to introduce these changes in the 79th Legislation Session. If a special session is called, according to government, changes to this bill will not be on the agenda.
- The Committee made it known they are receiving calls with questions about the "Opt Out" option for non-PERC users. The "Opt Out" option is only available until December 31, 2003. No dry cleaner will be able to file an "Opt Out" affidavit after Decmeber 31, 2003. The affidavits were discussed for clarification. It was felt by the Committee that the criteria for the "Opt Out" option has not been clearly defined by the TCEQ.
- Question: Committee asked Registration Section how many "Opt Out" forms has the agency received. Answer: 90 to-date. About 300 Opt Out packages have been sent out.

- Question: Was it the intent of the bill that testing must be done before a site could Opt Out? Answer: from Debra Clonts was “Yes”. Discussion: Short time to accomplish and may result in misleading conclusions.
- Discussion regarding contamination of property the dry cleaner owner’s have “Opt’d Out”; the fund will not assist property owner with environmental remediation.
- Committee requests a copy of the correspondence from Rep. Elkins to Executive Director, Margaret Hoffman clarifying the legislation intent of the bill. Letter was distributed to the Committee for their review.
- What if the current/new owner of the property did not contribute to the contamination and has never used PERC? The Committee felt they should not be held responsible.
- Shirley Reichstadt requested a copy of the list of dry cleaners in the TCEQ database.
- Question: Has TCEQ received a list from distributors to support list of PERC and non-PERC users based on historical purchases. Answer: Only one distributor has provided info. Discussion about using distributors to provide historical records to substantiate/confirm that no PERC had been used by a dry cleaner.
- Committee asks: “How can we find out if registration forms are honestly been filled out. Can the industry supply list of PERC users. Answer: TCEQ would appreciate help from the Committee with these issues.
- Discussion regarding registered facilities purchasing solvent products from out-of-state distributors and how this may affect collection of solvent fees.
- Discussion regarding any possible requirements for the manufacturers or distributors to supply TCEQ documentation regarding Who and How Much solvent is being purchased.
- Question by Shirley Reichstadt: How will former dry cleaning sites be taken care of by the fund? This is unclear in law.
- Question: Owner specific for “Opt Out” is not site specific....What if the owner is part of the fund? The property owner would not be paying registration fee on “closed dry cleaners” ...was it the intent of the legislation to cover “ghost facilities”? Answer from Debra Clonts: “Yes”. The five year rules is just for the property owner. It was the intent of the legislation that a property owner could bring in a closed dry cleaner by paying the \$5,000 deductible fee.
- “Opt Out” question: If a dry cleaner owner “Opts Out” and then sells the facility can the new owner bring the site into the fund? Answer: “No”

- Discussion regarding dry cleaning facilities that are tenants that are required by the landlord to carry environmental insurance and are required by the new law to participate in the Dry Cleaning Program?
- Discussions regarding “spotting agent” with Trichloethylene , does this affect Opt Out? Dr. Charles Riggs state that he has found that the majority of spotting agents “do not” contain PERC; most contain Trichloethylene.
- Discussion concerning delivery routes as drop stations.
- Comment made: An Amendment that is presented to the bill....there is no guarantee that we (the Committee) will get the changes they feel are needed? Debra Clonts: Agreed. There is no guarantee that the changes provided by the Committee will make it all the way through the process without changes.
- Question by Jim Cripe: Were drop stations added to the bill for revenue reasons? Answer by Debra Clonts: “Yes”.
- Recommendation by Dr. Riggs: New Facilities should require certification program of some magnitude.
- Other industries involved in dry cleaning.

Hotels: Should hotels with on-site dry cleaning be required to register? Jim Cripe responded that he only knows of one (1) hotel in Dallas that actually has on-site dry cleaning. Debra Clonts responded that hotels were not brought up when the bill was written.

Uniform rentals and tuxedo rentals: the cost for dry cleaning is incorporated in the rental fee.

TCEQ panel asked Advisory Committee: What other industries use PERC (as cleaner or degreaser) and petroleum solvents? Should they be required to register? Committee responded: they would like to think about this and respond at a later date.

- Performance Standards....Secondary Containment discussed. TCEQ would like some help understanding what level of cost is required for secondary containment. \$1,000 to \$7,000 discussed.
- Was intent for facilities that intend to continue to use PERC to retrofit the equipment. Two purposes....1) the prevention of future contamination, and 2) to clean up present contamination.
- Priority Ranking: With limited funds it could take a while to get some sites to clean up completion. Question: How much will clean up cost? Answer: Cost for clean up is site specific, but \$1million for some PERC sites is anticipated.

- Caroline Sweeney refers to §374.207 exemption if someone submits 3rd Party proof. 3rd Party protection for remediation if it occurred before January 1, 2004...they could sue for de-valuation of property.
- Discuss rule concepts and topics.... 14 items to cover in rule making process.
- Next meeting to be Monday, December 15, 2003 from 1:30 - 4:30pm.
- Floor open to public comments
 - Opt Out affidavits discussed.
 - Reviewing forms.
 - Positive impact of delayed billing.