

Texas Commission on Environmental Quality
Dry Cleaner Advisory Committee Meeting
November 7, 2024
Virtual Meeting via MS Teams
9:30am - 12:00am

Opening:

The regular meeting of the Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Advisory Committee was called to order at 9:30am by Chris Moore, P.G., Dry Cleaner Remediation Program (DCRP) Program Manager.

Attendees:

Dry Cleaner Advisory Committee (Committee) members in attendance were, Dr. Charles Riggs and Shirley French Reichstadt.

TCEQ staff in attendance were Chris Moore, Stacey Dunahoo, Sharon Barker, Kedreonia Freeman, Jay Tabares, Rebecca Morigan, Prasanthi Bollineni, Shannon Frazier, Madelyn Flannagan, Ken Moller, Jaya Zyman, Sarah Connelly, Scott Infinger, Walter Perry, Stephen Sepulveda, Andi Windham, and John Shelton.

Also, in attendance was Ashby McMullan with Weston Solutions.

Introductions: Chris Moore introduced himself as the new DCRP Program Manager, taking over for Kerry Martin.

The DCAC Committee members in attendance, Dr. Charles Riggs and Shirley French Reichstadt, were introduced. Mr. Moore noted that committee member Vicky Maisel announced she will be retiring from the committee after this meeting and will need to be replaced.

Dry Cleaner Environmental Response Program Status Report – Fiscal Year 2024:

A Program Status Report is prepared each year and presented to the Committee. The Program Status Report is posted on the Dry Cleaner Remediation Program website. Mr. Moore discussed program eligibility, funding for the program, and site ranking and prioritization. He indicated there were no changes to the program except the program extension to 2041 granted by the legislature during the last legislative session.

Representatives from the Occupational Licensing & Registration Division (OLRD) were introduced including Shannon Frazier (Manager of the Registration & Reporting (R&R) Section), Andi Windham (Program Support Coordinator for R&R Section), Jaya Zyman (Deputy Director of OLRD), Rebecca Morigan (Special Assistant for OLRD), Sarah Connelly (Team Leader for APO/Dry Cleaners/CWCP Team), and Kedreonia Freeman (AP/Dry Cleaners/CWCP Team member).

Prasanthi Bollineni (Manager for PST/DCRP Section) introduced Remediation Division staff including Stacey Dunahoo (Team Leader for PST/DCRP Team 1) and Sharon Barker (Assistant Deputy Director for Remediation Division).

Mr. Frazier addressed the information concerning registration in the report by discussing the information in Tables 1-3. Mr. Frazier indicated no major deviations from last report in Table 1 but there is a steady decline in the last years for registrations of dry cleaners across the state.

Mr. Riggs asked if we know if the decrease is from non-registered facilities still in business or businesses no longer operating?

Ms. Reichstadt commented that COVID did a number on dry cleaners and they're still dropping like flies.

Mr. Frazier stated that he anticipates seeing an increase in registrations due to outreach that is being implemented on the registration side of things. The TCEQ is trying to get operating businesses that aren't registered to come into compliance and register. A third team has been added to the R&R section, with more staff on the DC Team to handle registrations and mass emails are being sent to businesses to target specific parts of the DC universe. Late fees that were deactivated during COVID are being reinstated but won't be retroactive. They have created tools to help the regulated community with registration including updating forms and creating training videos to help with completing forms correctly for efficiency. One issue that has been noted is that some solvent distributors are not verifying certificate status before delivering and they are working to address that problem. Also, owners of facilities are aging out and selling to non-DCRP facilities.

Mr. Moore spoke about the information in Table 5 regarding revenue types and amounts and discussed the appropriations and expenditures for FY24.

Jay Tabares (Financial Administration Division, Revenue Estimating) spoke about the financial aspects of the report including different revenue streams.

Representatives from the Office of Compliance and Enforcement (OCE), Enforcement Division, were introduced including Ken Moller (Technical Specialist, Waste Enforcement Section), John Shelton (Program Support and Environmental Assistance Division, Field Support Team), and Madelyn Flannagan (Section Manager, Waste Enforcement Section).

Mr. Moller discussed enforcement actions, including the details of one administrative order.

Mr. Shelton discussed the investigations information presented in the report.

Mr. Reichstadt asked for what the majority of the violations were issued.

