

STATE COALITION FOR REMEDIATION OF DRYCLEANERS (SCRD)

Program Development/Administration Work Group Program Management Briefs

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives from states with established drycleaner remediation programs as well as a few states that handle drycleaning sites. The Coalition's primary objectives are to provide a forum for the exchange of information and the discussion of implementation issues related to established state drycleaner programs; share information and lessons learned with states without drycleaner-specific programs; and encourages the use of innovative technologies in drycleaner remediation. SCR D is comprised of two work groups (technical and administrative) which collaborate with member and associate member states to evaluate, refine, and improve technical and administrative processes involved with the various programs and to provide a model for other chlorinated solvent site assessment and remediation programs and projects.

The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

This document is divided into eight modules that provide an overview of sixteen states' program approaches to the following administrative processes:

Module 1 - Funding

Module 2 - Prioritization/Fund Management

Module 3 - Pollution Prevention

Module 4 - Enforcement

Module 5 - Contracting/Project Management

Module 6 - Program Eligibility

Module 7 - Registration

Module 8 - Database/File Management

Module 1 - Funding

Funding for the drycleaning programs comes in a wide variety of methods. Everything from the diversion of sales tax to registration fees, solvent surcharges, and deductibles has been utilized. The following shows the funding details for the sixteen states that contributed to this project.

Alabama

Funding - The Department of Revenue is responsible for the collection of registration fees and the DERTF Board and Alabama Department of Environmental Management (ADEM) administers the Fund.

- 1) Active drycleaners pay an amount equal to 2% of their gross receipts, not to exceed \$25,000
- 2) Wholesale distributors pay \$5,000
- 3) \$10,000 deductible for active drycleaners and impacted third parties
- 4) \$50,000 deductible for wholesale distributors

Connecticut

Funding - The Connecticut Dry Cleaning Establishment Remediation Fund has been supported by a 1% surcharge on all drycleaning services since 1995. These funds are deposited in an account dedicated solely to this grant program and its administration. The State Department of Revenue Services is responsible for collection of this surcharge. The State Department of Economic and Community Development (DECD) is responsible for administration of this program, which includes management of the application process, all approvals, contracting and disbursement of funds to reimburse eligible expenses. The cost associated with site investigation and remediation is eligible for grant reimbursement. The DECD coordinates regulatory compliance by all applicants with the Department of Environmental Protection. All dry cleaning applicants are to bear the first \$10,000 in costs for a given project.

Florida

Funding - The Florida Drycleaning Solvent Cleanup Program is funded through four sources:

- 1) 2% gross receipt sales tax
- 2) \$5 per gallon tax on perchloroethylene solvent
- 3) \$100 annual registration fee
- 4) Single deductible fee of \$1,000, \$5,000 or \$10,000 based on the date of application

The Department of Environmental Protection manages a registration program for drycleaning facilities and collects registration fees. The Department of Revenue collects other fees and taxes. Actual funds transferred from Department of Revenue for deposit into the trust fund are \$9-10 million annually. Appropriations average \$10 million/year. The department through state contracts manages the funds and cleanup of eligible facilities with 11 engineering firms.

Illinois

Funding – There are three major sources:

- 1) licenses fees paid by all retail drycleaning facilities ranging from \$1,500 to \$5,000 annually. These fees are paid annually directly to the Illinois Department of Revenue,
- 2) solvent taxes of \$10 per gallon on perc and \$2 per gallon on petroleum. These taxes are collected by the solvent distributors who remit the taxes quarterly to the Illinois Department of Revenue
- 3) insurance premiums of which are paid semi-annually in the amount of \$700 per installment directly to the Fund. The Fund also receives about \$50,000 in license late payment fees (\$5 per day until the license fee is paid) and interest income on our Fund balance. The Fund is a reimbursement program and staff must pre-approve all costs (except for emergency response actions) in order for the costs to be eligible for reimbursement.

Kansas

Funding - Several mechanisms fund the Drycleaning Program including a 2.5% surcharge on drycleaning receipts, solvent fees, registration fees, deductible payments, penalties, and interest. These funding mechanisms are detailed below.

The drycleaners collect the 2.5% surcharge on gross drycleaning receipts, such as laundry and drycleaning services from the consumer. The surcharge is collected by the drycleaner and forwarded to the Department of Revenue (KDoR) for deposit into the trust fund accounts. The surcharge accounts for approximately 84% of the annual funding.

The drycleaner pays a solvent fee on every gallon of solvent purchased. The drycleaner pays \$5.50 per gallon fee for chlorinated solvent and \$0.55 per gallon fee for non-chlorinated solvent (mostly petroleum). The solvent fee is collected by the solvent distributor and is submitted to KDoR for the trust fund. The solvent fee provides about 4% of the annual funds.

The drycleaner pays \$100 per year for registration. The solvent distributors cannot deliver solvent to a drycleaning facility unless it is registered with the Kansas Drycleaning Program. The registration mechanism generates about 1% of the annual funds.

A \$5,000 deductible is required for every contaminated site in the Drycleaning Program. The drycleaner, property owner, or a municipality can pay this deductible.

Penalties are assessed by the Drycleaning Program for violations of the DERA laws. Violations are assessed for late registration and not complying with environmental performance standards. The penalties are paid by the drycleaner. The deductible and penalties mechanisms provide about 2% of the annual funds

The trust fund is an interest-bearing account in the KDoR. The interest on the money in the trust fund is accrued monthly. The interest payments account for about 9% of the annual funds.

Minnesota

Funding - Funds come into Minnesota's Dry Cleaner Environmental Response and Reimbursement Account (Account) from two sources:

- 1) Annual registration fees based on the size of the facility
- 2) Solvent fees, which vary by chemical.

These funds are submitted to the Minnesota Department of Revenue. The Minnesota Pollution Control Agency (MPCA) disperses the funds primarily as reimbursements (for costs above the first \$10,000) to parties who have conducted approved cleanup activities at dry cleaner sites.

Missouri

Funding – There are two main sources of funding:

- 1) Annual dry cleaning facility registration surcharge paid by owners and operators of dry cleaning facilities (\$500, \$1,000 or \$1,500 based on chlorinated solvent used during the previous calendar year)
- 2) Solvent surcharge paid by solvent suppliers on a quarterly basis of \$8 per gallon of chlorinated solvents sold

Penalties & Interest are collected on unpaid balances, which include a 15% penalty on late payment of surcharges and Interest at a rate of 10% per annum from the date due until payment is made. The DERT Fund is responsible for collecting the surcharges in order to reimburse participants for eligible cleanup costs. There is a \$25,000 deductible that must be met before reimbursements are made.

New Jersey

Funding - The state of New Jersey currently has no funding mechanism specific to the remediation of dry cleaners.

New York

Funding - The state of New York currently does not have a remediation program or funding specific to the remediation of dry cleaners. Remediation of former dry cleaning sites is being conducted under DEC's programs. Dry cleaning sites that present a significant threat to human health or the environment are listed as a Class 2 site on the registry of inactive hazardous waste sites which provides DEC with the authority to compel a Responsible Party to remediate the site or to use state funds to remediate the site. DEC has an annual budget for these purposes made up by a variety of fees and general revenue. Dry cleaning sites are also remediated through DEC's Brownfield cleanup program. This is a voluntary program that provides liability relief and tax credits.

North Carolina

Funding - Revenue for NC's drycleaning solvent cleanup fund is received from a tax collected for drycleaning solvents (\$10/gallon for perc; \$1.35/gallon for petroleum) and a portion of the

sales tax collected for drycleaning services. These taxes are collected by the NC Dept of Revenue and are deposited on a quarterly basis into the cleanup fund. The funds are used to assess and remediate contaminated sites using environmental contractors hired by the drycleaning program. The funds are also used to cover the state's administrative costs for both the cleanup program and for staff performing compliance inspections and enforcement at operating facilities.

Oregon

Funding - Fees are paid by drycleaner operators directly to DEQ. Drycleaners pay \$500.00 if any solvent was used on site prior to 1998, \$500.00 if perc was used during the previous year, 1% of gross revenue on drycleaning services. These fees are paid to DEQ annually and are due March 1st. Late fees are pretty punitive. 10% after due date, 10% after 30 days, 10% after 60 days and 10% after 90 days. After 90 days the debt is referred to the department of Revenue for collection. Oregon generally collects over 95% of fees owed. In addition to the fees mentioned, there are fees on the purchase of solvents: \$10 for perc and \$2 for other solvents. The solvent fees are collected by distributors and paid to DEQ quarterly.

To increase revenue available for environmental cleanups at dry cleaning sites, Oregon requires dry cleaning owners and dry cleaning operators to initiate all actions reasonable necessary to obtain coverage from insurance policies that may be available to pay costs associated with solvent contamination.

The statute gives the option of having the cleanup contractors perform the cleanup or reimbursing the drycleaner or property owner for their costs of remediating the site. The preference is to use the state contractors. Occasionally property owners are reimbursed but that requires that they join the Voluntary Cleanup Program and have the scope of work and budget approved before any work is done.

South Carolina

Funding – The Drycleaning Restoration Trust Fund gathers its money from a yearly registration fee that the drycleaners pay based on their number of employees. This fee consists of \$750 for 0 to 4 employees, \$1,500 for 5 to 10 employees and \$2,250 for 11 or more employees.

There is a surcharge on the solvents used by the drycleaners. This fee is based on the type of solvent. For halogenated solvents there is a \$10 surcharge per gallon assessed to the cost. For non-halogenated solvents a \$2 surcharge per gallon is charged.

In 2004 a law change added a 1% tax on the gross proceeds of sales to the required fees. Sites that were already registered had their deductibles reset to \$1,000. If you applied for eligibility within 18 months after the effective date of the law change then your deductible was a \$1,000. If you waited until after the 18 months and before 30 months then the deductible was set at \$25,000. After that, unless you are a new facility you may not apply for eligibility to the Fund.

Tennessee

Funding - The Tennessee Drycleaner Program is funded through annual registration fees and solvent surcharge fees paid by drycleaning operations. The annual registration fees range from \$500 to \$1,500 based on the quantity of solvent purchased during the prior year. A solvent surcharge fee of \$1 per gallon is collected on light non-aqueous solvents and \$10 per gallon on dense non-aqueous solvents. The revenue is collected by the Department of Environment and Conservation. Drycleaning facilities receive an annual invoice from the Department for their registration fee. Solvent suppliers collect the solvent surcharges and remit those to the Department on a quarterly basis. Program funds are obligated on sites through notices to proceed (NTPs), which are site specific and issued for each particular phase of work. Tennessee's program reimburses program applicants for approved costs less program deductibles.

Texas

Funding - The Texas Commission on Environmental Quality (TCEQ) operates a state lead Dry Cleaner Registration and the Dry Cleaner Remediation Program (DCRP). Registration and Solvent Fees are collected by the TCEQ and are used to administer the registration of facilities and the remediation of sites in the DCRP. The State Lead Section of the Remediation Division of the TCEQ administers the DCRP. The DCRP manages the assessment and cleanup of eligible dry cleaner facilities. To participate in the benefits of the DCRP, an eligible applicant must submit a completed application to the State Lead Section of the TCEQ

Virginia

Funding - Virginia has no drycleaner fund; only an enrollment fee to offset costs of enrolling a site into the program. It is a voluntary program and not limited to drycleaners.

Wisconsin

Funding – The Dry Cleaner Environmental Response Fund (DERF) is a reimbursement program funded through:

- 1) License fees. All dry cleaning facilities must be licensed. The licensing fee is 2.8% of the gross dry cleaning receipts, paid on a quarterly basis.
- 2) Dry cleaning products fee. Any one who sells solvent to dry cleaning facilities must pay a solvent fee of \$5 per gallon for perchloroethylene and \$0.75 per gallon fee for all other dry cleaning products.

These fees are paid to the Wisconsin Department of Revenue and completely fund the DERF. Eligible applicants to the program hire and pay for consultants, work with Department of Natural Resources specialists to approve costs and proposals, and upon completing certain milestones, can request reimbursement of their cleanup costs from the program.

Lessons Learned

The use of perc as a drycleaning solvent continues to decline. This decrease can be attributed to facilities closing, switching to non-chlorinated solvents or consolidating multiple operations to one location. This should be taken into account when considering a tax on solvents as a funding mechanism.

Drycleaning cleanup legislation should include a mechanism for collecting fees from property owners of eligible sites where drycleaning is no longer conducted.

The number of drycleaners that are required to register has declined every year, thus a decrease in the funds collected. For funds that rely on an annual fee per drycleaner this decreases funding.

When writing your state's drycleaning law, you will need to be careful on how you designate the solvents. When the South Carolina Drycleaning Restoration Trust Fund Law first came out it designated the solvents as chlorinated versus petroleum but later solvents were established that didn't fit either category. The law was then changed to read halogenated and non-halogenated solvents. This was the easiest solution as now all solvents fit one or the other category.

Drycleaners are the source of an environmental problem that is larger than the ability of the industry to remediate. The cost of cleaning up contaminated drycleaning sites exceeds the value of the entire drycleaning industry. The solution to this is still unknown. The states do the best that they can with what funding they receive.

The viability and sustainability of state drycleaners programs is directly linked to the viability and sustainability of the drycleaning industry.

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Module 2 - Prioritization/Fund Management

Although there are different prioritization processes highlighted here, the general consensus is that the proximity of drinking water wells or sources of drinking water is the driving factor. Also considered was exposure to contaminated soil, surface water proximity and the levels of contamination.

Alabama

Prioritization/Fund Management - ADEM tracks the number of sites and prioritizes them using the Initial Investigation. The criteria to prioritize sites and the requirements for investigation, assessment, and remediation of contamination is based on the EPA Notification checklist that is used for the CERCLA program and involve the following:

- 1) General Site Information - address, latitude/longitude, owner/operator, area of site, years of operation
- 2) General Site Characteristics - land use within 1 mile, site setting, distance to nearest dwelling, school, or workplace
- 3) Release Characterization - material release, quantity released, quantity recovered
- 4) Groundwater Pathway - groundwater impacted, depth to shallowest aquifer, types of wells, groundwater usage, karst/non-karst, free phase or separated phases of material
- 5) Surface Water Pathway - distance to surface water, type of surface water, confirmed release, floodplain, drinking water intake, sensitive environment impacted
- 6) Soil Pathway - soil impacted above MCLs, ground cover, sensitive habitat or resources impacted
- 7) Air Pathway - release to environment, presence of odors, sensitive habitat or resources within 200 feet
- 8) Summary of scores/Total Score

Connecticut

Prioritization/Fund Management - Sites are prioritized through an application process that is conducted twice a year by the DECD. The application requires information to satisfy both the statutory eligibility requirements and technical requirements as prescribed by the DECD. This program is managed as a small business assistance function to address their unique pollution and liability burden.

The applicant must:

- 1) Be current in filing any state and federal taxes and the dry cleaning establishment surcharge returns
- 2) Demonstrate that the affected establishment is using or has previously used tetrachloroethylene or stoddard solvent
- 3) Be in business for at least one year prior to the application for assistance;
- 4) Be the current operator of the establishment or the landlord
- 5) Certify that there are no outstanding litigation proceedings involving the applicant and/or his representatives

- 6) Identify the responsible party to complete the site investigation & remediation and the funding source to complete the project for costs over and above approved state funding

Evaluation Criteria - Grant applications are evaluated based on the following: compliance with statutory requirements for eligibility, risk to public health, magnitude of the problem, effectiveness of proposal (cost and environmental effectiveness), date of application and availability of funds. DECD coordinates each project evaluation with the State DEP for regulatory compliance issues.

Grant-Size Restriction - No dry cleaning establishment shall receive more than \$300,000 from the fund. The first funding application facilitates a grant up to \$100,000 to conduct site investigations for Phase I, II and III level reports and the site Remedial Action Plan. The second application can be up to \$200,000 which funds site remediation activities. All costs above \$300,000 are the contractual responsibility of the applicant to complete. All drycleaning establishments are to bear the first \$10,000 in costs for a given project.

If approved for funding, the applicant enters into an assistance agreement with the DECD to conduct the project, which includes the contract, project budget and financing plan. A cash flow projection is also required and monitored by DECD. Project costs for each site are reimbursed by DECD on an as needed basis throughout the contract.

Florida

Prioritization/Fund Management - Sites eligible for the program are scored in accordance with the scoring system prescribed in Section 376.3078(7) F.S.; eligible sites are ranked based upon this score. Site scores are based primarily on proximity to a public supply well and the permitted capacity of that well. Scores are also dependent upon a measurement of groundwater vulnerability known as the DRASTIC Index. DRASTIC is an acronym for seven geologic factors which affect and control groundwater movement: depth to water, net recharge, aquifer media, soil media, topography, impact of vadose zone media, and hydraulic conductivity of the aquifer. In addition, scores are based upon aquifer classification, conditions favoring a continual source, and the environmental setting of each site. Eligible sites are then assigned to state contractors for assessment in order of their ranking. Funding for assessment and remediation is allocated through the issuance of task assignments. Funds cannot be expended on any particular task assignment until final deliverables are received and approved by the department.

Illinois

Prioritization/Fund Management - The prioritization ranking is a numerical formula based on environmental risk to human health and public safety. The higher the ranked score...the sooner the site will receive money for cleanup. The criteria and ranking formula is outlined in the regulations located at www.cleanupfund.org. Once a year, a list of sites is presented to the Trust Fund Council that are to be released for funding based on their prioritization ranking. It is taken into account the current cash balance, expected annual revenue, anticipated reimbursement expenses, administrative expenses, etc. in determining how many sites can be released for funding. In addition for the past three fiscal years, \$800,000 has been allocated per year to low priority sites that should be able to get a "No Further Remediation" letter with minimal additional site investigation. This has allowed for the closing of approximately 200 claims, which would have remained open for a long period of time and the site investigation data would have become stale.

