

**Texas Commission on Environmental Quality
Dry Cleaner Advisory Committee Meeting
November 4, 2016
12100 Park 35 Circle, Building B, Room B-201A
Austin, TX 78753
9:30am - 11:30am**

Opening:

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

Attendees:

Dry Cleaner Advisory Committee (Committee) members in attendance were: Ms. Vicky Maisel, Ms. Shirley Reichstadt, Dr. Charles Riggs, and Mr. Rick Sims.

TCEQ staff in attendance were: Mr. Ken Davis, Mr. Kerry Martin, Mr. Peter Abel, Ms. Shannon Watson, Ms. Theda Strickler, Mr. Nathan Weiss, Ms. Jenn Grossman, Mr. Richard Peltier, and Mr. Don Kennedy.

Also in attendance were: Mr. Chuck Hempstead, Executive Director, Southwest Drycleaners Association (SDA); Mr. Michael Marcon with In Control Technologies; and Mr. Eric White with E&E.

Agenda:

Report to the 85th Texas Legislature:

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

Committee members asked about how the report was presented to the Legislature. It was explained that the *Report to the 85th Texas Legislature* is a stand-alone report and not incorporated into a larger TCEQ report to the legislature. SDA discussed providing a link on their website to the TCEQ Dry Cleaner Remediation Program website, so that members may access the report.

TCEQ provided an overview of the report including the funds collected, disbursement's from the Dry Cleaner Facility Release Fund (Fund), registration information, and corrective action activities.

There was additional discussion about the number of contractors associated with the DCRP. Mr. Bame explained that new Dry Cleaner Engineering contracts were procured in FY 2016 and new Dry Cleaner Site Activities contracts were procured in FY 2017.

The TCEQ currently has two (2) Dry Cleaner Engineering contracts and four (4) Dry Cleaner Site Activities contracts. These were awarded to a total of five (5) contractors.

The Dry Cleaner Facility Release Fund balance and appropriated budgets each fiscal year were also discussed. The TCEQ prepares a Legislative Appropriation Request each biennium. Appropriations are made by the Legislature as part of the General Appropriations Act for the upcoming biennium. Any funds remaining at the sunset of the program in 2021 would be used on DCRP sites that are in the remediation phase until all the funds were expended.

Committee members asked what the average cost was to clean up a contaminated site. Mr. Bame stated approximately \$175,000 is an average cost per site; however, it is dependent on site-specific conditions. The Committee also asked how many petroleum sites were in the DCRP. Mr. Bame said it was very low number and he would research and then provide the number to the Committee.

Mr. Bame asked the Committee if they had additional question or concerns with the report. All four (4) Committee Members approved the report as written. Mr. Bame then stated the report would be submitted to TCEQ publications and then sent to the Legislature on or before December 1, 2016.

Dry Cleaner Environmental Response Program Status Report – Fiscal Year 2016:

A program status report is prepared each year and presented to the Committee for approval. Upon approval, the report is posted on the Dry Cleaner Remediation Program website. Mr. Nathan Weiss addressed the Registration and the Dry Cleaning Registration Initiative sections of the report by explaining the tables as well as the Initiative Program details. There was discussion about the availability of online registration and renewal.

Mr. Weiss went over the Initiative Program numbers for FY 2016 to illustrate how the program impacts registration. Mr. Weiss spoke about the Final Results table by going over the percentages of success rate associated with the different methods of contact during this initiative. He further explained that the Initiative for FY 2017 had already started. Committee members were interested in how many of the new registrations listed in the Initiative Results Table of the report had never been registered in the past and also how much of the additional fees collected from the Initiative Program's new registrations was penalties for late registration. There were no penalties collected for late registration during the FY 2016 Initiative.

Mr. Bame spoke about the Dry Cleaning Facility Release Fund. The members questioned why the additional percentage allowed for administration costs was not being used for compliance inspections against facilities that fail to register or fail to renew. It was explained that there is a cap on the number of staff that the TCEQ can employ. It was suggested that volunteers could be enlisted from other dry cleaners to help with registration compliance inspections, but it was determined that it would not be feasible and would not provide any time savings with the inspections.

Mr. Peter Abel, Program Support Division, Office of Compliance and Enforcement spoke about the enforcement activities for FY 2016 as related to dry cleaner compliance inspections. The Committee members wanted to know if the sites visited were registered or unregistered and it was explained that all are currently registered. It

was also explained that the types of violations that can be corrected without further penalty are things like proper labeling and secondary containment processes. Committee members asked for the number of violations that were issued last year. Mr. Abel indicated four (4). The TCEQ will research the four (4) sites regarding registration and enforcement and will provide a response to the Committee.

Mr. Bame went over the Corrective Actions section of the Status Report, specifically the DCRP Prioritization and the DCRP sites that have met regulatory closure. He also stated the DCRP is expecting to close approximately six (6) to seven (7) sites in FY 2017.

Mr. Bame asked the Committee if they had additional questions or concerns with the report. All four (4) Committee Members approved the report as written.

Public Comments:

Mr. Chuck Hempstead addressed the Committee and relayed the SDA's position that issues related to the Dry Cleaner Remediation Fund, the sunset of the program, and education in registration and renewal practices should be a "back to basics" approach focusing on providing better information to the industry via newsletters and articles, and better communication with practitioners that are not currently members.

Other Business:

A request was made for volunteers to fill the open Rural Representative spot on the Committee. Ms. Shannon Watson of the Small Business & Local Government Assistance Section said she would provide assistance in this regard.

Adjournment:

The meeting was adjourned by Mr. Michael Bame.