Mr. Shelton stated that the majority of the violations were administrative/paperwork type of violations.

Mr. Moore went over the Corrective Actions section of the report, specifically DCRP prioritization, active and postponed sites, and the DCRP sites that have met regulatory closure.

Dr. Riggs inquired as to why there are so many postponed sites on the priority list. Is it because of the legislative allocation?

Mr. Moore explained that the allocation each year doesn't allow us to do a full investigation at all sites and we try not to piecemeal work on sites but get more done on fewer sites with the money allotted. Some sites are postponed because they are low in priority in terms of risk and corrective action at that time and other sites are postponed because no work is necessary in the current fiscal year.

Dr. Riggs commented that at the pace we're ranking and remediating sites, it appears the program will never end.

Mr. Moore indicated that some of the sites are difficult to remediate, some are very large and expensive, and we may not be able to remediate them immediately. The program takes care of as many sites as it can with the funds we are allocated.

Dr. Riggs inquired as to the next agency sunset review and Mr. Moore indicated it would be in approximately 18 years.

Mr. Moore asked the Committee members if they had additional questions or concerns with the report. There were no further questions.

Report to the 89th Texas Legislature:

Pursuant to Texas Health and Safety Code, Chapter 374, the Dry Cleaning Activities Report is prepared by the TCEQ, provided to the Dry Cleaner Advisory Committee for their review and comment, and submitted to the Texas Legislature each even numbered year prior to the legislative session.

Mr. Moore indicated that there had been no changes to the statute or report contents and the content is very similar to that in the Annual Status Report just presented.

Mr. Moore discussed the revenue information in the report.

Mr. Frazier discussed the registration info in Tables 2-4 of the report and indicated that the same information was presented in the previous report so there is nothing to add to previous discussion.

Mr. Moore mentioned that Table 2 was added at request of the Dry Cleaner Advisory Committee during the last meeting in 2022 and the TCEQ had retained it in the current report to illustrate the drop in registrations.

Ms. Reichstadt commented on the number of sites reporting <\$150K in gross receipts as it would be hard to the keep doors open for that. Also, businesses using perc could afford new machinery with the penalties they're paying for using perc.

Mr. Frazier encouraged the DCAC members to speak to their industry trade organizations about this and let TCEQ know if there is any valuable information concerning this topic.

Ms. Wyndham commented that the gross receipts reported for each business is verified with the Comptroller's office.

Mr. Moore indicated that we are also getting a lot of inquiries about property owner fees from new property owners and we're explaining they will have to continue to pay those.

Mr. Moore discussed disbursements for Corrective Action and administrative costs from the fund detailed in Table 5 along with the Dry Cleaner Facility Release Fund balance and appropriated budgets for each fiscal year. He explained that some money comes back to us each year because of certain factors out of our control, citing some work that isn't able to be completed during the FY, etc.

Mr. Moore discussed the application and ranking process. 21 sites were ranked over the last two FYs. Sometimes that number is different from applications received because they cross FYs. 367 total sites were ranked as of the end of FY24. He discussed the number of active and postponed sites. 152 sites were active at the beginning of FY25.

Dr. Riggs asked how many contractors are doing the cleanups and stated that he is curious if that is a steady group.

Mr. Moore explained that DCRP contracts are 4-5 years long, and we typically have 4 contracts in place. Sometimes contracts can be extended. Contract timeframes got out of sync due to COVID but we've done an extension to get it back on track. He also briefly discussed the solicitation process.

Mr. Moore discussed the different corrective action phases outlined in the report and went over the number of closed, total, and active sites. He also described the content in Table 6.

Mr. Moore asked the Committee if they had additional questions with the reports.

Dr. Riggs asked if all of this information is posted on the website and Mr. Moore indicated that the reports from previous years are already posted and the reports we just reviewed would be posted once finalized.

Appreciation was expressed by several attendees for the efforts in compiling and reviewing the information and putting the reports together.

Mr. Moore stated that he would follow up with the Committee members not in attendance and make sure they don't have any concerns before finalizing the report.

Mr. Riggs and Ms. Reichstadt indicated they had no comments on this report.

Mr. Moore asked if there were any questions from the public and there were none.

Adjournment:

The meeting was adjourned by Chris Moore.