

AIR RESOURCES BOARD

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**Notice of Decision and
Response to Significant Environmental Issues**

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN AIRBORNE TOXIC CONTROL MEASURE FOR PERCHLOROETHYLENE EMISSIONS FROM DRY CLEANING OPERATIONS AND A REGULATION FOR AN ENVIRONMENTAL TRAINING PROGRAM FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS.

Approved by: Resolution 93-57

Adopted by: Executive Order G-894
Dated: March 9, 1994

Agenda Item No.: 93-12-2

Public Hearing Date: October 14, 1993

Issuing Authority: Air Resources Board

Comment: Some members of the public expressed a need for the regulations to be more stringent.

Response: As determined in the Resolution, adoption of the proposed ATCM and Environmental Training Regulations is not expected to result in any significant adverse environmental impacts. The Staff Report identified no adverse environmental effects.

Certified:


Artavia M. Edwards
Regulations Coordinator

Date:

March 22, 1994

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Office of the Secretary**

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 93-57

October 14, 1993

Agenda Item No: 93-12-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, on October 10, 1991, pursuant to Article 3 (commencing with Section 39660) of Chapter 3.5 of Division 26 of the Health and Safety Code, the Board identified perchloroethylene as a toxic air contaminant for which there is not sufficient available scientific evidence to support identification of a threshold exposure level below which no significant adverse health effects are anticipated (see Title 17, California Code of Regulations, Section 93000);

WHEREAS, sections 39658 and 39665 of the Health and Safety Code require the Board to establish airborne toxic control measures for substances identified as toxic air contaminants;

WHEREAS, following identification of perchloroethylene (Perc) as a toxic air contaminant, the Executive Officer, with the participation of the air pollution control districts and air quality management districts (districts), the affected industry, and the public, is required by Health and Safety Code Section 39665 to prepare a report on the need for, and appropriate degree of, control of this toxic air contaminant;

WHEREAS, the staff has worked closely with the districts through the statewide Technical Review Group (TRG), affected sources, and other parties to develop as expeditiously as practical an airborne toxic control measure (ATCM) and Environmental Training Regulation for emissions of Perc from commercial and industrial dry cleaning facilities;

WHEREAS, the staff has proposed an ATCM and Environmental Training Regulation for Perc dry cleaning which would significantly reduce the quantity of Perc emitted to the atmosphere through a combination of requirements for equipment, training, good operating practices, and record-keeping and reporting;

WHEREAS, the staff has prepared the document titled "Proposed Airborne Toxic Control Measure and Proposed Environmental Training Program for Perchloroethylene Dry Cleaning Operations" (Staff Report and Technical Support Document), which constitutes the report required by Health and Safety Code Section 39665 and includes: estimates of Perc emissions, public exposure, and potential cancer risk; a discussion of the technical feasibility of control; information about dry cleaning equipment and emission controls; a discussion of the need for, and necessary provisions of an environmental training program for Perc dry cleaners; an estimate of the cost to comply with the ATCM and obtain training; a discussion of the anticipated effect of the proposed regulations on public exposure to Perc and the associated potential risk; a discussion of alternatives to the ATCM; and identification of any potential adverse environmental or economic effects of the ATCM and possible mitigation measures;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as proposed if feasible alternatives or mitigation measures are available to eliminate or substantially reduce such impacts;

WHEREAS, the proposed ATCM and Environmental Training Regulation were developed through discussions of draft versions made available to the public for review and comment at public meetings on January 14 and 16, 1992, September 18 and 23, 1992, March 23 and 25, 1993, and June 29 and 30, 1993;

WHEREAS, in accordance with Health and Safety Code Section 39665(c), the Staff Report, Technical Support Document, proposed ATCM, and proposed Environmental Training Regulation were made available for public review and comment 45 days prior to the public hearing to consider the proposed ATCM and Environmental Training Regulation;

WHEREAS, a public hearing and other administrative proceedings were held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, based upon the information presented by the staff and the written and oral comments received prior to and at the hearing, the Board finds that:

1. Perc emissions from dry cleaning facilities are not currently regulated to a degree that adequately protects the public health statewide;
2. Perc emissions from dry cleaning facilities result in public exposure;
3. The proposed ATCM and Environmental Training Regulation would reduce Perc emissions from dry cleaners by over 75% statewide;
4. Lifetime exposure (70 years) to Perc emitted from dry cleaning facilities contributes an additional 250 potential cancer cases to the statewide incidence of cancer;