Kansas

Prioritization/Fund Management - The Drycleaner Environmental Response Act (DERA) outlines how the Drycleaning Program must prioritize contaminated sites. The DERA citation for these rules can be found at 65-34,143(d)(1-6). The rule provides criteria that shall be considered for expending funds. Listed below are the criteria.

- 1) Benefit to be derived from corrective action compared to the cost of conducting such corrective action
- 2) Degree to which human health and the environment are actually affected by exposure to contamination
- 3) Present and future use of an affected aquifer or surface water
- 4) Effect that interim or immediate remedial measures will have on future costs
- 5) Amount of moneys available for corrective action in the drycleaning facility release trust fund
- 6) Additional factors as the secretary considers relevant

The Drycleaning Program developed a ranking system to help implement these requirements. Some of the general information needed to complete this ranking is the media affected, concentrations and types of contaminants, site-specific geologic information, groundwater/aquifer information, and the nearest receptor. The ranking program assigns numeric values to this site-specific information, which in turn generates an overall ranking value. This number is then used to prioritize the sites in the Program and funding from the trust fund is designated for higher ranked sites.

Minnesota

Fund Management/Prioritization - Because most of Minnesota's drycleaner site cleanup activities are driven by property redevelopment, property buyers and sellers approach the MPCA primarily through its Voluntary Investigation and Cleanup (VIC) Program. Parties are reimbursed in part or in full as the Account balance permits, and according to how long they have been awaiting reimbursement. As noted above, cleanup costs must be submitted to, and approved by, the MPCA. Parties who receive partial reimbursements are eventually reimbursed in full for approved costs. Also, reimbursement to any one party is capped statutorily each fiscal year to no more than twenty percent of the Account balance at the beginning of the fiscal year.

Missouri

Prioritization/Fund Management - The information from the Phase I and other assessments and investigations are used to rank the site using the department's prioritization ranking form, which is prepared and submitted by the participant's consultant and must be sealed by a Professional Engineer or Geologist. There are four (4) categories from which the above-mentioned information is used to obtain a ranking score, they are:

- 1) Facility Historical and Current Practices;
- 2) Potential Receptors;
- 3) Contamination Presence; and
- 4) Interim Measures and Potential Use.

DELT Funds are allocated to prioritized sites in the following proportions: High priority sites: 60%; Medium Priority sites: 30%; Low priority sites: 10%. In any fiscal year, if the funding allocation in any priority category is not used, those funds may be reallocated to other priority categories, starting with any high priority sites and followed by medium and low priority sites. Funding priority is given to sites requiring emergency action, such as impact to public water supply wells, domestic wells, surface water, water supply intakes, or when a high probability exists for direct human exposure or contact to contaminated waste, soil, air or water.

New Jersey

Prioritization/Fund Management - The state of New Jersey is currently developing a GIS based prioritization system. However, it will not be specific to dry cleaners.

New York

Prioritization/Fund Management - The state of New York generally prioritizes sites that present a significant threat to human health or the environment based on a ranking system considering different exposure routes and impacted media.

North Carolina

Prioritization/Fund Management - Expenditures from the cleanup fund are required by statute to be spent on sites on a priority basis. Priority is determined based on site specific information with the following conditions requiring that a site be assigned a higher priority ranking: contaminated or threatened water supply wells or surface water, vapors in buildings and direct exposure to contaminated soil. Sites where those conditions are not present are assigned a lower priority status and are ranked relative to each other based on whether DNAPL (or LNAPL) is present and the distance to potential receptors.

Oregon

Prioritization/Fund Management - DEQ prioritizes sites based on risk to human health and the environment using a standard site evaluation that considers the type and amount of contamination, pathways available to transport the contamination, and potential receptors. Funds are allocated to specific projects annually. Fees are due March 1st, by April 1st the annual budget is estimated. Cleanup project managers review all applicant sites and determine what tasks can be funded at each site, and which sites cannot be funded.

South Carolina

Prioritization/Fund Management – The Drycleaning Restoration Trust Fund Law required that the Department of Health & Environmental Control (DHEC) promulgate regulations as to the requirements to prioritize the sites for site investigation and remediation; specifically the South Carolina Drycleaning Facility Restoration Regulations R.61 – 33. The priority list is in section 33.34 and says that “The scoring system to be used when ranking sites for remedial action under this regulation will consider the following:

- 1) Age and number of years of operation
- 2) Types of drycleaning solvent used

- 3) Location in relation to affected or potentially affected population and resources
- 4) Likelihood of contamination migrating to the population or resources”

DHEC will budget funds during the upcoming year for as many sites as the fund will allow and will be chosen based upon their position on the prioritization list. Sites can be removed from the list for the following reasons:

- 1) The secondary assessment shows no evidence of contamination
- 2) Restoration of the site is completed
- 3) Loss of eligibility

All of the sites were ranked using a numerical scoring system that considered the Groundwater Pathway, the Surface Water Pathway and the Direct Contact to Exposed Soil Pathway. All sites were assumed contaminated for the purpose of ranking. Also, considered were the number and proximity of drinking water wells both public and private.

Tennessee

Prioritization/Fund Management - Tennessee uses a numerical priority ranking system to set priorities for further investigation and remediation of contaminated drycleaning sites. The ranking system evaluates the following:

- 1) Operational history and disposal practices of the facility
- 2) Potential receptors including the proximity to drinking water sources
- 3) Geologic setting and the extent of horizontal and vertical impacts
- 4) Degree of contamination present

Program approved consultants submit work plans and costs estimates for each phase of work. Program staff evaluates the work plans and the associated cost estimates for appropriateness and make adjustments as needed. Staff authorizes funds through issuance of a notice to proceed. At the end of the phase of work or during longer work phases the program receives reimbursement requests from program applicants. The staff evaluates the reimbursement request to ensure that it is consistent with the NTP and that all costs are eligible and appropriate for reimbursement.

Texas

Prioritization/Fund Management - To ensure effective use of the DC Fund, the TCEQ will prioritize the Ranked DCRP Sites. The TCEQ may postpone corrective action at a lower priority site in order to make money available for corrective action at a higher priority site. The prioritization of a site is based primarily on Site Ranking (i.e. environmental risk), but also on non-risk factors, which promote effective use of the Dry Cleaner Fund. All Ranked Sites will be Prioritized at a frequency of every 6-months or less. Applicants will be notified once their site has been prioritized and a Corrective Action can be initiated. The Dry Cleaner Response Fund will cover up to \$5,000,000 of the Corrective Action Costs (per site).

Factors to be used in prioritization of sites may include:

- 1) Ranking score
- 2) Cost Effectiveness of interim or immediate remediation

- 3) Estimated expenditures for work expected in fiscal year
- 4) Redevelopment activities that would reduce Corrective Action costs
- 5) Necessity for Emergency Action
- 6) Any other factor the TCEQ considers relevant

Virginia

Prioritization/Fund Management - Full cost of the program/remediation is the responsibility of the participant with no reimbursement. The fee collected goes into an account to be retained until the site remediation is complete. A number of factors go into how a project manager prioritizes the sites they manage from risk issues to redevelopment pressure to the speed the voluntary participant responds to their workplans.

Wisconsin

Prioritization/Fund Management - All reimbursement claims are paid on a first in, first out method, with some additional priority given to "immediate action" practices. Sites are assigned a high, medium or low risk according to a "site hazard categorization system" based on environmental factors. However, cost reimbursement is made on a "first in, first out" basis. Consultant costs are controlled by the requirements of competitive bidding, and Department of Natural Resources approval on budgets and work plans, as well as a detailed list of eligible and ineligible expenses. A detailed audit is performed on all reimbursement requests and the DNR applies a 50% penalty to requests that contain ineligible costs, which gives consultants and dry cleaner owners a significant incentive to ensure that all requests for reimbursement are eligible costs.

Lessons Learned

Recommend including the site prioritization scheme in the statute. Including the prioritization scheme in the statute minimizes the potential for prioritizing sites based on politics.

Collection of fees is resource intensive.

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Module 3 – Pollution Prevention

With limited funding, the states' have found that pollution prevention or containment measures are extremely important. Remediation for these sites is expensive and recontamination would adversely affect already strained budgets. For drycleaners that are opening at a previously uncontaminated location, pollution prevention/containment is essential so they are not eventually added to the liability of a fund.

Alabama

Pollution Prevention - The Alabama Drycleaning Environmental Trust Fund Act provides for regulatory oversight via the ADEM Dry Cleaning Trust Fund Program. That trust fund is a voluntary self-insurance program. While ADEM no longer has a stand alone Pollution Prevention Program, precautionary language regarding solvent management and spill containment is incorporated in these promulgated regulations.

Connecticut

Pollution Prevention - Connecticut has a series of fact sheets on DEP's website about pollution prevention for dry cleaners. The fact sheets cover topics such as management of lint, rags and filters, spill reporting, wastewater discharges, air emissions, aquifer protection and hazardous waste management.

All applicants must prepare Best Management Practices for the dry cleaning operation in accordance with DEP's Garment Care Fact Sheets. The BMPs document must remain on-site and serves the dry cleaning facility as guidance to properly operate the business with regards to pollution prevention and environmental protection. Furthermore, grant funds can be utilized for measures undertaken to prevent such pollution.

DECD requires all dry cleaning sites applying for funding, that are not being sold or transferred, be enrolled in DEP's Voluntary Remediation Program. Connecticut's Remediation Standard Regulations (RSRs) contain numeric and narrative standards for the remediation of soil and groundwater. Remediation in accordance with the RSRs is required for all applicants in the Property Transfer Program and applicants who complete the Voluntary Remediation Program.

Florida

Pollution Prevention - All active drycleaning facilities are required to have secondary containment structures around each machine or item of equipment in which drycleaning solvents are used and around any area in which solvents or waste-containing solvents are stored. This includes solvent use, solvent storage and solvent waste storage areas.

Drycleaning facilities and drycleaning wholesale supply facilities are required to report a spill of a quart or more of drycleaning solvent to the State Warning Point and immediately initiate and complete actions to abate the source of the spill, remove product from all indoor and outdoor surface areas, remove product and dissolved product from any septic tank or catch basin in which the solvent has accumulated, and remove affected soils.

Illinois

Pollution Prevention - The Illinois Drycleaner Environmental Response Trust Fund has pollution prevention requirements written in to the Drycleaner Environmental Response Trust Fund Act regulations and statutes as performance standards.

The performance standards were enacted by the Fund and became effective in 1999. Examples of performance standards include secondary containment under machines, drycleaning waste and solvent; prohibition of solvent and waste discharged to sewers and mandatory direct-coupled delivery of chlorinated solvents to the machine. Facilities that do not meet the pollution prevention measures are not eligible for cleanup benefits from the Fund. Drycleaners requesting cleanup benefits from the Fund must also participate in a Fund approved compliance program, which includes a mandatory annual compliance program inspection along with continuing education requirements focused on pollution prevention.

Kansas

Pollution Prevention - KDHE has pollution prevention requirements written into the Kansas Drycleaner Environmental Response Act (DERA) regulations and statutes as performance standards. The performance standards were enacted with DERA and became effective in 1995. Examples of the performance standards include: secondary containment under machines, drycleaning waste and solvent; enhanced facility inspection and record keeping for machines, waste and solvent containers, and secondary containment; prohibition of solvent and waste discharge to sewers, USTs, etc.; and mandatory direct-coupled delivery of chlorinated solvents to the machines. Facilities that do not meet the pollution prevention measures are subject to assessment of administrative penalties not to exceed \$500 per occurrence. Drycleaning facilities also must comply with all other Federal, State and local regulations, such as RCRA, NESHAP, and boiler requirements. In addition to KDHE's outreach efforts, the Kansas Small Business Environmental Assistance Program (SBEAP) provides free, confidential advice to facilities trying to comply with the performance standards. SBEAP is partially funded by KDHE.

Minnesota

Pollution Prevention - The Dry Cleaner Environmental Response and Reimbursement Law does not include pollution prevention requirements. The Minnesota Pollution Control Agency (MPCA) has, however, developed a web page providing a "tool kit" of "green" practices for site development and cleanup, at <http://www.pca.state.mn.us/programs/p2-s/toolkit/index.html>. This includes a decision tree for site cleanup and operation, a list of green approaches to cleanup or redevelopment (e.g., more efficient remedies, recycling materials, and habitat restoration, etc.), and links to case studies.

Missouri

Pollution Prevention - While not required under the Drycleaning Environmental Response Trust (DERT) Fund statutes and regulations, best management practices are recommended for preventing and containing spills of dry cleaning solvents. However, all dry cleaning facilities that use chlorinated solvents must comply with all state and federal environmental regulations in order to enroll into the DERT Fund for oversight of environmental investigation and cleanup and reimbursement of eligible cleanup costs.

New Jersey

Pollution Prevention - The New Jersey Department of Environmental Protection (NJDEP) Office of Pollution Prevention and Release Prevention works closely with the New Jersey Small Business Environmental Assistance Program (NJSBEAP) to ensure that dry cleaner operators are aware of the regulations related to safety and pollution prevention. All dry cleaning facilities in New Jersey must comply with the EPA Maximum Achievable Control Technology (MACT) to reduce emissions of hazardous air pollution.

The NJDEP has enacted separate Compliance Plans for 3rd and 4th generation dry cleaning machines. A table for each type of machine details the applicable monitoring, recordkeeping, and submittal/action requirement as per N.J.A.C. 7:27-8.13 (www.state.nj.us/dep/aqpp/drycleaner.html). Information such as maximum PCE use per facility, condensation of air-PCE stream, PCE storage and the weekly inspection of the dry cleaner system, is detailed in the tables. Other operational requirements, related to 40 CFR 63.322, are also included in the table, but in most cases the monitoring and record keeping requirements of the Federal regulations are minimal and covered by NJDEP regulations.

The NJDEP requires that the use of PCE at each dry cleaning facility be limited to ninety gallons per year if the facility employs any 3rd generation equipment and 150 gallons per year if it employs only 4th generation equipment unless a higher amount is approved based on site specific risk assessment. NJDEP is expected to propose a new regulation in 2009 that requires dry cleaners to upgrade to fourth generation equipment or better by December 31, 2010, accelerate the phase-out of PCE cleaners in co-residential buildings, and impose ventilation requirements on other co-located cleaners. Furthermore, the NJDEP is proposing to exempt from the permitting requirements at N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22 any dry cleaning equipment that uses liquid carbon dioxide as the cleaning agent. In December 2007, the NJDEP introduced legislation to ban the use of PCE by 2020 but after several months of negotiations between the New Jersey Department of Environmental Protection (NJDEP) and industry representatives, NJDEP agreed not to phase out PCE.

The NJSBEAP provides a comprehensive checklist to dry cleaner clearly explaining the requirements for operation as they apply to pollution prevention (www.nj.gov/dep/opppc/small/p2cklist.pdf). The NJDEP also has a program called **GreenStart** which is a **free** multi-media compliance assistance program to help small businesses, municipalities, and schools interpret environmental regulations and evaluate compliance requirements in the areas of air, water, solid and hazardous waste management, Right-to-Know, and the Toxic Catastrophe Prevention Act. Upon the submission of an application an inspector will schedule a site visit and inspect the facility. The GreenStart program was designed to eliminate penalties and grant grace periods of up to 90 days to achieve compliance. Grace periods are not granted to egregious violations.

New York

Pollution Prevention - New York does not have a separate dry cleaner program but pollution prevention requirements are written into the air regulation for perchloroethylene dry cleaners (<http://www.dec.ny.gov/regs/4207.html#14021>). These requirements are based on the generation (vintage) of the machine and include vapor barriers, spill containment, drying sensors, weekly

inspections (with a monitoring device) on hoses, gaskets, filters, solvent tanks, stills, and cartridge housings. Door switches and inward fan velocity must also be checked weekly and carbon adsorber vents checked with a colorimetric device. Leaks must be repaired within 30 days unless the department grants an extension. The regulations require annual or semi annual inspections by a registered inspector (Part 232.16). Pretreatment of wastewater with double carbon filtration (or equivalent) destined for a sewer is required. Wastewater discharged to surface or groundwater must be permitted pursuant to Parts 652, and 750 through 758 of the department's water regulations (<http://www.dec.ny.gov/regs/2485.html>). Facilities must also comply with DEC's hazardous waste disposal regulations in Parts 370 –374 (<http://www.dec.ny.gov/regs/2491.html>).

North Carolina

Pollution Prevention - The Dry-Cleaning Solvent Cleanup Act (DSCA) of 1997 allowed for the adoption of rules that established minimum management practices (MMPs) for the handling of drycleaning solvent at drycleaning and wholesale distribution facilities. These rules or MMPs became effective in 2000. Examples of the MMPs include:

- 1) Prohibition against the discharge of solvent or solvent waste into the waters or land of the State, sanitary sewers, storm drains, floor drains, septic systems, boilers or cooling towers;
- 2) Secondary containment under equipment and containers that contain solvent or solvent waste;
- 3) A requirement that emissions from perc drycleaning machines installed after the MMPs became effective must equal or exceed the standards that apply to a perc machine with an integrated refrigerated condenser;
- 4) Mandatory closed container (directly coupled) transfer of solvent to machines;
- 5) A prohibition against the use of underground storage tanks for solvent or waste; and
- 6) Recordkeeping requirements for waste disposal and treatment including invoices for the purchase, maintenance and repair of wastewater treatment units. Facilities that do not comply with the MMPs can be assessed a civil penalty not to exceed \$25,000. Facilities also must follow the applicable RCRA, NESHAP, and JJJ (petroleum facilities) Federal regulations.

The DSCA Compliance Program has performed initial outreach visits at approximately 550 facilities across the State to educate cleaners regarding the applicable requirements. A perc compliance calendar developed by DSCA that provides rules, guidance and recordkeeping tables has been mailed to all perc facilities each year since 2007. Industry-sponsored training events that include presentations by compliance staff have been held in cities across the state. The North Carolina Small Business Environmental Assistance Program provides confidential support to owners and operators regarding environmental regulations.

