TCEQ REGULATORY GUIDANCE
Small Business and Environmental Assistance
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Compliance Guide for Dry Cleaners

In Texas, you must obtain authorization to operate your dry-cleaning facility, including laundry and drop stations, and comply with all applicable federal, state, and local requirements. Air, waste, and water regulations are designed to ensure that the environment is not adversely affected nor human health placed at risk. Applicable regulations will depend on the size of your facility and type of solvent used.

This guidance publication gives basic information on environmental requirements.

If you still have questions, contact our Small Business and Local Government Assistance (SBLGA) program at 800-447-2827 or go to <www.sblga.info>.

Overview of Dry-Cleaning Rules

What will this guide do for me?

This guide summarizes what actions you need to take to operate your establishment in compliance with state and federal environmental regulations. **Your local government may have additional rules—not discussed in this document—that apply to your facility (covering registration, fees, reporting, etc.).** You should contact your local authority to make sure you comply with any additional rules. Only the two most common dry-cleaning solvents (perchloroethylene and petroleum) will be discussed in this document. Rules that govern the use of other types of solvents such as silicon, carbon dioxide, and water may be addressed case by case. For details on these solvents, please call the Small Business and Local Government Assistance (SBLGA) hot line at 800-447-2827.

What is a dry-cleaning facility?

The definition of dry cleaning facility in Chapter 374 of the Texas Health and Safety Code includes retail commercial establishments described in category 812320 of the 2002 North American Industry Classification System (NAICS). This NAICS category includes establishments primarily providing one or more of the following services: (1) dry-cleaning services (except coin operated); (2) laundering services (except linen and uniform

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supply or coin operated); (3) drop-off and pickup for laundries or dry cleaners; and (4) specialty services for specific types of garments and other textile items (except carpet and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may perform all, a combination, or none of the cleaning services on the premises.

Are there State of Texas environmental rules that apply only to dry-cleaning facilities?

Yes. Regulations on dry-cleaning facilities appear in Texas Health and Safety Code Chapter 374 and in Title 30, Texas Administrative Code, Chapter 337 (30 TAC 337), Dry Cleaner Environmental Response. These chapters explain requirements for dry-cleaning facilities including registration, fees, operational standards, product releases, and the dry-cleaning remediation program. For additional assistance on what rules apply to your facility, please call the SBLGA hot line at 800-447-2827.

Do I need to register my dry-cleaning facility?

Yes—annually, register your facility with the TCEQ Dry Cleaner Remediation Program (DCRP). For dry-cleaning facilities submit Form TCEQ-20092, and for dry-cleaning drop stations submit Form TCEQ-20207.

Note: The 81st Legislature granted the TCEQ the authority to order the shutdown of dry-cleaning facilities and drop stations that are unregistered or have allowed their registrations to expire.

Are there performance standards for my dry-cleaning facility?

Yes. The performance standards are explained at 30 TAC Section 337.20. The dates by which a facility must comply with the performance standards are determined based on the type of solvent used at the facility and by the facility's gross annual receipts.

Performance standards include:

- Receiving solvent in a manner that minimizes releases to the environment. Chlorinated solvents must be delivered by a closed-loop, direct-coupled delivery system or an alternative TCEQ-approved method that is equally protective.
- Any dry-cleaning facility that ceases operation for more than 180 days must have all solvent, solvent-containing wastewater, and solvent-containing waste removed from the facility within 30 days after the end of the 180-day period. Until the dry

cleaning machines are empty, the dry cleaning facility must conduct weekly inspections of the dry cleaning machines and must ensure that the machines meet applicable performance standards. The machines must meet all applicable performance standards before being put back in service. Solvent and solvent-containing residue from dry cleaning machines must be removed prior to the machines being disposed of, recycled, or reused.

- Installing and maintaining a dike or other secondary containment structures around dry-cleaning units and solvent, waste, and wastewater storage areas. Secondary containment must be maintained and inspected weekly, and inspections must be documented in a log. Any damage must be repaired within seven days; the machine may need to be removed from service. To determine if secondary-containment performance standards are required for your facility, see Table 1. For additional information regarding secondary containment standards, including standards related to installation, construction materials, storage capacity, and inspections, please see 30 TAC 337.20.