5. The proposed ATCM would require Perc dry cleaning facilities to reduce their Perc emissions to the lowest level achievable through the application of the best available control technology (BACT) in consideration of cost and risk, as required by Health and Safety Code Section 39666(c), and therefore complies with the requirements of state law for the control of sources of toxic air contaminants identified by the Board;
6. No alternative considered would be either more effective at carrying out the purpose for which the ATCM and Environmental Training Regulation are proposed, or both as effective and less burdensome to affected private persons, than the proposed ATCM and Environmental Training Regulation;
7. Adoption of the proposed ATCM and Environmental Training Regulation will not have a significant adverse economic impact on most small businesses. About half of the dry cleaners already have the machines specified by the ATCM. Of the remaining dry cleaners, almost all have older machines that will reach or be near the end of their estimated service life under the specified phase-in time. For some small businesses that are marginally profitable now, the compliance costs associated with the control measure are expected to result in a significant decrease in profitability. It would not be health protective to exempt all small businesses from the control measure as most of them have significant Perc emissions. The equipment, training, good operating practices, and reporting and record-keeping requirements are necessary to protect the health, safety, and welfare of the people of the state;
8. Adoption of the proposed ATCM and Environmental Training Regulation is not expected to result in any significant adverse environmental impacts. There could be increased emissions of the chlorofluorocarbon (CFC) refrigerant for the control equipment. There would be increased power plant emissions associated with the electricity needed to operate the required pollution control equipment. These potential environmental impacts are expected to be minimal. The phase-out of carbon adsorbers as the primary control device in favor of refrigerated condensers will eliminate approximately 1.3 million gallons of Perc-contaminated wastewater per year. Leak check requirements, which are part of the good operating practices, will mitigate potential emissions of CFCs, which are ozone-depleting substances.
9. It is appropriate to require secondary control for new facilities after an 18 month period. Secondary control is proven, commercially available technology which can reduce emissions and risk at new facilities by 20 to 40 percent. In consideration of cost and risk, use of secondary control on replacement or relocation of machines at existing facilities is not required or recommended. The 18 month delay on the requirement for new facilities will allow dry cleaners more time to plan and evaluate secondary control options, and allow more time for additional manufacturers to enter the market and thus promote competition.

10. It is necessary that the proposed ATCM and Environmental Training Regulation contain requirements beyond those in the Perc dry cleaning emission standard adopted by the EPA pursuant to Section 112(d) of the federal Clean Air Act (42 U.S.C. Section 7412), to minimize the public's exposure to Perc emissions and associated potential risk based on the use of the best available control technology.
11. Compared to neighboring residents, people living in buildings with Perc dry cleaning operations (co-located) can experience more than ten times the exposure to Perc. This translates to potential cancer risks upwards of 4,000 chances in a million. These potential risks can be substantially reduced on a case-by-case basis.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 93109 and 93110, Titles 17 and 26, Subchapter 7.5, Airborne Toxic Control Measures, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to make additional minor modifications to the airborne toxic control measure or environmental training regulation as needed, provided that the Executive Officer determines that such modifications are necessary or needed to conform to the United States Environmental Protection Agency's national perchloroethylene air emission standard for dry cleaning facilities (40 CFR, Part 63, subpart M). The Executive Officer shall make such modifications available to the public for a period of 15 days, shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the modifications to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to send the adopted ATCM and Environmental Training Regulation to the districts and provide assistance to the districts in implementing the ATCM.

BE IT FURTHER RESOLVED, that the Board directs the staff to work with the districts and affected dry cleaners under the requirements of Senate Bill 1731 (Chapter 1162, Stats. 1992) to reduce the potential cancer risk from dry cleaning facilities with high residual risk, including those dry cleaning facilities located in a residential building.

BE IT FURTHER RESOLVED, that the Board directs the staff to work with industry, the Department of Toxic Substances Control, California Occupational Safety and Health Association, equipment manufacturers, and districts to develop reasonable specifications for affordable equipment to evaporate dry cleaning wastewater.

BE IT FURTHER RESOLVED, that the Board directs the staff to assist small businesses during the implementation of these regulations by working with the districts to develop expedited variance procedures, and to implement the Air Pollution Permit Streamlining Act (Health and Safety Code Sections 42320 et seq.), and by working with the Department of Trade and Commerce to encourage the use of CLEAN loans and ensure their accessibility.

I hereby certify that the above is a true and correct copy of Resolution 93-57, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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