Oregon

Pollution Prevention - Oregon dry cleaning law requires the use of certain types of dry cleaning equipment and specific waste management practices. The pollution prevention requirements required by state and federal law include:

- 1) Acceptable types of dry cleaning equipment: dry cleaning facilities in Oregon must use the following types of dry cleaning equipment:
 - a. A dry cleaning facility may not include operation of transfer-type dry cleaning equipment using perchloroethylene.
 - b. All newly installed dry cleaning equipment using perchloroethylene shall be of the dry-to-dry type and be equipped with integral refrigerated condensers with an outlet temperature sensor for the control of perchloroethylene emissions.
 - c. All existing dry cleaning equipment using perchloroethylene shall install refrigerated condensers.
- 2) All waste (excluding wastewater) generated at a dry cleaning facility that contains perchloroethylene is a hazardous waste. Dry cleaners must follow the following hazardous waste management requirements:
 - a. Keep containers of hazardous waste closed except when adding or removing wastes. Label containers as “hazardous waste” and date containers when waste is first placed in them.
 - b. Dispose of hazardous waste at least once a year through either a permitted hazardous waste disposal company, or at a government-sponsored Conditionally Exempt Generator collection event or facility.
 - c. Always get hazardous waste shipping records and keep these records on site for three years.
 - d. Post emergency information
 - e. Report quantities of hazardous waste produced, waste management practices and monitoring of perchloroethylene machines for compliance with air quality requirements.
- 3) Managing solvent-contaminated wastewater: Oregon law prohibits the discharge of solvent contaminated wastewater from dry cleaning machines to any sanitary sewer, septic system, boiler or state waters. Dry cleaners can either drum up their wastewater and ship it off-site as a hazardous waste, or properly manage it at their drycleaning facility.
- 4) Containment under and around dry cleaning systems: containment pans must be installed under and around equipment and machines that use, treat or store any dry cleaning solvent.
- 5) Annual reporting of waste minimization and hazardous waste management practices: Dry cleaners are required to report annually to DEQ on their compliance with the state law’s waste minimization requirements as well as the federal NESHAP requirements.
- 6) Reporting releases of dry cleaning solvent: Dry cleaners are required to report spills, leaks or releases of more than one pound of dry cleaning solvent (about one cup of perchloroethylene) that occurs outside of the containment pan.
- 7) Delivering perchloroethylene solvent: All perchloroethylene must be delivered using a closed, direct-coupled delivery system.
- 8) Air quality monitoring and recordkeeping requirements for perc dry cleaners: All dry cleaners using perchloroethylene must monitor activities, leak detection and repair program and monthly perchloroethylene purchases.

Complying with these requirements is necessary for a drycleaning facility to be eligible to be cleaned up using funds from the Dry Cleaner Environmental Response Account.

South Carolina

Pollution Prevention – The Drycleaning Restoration Trust Fund Law contains specific requirements for containment and they are spelled out in Section 44-56-470 Parts F through J. They are as follows:

(F) An owner or operator of a drycleaning facility in operation before November 24, 2004, shall install dikes or other containment structures around each machine or item of equipment in which drycleaning solvents are used and around an area in which solvents or waste containing solvents are stored. The containment must meet the following criteria:

- 1) The dikes or containment structures must be capable of containing one-third of the capacity of the total tank capacity of each machine;
- 2) Dikes or containment structures around areas used for storage of solvents or waste containing solvents must be capable of containing one hundred percent of the volume of the largest container stored or retained in the containment structure;
- 3) All diked containment areas must be sealed or otherwise made impervious to the drycleaning solvents in use at the facility, including floor surfaces, floor drains, floor joints, and inner dike walls;
- 4) To the extent practicable, an owner or operator of a drycleaning facility or property owner shall seal or otherwise render impervious those portions of all floor surfaces upon which any drycleaning solvents may leak, spill, or otherwise be released;
- 5) Containment devices must provide for the temporary containment of accidental spills or leaks until appropriate response actions are taken by the owner/operator to abate the source of the spill and remove the product from all areas on which the product has accumulated; and
- 6) Materials used in constructing the containment structure or sealing the floors must be capable of withstanding permeation by drycleaning solvents in use at the facility for not less than seventy-two hours.

(G) For drycleaning facilities that commence operating on or after November 24, 2004, the owners or operators of these facilities or property owners, before the commencement of operations, shall install beneath each machine or item of equipment in which drycleaning solvents are used a rigid and impermeable containment vessel capable of containing one hundred percent of the volume of the largest single tank in the machine or piece of equipment or one-third of the total tank capacity of each machine, whichever is greater. Dikes or containment structures must be installed before delivery of any drycleaning solvents to the facility. All dikes or containment structures shall meet all criteria of Section 44-56-470(F).

(H) A property owner or the owner or operator of a drycleaning facility or wholesale supply facility at which there is a spill of more than the federally mandated reportable quantity of drycleaning solvent outside of a containment structure, after July 1, 1995, shall report the spill to the department immediately upon the discovery of the spill and comply with existing emergency response regulations.

(I) Failure to comply with the requirements of this section constitutes gross negligence with regard to determining site eligibility. *(This could lead to the loss of eligibility.)*

(J) Effective January 1, 2010, all halogenated solvents must be delivered by a closed-loop delivery system.

Tennessee

Pollution Prevention - The Tennessee Drycleaner Environmental Response Program requires compliance with Best Management Practices (BMPs), which are designed to prevent future releases of drycleaning solvents into the environment. Tennessee BMPs include the following:

- 1) Compliance with other state and federal regulations for dry cleaning facilities (including PCE Air Emission Standards for Dry Cleaning Facilities);
- 2) Waste management (proper waste handling and disposal to prevent drycleaning solvent or a material or waste containing drycleaning solvent from being placed, stored, or disposed of in a location or manner where such substances, may cause a release of drycleaning solvent either in a concentrated or diluted form to soil, sediment, ground water or surface water);
- 3) PCE waste must be handled and disposed of as a hazardous waste regardless of the amount of waste generated;
- 4) Solvent and solvent-containing materials shall be labeled and stored in containers that are in good condition with tightly fitting lids so as to minimize the possibility of a release;
- 5) All drycleaning facilities must use release prevention methods to ensure that any release of drycleaning solvent is immediately contained and recovered in order to abate to the greatest extent possible further impacts to human health and the environment;
- 6) Each drycleaning facility must be staffed by someone who is a Certified Environmental Drycleaner (CED) or who has completed the TN Drycleaner Environmental Compliance Training;
- 7) Secondary containment systems under each drycleaning unit, solvent storage area and liquid waste storage area;
- 8) Cracked flooring, floor drains, or other structural conditions or defects that might act as a release pathway for solvents shall be sealed; and
- 9) PCE must be delivered via a closed, direct-coupled delivery system.

Where an operator of a drycleaning facility fails to adopt, install, or maintain Best Management Practices and where such action or omission significantly causes or contributes to a release or a failure to contain said releases, said person shall not be eligible under the program for reimbursement of response costs or other benefits for said release. Such failure is considered willful noncompliance with the rules. If a substantial release is caused by gross negligence the Department or the Board may withdraw Fund eligibility, withhold a registration renewal, or terminate a facility's registration.

Texas

Pollution Prevention – The TCEQ has pollution prevention requirements written into the Dry Cleaner Environmental Response Law enacted in 2003, and TCEQ rules which went into effect in 2005. Requirements include the following: proper storage and disposal of wastes generated at the facility; compliance with emissions standards for hazardous air pollutants for perchloroethylene dry cleaners as set forth by the EPA; secondary containment or dikes for machines and storage areas (capable of containing 110% of volume of liquids in the largest

container in the diked area; all diked floor surfaces under machines or storage areas must be made of epoxy, steel, or other material impervious to chlorinated solvents; and mandatory direct-coupled delivery of chlorinated solvents to the machines; and self inspections. A law and TCEQ rules were enacted in 2008 prohibiting the use of perchloroethylene at a site once corrective action under the Fund has begun at that site.

Virginia

Pollution Prevention – Virginia does not have a statutorily mandated dry cleaner program and although pollution prevention practices and good housekeeping are strongly encouraged there is not a program set up for inspection of these practices. Virginia provides Compliance Calendars with guidance for facilities owners and operators outlined along with various contacts should questions arise. The Compliance Calendars allow for the recordation and documentation of compliance related data and information. However, Virginia does have an Ombudsman to contact for resolving questions regarding dry cleaners.

Wisconsin

Pollution Prevention - Pollution prevention measures for Wisconsin's dry cleaning facilities were included in the 1996 Dry Cleaner Environmental Response Program (DERP) enabling legislation. The statute includes five pollution prevention measures, 3 of which apply to all dry cleaning facilities in the state:

- 1) All dry cleaning waste that is hazardous must be managed according to the appropriate storage, handling and disposal requirements.
- 2) Discharge of dry cleaning product or wastewater from dry cleaning machines into any sanitary sewer, septic tank or waters of the state is prohibited.
- 3) Perchloroethylene must be delivered to the dry cleaning facility by means of a closed, direct-coupled delivery system.

Two additional pollution prevention measures apply to dry cleaning facilities built after October 14, 1997 OR facilities built before that date which have received a closure letter from the WDNR for cleanup of a previous dry cleaning product release:

- 1) Each dry cleaning machine or other piece of equipment that contains dry cleaning product must be surrounded by a containment dike or structure to contain any release of product.
- 2) The floor within the dike or structure must be impervious to dry cleaning product.

Compliance with pollution prevention measures is self-reported by the owner/operator of a facility when an application to enter the DERP program is submitted to the DNR. Dry cleaning facilities that are not in compliance with these requirements are ineligible for reimbursement of their cleanup costs. WDNR does not independently verify compliance with pollution prevention measures. Dry cleaning facilities that do not apply for DERP are required to adhere to these measures but there is no reporting or inspection mechanism (other than that described under Module 4 - Enforcement) to verify compliance.

Lessons Learned

Recommend including a provision in statutes to prohibit the discharge of contact water to sanitary sewers/septic tank.

It is doubtful that a drycleaning facility served by a septic tank/drain field can comply with RCRA requirements.

Separator water treatment units are the “new” contaminant source area at drycleaning operations. The problem with separator water treatment units is that operators do not maintain the equipment. The majority of the operators do not change the filters on a regular basis. One solution to this might be a requirement to include a sampling port in the treatment unit whereby regulators could periodically obtain a sample of the treated water to determine if it meets discharge standards/requirements.

A requirement for secondary containment for solvent use, solvent storage and waste storage areas should be included in statutes regulating drycleaners. In terms of solvent discharges, solvent use, solvent storage, and waste storage areas are among the top historical discharge areas.

Consider restricting solvent use for drycleaning facilities located in wellhead protection areas.

Educate drycleaners on waste management and compliance issues.

Promote the use of alternative solvents and discourage the use of perc.

Educate local utility companies (sewer and water) regarding drycleaning waste management practices and solvent contamination.

STATE COALITION FOR REMEDIATION OF DRYCLEANERS (SCRD)

Program Development/Administration Work Group Program Management Briefs

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives from states with established drycleaner remediation programs. The Coalition's primary objectives are to provide a forum for the exchange of information and the discussion of implementation issues related to established state drycleaner programs; share information and lessons learned with states without drycleaner-specific programs; and encourages the use of innovative technologies in drycleaner remediation. The SCR D is comprised of two work groups (technical and administrative) which collaborate with member states to evaluate, refine, and improve technical and administrative processes involved with the various programs and to provide a model for other chlorinated solvent site assessment and remediation programs and projects.

The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

This document is divided into eight modules that provide an overview of each state's program approach to the following administrative processes:

Module 1 - Funding

Module 2 - Prioritization/Fund Management

Module 3 - Pollution Prevention

Module 4 - Enforcement

Module 5 - Contracting/Project Management

Module 6 - Program Eligibility

Module 7 - Registration

Module 8 - Database/File Management

Module 4 – Enforcement

Overall enforcement is divided in two parts. First, there are the enforcement measures that are allowed toward the collection of the fees. In most states these are granted to the Department of Revenue. Second, the environmental agency that is in charge of the assessment and remedial implementation at drycleaning sites uses enforcement measures in regards to containment.

Alabama

Enforcement - As a voluntary program, the ADEM Drycleaning Trust Fund Program does not conduct enforcement. Observed or reported violations that would adversely affect human health and the environment would be forwarded to the appropriate enforcement program, which in all probability would be RCRA. Alabama is an Authorized RCRA State.

Connecticut

Enforcement – Dry cleaners may be inspected periodically by hazardous waste inspectors based on their hazardous waste generator status. DEP inspects about 2% of small quantity generators (a group which includes some dry cleaners) each year. Currently, no Connecticut dry cleaners have enough air emissions to require an individual air permit so no routine air inspections are conducted. Occasionally, dry cleaners may be inspected based on odor complaints. Violations noted during inspections may result in issuance of a notice of violation. The Department of Economic and Community Development, which administers the Dry Cleaning Establishment Remediation Fund, typically consults with DEP during the application and reimbursement processes on any enforcement issues.

Florida

Enforcement - Hazardous waste compliance inspectors are located in each of the Department of Environmental Protection's six district offices. Additionally, the Division of Air Resources Management also has inspectors in each of the district offices. Among other duties, these personnel conduct inspections at drycleaning facilities to ensure that the facilities are in compliance with Federal and state regulations including RCRA and NESHAP. Some of these inspections are requested by the Hazardous Waste Cleanup Section, which is charged with managing the Drycleaning Solvent Cleanup Program.

The Small Business Assistance Program under the Division of Air Resources Management provides guidance and advice to small businesses regarding compliance and performance standards.

Illinois

Enforcement - The Illinois Drycleaner Environmental Response Trust Fund annually inspects 10% of all drycleaning facilities that have pollution liability insurance coverage with the Fund. Since 2000, 649 facilities have been inspected. Facilities with violations must provide documentation that the violations were corrected within 60 days or the insurance coverage is cancelled. The Illinois Environmental Protection Agency is in charge of making certain that the

drycleaning facility is in compliance with all NESHAP regulations and they do periodic inspections throughout the year.

All retail drycleaning facilities must be licensed annually by the Fund. Facilities, which do not renew their licenses in a timely manner, are inspected by the Fund and given approximately 30 days to license the facility. Drycleaners who fail to comply with the licensure request are referred to the Illinois Attorney General's Office for enforcement action with the focus on bringing the facility into compliance or else ceasing drycleaning operations.

Kansas

Enforcement - KDHE's Drycleaning Program has inspected all drycleaning facilities in Kansas at least once since 1995. Facilities with previous violations or new ownership have been inspected additional times. The Drycleaner Program is in the Bureau of Environmental Remediation (BER) and has one inspector for determining compliance with the Kansas Drycleaner Environmental Response Act. The BER inspector typically visits twenty-five facilities per year. The KDHE Bureau of Waste Management (BWM) handles inspections for hazardous waste laws and the KDHE Bureau of Air & Radiation (BAR) is responsible for ensuring facilities meet air quality requirements, such as NESHAP. Some of the laws tend to overlap, but BER routinely tries to coordinate site visits with the BWM and BAR inspectors to avoid multiple inspections per facility. BER prepared a NESHAP Compliance Guide in 2008 for Kansas drycleaners with assistance from BWM, BAR and the Small Business Environmental Assistance Program (SBEAP). The guidance document was sent to all registered facilities to help clarify the 2008 changes in the NESHAP requirements. Bureaus are responsible for their own enforcement; however joint administrative orders have been completed in the past. The Drycleaning Program typically provides outreach to facilities for the first violation and then assesses penalties for repeat violations. Supplemental environmental projects (SEPs) are encouraged at some cooperating facilities in lieu of the penalties.

Minnesota

Enforcement - Minnesota does not have a "Dry Cleaner Program" in the same sense that some other members of the SCRCD do. Rather, the Minnesota Legislature established a Dry Cleaner Environmental Response and Reimbursement Account (Dry Cleaner Account), from which dry cleaners and developers may be reimbursed for all but the first \$10,000 of cleanup costs for remediating dry cleaner contamination in a manner approved by the Minnesota Pollution Control Agency (MPCA). The Dry Cleaner Account is funded by dry cleaners, through facility and solvent fees. Usually, cleanups occur under the oversight of the Voluntary Investigation and Cleanup (VIC) Program. "Orphan" sites may be cleaned up by the Minnesota Superfund Program (and subject to the enforcement process of that program), in which case the Superfund Account may be reimbursed from the Dry Cleaner Account for cleanup costs. County governments primarily inspect dry cleaners regarding VOC air emissions and hazardous waste generation, particularly in the metropolitan area of the Twin Cities (where most are located).

Missouri

Enforcement - The Missouri Department of Natural Resources' Drycleaning Environmental Response Trust (DERT) Fund does not conduct inspections of dry cleaning facilities. The department's regional offices of the Field Services Division (FSD) are responsible for inspecting

dry cleaning facilities for compliance with the hazardous waste and air pollution control regulations and statutes. Dry cleaners are inspected for compliance with the hazardous waste management regulations the same as any other hazardous waste generator, which is based upon the status and rotation. Large quantity generators (LQG) are inspected every five (5) years and small quantity generators (SQG) are inspected every ten (10) years. Under the air pollution control regulations dry cleaners are considered a basic source and as such are on a five (5) year inspection rotation.

If a dry cleaning facility is issued a notice of violation (NOV) as a result of the inspection the issue is referred to the Compliance/Enforcement Section of either the Hazardous Waste Program (HWP) or the Air Pollution Control Program (APCP). If a dry cleaning facility does not submit the dry cleaner registration form and surcharge in a timely manner the DERT Fund will refer the facility to the HWP's Compliance/Enforcement Section.

New Jersey

Enforcement – Primarily, the Bureau of Air Compliance and Enforcement (BACE) administers the New Jersey DEP drycleaner inspection program. Inspections of drycleaners are the responsibility of the county health departments in which they are located. The BACE provides training and will review and assist in county inspections by request. The New Jersey Small Business Environmental Assistance Program with the NJDEP has prepared materials to assist dry cleaner operators with compliance.