Table 1. Secondary Containment

Type of Solvent	Gross Receipts	Existing or New (Including Replacement)*	Deadline for Secondary Containment
perchloroethylene	<$150,000/ year	existing	January 1, 2015
perchloroethylene	>$150,000/ year	existing	August 1 of the year after the facility exceeds $150,000 in gross receipts
perchloroethylene	>$150,000/ year on Jan. 1, 2004	existing	January 1, 2006
perchloroethylene	N/A	new	time of installation
non-perchloroethylene	N/A	new	time of installation
non-perchloroethylene	N/A	existing	none

* A new machine is one installed or replaced after September 1, 2005. The installation or replacement of a machine also triggers the secondary-containment requirement in product and waste-storage areas.

Air Rules

Do state air rules apply?

Yes. All dry-cleaning facilities are required to have applicable air authorizations based primarily on the type of cleaning solvent they use. There are three categories of air authorizations for dry-cleaning facilities: a permit by rule (PBR), new-source review (NSR), and the Title V federal operating permit. The simplest, least expensive, and least time-consuming air authorization to obtain is a PBR, which most dry-cleaning facilities will be able to meet. You can view the entire list of PBRs by following links from <www.tceq.state.tx.us/goto/pbrs>. Some of the most common PBRs dry-cleaning facilities use include:

- PBR 106.102, Comfort Heating
- PBR 106.411, Steam and Dry-Cleaning Equipment
- PBR 106.415, Laundry Facilities
- PBR 106.183, Boilers, Heaters, and Other Combustion Devices

To claim any of the above PBRs, print, sign, and date the applicable PBR and place it in your files. However, be aware other PBRs may require registration and approval from the TCEQ prior to construction.

If your facility can not meet the requirements of the applicable PBR, you may need to apply for a NSR air permit authorization which is reviewed on a case-by-case basis taking in to account your specific facility and emissions.

Most dry cleaning facilities are exempted from Title V permit requirements. If your facility has question on the type of air permits you need, contact Small Business and Local Government Assistance at 800-447-2827.

Are there different air rules based on the type of cleaning solvent I use?

Yes. Perchloroethylene (perc) and petroleum solvents release different types of air pollutants. Federal and state air rules view each separately.

I use perchloroethylene. What federal air rules apply to me?

Perc is a hazardous air pollutant and is regulated in the federal rules under Title 40, Code of Federal Regulations (40 CFR), Part 63, Subpart M, National Emission Standards for Hazardous Air Pollutants. The rule requires that you:

- register all machines with U.S. Environmental Protection Agency Region 6 in accordance with 40 CFR Section 63.324;
- conduct performance testing, if required;
- install a vapor-recovery system (refrigerated condenser or carbon absorber);
- monitor and report;
- conduct leak inspections and repairs;
- employ good housekeeping practices;
- maintain records; and
- demonstrate compliance with these rules by submitting a notification of compliance to the TCEQ using Form TCEQ-20455.

Title 40, Code of Federal Regulations can be accessed online at <www.gpoaccess.gov/ecfr>. Under the "Browse" field, click on "Title 40 - Protection of Environment" and hit the "Go" button.

TCEQ forms can be downloaded from <www.tceq.state.tx.us/forms>. In the "Form Number" field, enter the number.

In addition, specific air emission controls may be required based on the type of equipment used, the equipment-installation date, and the annual amount of perc purchased.

I use perchloroethylene. What state air rules apply to me?

For dry cleaning facilities that use perc, 30 TAC 113.180 has adopted by reference the Maximum Achievable Control Technology standard as specified in 40 Code of Federal Regulations Part 63, Subpart M. This is the same requirement discussed in the previous section, "What federal air rules apply to me?"

I use petroleum solvent. What federal air rules apply to me?