All drycleaners in the state have been inspected since 2005 to create baseline data and additional inspections are scheduled at a frequency of 3 – 5 years. The BACE is also responsible for permitting dry cleaning equipment and regulating air emissions. Hazardous waste compliance was a part of the county air inspections, but currently there are no regular hazardous waste inspections of dry cleaners. The air regulations are stringent enough to lower the concern for hazardous waste violations.

The NJDEP allows a grace period of 30 days for record-keeping violations with the exclusion of record-keeping violations that reveal an actual PCE emission violation. Significant fines are assessed for lack of an operating permit and failure to operate under the permit guidelines. The NJDEP is currently considering reduction of the \$2,000 - \$3,000 fines because the impact to small business operators is considered too onerous.

New York

Enforcement -Voluntary cooperation is preferred but enforcement is carried out through Appearance Tickets, Orders on Consent, formal enforcement hearings through Administrative Law Judges, Formal Court Proceedings and also through criminal enforcement. Violations of DEC's regulations are subject to penalties as high as \$37,500 per day per violation and include the potential for criminal proceedings.

North Carolina

Enforcement - The DSCA Compliance Program began performing facility outreach visits in 2006. The program has gradually increased staff since 2006 and now consists of a coordinator and four inspectors. In 2008, the Secretary of DENR delegated authority for enforcement of the

NESHAP and JJJ air quality regulations for 97 of the 100 counties in the State to DSCA. The three remaining counties, which have their own State-delegated air quality programs, elected to retain their inspection and enforcement authority. Enforcement of RCRA regulations was also delegated to the program, making DSCA the sole authority for environmental regulations applicable to drycleaning facilities. Most facility visits to date have focused on educating cleaners because many owners and operators were unfamiliar with the regulatory requirements. This outreach has been completed for most of the perc facilities and staff has begun returning for formal inspections to those plants where significant compliance deficiencies had been previously identified. The program's first enforcement cases with civil penalty assessments are currently being prepared for several of these facilities.

Oregon

Enforcement - All dry cleaning facilities in Oregon were inspected and technical assistance provided in 1999. Since then, dry cleaners that do not submit an annual report or who report suspect information are referred for an inspection and enforcement. Historically, 15 to 20 inspections have been conducted per year. Department of Environmental Quality staff is cross trained to conduct inspections that cover federal hazardous waste and air quality requirements as well as dry cleaner program requirements. Beginning in 2010, dry cleaners will be required to obtain either a registration or a general air quality permit. At that time, dry cleaners using perchloroethylene will be inspected at least once every five years. To be eligible for registration, a dry cleaner must go beyond compliance by implementing a number of voluntary environmental activities.

South Carolina

Enforcement – Hazardous Waste inspectors conduct periodic inspections of the facilities that are listed as small quantity generators. Drycleaners constitute only a small percentage of the inspected facilities. The Drycleaning Restoration Trust Fund Act does not provide for the inspection of the containment until the Department of Health & Environmental Control is onsite to investigate the contamination at the facility. The Department of Revenue has some basic measures to enforce the payment of fees.

Tennessee

Enforcement - The Tennessee Drycleaner Program does conduct inspections of drycleaning facilities however not on a routine basis. Local and State Air Pollution Control programs and the State Division of Solid/Hazardous Waste Management conduct the majority of drycleaner facility inspections. The Department's Office of Environmental Assistance also provides support to drycleaners. The Tennessee Drycleaner Program in coordination with the agencies mentioned above annually prepares a compliance calendar for dry cleaning facilities to document compliance and record-keeping responsibilities.

The Tennessee Drycleaner Program can enforce provisions of the Drycleaner's Act and program regulations by issuing an order:

- 1) For payment of any appropriate fees, surcharges, and penalties authorized under the Tennessee Drycleaner Act.
- 2) To revoke a facility's Certificate of Registration or withhold reissuance

- 3) To withdraw a facility's application for entry into the program for reimbursement of environmental response activities.

Texas

Enforcement – TCEQ regional offices located around the state conduct compliance evaluation inspections (CEIs) of dry cleaning regulated entities for compliance to TCEQ rules. In FY 08, the TCEQ initiated 94 formal enforcement orders against Dry Cleaner facilities. There were 92 cases of registration violations only. There was one case for a combination of a registration violation as well as a failure to have secondary containment and weekly inspection logs. There was one case for lack of secondary containment and inspection logs (no registration violation).

Virginia

Enforcement – Most dry cleaning facilities in Virginia are classified as small quantity generators of hazardous waste however there are some exceptions which may place the facility as a large quantity generator or a conditionally exempt small quantity generator. Therefore, the facilities must properly store, manage, and dispose of their hazardous waste and meet record keeping requirements. There are no annual reporting requirements and routine inspections are conducted on a random and periodic basis by each of the six regional offices. Depending upon a number of factors including the number of dry cleaners in the region, workloads, staffing etc the facilities are inspected by the Waste Program staff. If compliance and enforcement issues arise these issues are handled accordingly depending upon the situation and violation by the regional office.

Compliance Calendars are available through Small Business Assistance and their use is strongly encouraged. <http://www.deq.state.va.us/export/sites/default/osba/pdf/2009DEQdrycleancalendar-final.pdf>

Registration with the Virginia Department of Environmental Quality is required of all dry cleaners and changes in machines, operations, or ownership should be sent to VADEQ within 30 days.

Virginia Department of Environmental Quality's Voluntary Remediation Program handles remediation of most releases unless pending enforcement actions or violations of hazardous waste regulations are discovered.

Wisconsin

Enforcement – The WDNR relies significantly on the Small Business Clean Air Assistance Program at the Wisconsin Department of Commerce to provide outreach and support for dry cleaner compliance with environmental laws. This outreach work consists of the publication and distribution of fact sheets on applicable air pollution regulations. An annual Dry Cleaner Compliance Calendar that helps dry cleaners track their use of perchloroethylene and keep appropriate records is also provided. In addition, the WDNR's Bureau of Cooperative Assistance promotes the Five Star Program – a program that encourages responsible environmental action by dry cleaners.

Inspections of dry cleaning facilities are not routinely conducted in Wisconsin. The Bureau for Remediation & Redevelopment and the Bureau of Community Finance oversee the investigation

and cleanup of contaminated dry cleaning facilities and the reimbursement of cleanup costs to the owners/operators, respectively. Dry cleaner owner/operators self-report compliance with pollution prevention measures which is one of the eligibility criteria for reimbursement of cleanup costs. WDNR does not independently verify this.

Almost all dry cleaning facilities in Wisconsin are classified as very small quantity generators of hazardous waste. As such, the facilities must properly store, manage, and dispose of their hazardous waste and meet certain record keeping requirements. There are no annual reporting requirements and routine inspections are not conducted, although occasional inspections have shown generally good compliance with hazardous waste requirements.

Almost all dry cleaners in Wisconsin are classified as small area sources under the NESHAP rules. All dry cleaners must report their PCE use to WDNR once a year. These facilities have not been issued air discharge permits although air permit applications were received in 1996. Inspection of a handful of dry cleaning facilities in 2005 for compliance with Maximum Achievable Control Technology (MACT) standards found that record keeping was the primary violation, but generally dry cleaner facilities were well run. However, two of the 13 operating facilities inspected were significantly out of compliance. Each bureau of the WDNR is responsible for its own enforcement, with minimal coordination at the field level.

Lessons Learned

Most drycleaners do not own the property where their business is located. It is important to copy real property owners on all enforcement compliance correspondence. Real property owners often have greater leverage to effect changes in how a drycleaning business owner/operator manages his business than do regulators.

During site assessment activities at active drycleaning operations, install monitor wells screened across the water table in known and potential contaminant source areas. This includes installation of monitor wells beneath the facility floor slab if feasible. These wells will provide an early warning system for any subsequent solvent discharges.

Train your inspectors and contractors regarding drycleaning operations. To be effective, they must know the functions and basic operations of drycleaning equipment, types of wastes generated and historical waste management practices.

Carefully scrutinize data collected during remediation and monitoring to determine if there have been new discharges at active drycleaning operations.

Be consistent in enforcement/compliance actions.

During the time from the establishment of the fund until the rules and regulations went into effect the department was unable to take enforcement action against dry cleaners that failed to submit the required registration forms and surcharges. Once the regulations went into effect an excessive amount of the staff's time and effort were required to bring the delinquent dry cleaning facilities back into compliance.

Strict enforcement of environmental regulations is a requirement to minimize releases of solvent to the environment and cleanup costs and to be equitable to drycleaners who are in compliance.

STATE COALITION FOR REMEDIATION OF DRYCLEANERS (SCRD)

Program Development/Administration Work Group Program Management Briefs

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives from states with established drycleaner remediation programs. The Coalition's primary objectives are to provide a forum for the exchange of information and the discussion of implementation issues related to established state drycleaner programs; share information and lessons learned with states without drycleaner-specific programs; and encourages the use of innovative technologies in drycleaner remediation. The SCR D is comprised of two work groups (technical and administrative) which collaborate with member states to evaluate, refine, and improve technical and administrative processes involved with the various programs and to provide a model for other chlorinated solvent site assessment and remediation programs and projects.

The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

This document is divided into eight modules that provide an overview of each state's program approach to the following administrative processes:

Module 1 - Funding

Module 2 - Prioritization/Fund Management

Module 3 - Pollution Prevention

Module 4 - Enforcement

Module 5 - Contracting/Project Management

Module 6 - Program Eligibility

Module 7 - Registration

Module 8 - Database/File Management

Module 5 – Contracting/Project Management

While all of the state drycleaner programs are charged with the assessment and remediation of contaminated drycleaning sites, there is a wide variety of ways that this is to be accomplished. There are reimbursement programs, state-lead programs, and voluntary participation programs. In the states that do not have a formal drycleaning program, the state superfund program or the voluntary cleanup program handles the assessment and cleanup of contaminated drycleaning sites.

Alabama

Contracting/Project Management – The Alabama Drycleaning Environmental Response Trust Fund (DERTF) is a voluntary state-lead program that creates a self-insurance policy for participants. It is the responsibility of the participants to hire an environmental consultant to conduct the investigation and cleanup of the enrolled site. The DERTF Board prior to investigation and cleanup activities must approve the environmental consultants used in order to be reimbursed. The consultants or contractors may be approved for any or all of the categories: Initial Investigation, Property Assessment, and Property Remediation.

All work plans must be pre-approved by the Alabama Department of Environmental Management (ADEM) and cost estimates for the site investigation and cleanup work must be pre-approved by the Board before implementation. The environmental consultant must follow ADEM assessment and cleanup procedures found in the [*Alabama Environmental Investigation and Remediation Guidance*](#). The Preliminary Screening values are found in Table 2-2 of the [*Alabama Risk Based Corrective Action \(ARBCA\) Guidance Manual*](#). Contaminated dry cleaning sites may be ranked by ADEM to establish priorities for Fund expenditures based on information ADEM has on hand, information submitted to the department by the consultant, or both.

Connecticut

Contracting/Project Management - The Connecticut Dry Cleaning Establishment Grant Program is a reimbursement program administered by the Department of Economic and Community Development (DECD). The applicants are responsible for hiring an environmental consultant to complete the investigation and cleanup of the site. The applicants must utilize a competitive bidding process during selection of the consultant. DECD will review the competitive bidding process and bids received.

All investigation and remedial work plans and cost estimates must be certified by the Licensed Environmental Professional (LEP) and then pre-approved by the DECD before the work is accomplished in order to be eligible for reimbursement.

The applicant must register the site with the Department of Environmental Protection under the Property Transfer Act or Voluntary Remediation Program. Remediation in accordance with Connecticut's Remediation Standard Regulations (RSRs) is required for all applicants.

Assistance Agreement

- 1) Applicants that have satisfied all conditions of the application process may be approved to commence the contracting process or placed on a priority list for future funding
- 2) Request for Outside Counsel is made to Attorney General's office to prepare an Assistance Agreement between the approved Applicants and the State of Connecticut acting through DECD
- 3) Applicants who are incorporated are required to provide DECD with a Certificate of Good Standing and a Corporate Resolution
- 4) The Assistance Agreement is executed by the Applicant, the Commissioner of DECD, and approved as to form by the Attorney General's office

Payment Requisition Process

- 1) Once the Assistance Agreement is approved by the Attorney General's office, the Applicant can begin submitting payment requisitions on prescribed form to DECD
- 2) The Applicant and their consultant firm's Licensed Environmental Professional (LEP) executes the prescribed form and submits it to DECD
- 3) All the back up information such as contracts, invoices, etc. must be provided with the form
- 4) DECD project manager reviews and approves the payment request subject to availability of program funds
- 5) Comptroller's/Treasurer's office releases the check directly to the Applicant at the address provided by the Applicant

Florida

Contracting /Project Management – The Florida Drycleaning Solvent Cleanup Program (DSCP) is a state lead program. The program has established contracts with eleven (11) environmental and engineering consulting firms for the assessment and rehabilitation of eligible facilities. The contracts are selected through the state contract procurement process and have been executed for five years with the possibility of renewal for a period of no greater than five years.

The Contracts are managed through DEP Project and Contract Managers within the Bureau of Waste Cleanup. Each site that is assigned for rehabilitation is designated to a DEP Project Manager; for most sites the Project Manager is also the Contract Manager and this person will work predominately with one Contractor. For sites that have a separate Project and Contract Manager, the Project Manager will negotiate the site specific work with the Contractor, and the DEP Contract Manager will authorize the final cost proposals.

For a particular phase of work the Contractor will submit a proposed scope of work, cost estimate, and schedule to the DEP Project Manager. Unit rates for laboratory and equipment cost are negotiated on a yearly basis for all contracts. The Project Manager and Contractor will negotiate the final cost and scope of work for a particular phase of work. A Task Assignment is implemented for completion of the work once signed by the Contractor and DEP Project Manager/Contract Manager. The contractor is not authorized to conduct any work outside the scope and funding of each Task Assignment. Changes to each task are permitted through a Task Assignment Change Order.

Illinois

Contracting/Project Management - The Illinois Drycleaner Environmental Response Trust Fund is not a state lead cleanup program, but rather is a reimbursement program. The eligible participant (claimant) is responsible for hiring an environmental consultant to conduct the investigation and cleanup of the drycleaning facility.

Unless an emergency situation exists, all costs must be preapproved by the Fund and the proposed scope of work must address the State's cleanup requirements in order to be eligible for reimbursement. Competitive bids are required on all remediation activities and the Fund reserves the right to require competitive bids for all site investigation activities. Except in limited circumstances, the Fund requires that all remedial action plans must be approved by the Illinois Environmental Protection Agency prior to implementation of the plan.

The Fund's project managers review and approve all reimbursement requests and are responsible for verifying the proposed scope of work was completed prior to reimbursement by the Fund. All contaminated facilities eligible for cleanup benefits from the Fund are assigned a priority ranking based on their potential impact on human health and public safety. The priority ranking is used to determine when facilities receive reimbursement funding from the Fund.

Kansas

Contracting /Project Management – The Kansas Drycleaning Program's Facility Release Trust Fund Program (DFRTF) is a state lead program. KDHE utilizes environmental consultants who are selected for a long-term contract through a detailed bidding process. The consultants provide standard proposed costs (SPCs) for the majority of the tasks need to conduct assessments, remedial design, and operation & maintenance. Remedial implementation projects are bid using the SPCs, the consultants projected labor hours, and specialty sub-contractor bids (e.g. plumber). KDHE typically has four to five consultants on contract. A consultant is typically designated by the KDHE Program Manager and completes the assessments and remedial design for a site. Multiple consultants submit bids for remedial implementation and the first 6 months O&M.

KDHE's geologists lead the projects with assistance from the consultant's project manager. The work is initiated by KDHE through preparation of a work orders using the SPCs and a scope of work letter. The consultant prepares the work plans and initiates the field activities upon approval by KDHE. Tasks not covered by the SPCs require competitive bids from sub contractors or is negotiated between KDHE and the consultant. A Request For Proposal (RFP) used to select the consultants for long-term contractor provided detailed information on the program management including standard operating procedures and work plan/report formats.

Minnesota

Contracting/Project Management - In Minnesota, dry cleaning sites are investigated and cleaned up by either voluntary parties or the State Superfund Program, and all but the first \$10,000 of approved response action costs may be reimbursed from the Dry Cleaner Environmental Response and Reimbursement Account.

Following application to Minnesota's Voluntary Investigation and Cleanup (VIC) Program, voluntary parties must hire environmental consultants to conduct investigations and cleanups (where appropriate). For sites cleaned up under the Superfund Program, the MPCA contracts with environmental consultants, the costs for which may be reimbursed from the Dry Cleaner Account if funds are available.

Work plans for investigations and cleanups must be pre-approved by MPCA project managers, and costs submitted for reimbursement must also be approved by the MPCA before reimbursement may occur. Consultants must refer to VIC and Superfund guidance documents.

Missouri

Contracting /Project Management - Missouri's Drycleaning Environmental Response Trust (DERT) Fund is not a state lead program but rather a reimbursement type program. Therefore, it is the responsibility of the participant to hire an environmental consultant to conduct the investigation and cleanup of the enrolled site.

The assigned project manager must approve all work plans and cost estimates for the site investigation and cleanup work before implementation. The environmental consultant must also follow the cleanup guidelines listed in the *Departmental Missouri Risk-Based Corrective Action (MRBCA) Technical Guidance* document unless otherwise approved by the fund's project manager.

New Jersey

Contracting/Project Management - All work plans and report submittals for all aspects of investigation and remediation must be approved by the assigned case manager unless the site is undergoing remediation through an LSRP. The environmental consultant/LSRP must follow the New Jersey Department of Environmental Protection's Technical Regulations for Site Remediation and where applicable, the appropriate guidance documents.

New York

Contracting/Project Management – New York does not have a drycleaning program.