Petroleum solvent is a volatile organic compound and is regulated under the federal rules found in 40 CFR Part 60, Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners. The federal rule requires that you:

- conduct an initial solvent-recovery test (if total rated dryer capacity is 84 pounds or more),
- conduct leak inspections and repairs,
- employ good housekeeping practices, and
- maintain certain records.

I use petroleum solvent. What state air rules apply to me?

- Petroleum solvent is a volatile organic compound and is regulated under the TCEQ rules at 30 TAC Chapter 115, Subchapter F, Division 4 Petroleum Dry Cleaning Systems.
- The rules may apply to dry cleaning facilities in counties in the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in 30 TAC 115.10. Contact SBLGA hotline at 800-447-2827 to determine if these additional requirements apply to you.
- The rule lists the control requirements relating to dryers, filtrations systems and fugitive emissions.

Waste Rules

Am I required to comply with any waste management rules?

Yes. All dry-cleaning facilities must identify the wastes they generate to ensure that they properly handle and dispose of them. If you produce hazardous waste you must follow the federal rules in 40 CFR Parts 260–68 and TCEQ rules in 30 TAC 335.

Most dry-cleaning facilities produce small amounts of hazardous waste and qualify as conditionally exempt small-quantity generators (CESQGs). To qualify, your facility must generate less than 220 lbs per month (100 kg, or about half a 55 gal drum) of hazardous waste and less than 2.2 pounds per month (1 kg, or less than one quart) of acutely hazardous waste.

“Conditionally exempt” means you are exempt from hazardous waste management regulations provided you comply with these four basic requirements:

1. Identify your hazardous waste (conduct a hazardous-waste determination).
2. Never store more than 2,200 lbs (1,000 kg, or approximately five 55 gal drums) of hazardous waste on your property at any time.
3. Send waste to an approved waste-disposal facility.
4. Maintain records (MSDSs, waste determinations, shipping records, and records of quantities of hazardous waste generated each month) to prove you are a CESQG.

Note: If your facility generates more than 220 lbs per month of hazardous waste or 2.2 lbs per month of acutely hazardous waste, contact the Small Business and Local Government Assistance section at 800-447-2827 for assistance.

What are some common hazardous wastes produced at dry-cleaning facilities using perc?

Perc solvent is "characteristic" hazardous waste for toxicity and a "listed" hazardous waste. Any unused solvent and waste contaminated with perc is hazardous waste. All hazardous waste must be disposed of at an authorized facility. Common types of hazardous waste produced by a perc dry-cleaning facility:

- unused perc
- still bottoms from solvent distillation
- spent filter cartridges contaminated with perc
- process water (such as separator water)
- cooked powder residue

Rags used for minor solvent spills or clean-up may be put in a dry-cleaner machine to remove any contaminants. However, if you are taking your rags to be cleaned at an industrial laundering facility, you should ensure you take it to a legitimate facility that has authorization from the sewer system's owner to discharge the wastewater. If you dispose of your rags they must be disposed of as hazardous waste.

What are some common hazardous wastes produced at dry-cleaning facility using petroleum?

Petroleum solvent waste may be "characteristic" hazardous waste if the flash point is less than 140 degrees Fahrenheit (check MSDS). Other common hazardous wastes at a petroleum dry cleaner include any waste contaminated with hazardous waste, including filter cartridges, rags, and residue (muck). Hazardous wastes must be disposed of at an authorized facility.

- Rags used for minor hazardous solvent spills or cleanup may be put in a dry cleaner machine to remove any contaminants. However, if you are having your rags cleaned at an industrial laundering facility, only take them to a legitimate facility with authorization from the sewer system's owner to discharge the wastewater. If you dispose of your hazardous rags, you must determine if dry rags are ignitable, i.e. having a flash point of less than 140 degrees Fahrenheit. If dry rags are no longer ignitable then they can be disposed of in the trash.

- Petroleum-filter cartridges must be drained (in place) for 8 hours prior to disposal. Then you must determine if the filter is ignitable (having a flash point of less than 140 degrees Fahrenheit). Drained filters that are no longer ignitable can be disposed of in the trash.
- Muck that is classified nonhazardous must be tested to determine the level of hydrocarbons. Muck with hydrocarbon levels above 1,500 milligrams per kilogram must be disposed of as a special waste, and prior written authorization from the landfill is required.