North Carolina

Contracting /Project Management – The North Carolina Dry-Cleaning Solvent Cleanup Act (DSCA) Program hires independent environmental consultants to perform site assessment, remedial design and operation and maintenance at certified DSCA sites. Following a qualifications-based selection process, each firm is awarded a three-year contract, which may be renewed for an additional two years. Unit costs, such as personnel rates and field equipment charges, are negotiated prior to contract execution. Drilling, remedial system construction, and waste hauling and disposal are subcontracted, with the program reserving the right to require the primary consultant to obtain bids for work exceeding \$3,000.

After being assigned a site, the consultant communicates with the appropriate DSCA project manager by telephone or email to establish a general work plan that is consistent with program rules and guidance. The consultant then submits a written work proposal consisting of a scope of

work and anticipated costs for DSCA approval. The program provides standardized work plan and reporting forms to each firm.

Oregon

Contracting/Project Management - In Oregon, the Department of Environmental Quality has the option of funding a cleanup at a dry cleaner site either as a state lead or by reimbursing property owners for their costs. DEQ's preference is to conduct cleanups using designated contractors and project managers; however there have been instances where costs were reimbursed.

Sites that are remediated as state-lead cleanups are managed by one of three regional project managers who manage the work of one of the private consultants under contract to DEQ.

Sites, where remedial action costs are reimbursed, require that a work plan and budget be submitted to DEQ for preapproval by the project manager prior to work being started.

South Carolina

Contracting/Project Management – South Carolina's Drycleaning Restoration Trust Fund Program is a state-lead program. There are two lists of contractor's that are certified by the South Carolina Department of Health and Environmental Control (SCDHEC) to perform work at drycleaning sites. The first list is posted on SCDHEC's website and is available to the drycleaners to chose from when they need to have their initial assessment done to become eligible for the program. The second list is a short list of consultants, approximately five for any given contract. The contract is for one year with an option for a second year. These contractors must submit a resume package along with the appropriate forms to SCDHEC in response to an announcement placed in the South Carolina Business Opportunities (SCBO) usually every other December. Once that list is formed then the work is assigned at the discretion of the Program Manager. There is a SCDHEC Project Manager for every site and they are responsible for the work completed and the payment of invoices.

Tennessee

Contracting/Project Management - Program rules identify the requirements a company must meet in order to be placed on the Dry Cleaner Approved Contractor (DCAC) list. DCERP evaluates contractor qualifications and publishes a list of approved contractors. An annual renewal along with an annual registration fee must be submitted to remain on the DCAC list. A written application must be submitted that provides information on the company's organizational structure, personnel, experience, etc. DCACs enter into a contractual relationship with the applicant and not DCERP or the Department. DCACs can apply for one or more of the following contractor categories: Facility Inspection, Site Investigation and Remediation. The statute (TCA 68-217-110) requires that environmental response actions and associated methods and techniques "shall be cost effective reasonable, and technically feasible."

Investigative and Remedial activities are generally performed in a phased approach. The consultant will submit a proposed work plan and cost estimate for a phase of work through the applicant to DCERP. DCERP will evaluate the work plan and cost proposal and make any necessary modifications before issuing a notice to proceed (NTP) for that phase of work.

DCERP provides project oversight for the applicant throughout the investigative/remedial process. In order for the costs of site activities to be reimbursable they must be performed by a DCAC and pre-approved by DCERP. The DCERP work phases are as follows:

- 1) Facility Inspection (FI) - The FI begins the environmental investigation process and includes a determination of Fund eligibility through records review and an on-site inspection to determine compliance with BMPs and gather other data.
- 2) Prioritization Investigation (PI) - The PI determines the presence or absence of solvent impacts, establishes a priority ranking for the site, and determines whether additional investigation is needed. Additional work is scheduled in accordance with the site's priority ranking.
- 3) Solvent Impact Assessment (SIA) - The SIA determines the extent and nature of the contamination and presents recommendations for appropriate remedial actions or other follow-up activities.
- 4) Remedial Alternatives Study (RAS) - The RAS evaluates technical feasibility, costs, and effectiveness of implementing various remedial approaches.
- 5) Remedial Activities - During the remedial process the applicant will submit periodic reports confirming the remediation option is performing as expected, site remediation goals are being achieved, and the approved remediation action has been completed.

At the conclusion of any necessary activities a response complete letter will be issued to the applicant.

Texas

Contracting /Project Management - The Texas Dry Cleaner Remediation Program (DCRP) is a state lead program which utilizes environmental consultants to perform corrective action at eligible DCRP sites. The Texas Commission on Environmental Quality (TCEQ) DCRP procures both Site Activities Contracts, for site assessment work, and Engineering Services Contracts, for most remediation/cleanup work, through a detailed bidding process. The pricing for most standard tasks for conducting corrective action are agreed upon as part of the contract negotiations with the consultants. Some tasks or pay items without standard costs require competitive bids from sub contractors or is negotiated between DCRP and the consultant. A Request For Proposal (RFP) or Request for Qualifications (RFQ) used to select the consultants for long-term contractor provide detailed information on the program management including standard operating procedures, work plans and cost proposal formats.

Currently the TCEQ DCRP has seven contracts, each lasting for a period of two to five years. The Contracts are "State-Wide" and the contractors are expected to able to perform corrective action throughout the state.

TCEQ project managers lead the projects with assistance from the consultant's project manager. The work is initiated by TCEQ through preparation of work orders, which are based on the consultant prepared work plan. The consultant initiates the field activities upon issuance of the work order by the TCEQ. All corrective action work is subject to fund availability and work may be postponed at lower priority sites in order to make money available for higher priority sites.

Virginia

Contracting /Project Management – Virginia does not have a statutory dry cleaner program nor a fund for reimbursement of drycleaner remediation costs therefore all work is completed at the program participants expense. The Voluntary Remediation Program (VRP) participants hire an environmental consultant to conduct the investigation and cleanup of the enrolled site.

Each site enrolled in the VRP has a project manager assigned to review the work along with a toxicologist who completes a co-review concentrating on the risk assessment.

Work plans for proposed work are strongly suggested however there is no requirement for preapproval to initial investigative work. Remediation work, depending upon the situation, requires various approvals from regulatory programs.

Wisconsin

Contracting/Project Management - Wisconsin's Dry Cleaner Environmental Response Program (DERP) is reimbursement based – that is, dry cleaner owners/operators voluntarily incur costs for cleanup actions and are subsequently reimbursed their eligible costs by the State of WI. All contracts are executed between the dry cleaner owner/operator and their selected consultant – the State of Wisconsin is not involved in contracts for cleanup actions performed in the DERP program. While the State is not directly involved in contracting, as a cost control measure State oversight and approval of costs in advance of work being performed is required for reimbursement.

Another cost control measure requires that owners/operators select consultants through a “qualification based selection system”. This system includes:

- 1) Soliciting between 3 and 6 bids from different engineering consulting firms for both the site investigation and remediation phase of cleanup. The engineering firms must submit sealed bids to both the owner/operator and the WDNR project manager (PM).
- 2) The owner/operator evaluates the bids, summarizes the costs, chooses a bidder and submits the bid summary and selected bidder to the PM. The owner/operator is not required to select the least expensive bid but must justify his/her reason for selecting a bid that is not the least expensive.
- 3) The PM must approve the selected bidder, bid workplan and cost prior to the owner/operator entering into a contract with the consultant. If the workplan does not meet State requirements, the PM can ask for selection of a different bidder, revisions to the original bid, or rebidding of the project.
- 4) Once approved, the consultant is bound by the total costs as well as unit costs set out in the workplan. Additional costs may only be approved under a specific set of criteria set out in rule and the owner/operator and PM must approve any change orders in advance of work being done. However, total additional services, up to \$3,000 or 5% of the total contract may be incurred without a change order.
- 5) The owner/operator may submit reimbursement requests at certain milestones. The PM reviews requests to ensure that they reflect the workplan. The DERP Manager separately audits all costs and invoices in the reimbursement request for compliance with the list of eligible/ineligible costs set out in administrative code.

All DERP cases receive individual oversight from the assigned DNR PM who works closely with the owner/operator. All workplans for site investigation, immediate, interim and remedial action must be reviewed and approved by the PM prior to undertaking the work. The PM must track approved costs and approve any change orders to workplans. All reimbursement claims are audited to ensure approved maximum costs and unit costs are not exceeded and that only eligible costs are reimbursed. By state statute, any claimed ineligible costs are deducted from the claim and a penalty of 50% of claimed ineligible costs is assessed against the preparer of the reimbursement claim (usually the consultant). After cleanup actions are complete, the PM, in consultation with a WDNR closure committee, will determine whether the property meets cleanup standards and can be closed.

Most dry cleaner sites will have residual contamination remaining after cleanup activities and will be placed on the Wisconsin's GIS Registry where property-specific obligations for long-term management of residual contamination are found in the PDF documents (<http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=brrts2>).

Lessons Learned

State lead programs (where private contractors are selected and managed by state regulators) have many advantages over reimbursement programs. State project managers can exercise direct controls on work and costs.

Qualified contractors can be selected for the assessment and remediation of chlorinated solvent sites, work on chlorinated solvent sites is much more complex than petroleum cleanup; therefore, selecting qualified contractors is crucial.

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Program Development/Administration Work Group Program Management Briefs

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The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

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Module 6 – Program Eligibility

Most of the drycleaning programs are geared towards active drycleaning facilities, inactive facilities, wholesalers and former drycleaning locations. Federal and government owned facilities were not included in most if not all of the formal drycleaning programs. To be eligible for the programs drycleaners need to pay their fees and apply for eligibility. The state's department of revenue generally collects the drycleaning fees and eligibility is applied for from the state's environmental agency in charge of the program.

Alabama

Program Eligibility - Existing drycleaning facilities, abandoned drycleaning facilities and wholesale distributing facilities, are covered by the Fund under this program after the owner(s) or operator(s) have elected to participate in the program, notified the ADEM, and submitted the appropriate fee to the Alabama Department of Revenue (Revenue; Code of Alabama 1976, § 22-30D-6).

New owners or operators of existing facilities who elect to be covered under the fund shall register with ADEM and submit the appropriate fees to the Revenue.

Owners, operators establishing new drycleaning and or wholesale distribution facilities who elect to be covered by the Fund shall register each new facility with ADEM within thirty (30) days of the commencement of operation; shall submit registration form(s) to Revenue within thirty (30) days of the initiation of business and submit to Revenue the appropriate fee.

Wholesale distributors who elect to be covered under the fund shall notify and register with ADEM; submit registration form(s) to Revenue within thirty (30) days of the opening; and submit the appropriate fee.

The following sites are excluded from coverage:

- 1) Owners, operators and wholesale distributors of existing facilities who did not elect to participate in the Fund.
- 2) Sites that are contaminated by drycleaning agents where the contamination at such sites did not result from the operation of a drycleaning, abandoned drycleaning, or wholesale distribution facility;
- 3) Sites that are not drycleaning, abandoned drycleaning, or wholesale distribution facilities, or the real property of impacted third parties or adjacent landowners, but are contaminated by a release from drycleaning agents being transported to or from drycleaning, abandoned drycleaning, or wholesale distribution facilities;
- 4) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any property of any impacted third party or adjacent landowner that has been, or is in the future, identified by USEPA as a federal superfund site pursuant to 40 CFR 300 et seq.;
- 5) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any property of any impacted third party or adjacent landowner which has a treatment, storage, or disposal permit pursuant to the federal Resource Conservation and Recovery Act (RCRA) or AHWMMMA regulations;

- 6) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any real property owned or leased by any entity who did not elect to be covered by the Act or any impacted third party or adjacent landowner impacted by or adjacent to any such a site; and/or
- 7) Any owner, operator, impacted third party, or adjacent landowner who fails to pay, or is delinquent in payment of fees required by the Act. 335-16-2-.01

Coverage by the Fund shall be effective on the date that a written notice of election is received by the Department.

Connecticut

Program Eligibility - DECD has established rules and criteria, which define the type of facilities or parties and the reimbursable costs that can become eligible for investigation & remediation funding in the Dry Cleaning Establishment Grant Program.

Eligibility Requirements

- 1) Be current in filing any state and federal taxes and the dry cleaning establishment surcharge returns imposed by CGS section 12-263m
- 2) Demonstrate that the affected establishment is using or has previously used tetrachloroethylene or stoddard solvent
- 3) Be in business at least one year prior to the application for assistance
- 4) Be the current operator of the establishment or the landlord of the property
- 5) Demonstrate the need for the requested grant amount from the program
- 6) Certify that there is no outstanding litigation proceedings involving the applicant and/or his representatives
- 7) Identify the responsible party to complete the site investigation and remediation including the funding source to complete the project for costs over and above approved state funding
- 8) Demonstrate that \$10,000 in costs have been paid to be used as deductible

Eligible Costs Include

- 1) All costs must be directly related to dry cleaning operation
- 2) Environmental Site Assessments prepared to prevailing regulatory standards including Remedial Action Plans & Design
- 3) Preparation of Best Management Practices – BMP and other pollution prevention measures
- 4) Professional Services authorized by Licensed Environmental Professional (LEP) for site assessment and remediation activities
- 5) Sub-Contracted services for site assessment and remediation
- 6) All soil and groundwater remediation methods as required or approved by DEP
- 7) Periodic soil and groundwater sampling, monitoring, testing and associated lab analytical costs
- 8) Floor slab removal/replacement and equipment relocation as required to implement remedial actions

Providing potable water to residents if required by the DEP to properties directly impacted from the project site pollution

Florida

Program Eligibility - The Florida Drycleaning Solvent Cleanup Program (DSCP) accepted applications for determination of eligibility into the program from March 1996 through December 31, 1998. During this time active or historical dry cleaning facilities as well as wholesale supply facilities were encouraged to apply to the program. Uniform rental and linen supply companies are specifically exempt and not eligible for the DSCP.

Section 376.3078(3), Florida Statutes (F.S.) identifies certain criteria that must be met in order for a site to be eligible, and to remain eligible for the program. Eligibility is in part determined by the information provided in the facility application, which is submitted jointly by the facility owner, operator, and property owner. The application must have been submitted prior to December 31, 1998 and must document drycleaning solvent contamination in the soil or groundwater. Additional requirements for program eligibility include: facility must be registered with the department; is in compliance with the department's rules and regulations; has not operated in a grossly negligent manner; has not been identified to qualify for listing, nor is listed on the National Priority List; is not under an order from the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act; has not willfully concealed the discharge of drycleaning solvents; has remitted all taxes due pursuant to Section 376.70 and 376.75 F.S.; and has not denied the department access to the site.

For eligible sites, costs incurred by the state for site rehabilitation will be absorbed at the expense of the fund minus a deductible amount. The deductible is \$1,000, \$5,000 or \$10,000 and depends on the date of application to the program. Eligibility in this program does not relieve the owner, operator or real property owner from federal actions or from current waste management requirements.

Illinois

Program Eligibility - All active drycleaning facilities engaged in drycleaning operations for the general public were eligible to receive remedial program (historical contamination) benefits from the Fund provided they conducted intrusive testing of their facility, documented contamination (via submission of at least one soil and/or groundwater sample) in excess of the State's cleanup regulations, and filed a claim for benefits with the Fund by June 30, 2006. Prisons, government entities, industrial laundries, commercial laundries and linen supply facilities are specifically exempt, and therefore are not eligible for cleanup benefits.

Other eligibility requirements include:

- 1) Demonstration that the source of the release is from the claimant's active or inactive drycleaning facility,
- 2) At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all of Illinois Environmental Protection Agency's reporting and technical operating requirements,
- 3) Maintenance of \$500,000 of continuous financial assurance coverage during the time period the drycleaning facility is receiving cleanup benefits from the Fund,

- 4) The claimant has not filed for bankruptcy on or after the date of the discovery of the release,
- 5) The claimant reported the release in a timely manner to the Illinois Environmental Protection Agency in accordance with the Illinois Emergency Planning and Community Right to Know Act.

Inactive drycleaning facilities currently owned by an individual who once operated the facility as an active retail drycleaning plant were eligible for limited remedial program benefits provided they documented contamination at the facility and filed a claim with the Fund by June 30, 2006.

Active drycleaning facilities that carry pollution liability insurance coverage issued by the Fund are eligible for cleanup benefits if a solvent release occurred and was discovered subsequent to the retroactive date of the policy and before the expiration date of the policy. For the policy to remain in effect, the drycleaner must pay an annual premium, comply with Illinois' environmental regulations and participate in a Fund approved compliance program.

Kansas

Program Eligibility - All retail active or historical dry cleaning facilities, including coin-operated dry cleaners, are eligible for the Drycleaning Facility Release Trust Fund Program (Program). Non-retail and federal (e.g. military bases) facilities are not eligible for the Program. Abandoned facilities that have used drycleaning solvents in the past are also eligible for the Program.

Contaminated dry cleaning sites may be ranked by the department to establish priorities for Fund expenditures based on information the department has on hand, information contained in an application submitted to the department, or both. The completed, signed application form and supporting information must be submitted to the department to initiate the ranking process. Required information for application submittal:

- 1) Groundwater analysis of a sample from a water supply well, monitoring well, direct push probe, or other sample collection device approved by the department.
- 2) Collected and analyzed not more than one year prior to submittal of the application.
- 3) With prior approval from the department, an analysis of a representative soil sample may be substituted for a ground water analysis. This is typically intended for sites where ground water is scarce or very deep.
- 4) Geologic well log(s) from a monitoring well or supply well or hydrogeologic information from the contaminated site where the ground water or soil sample was taken.
- 5) The distance to nearest known private domestic well, public water supply well, surface water, or other receptors must be included.
- 6) Description of present use of ground water in the area of the facility.

On initiation of corrective action, which includes assessment and/or remediation, by the department, the applicant shall pay to the department the applicable \$5,000 deductible, minus the reasonable, direct costs incurred by the applicant to collect the application information.

Minnesota

Program Eligibility – Past or present owners or operators who have entered the MPCA’s Voluntary Investigation and Cleanup (VIC) program and have accumulated approved investigation and response costs at active or former retail dry cleaning facilities (not including coin-operated facilities) may be reimbursed from the Dry Cleaner Environmental Response and Reimbursement Account (Dry Cleaner Account). Sites being addressed by voluntary parties, usually in the interest of property transfer or redevelopment, are eligible for reimbursement of approved costs in excess of the first \$10,000, as funds become available in the Dry Cleaner Account. The rate of application to Minnesota’s VIC Program is driven by local market and financial conditions, and site work plans and reimbursement requests are reviewed as quickly as possible given constraints on staff resources.

The State Superfund Program may address abandoned sites. In these cases, sites are prioritized according to relative threats to public health and the environment and to available public resources. Following response actions, and subject to availability of funds in the Dry Cleaner Account, the Superfund Account may be reimbursed from the Dry Cleaner Account.

Missouri

Program Eligibility - All dry cleaning facilities, including coin-operated dry cleaners, which use or have used in the past, chlorinated dry cleaning solvents, are eligible for the DERT Fund. Prisons, government entities, hotels, motels and industrial laundries are specifically exempt, and therefore not eligible for reimbursement. Government entities that own or are in possession and control of an abandoned facility otherwise eligible for coverage may apply to the DERT Fund as long as the governmental entity follows the procedures of 10 Code of State Regulations (CSR) 25-17.050 through 10 CSR 25-17.170. Abandoned facilities that have used chlorinated solvents in the past are also eligible for the DERT Fund.

Other eligibility requirements include:

- 1) The applicant must submit the results of at least one soil or groundwater sample from the dry cleaning facility that indicates contamination above the default target levels listed in the *Departmental Missouri Risk-Based Corrective Action (MRBCA) Technical Guidance* document.
- 2) Demonstrate that the source of the release is from the applicant’s active or abandoned dry cleaning facility.
- 3) At the time of the discovery of the release, the applicant and the dry cleaning facility were in compliance with the Revised Statutes of Missouri (RSMo) 260.900 through 260.960, 10 CSR 25-17.010 through 10 CSR 25-17.170 and any other applicable state and federal environmental laws.
- 4) The release was reported in a timely manner to the department’s Emergency Spill Line.
- 5) The location of abandoned facilities must have been reported to the department by July 1, 2009.

New Jersey

Program Eligibility – New Jersey does not have a program.

New York

Program Eligibility – New Jersey does not have a program.

North Carolina

Program Eligibility - All active and abandoned dry-cleaning facilities as well as wholesale dry-cleaning solvent distribution facilities are potentially eligible for the DSCA Program. Commercial uniform service and commercial linen supply facilities, National Priority List sites, facilities located on military bases, and facilities owned by the federal government or the state of North Carolina are not eligible. Evidence of dry-cleaning solvent contamination either from hydrocarbon or halogenated hydrocarbon solvents (as documented by laboratory analyses) must also be demonstrated. If the site contains an active facility, the dry cleaner must be operating in compliance with federal and state laws and regulations.

Potentially responsible parties (typically dry-cleaning business owners or facility property owners) submit a petition for entry into the program. For active facilities, a DSCA inspector visits the site to determine if the cleaner is operating in compliance with DSCA Minimum Management Practices as well as federal air and hazardous waste regulations. Once the petition is approved, each petitioner must pay a \$1,000 application fee and sign an assessment and remediation agreement with the program. A petitioner is responsible for paying 1%-2% of the assessment and remediation costs with the actual percentage applied depending on the number of full-time equivalent employees working at the facility. If the facility is abandoned, the co-pay is 1.5%. The DSCA fund pays for all cleanup costs that exceed \$1 million.

Oregon

Program Eligibility - All dry cleaners in Oregon are required to participate in the dry cleaner program. To be eligible for the liability protection and cleanup funding afforded under the program, a site must have both a compliant dry cleaner operator and dry cleaner owner. To be eligible:

- 1) The operator must have paid fees required under the law, annual fee for each dry cleaning facility and dry store, and the fee on each gallon of solvent purchased;
- 2) The site must be in compliance with the following waste minimization requirements:
 - a) Acceptable types of dry cleaning equipment,
 - b) Managing dry cleaning waste as hazardous waste,
 - c) Managing solvent-contaminated wastewater,
 - d) Containment under and around dry cleaning equipment and solvent-containing items,
 - e) Annual reporting of waste minimization and hazardous waste management practices,
 - f) Reporting releases of dry cleaning solvent,
 - g) Delivering perchloroethylene solvent using a closed, direct-coupled system, and
 - h) Complying with air quality monitoring and recordkeeping requirements.

A dry cleaning site may become ineligible if:

- 1) The release was caused by gross negligence,

- 2) The release resulted from a violation of state or federal law,
- 3) The owner or operator willfully concealed the release,
- 4) The owner or operator denies access to the site, or the operator fails to pay fees.

South Carolina

Program Eligibility – When the law became effective in 1995 there was a one time opt-out available for facilities that cleaned with petroleum solvents. Facilities that used both petroleum and Perchloroethene as their solvents could also elect to be a non-participant. Approximately 116 facilities chose not to participate in the Program. The owners of the other drycleaning facilities have to register with the South Carolina Department of Revenue (DOR) to pay fees into the fund. Once they are registered with DOR then the owners have to apply to SCDHEC for eligibility for their facilities. When SCDHEC reviews the applications for eligibility the following are considered:

- 1) The facility has been registered with and has paid all annual fees, surcharges, and solvent fees as required by the Department of Revenue;
- 2) Is determined by the department to be in compliance with department regulations regulating drycleaning facilities or wholesale supply facilities;
- 3) Has third-party liability insurance when and if the insurance becomes available at a reasonable cost, as determined by the Department of Insurance, and if the insurance covers liability for contamination that occurred both before and after the effective date of the policy;
- 4) Has provided documented evidence of contamination by drycleaning solvents or where the department, after conducting a secondary assessment, has documented evidence of contamination by drycleaning solvents;
- 5) Has not been operated in a grossly negligent manner at any time after November 18, 1980.

If all of the above is correct then the facility is considered Eligible for the fund. If all is correct except contamination is not document during the initial assessment then the facility is considered Not Eligible but if contamination is later found the site will become Eligible. If all is not correct then the site will be considered Ineligible and can never become eligible for the fund.

Tennessee

Program Eligibility – The applicant must comply with the following:

- 1) An applicant must meet the definition of a current or prior owner or operator of an active or abandoned drycleaning facility, an in-state wholesale distribution facility, or an impacted third party.
- 2) The facility/site must meet the definition of an abandoned or active drycleaning facility, or in-state wholesale distribution facility.
- 3) The facility/site must be registered with the program and have paid all applicable fees, surcharges, penalties, and interest.
- 4) The facility/site must be in compliance with applicable Best Management Practices (BMPs).

The facility/site must comply with all other requirements of the rules and Act.

Texas

Program Eligibility: To be eligible to use the Texas Dry Cleaning Facility Release Fund for corrective action at a dry cleaning facility in Texas, an applicant must meet one of the following conditions:

- 1) Own the dry cleaning facility or drop station;
- 2) Own the property on which the facility or drop station is (or was) located;
- 3) Previously owned property on which a dry cleaner facility or drop stations was located and you have entered into an agreement with the current owner that requires you to be responsible for any costs associated with the cleanup of contamination associated with the dry cleaner facility or drop station.

All Applicants must meet registration requirements and all fee balances owed to the State must be paid.

All retail active or historical dry cleaning facilities and drop stations as defined in the Texas Health and Safety Code Chapter 374.001(7) are eligible for the Dry Cleaning Facility Release Trust Fund Program. Certain types of facilities, such as coin-operated facilities and industrial launderers are not eligible for the DCRP. Sites eligible for the TCEQ Fund include:

- 1) Active Registered Facilities
- 2) Previously Registered Facilities (now closed)
- 3) Historic Dry Cleaner Facilities (predated registration requirements)

To apply for funding under the DCRP, an applicant must provide analytical data from soil and groundwater samples which document that a release has occurred. The applicant must complete and submit a TCEQ DCRP Ranking Application form prepared and sealed by a licensed Professional Engineer or Geoscientist. The applicant must pay a \$5000 deductible, and the costs of corrective action paid by the applicant may count towards the deductible. The application must include a signed affidavit indicating the Tetrachloroethylene is no longer being used at the facility.

The DCRP cannot begin corrective action at a site, with the exception of emergency actions, until the application has been both ranked and prioritized. Site ranking, which is described in the Dry Cleaner Environmental Response Rule, 30 Texas Administrative Code (TAC) 337.31(a), is a measure of a sites potential impact to human health or the environment. Site prioritization, described in 30 TAC337.30, is based in part on the Site Ranking but also takes into account non-risk factors, which promote effective use of the DCRP Fund. Section 30 TAC337.30 (b) of the rule describes the factors, which can be used to determine Site Priority. The Prioritization list is updated semi-annually.

Virginia

Program Eligibility: All dry cleaning facilities, including current and historical, are allowed to apply for eligibility to the VRP. Review of the application, accompanying documents and agency records are completed to ensure there are not improper waste management issues, pending enforcement actions or conflicts with regulatory programs, which would preclude eligibility and subsequent enrollment into the VRP.

Once the site is determined to be eligible, the registration fee to offset the costs of the Program must be submitted which is at least 1.0% of the estimated cost of the remediation at the site, not to exceed the statutory maximum of \$5,000.00. The VRP fee is based on the total estimated cost of remediation and prior to the issuance of the Certification of Satisfactory Completion of Remediation the final cost of remediation is provided by the participant in order to assure that fee requirements have been met. Once the fee is received the site is considered fully enrolled in the VRP.

Wisconsin

Program Eligibility - Wisconsin's Dry Cleaner Environmental Response Program (DERP) requires that applicants submit a Potential Claim Notification form upon discovery of a release or contamination, prior to August 30, 2008. Only applicants (and sites) who submitted this document prior to this deadline are currently eligible to apply for reimbursement. Sites where a release is discovered after this time are not eligible to apply for the program. There are currently 230 sites considered eligible for reimbursement in DERP.

Eligible applicants to the program were defined as owners or operators, and agents acting on their behalf. Further definitions, from Section 292.65, Wis. Stats., are as follows:

An owner is any one of the following:

- 1) A person who owns, possesses, or controls any of the following:
 - a. A licensed dry cleaning facility;
 - b. A dry cleaning facility that stopped operating before October 14, 1997;
 - c. A dry cleaning facility that stopped operating on or after October 14, 1997, and was licensed before it stopped operating; and/or
 - d. Receives or received money, or other direct or indirect consideration, from the operation of such facility;
- 2) A subsidiary or parent corporation of the person specified above; and
- 3) A person who owns property on which is located any of the following:
 - a. A licensed dry cleaning facility; and/or
 - b. A closed dry cleaning facility that was licensed and operating while the person owned the property.

A person who owns property on which a dry cleaning facility was located, and that facility closed before October 14, 1997 (the date licensing requirements began), is not eligible for the DERP program. Likewise, those who purchase property on which a licensed dry cleaning facility was located, but purchased it after the facility ceased operation, are also not eligible for the program.

An operator is defined as:

- 1) A person who holds the license for a dry cleaning facility.
- 2) A subsidiary or parent corporation of the person specified above.
- 3) A person who operated a dry cleaning facility that closed prior to October 14, 1997.

In addition to determining the eligibility of the applicant, the facility itself is reviewed to determine its eligibility. Only dry cleaning facilities, operated for the general public, are eligible for the program (example – One Hour Cleaners). Coin-operated (self-serve), industrial, military, medical, formal wear rental or other similar operations are not eligible.

Others that can receive reimbursement include:

- 1) The personal representative of an eligible owner/operator may complete the cleanup/reimbursement process if the owner/operator submitted a potential claim form before his/her death.
- 2) An eligible owner/operator can designate an agent to perform the cleanup/reimbursement process.

The State of Wisconsin can be reimbursed for state funds expended for cleanup activities at a dry cleaner facility if there is a person who would be an eligible owner/operator.

Lessons Learned

Consider including drycleaning wholesale supply facilities, uniform rental and linen supply facilities in your cleanup program. These businesses of stored/used solvents and generally have solvent contaminated soil/groundwater.

When defining facilities that may be eligible for cleanup consider business that may have a drycleaning machine but are not typically considered a drycleaner such as hotels, resorts, schools, and churches. Determine if the definition should include or exclude these types of facilities.

In writing a statute or rules regarding program eligibility be specific and comprehensive on what must be done to maintain eligibility and what actions will result in a revocation of eligibility.

Tie eligibility directly to regulatory compliance, registration and fee requirements.

STATE COALITION FOR REMEDIATION OF DRYCLEANERS (SCRD)

Program Development/Administration Work Group Program Management Briefs

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives from states with established drycleaner remediation programs. The Coalition's primary objectives are to provide a forum for the exchange of information and the discussion of implementation issues related to established state drycleaner programs; share information and lessons learned with states without drycleaner-specific programs; and encourages the use of innovative technologies in drycleaner remediation. The SCR D is comprised of two work groups (technical and administrative) which collaborate with member states to evaluate, refine, and improve technical and administrative processes involved with the various programs and to provide a model for other chlorinated solvent site assessment and remediation programs and projects.

The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

This document is divided into eight modules that provide an overview of each state's program approach to the following administrative processes:

Module 1 - Funding

Module 2 - Prioritization/Fund Management

Module 3 - Pollution Prevention

Module 4 - Enforcement

Module 5 - Contracting/Project Management

Module 6 - Program Eligibility

Module 7 - Registration

Module 8 - Database/File Management

Module 7 – Registration

Registration for the drycleaning programs covers a lot of ground. Some states have the drycleaners registering with the Department of Revenue on an annual basis to pay fees, others have the drycleaners registering with the environmental agency to pay into their fund and still others have the drycleaners doing both. Registration can have multiple meanings depending upon the state.

Alabama

Registration – Active drycleaners, persons owning abandoned drycleaning facilities, wholesale distributors, or impacted third parties may voluntarily choose to enter the Alabama Drycleaning Environmental Response Trust Fund (DERTF). The Fund is managed as a drycleaning industry self-insurance program. An information sheet and a Notification of Election of Coverage form are sent to parties interested in joining the Fund. These files may be sent from the Alabama Department of Revenue (Revenue) or the Alabama Department of Environmental Management (ADEM). Once registration is accomplished, Revenue will issue each site a number based on the company's FEIN number and forward a payment request depending upon category of site, and percentage of revenue from the site. ADEM will then be notified of the site's entrance into the DERTF. Registration fees for the drycleaning industry are collected for the Fund and used by the Drycleaner Environmental Response Trust Fund Board (DERTFB) to pay for the cost of investigation, assessment, and remediation of environmental contamination resulting from drycleaning operations.

Application for Cleanup: In order for review of a site's documents, the site's account must be paid to date. Workplans, risk assessments, and other remediation documents are submitted to ADEM for oversight review. Cost proposals for reimbursement of eligible costs are submitted to DERTFB for approval. Once ADEM approves the various submittals, the cost proposals are approved, denied or further information requested as needed.

Connecticut

Registration – Not Applicable in Connecticut Dry Cleaning Program

Florida

Registration – Florida law requires joint registration by the operator, owner, and real property owner of all operating drycleaning and wholesale supply facilities. Facilities are required to register with the Florida Department of Environmental Protection (FDEP) Division of Waste Management and pay an initial fee of \$100 and annual registration fee of \$100. Facilities that fail to pay the registration fee within 30 days of receipt of the invoice are subject to a \$75 late fee. Revenues derived from registration fees are deposited into the trust fund that pays for costs related to the cleanup of drycleaning solvents.

Registration information includes: the facility contact information, the date the facility began operating, and the type of solvent used. Upon payment of the annual registration fee drycleaning facilities are issued a certificate of registration.

All drycleaning facilities are required to display a current certificate of registration. The certificate must be displayed in the vicinity of the drycleaning machines, and must be easily visible to persons making drycleaning solvent deliveries. Wholesale supply facilities may not sell any drycleaning solvents to an owner or operator of a drycleaning facility that does not display the current certificate of registration.

The requirement to display the certificate of registration applies to all active drycleaning facilities. Dry drop off facilities, uniform rental companies and linen supply companies are not required to register.

Application for cleanup: The Florida Drycleaning Solvent Cleanup Program was open for voluntary joint application by drycleaning and wholesale supply facility owners, operators, and real property owners from March 1996 through December 31, 1998. Both active and inactive facilities were eligible to apply for state-funded cleanup. Eligibility criteria are discussed under the prior module.

Illinois

Registration – All active drycleaners that are engaged in drycleaning for the general public are required to license their drycleaning facility annually with the Illinois Drycleaner Environmental Response Trust Fund (Fund). The annual license fee is based on the amount of solvent purchased in the preceding calendar year and is due by December 31st of each year. A licensure form listing the amount of solvent purchased, the annual solvent log, a copy of each solvent invoice, and the license fee payment form must be submitted to the Fund before a license is issued. Drycleaners who pay their license fee late are subject to a \$5 per day penalty until the license fee is paid.

Solvent suppliers are required to register with the Illinois Department of Revenue (Revenue) and quarterly must file a solvent tax return with Revenue that lists the amount of solvent sold to each drycleaning facility, the name, address and license number of each facility, and the dollar amount of solvent tax collected. Solvent distributors who deliver solvent to an unlicensed facility are subject to a civil penalty of \$500 or \$5,000 per occurrence.

Application for Cleanup Benefits: Drycleaners wishing to receive remedial program cleanup benefits (for historical contamination) had to file a “claim” form with the Fund by June 30, 2006 and an eligibility determination was made. Drycleaners wishing to receive insurance program cleanup benefits have to file a claim form documenting the contamination occurred after the effective date of the insurance policy.

When a claim form is received, staff will review the application and determine if the facility is compliance with all required environmental laws and regulations. The Fund reviews all applications within 30 days of receipt and notifies the drycleaner in writing if the application is complete and the facility is eligible for either remedial or insurance program benefits or if the facility is ineligible for benefits and the reasons why. If additional information is needed to determine eligibility, a letter is sent asking for clarification or requesting information and it specifies a date by which the applicant shall respond.

Kansas

Registration - Owners of operating dry cleaning facilities shall register annually with the Kansas Department of Health & Environment's (KDHE) Dry Cleaning Program for each separate facility. The [registration form](#) identifies the operator, real property and facility owners, solvent distributor, number of machines, type and volume of solvent used during the previous calendar year, and waste disposal method. A \$100 fee for each operating dry cleaning facility shall accompany registration forms for Kansas's dry cleaning facilities. A dry cleaning facility is any commercial establishment that operates for the purpose of cleaning garments or other fabrics utilizing a process that involves any use of dry cleaning solvents. Registration forms are due each calendar year by January 31, of the registration year or no later than 30 days after operations begin. A change of ownership also requires a new registration form no later than 30 days after beginning operation. The current registration certificate must be posted in a conspicuous location in the public area of each registered, operating dry cleaning facility. KDHE has an online registration web site available at: www.kdheks.gov/dryclean.

A separate program managed by KDHE's Bureau of Waste Management also requires submittal of a hazardous waste generation report and \$100 monitoring fee for all "Kansas Generators" in the Spring of each year per K.A.R. 28-31-10(g)(3). The "Kansas Generators" monitoring fee is separate and distinct from the Kansas Dry Cleaning Program.

Application for Corrective Action: Properties with active and former dry cleaning facilities contaminated by dry cleaning solvents are eligible for application into a state-lead Kansas Dry Cleaning Facility Release Trust Fund Program. Contaminated dry cleaning sites are ranked by KDHE to establish priorities for Fund expenditures based on information the department has on hand, information contained in an application submitted to the department, or both. The completed, signed application form and supporting information must be submitted to KDHE to initiate the ranking process. The applicant can be the facility owner and/or operator, real property owner, lessee, or municipality in which the facility is located.

When an application is received, KDHE reviews the application to determine if all the necessary information has been included with the application packet. The application shall include the following supporting information:

- 1) Ground water analysis: From a water supply well, monitoring well, direct push probe, or other sample collection device approved by the department. Collected and analyzed not more than one year prior to submittal of the application. With prior approval from the department, an analysis of a representative soil sample may be substituted for a ground water analysis. This is typically intended for sites where ground water is scarce or very deep.
- 2) Geologic well log(s) from a monitoring well or supply well or hydrogeologic information from the contaminated site where the ground water or soil sample was taken.
- 3) Distance to nearest known private domestic well, public water supply well, surface water, or other receptor.
- 4) Description of present use of ground water in the area of the facility.

The department shall send a written notice of the determination of eligibility to the applicant as soon as a determination is made. If the site is determined ineligible for the fund, the notice of the determination shall state the reason or reasons for ineligibility.

On initiation of corrective action by KDHE at a contaminated dry-cleaning site, the applicant shall pay the applicable deductible, minus the reasonable, direct costs incurred by the applicant to collect the application information as specified in Kansas's regs. The deductible shall be \$5,000 for each dry cleaning facility that has contributed to the contamination of the dry cleaning site.

Minnesota

Registration - State of Minnesota statute requires active dry cleaners to register with the Department of Revenue on an annual basis, on or before October 1 of each year. The associated registration payments are to be paid in full to the Drycleaner Environmental Response and Reimbursement Account (Drycleaner Fund) on or before October 18; alternatively, the owner or operator may choose to pay equal quarterly installments, with interest, on or before October 18, January 18, April 18, and June 18. These interest payments are added to the Drycleaner Fund, as is the interest earned on the account principle.

Sellers of dry cleaning solvents (chlorinated, hydrocarbon, or other) are also required to report the volumes of each type of solvent purchased by each dry cleaning business they support. They are also required to submit the solvent surcharge monies they have collected associated with their dry cleaning solvent sales (chlorinated, hydrocarbon, or other solvents). These solvent fees are due to the Department of Revenue on or before the 20th of each month following the month the sales are made.

Application for Reimbursement: Past or present drycleaners as well as property owners of former drycleaner operations, who have an approved investigation work plan and an approved response action plan are eligible to complete an Application for Reimbursement, which is available online. As previously stated in earlier modules, the applicant is required to be enrolled in the Voluntary Investigation and Cleanup Program.

Missouri

Registration - All active dry cleaners that use chlorinated solvents in their dry cleaning operations are required to register with Missouri's Drycleaning Environmental Response Trust (DERT) Fund on an annual basis. The [registration form](#) listing the amount of chlorinated solvent brought onsite and used during the previous calendar year and the subsequent registration surcharge is due by April 1.

Solvent suppliers, which sell chlorinated solvent to drycleaners, are also required to register with the fund. Suppliers must list on the [Dry Cleaning Solvent Surcharge Calculation Sheet](#) the amount of solvent sold to each dry cleaner and submit the requisite solvent surcharge to the fund on a quarterly basis.

Application for cleanup: Active and abandoned dry cleaning facilities that would like state oversight and reimbursement of eligible costs for the investigation and cleanup of chlorinated solvent contamination must submit an [application](#) for enrollment into the fund. However, before

a site can enroll into the fund it must meet certain eligibility requirements that were previously discussed.

When an application is received the assigned project manager will review the application and seek concurrence from other programs within the department to determine if the site is in compliance with all appropriate environmental laws and regulations. By regulation, the department shall review all applications within thirty, (30) days of receipt and respond with one of the following options:

- 1) A notice of acceptance of eligibility;
- 2) If the response is a request for clarification or information, it shall specify the date by which the applicant shall respond; and

If the response is a rejection, it shall list the reasons for the rejection.

New Jersey

Registration – The New Jersey Department of Environmental Protection does not have a state funded dry cleaner remediation program.

New York

Registration – New York does not have a Drycleaning Program.

North Carolina

Registration – North Carolina does not have a registration requirement for active facilities. The Dry-Cleaning Solvent Cleanup Act (DSCA) Program requests that facility owners voluntarily notify the program if they are opening or closing a plant so the program can maintain an accurate listing of facilities.

Application for Cleanup: Business owners and/or property owners of active and abandoned dry cleaning facilities where evidence of contamination has been identified may petition for certification into the DSCA Program. They first complete and submit a petitioner questionnaire that provides basic site and owner information. DSCA staff use this questionnaire to prepare petition documents that include an assessment and remediation agreement and a property access agreement which are returned to the petitioner. The petitioner signs these documents and submits them with a \$1,000 application fee and evidence in the form of analytical data of dry-cleaning solvent contamination.

If the site is an active facility, a DSCA inspector is sent to determine if the plant is in compliance with applicable federal and state environmental regulations. Identified violations must be corrected before the application will be processed. If the violations are severe, the program has the authority to deny access to the cleanup fund.

If the site is determined eligible, DSCA executes the assessment and remediation agreement and the site is assigned to an environmental contractor hired by DSCA. The program issues a letter of certification and a copy of the executed agreement to the petitioner. Applications for abandoned sites are typically processed within two weeks of receipt. If the site contains an

active facility, a final eligibility decision typically requires additional time to allow for a facility inspection and, if necessary, for compliance corrections to be made. If a site is denied certification into DSCA, a letter is issued to the petitioner describing the reasons for the denial and the process for appealing the decision.

Oregon

Registration - Drycleaners are not specifically required to register with the Department of Environmental Quality, however, all drycleaners are required to pay fees and report annually to the Department. All dry cleaning facilities and dry stores are required to submit annual reports. The annual report includes information on basic business and contacts, solvent type and amount purchased, hazardous waste management, wastewater treatment, equipment identification and specifications, and air quality compliance monitoring data. The annual report also included a fee return in which each dry cleaner computes the fees owed for that year. Failure to submit a complete annual report makes a dry cleaner a candidate for an inspection and civil penalties.

Solvent suppliers are required submit solvent fees collected at the sale of dry cleaning solvent the department on a quarterly basis. They are also required to supply a list of the names and amounts of solvent sold to individual drycleaners.

Application for Cleanup: An application for cleanup funding from the drycleaner account is voluntary and can be made by either the drycleaner owner or drycleaner operator. There is no deadline for submitting a claim. An owner or operator can make a claim any time they are aware of contamination at an eligible drycleaning site. Typically, claims occur in conjunction with a property transfer or refinancing when the lending institution requires an inspection of the property. The information requested in the application includes:

- 1) Identification of the facility, property owner, and drycleaning operator.
- 2) Operational history of the facility.
- 3) Spills and releases.
- 4) Land and water use.
- 5) Availability of insurance to pay for cleanup.
- 6) Available information about existing contamination at the facility.

Each claim is reviewed as it comes in and the claimant is notified of eligibility status. Each year the department selects which sites receive funding for the next stage of assessment or cleanup. Those sites not selected for funding do not have to submit claims again. They are automatically considered during the next review period.

All work funded under the drycleaner program must be conducted under agency oversight. Agency staff, the claimant, a contractor hired by the agency or a contractor hired by the claimant may do all or part of the cleanup process. The agency and the claimant make the decision jointly about who will conduct the work.

South Carolina

Registration – South Carolina drycleaners are required to register with the South Carolina Department of Revenue to pay their annual registration fees and taxes. The annual registration fee is based on their number of employees and ranges from \$750 to \$2250. All annual fees are

due in September, although many individual drycleaners establish quarterly or semiannual payment plans with the Department of Revenue. The drycleaners also pay a 1% tax on their gross sales and a solvent surcharge - \$2 per gallon for nonhalogenated solvents, \$10 per gallon for halogenated. The Department of Revenue collects this fee and tax money and places it into the South Carolina Drycleaning Restoration Trust Fund for the South Carolina Department of Health and Environmental Control (SCDHEC) to use for the assessment and remediation of eligible drycleaning sites.

Application for the Determination of Eligibility: The drycleaner must fill out and submit an Eligibility Application, a Containment Certification Form, and a Field Inspection Form that documents contamination at the facility in order to have the Drycleaning Restoration Trust Fund money used on their site. Currently, Trust Fund money cannot be used on sites that have not documented contamination.

Tennessee

Registration - All active dry cleaning facilities including those that use CO₂, Rynex or Green Earth solvents are required to register with the Drycleaner Environmental Response Program (DCERP). Former dry cleaning facilities participating in the Response Program must also register with DCERP. The Program issues registration certificates on a calendar year basis (January to December) to active dry cleaning facilities that have successfully completed the registration process. The registration certificate shows that the dry cleaner is registered and permits the dry cleaner to purchase solvent. The registration packet goes out in September, for the following year, and payment is due by October 31st. Any registration received after that day is assessed a penalty, which increases every two months until it reaches a maximum of \$1,750.00 in April. After that the cases are forwarded to our Office of General Counsel for processing and collection.

All wholesale solvent distributors must register with DCERP on an annual basis in order to sell solvent to dry cleaners located in the State of Tennessee. These registration packets also go out in September, for the following year, and are due by October 31st. Any distributor that does not register by December 31st is no longer authorized to sell solvent in the State of Tennessee and is subject to penalties. The registration process involves submitting a completed registration document and payment of any registration fees.

- 1) Wholesale solvent distributors located in the State of Tennessee pay an annual registration fee of \$5,500.
- 2) Wholesale solvent distributors outside the State of Tennessee and in state wholesale distributors with revenue from the sale of solvent and dry cleaning supplies that are equal to or less than 20% of total revenue do not have to pay annual registration fees.

Annual renewal notices including registration documents and billing invoices are mailed in mid September for the next calendar year.

Application for Entry into the Program:

- 1) Persons wishing to apply for entry into the program and reimbursement of costs from the Fund for eligible expenses shall first submit an application for the Department's review and approval.

- 2) An application must be submitted by the applicant to the Department in a format determined by the Department. The application shall be complete, legible and accurate, and shall include the following:
 - a. All applications shall contain verification that the subject facility is currently registered with the Department and that all applicable fees and surcharges are paid.
 - b. In all applications, a person with appropriate legal authority shall grant the applicant, the applicant's contractor(s), and the Department the right of ingress and egress to the facility to perform the activities authorized by this program.
 - c. Applications for active facilities or abandoned facilities (where the application is filed by the operator of the drycleaning facility) must either: (i) include a certification by the operator that the operator has full legal authority to authorize the Department's access of the facility for all solvent impact assessments and response actions; or (ii) if the operator lacks such legal authority, the application must be filed jointly by the operator and the property owner. The applicant(s) shall designate the person who will receive Fund reimbursement under the program and the applicant's point of contact concerning the application.
 - d. Applications for abandoned facilities (filed by the impacted third parties) must be filed jointly by the impacted third party and the property owner if other than the impacted third party. The applicant must certify to the best of their knowledge that the facility meets all requirements for Fund eligibility. The applicants shall designate the person who will receive Fund reimbursement under the program and the applicant's point of contact concerning the application.
 - e. An impacted third party who is not the real property owner of the facility may file an application, without other signatories, if a previous application has been filed and accepted for the facility, which grants ingress and egress. If no previous application has been filed and approved for the facility the impacted third party must file an application jointly with the real property owner.
 - f. Any other information requested by the Department.
- 3) The Department shall confirm in writing to the applicant that an application has been received and identify any alleged deficiencies. Subject to the availability of DCERP funds, and after receipt and evaluation of a complete application, the Department shall notify the applicant to proceed with a facility inspection if the site is an active facility. The Department may also require a facility inspection of an abandoned facility. Based on the applicant's Fund eligibility certification in the application, the facility inspection shall preliminarily be considered a Fund eligible expense, subject to the appropriate deductible.

All facilities must meet the Response Programs requirements before they are considered fully Fund eligible. In the case of active facilities they must be in compliance with all Best Management Practices (BMP) and have paid all outstanding fees and penalties, if any. The BMP compliance is verified during the Facility Inspection. Abandoned facilities must also have paid all outstanding fees and penalties, if any, prior to their application being accepted and being considered Fund eligible.

Texas

Registration – The Dry Cleaner Environmental Response Program (Program) protects the state’s environmental resources by using a risk-based approach for the assessment and cleanup of releases of solvents from dry cleaning facilities. The Program collects registration fees from dry cleaning facilities, dry cleaning drop stations, property owners, and previous property owners, and solvent fees from solvent distributors. These fees are deposited into the Dry Cleaning Facility Release Fund (the Fund). The Fund is used to process registrations and to conduct corrective action at dry cleaning sites.

The Program affects owners of dry cleaning facilities and drop-stations, current owners and certain previous owners of property on which a dry cleaning facility or drop station is or was located, and solvent distributors.

The Program is administered in two separate Texas Commission on Environmental Quality (TCEQ) offices. The Dry Cleaner Remediation Program (DCRP) is administered in the TCEQ Office of Compliance and Enforcement and the Dry Cleaner Registration Team in the Office of Permitting and Registration. The Dry Cleaner Registration Team processes registrations for solvent distributors, dry cleaning facilities and drop stations, as well as for property owners and preceding property owners. The DCRP accepts applications for ranking, ranks and prioritizes sites, and conducts corrective action at sites once they have been accepted into the Program.

Application for cleanup: To be eligible for the DCRP the applicant must be one of the following: 1) a current or former owner of a dry cleaning facility or drop station; 2) an owner of property on which a dry cleaning facility or drop station is or was located; or 3) a preceding owner of property on which a dry cleaning facility or drop station is or was located, who entered into an agreement with the current property owner establishing that the previous property owner is responsible for costs associated with the cleanup of contamination.

DCRP applicants must submit an application for ranking the site, which documents a release of dry cleaning solvent into the environment from a currently registered or former retail dry cleaning facility. The applicant must pay as a nonrefundable deductible the first \$5,000 of corrective action costs incurred as a result of a release from the dry cleaning facility or drop station, and must sign an affidavit stating that perchloroethylene (Perc) will not be used at the site once the DCRP has begun corrective action at the site.

Virginia

Registration – Since Virginia does not have a formal drycleaner remediation program all registration or contact requirements are through other statutory programs. As part of the requirements for the air program, all active dry cleaners are required to register with the Virginia Department of Environmental Quality (DEQ) with a notification form, a compliance reporting form, and a pollution prevention reporting form. Any changes must be reported as by way of an updated notification form. The Virginia and federal hazardous waste management regulations also have notification requirements for generator ID numbers and have record keeping requirements as part of their disposal documentation requirements.

Application for cleanup: Active and abandoned dry cleaning facilities have the option of enrolling into the Virginia Department of Environmental Quality's (DEQ) Voluntary Remediation Program (VRP) to receive DEQ oversight into their remediation process and to receive enforcement immunity once the program is completed. Once application is made to the VRP the information is reviewed to determine whether the site and the enrolling participant are eligible for the Program.

When an application to the VRP is received, it is reviewed for administrative completeness and distributed to the various programs, which may have oversight into the regulatory issues regarding the property. Typically applications are reviewed by the various waste programs to ensure there are no outstanding statutory issues, which would clearly mandate remediation under another program, or to determine whether there exists a compliance issue, which may preclude enrollment or require resolution. The VRP Regulations allow up to 60 days for the review process and if the application is rejected then the applicant has 30 days to submit additional information to correct the inadequacies of the rejected application or accept the rejection.

Wisconsin

Registration - the Department of Revenue (DOR) must license Drycleaners in the State of Wisconsin. Licensing fees are 2.8% of gross receipts from drycleaning household apparel and household fabrics.¹ Drycleaners receive a license from DOR, which must be displayed prominently in the facility. Licenses are issued only once and may be transferred to a new owner. The license is valid until it is surrendered by the license holder or revoked by DOR. The Department of Revenue may revoke a license for failure to pay fees or if the license holder is delinquent in taxes.

An owner/operator must hold a license in order to receive drycleaning solvent from a supplier and in order to receive reimbursement of cleanup costs under DERF. There is no publically available list of licensed dry cleaners in Wisconsin because DOR considers this confidential information tied to tax receipts. There is also no easily accessible way to determine if a drycleaner is current in payment of their license fees, because this is also considered confidential information.

Department of Natural Resources staff must call DOR before each DERF claim is paid to determine if license fees are paid up-to-date (fees are expected to be paid quarterly). If the fees are not up-to-date, reimbursement checks are held until the dry cleaner owner/operator pays the required license fees.

Lessons Learned

The drycleaning licensing system in Wisconsin is very weak from a regulatory perspective. Because licenses are issued without expiration dates and there is no way for anyone in the public to know if the displayed license is actually "current", the statutory provision that solvent suppliers can only sell solvent to a licensed drycleaner is basically of no consequence.

¹ Revenues from wet cleaning are exempt from license fees. In addition, formal wear rental firms and commercial and industrial laundries are completely exempt from licensing, regardless of whether they engage in dry cleaning. These operations cannot receive reimbursement from the Dry Cleaner Environmental Response Fund (DERF).

A drycleaner could have been licensed years ago and the business sold several times while the same license hangs on the wall of the dry cleaner. It is not clear how much follow-up there is to determine the provenance of a drycleaning license. Businesses are expected to self-report that they are operating a drycleaning facility to DOR. If they don't, the owner is in violation of state tax law, but there is unlikely to be much follow-up unless someone reports the business to the state. Because there is no publically available list of licensed drycleaners or knowledge of whether the license is "current", it's highly unlikely a non-licensed or a non-fee paying drycleaner will be reported.

Beyond loss of revenue for the state, this system has serious consequences for eligible applicants who are cleaning up properties contaminated with drycleaning solvent. It is not unusual for a former drycleaner to be expending money on cleanup only to find out that he/she cannot be reimbursed because the current business owner has failed to pay their fees. The former owner will only be notified of failure to pay fees by a current operator when a reimbursement request is held by the DNR. This system leads to a situation where former owners may decide to pay back fees for a current operator in order to receive their reimbursement check.

Clearly, other states have much stronger statutes requiring that licenses be issued annually and are based on full payment of fees. In those states, the risk of not receiving solvent is a major incentive for a drycleaner to stay current with their licensing fees.

STATE COALITION FOR REMEDIATION OF DRYCLEANERS (SCRD)

Program Development/Administration Work Group Program Management Briefs

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives from states with established drycleaner remediation programs. The Coalition's primary objectives are to provide a forum for the exchange of information and the discussion of implementation issues related to established state drycleaner programs; share information and lessons learned with states without drycleaner-specific programs; and encourages the use of innovative technologies in drycleaner remediation. The SCR D is comprised of two work groups (technical and administrative) which collaborate with member states to evaluate, refine, and improve technical and administrative processes involved with the various programs and to provide a model for other chlorinated solvent site assessment and remediation programs and projects.

The SCR D Program Management/Administration Work Group focuses on refining and improving processes related to program eligibility, site prioritization, fund management, pollution prevention, rule enforcement, assessment/remediation contracting, and database/file management. Although the overall program goals are similar, each SCR D member state applies various administrative approaches to address their unique administrative objectives and constraints.

This document is divided into eight modules that provide an overview of each state's program approach to the following administrative processes:

Module 1 - Funding

Module 2 - Prioritization/Fund Management

Module 3 - Pollution Prevention

Module 4 - Enforcement

Module 5 - Contracting/Project Management

Module 6 - Program Eligibility

Module 7 - Registration

Module 8 - Database/File Management

Module 8 – Database/File Management

Each state tracks information regarding the sites that are participating in their fund. This information can include the name of the drycleaner owner/operator, property owner, address, number of employees, type of solvent used, waste disposal company utilized, years in operation, date operations began, date operations ended, deductible amount assigned to the location, amount paid, amount owed, etc. It is up to the individual state to decide what information they want to track and how they want to do it. It is important to assign a unique file or tracking number to each location for reference purposes.

Alabama

Database/File Management – ADEM stores information from the dry cleaner registrations, the cleanup status of contaminated dry cleaning sites and DERTF compliance electronically in a confidential file. During DERTF meetings, confidential information is given to the Board members and Board engineer. The active DERTF list is edited to provide minimal access to the public.

Initially every site was assigned a unique DCF Number for identification and tracking by Revenue. However, once investigation and cleanup activity is started on a site, ADEM uses a unique seven-digit number for tracking dry cleaners activities. The DERTF members are requested to use one of the two numbers for site identification.

Information pertaining to work plans, reimbursements, cleanup status, contaminants of concern, consultants, and correspondence between the parties is entered into ADEM's FileNet database, which is available to the public.

Connecticut

Database/File Management -Information from the drycleaning program is entered and stored electronically in the DECD Office of Responsible Development database, which uses Microsoft Access software.

Florida

Database/File Management – Facilities that register with the FDEP Division of Waste Management are issued a 7-digit facility identification (ID) number. The 7-digit number, along with a two digit county code, comprises the facility ID number for sites eligible for the cleanup program. The Hazardous Waste Cleanup Section of FDEP maintains hard copies of all application and cleanup files.

Electronic copies of program files are being uploaded to OCULUS, the FDEP electronic management system. These files include all applications submitted to the cleanup program, eligibility determinations, site scores and correspondence. Additionally, all reports associated with assessment, remediation, monitoring, and closure for sites addressed under the cleanup program are uploaded electronically to the OCULUS database. Program files can be viewed by logging on to OCULUS at: <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>

Sites that are undergoing cleanup are included in the Hazardous Waste Cleanup Site Schedule tracking database. This database includes the completion dates for various phases of site cleanup. The database is used to provide summary information on completed phases of cleanup and to assist with project management.

Illinois

Database/File Management – Information associated with drycleaner licensing, issuance of pollution liability insurance policies, drycleaning facility inspections, and the cleanup of contaminated drycleaning facilities are entered and stored electronically in the Fund's Environmental Management System database, which uses Progress software. Hard copy files are kept on site in the Fund's file room with one file designated for license and insurance information and a second file designated for claim information.

Every active drycleaning facility was assigned a unique four-digit numeric identification number for identification and tracking purposes.

Facilities with either a remedial program or insurance program claim are assigned a unique five-digit numeric claim identification number and this number is linked in the electronic database to the four-digit facility identification number. Information pertaining to solvent purchases, solvent type, license fees, drycleaning machine age and size, work plans, reimbursements, consultants, facility inspections, cleanup status, approved budgets, claim reserves, geological conditions, claim prioritization ranking, etc. is entered into the Environmental Management System database.

Kansas

Database/File Management - Information from annual dry cleaner registrations are stored in a Microsoft Access database. An on-line registration web site is managed by a separate Kansas agency and data transfer is initiated weekly to ensure the KDHE internal and on-line databases are up-to-date.

KDHE primarily uses Microsoft Excel spreadsheets to manage the financial components of contaminated sites within the Kansas Dry Cleaning Facility Release Trust Fund (DFRTF) Program. The spreadsheets break can down the information by site, project manager, and fiscal year. KDHE utilizes multiple contractors who were selected for the program through a negotiated procurement process. The project managers use a work order system to fund corrective action at the sites. The KDHE Unit Manager tracks the overall annual budget and makes appropriate adjustments throughout the fiscal year.

Contaminated sites are included in the Kansas Identified Sites List (ISL) database. A fact sheet for each ISL site can be found at http://www.kdheks.gov/remedial/isl_disclaimer.htm. The ISL includes location and contaminant information, as well as a site narrative and project status. More detailed information is available from KDHE through a Kansas Open Records Act request.

KDHE has a structured file coding system for site identification and breakdown of the information within the hard copy files and a shared electronic file system. Hard copy files are stored at KDHE's central office in Topeka, Kansas in an on-site file room. Inactive files can also be can also be archived in an off-site file storage location. Electronic data storage: The Kansas

Dry Cleaning Program currently stores all documents electronically on a shared drive. In 2009, KDHE's Bureau of Environmental Remediation commenced a project to electronically scan all incoming and outgoing project information using electronic file storage system. Everything previously stored in the hard copy files will also eventually be stored electronically.

KDHE Dry Cleaning Program File Coding System

- 1 Correspondence (by date - i.e. 2000-2001)
- 2 Legal
- 3 Analytical Data (if not in reports)
- 4 Photos & Maps: 4A Photos and 4B Maps
- 5 Public Information
- 6 Other
 - 6.1 Cost Accounting: 6.1A Work Orders; 6.1B Invoices; 6.1C Invoice Check Off Sheets; 6.1D Owner Reimbursement and 6.1E Cost Accounting, Estimates and Recovery
 - 6.2 Site Activity Information: 6.2A Site Information and 6.2B Field Activity Data
 - 6.3 Trust Fund Application
 - 6.4 Wells & Survey: 6.4A Well Info and 6.4B Survey Data
 - 6.5 Information from other sections (non-DC site specific)
 - 6.6 Miscellaneous
 - 6.9 Site Ownership
- 7 Notes: 7A Public Notes and 7B Confidential Notes
- 8 Reports: 8.1 Assessments & Remediation Reports; 8.2 Monitoring Reports and 8.3 Electronic files

Minnesota

Database/File Management – Drycleaners registered with the Department of Revenue, that pay into the Drycleaner Fund, are tracked by state taxpayer identification numbers. Payouts and monthly account status are tracked internally on Microsoft Excel spreadsheets by the MPCA staff. Information on Site contacts, location, contaminants, submittals, as well as remarks and event dates are tracked on the Site Remediation Section (SRS) Microsoft Access database. Hard copies of submittals, including applications into the VIC program are kept in paper files within the MPCA offices, Lektrievers, or at an archived location. Electronic copies of Site documents and correspondence are required to be submitted for inclusion into an OnBase electronic file management system.

Missouri

Database/File Management - Information from the dry cleaner registrations, the cleanup of contaminated dry cleaning sites and DERT Fund compliance tracking are entered and stored electronically in the department's Site Management and Reporting System (SMARS) database, which uses Microsoft Access software. Hard copy files are kept on site in the Hazardous Waste Program's file room.

Initially every active and abandoned dry cleaner location was assigned a unique five digit DC # for identification and tracking by the DERT Fund. However, the department's Air Pollution Control Program uses a unique seven digit county/plant # for tracking air emission permits issued to dry cleaners. Therefore, to ensure better coordination and tracking between the Air

Pollution Control Program and the Hazardous Waste Program, the DERT Fund adopted the county/plant # as its primary identification/tracking number for site registration.

Sites undergoing investigation and cleanup are assigned an eight-digit alphanumeric identification number. Information pertaining to work plans, reimbursements, cleanup status, contaminants of concern, participants and consultants, GIS, long term stewardship and project manager notes are entered into the SMARS database.

New Jersey

Database/File Management – The New Jersey Department of Environmental Protection does not have a state funded dry cleaner remediation program. Dry Cleaner Facilities are added to the New Jersey Environmental Management System (NJEMS) electronic database based upon information obtained from program interests including Air Quality, Hazardous Waste and Right-to-Know. The Air Quality Permitting Element is the lead group for reviewing preconstruction and operating permits for dry cleaners and is responsible for maintaining the information in NJEMS.

In the New Jersey Department of Environmental Protection (NJDEP) Geographic Information System (GIS), regulated dry cleaner locations are represented by point data. NJEMS serves as the database that supplies coordinates and descriptive attributes used to generate each GIS layer. The GIS layer is produced for both the NJDEP i-MapNJ Arc IMS interactive mapping web application available to the public, and ESRI ArcGIS (Arc View, ArcInfo), used by the NJDEP.

New York

Database/File Management – New York does not have a Drycleaning Program.

North Carolina

Database/File Management – The DSCA Program currently uses two Microsoft Access databases. The DSCA Compliance Unit's database stores facility information obtained during inspection events such as equipment and solvent used and types of violations identified. Information about site cleanups including site status, work authorizations and invoices is maintained on the DSCA Remediation Unit's database.

In 2011, the DSCA Program will be moving to a new building where electronic storage of documents will be emphasized due to file space limitations and to reduce paper and ink consumption. The Compliance Unit currently maintains all of its documents in digital format on an agency server that is accessible to inspectors across the state by means of a virtual private network. Remediation Unit paper files are in the process of being scanned while new documents prepared by staff or received from cleanup contractors are being generated and stored electronically. These files are also stored on the agency server and are accessible through the remediation database.

The DSCA Compliance Unit assigns a unique six-digit identification number to each active facility with the first two digits corresponding to the alphabetical order of the county. The Remediation Unit applies the same format to identify certified cleanup sites.

The Remediation Unit is now receiving electronic data deliverables (EDDs) and digital plume maps from cleanup contractors. The latter are being used to generate ArcGIS shapefiles, which will be provided to state and local government agencies responsible for groundwater well permitting. The EDDs eventually will be incorporated into a department-wide groundwater decision support system that is being developed to compile contamination data from multiple remediation programs including Underground Storage Tanks, Superfund, Hazardous Waste, Inactive Hazardous Sites and Brownfields.

Oregon

Database/File Management - Information reported in the annual report including the annual fee return is input into the agency's data management system. Each drycleaning facility, dry store, and solvent supplier had a dry cleaner identification number (DCID).

Hard copies of all reports and correspondence are retained for all facilities in the program including active, inactive, and closed sites.

A separate database is used to compile data on the environmental status of a site. The agency maintains its Environmental Cleanup Site Information (ECSI) database to track sites in Oregon with known or potential contamination from hazardous substances, and to document sites where the agency has determined that no further action is required. Data in ECSI is "working information" used by the Environmental Cleanup Section.

South Carolina

Database/File Management – The South Carolina Drycleaning Restoration Trust Fund Program uses an agency wide file management system titled Environmental Facility Information System (EFIS) to manage the site data and can link to electronic copies of reports, documents and photographs. Each drycleaning facility is given a unique 5-digit file number. Each physical file should contain a copy of the Department of Revenue's registration form, the SCDHEC eligibility application, field inspection form, containment certification form, as well as, any reports and/or correspondence related to site assessment and remediation. The South Carolina Drycleaning Restoration Trust Fund Program accepts (or requires) electronic copies of all reports and has plans to scan all physical files.

Tennessee

Database/File Management – All registration information from active, abandoned and wholesale distribution facilities is entered into an Oracle based database, under development for DCERP, when they are received. This database interfaces with the State's GIA database allowing access to the information contained in our database, which will, sometime in the future, be accessible by other divisions in the Tennessee Department of Environment and Conservation and vice-a-versa. The hard-copy registration information is also kept in individual facility folders in the Program file room. All Response Program information, work plans/cost estimates and reports, etc., are kept in individual site files and store in the Program file room.

Every active and abandoned facility is given its own unique identification number starting with a D followed by a State of Tennessee county code and then a three-digit number that is based on

the number of facilities present, active or abandoned, in that county (D-XX-XXX). These identification numbers are unique to the facility's physical location and cannot be transferred to a new facility. This applies to drycleaning, abandoned and wholesale distributor locations. Wholesale distributors are also given their own unique identification number starting with a D followed by the county code and then a three-digit number starting with zero and then the next two-digits based on the number of wholesale distributors in that county (D-XX-0XX). Wholesale distributors from out of state are given the county identifier of 00 (D-00-0XX).

Texas

Database/File Management - Information from the dry cleaner registrations and the cleanup of contaminated dry cleaning sites are entered and stored electronically in the TCEQ's Dry Cleaner Database. DC Database functions include storage of site environmental data, ranking and prioritization of DCRP sites, report preparation and communication tracking. Every dry cleaner facility that is accepted into the DCRP is assigned a unique six (6) digit tracking number (e.g., DC0001). Hard copy files are kept on site in the Project Manager's offices.

Contract data, including site budgets and work orders are stored in a separate (CATS) database.

Core data, such as regulated entity and customer information, are stored in the TCEQ Central Registry database.

Virginia

Database/File Management - Sites enrolled in the VRP are assigned a tracking number and entered into an ACCESS based database for program management purposes. The air and waste programs also utilize various agency-developed databases to track site information for their specific purposes. The DEQ also has undertaken a project to scan all agency files under our Enterprise Content Management. All files for the VRP are scanned into this system in addition to the standard hard copy file.

Wisconsin

Database & File Management - In Wisconsin, all contaminated properties are listed on an internal Oracle based database called the Bureau for Remediation & Redevelopment Tracking System (BRRTS). This system tracks basic information about the site, correspondence and activity, site location and more. An Internet accessible version of the database is called BRRTS-on-the-web (BOTW). Additionally, all properties are geo-located on Remediation & Redevelopment Sites Map. The links to these web pages are:

BOTW - <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>

RR Sites Map - <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=brrts2>

All dry cleaner sites can be identified in BOTW through an advanced search under "action" and selecting from a drop-down menu "110 – Potential Claim Form – DERF". The search results will:

- 1) Bring up every facility eligible for reimbursement under DERF
- 2) Indicate whether the facility is open or closed
- 3) For each facility, provide a list of all activities on the property

4) For each facility, provide a link to the site location on RR Sites Map

If the investigation and cleanup at the property has been closed, the RR Sites Map provides an additional link to a pdf file of the closure documents where all continuing obligations required of the property owner are listed. (Continuing obligations include all types of controls and restrictions on land use.) By law, inclusion of the continuing obligations in the closure letter and inclusion of the site on the internet-accessible database replace the use of deed restrictions or covenants on property deeds when contamination remains at the time of case closure.

In addition to BRRTS, the Community (Financial) Assistance Oracle system (CAOS) tracks information on grants, loans and financial assistance provided department wide. CAOS tracks detailed information on each reimbursement request submitted under DERF. These two databases link through a unique site ID assigned to each site, and a summary of the fiscal data recorded in CAOS is displayed in the BRRTS database. Future plans include summarizing the financial information available in CAOS in BOTW.

Lessons Learned

The BRRTS database and related RR Sites Map work well to track all reported/known contaminated sites in Wisconsin and give the public access to information regarding the cleanup activities at these contaminated properties. Access to closure documents and continuing obligations alert potential purchasers to responsibilities they will have if they purchase properties that have residual contamination. Site closures occur more quickly because these systems replace the former use of deed restrictions and deed affidavits.