Note: When disposing of nonhazardous waste from your dry cleaner process such as nonhazardous drained cartridges, rags, muck, you should receive prior authorization to dispose of your process waste from your disposal facility.

Wastewater Rules

What wastewater rules apply to my dry-cleaning facility?

Any "water waste" generated by your facility is a wastewater and is regulated under the federal Clean Water Act and Texas Water Code Chapter 26. That includes water from laundry and wastewater created by dry-cleaning activities (separator water).

What can I do with my wastewater?

Proper waste management is essential to protecting the environment. You must:

- Prohibit the disposal of industrial and commercial wastewater, (including perc- or petroleum-contaminated wastewater) into a septic system and further prohibit any disposal that would endanger underground sources of drinking water.
- If discharging to a sewer system, comply with applicable federal pre-treatment requirements (40 CFR Part 403) to ensure contaminated wastewater will not:
  - interfere with operation of the treatment plant,
  - pass through the plant untreated,
  - create problems with disposal of sludge from the treatment plant, or
  - cause problems to treatment-plant or sewer-system workers from exposure to chemicals, explosion risk, or fire hazards.
- Obtain permission from the sewer system owner **prior** to any discharges to the system.

- Not discharge any wastewater into or adjacent to any river, stream, creek, lake, bay, pond, reservoir, estuary, wetland, marsh, inlet, canal, the Gulf of Mexico, or any other body of surface water, natural or artificial, inland or coastal, fresh or salt, perennial or intermittent in Texas.

Texas Dry Cleaner Remediation Program

Is there a way to address cleanup of a site contaminated with dry-cleaning solvent?

Yes. The program is called the Texas Dry Cleaner Remediation Program and was created by the Texas Legislature in 2003. The statute and rules pertaining to the DCRP are located in Texas Health and Safety Code Chapter 374 and 30 TAC 337. The program requires annual registration of all dry-cleaning facilities and drop stations, sets forth performance standards, and establishes registration fees and solvent fees. These requirements also apply to dry cleaners that use alternative solvents such as CO_2 and silicon.

What is required to participate in the program?

Specifically, the DCRP requires:

- That all operating dry-cleaning facilities and drop stations register annually and pay registration fees.
  - Registration fees paid are based on gross annual receipts of the location and are verified by the Texas Comptroller of Public Accounts. For information on registration and solvent fees, visit <www.tceq.state.tx.us/goto/dry_cleaner_fees>.
- Compliance with applicable performance standards (see the discussion of performance standards, above, for more information).

Current property owners and certain preceding property owners are also eligible to register and apply for cleanup of contaminated sites.

To apply for cleanup funds you must submit Form TCEQ-20109, Dry Cleaner Remediation Program: Application for Ranking, and fulfill the deductible requirements established by Texas Health & Safety Code Section 374.203 and 30 TAC Section 337.41. The TCEQ will review it and assign a ranking score and cleanup priority.

TCEQ forms can be downloaded from <www.tceq.state.tx.us/forms>; in the “Form Number” field enter the number.

Other Requirements

Do I need to comply with other federal or state environmental requirements?

That depends. Review and comply with the requirements in the following paragraphs if they apply:

The Toxic Release Inventory (TRI) is an EPA program that is coordinated in Texas by the TCEQ. It applies to facilities that meet the criteria for submitting TRI reports (Form R and Form A). If you use more than 10,000 pounds of perchloroethylene per year, this program may apply to you. Complete requirements are available at <www.epa.gov/tri>. For more information, contact the TCEQ TRI Hotline at 512-239-4TRI.

If you generate enough hazardous waste to be considered a small- or large-quantity generator or you are a Form R reporter, then you are subject to TCEQ's pollution prevention planning rules, which require you to develop a pollution prevention plan and submit an executive summary. Large-quantity generators are also required to submit an annual progress report. For information on pollution prevention planning, contact the TCEQ Pollution Prevention and Education Section at 512-239-3100.

The Texas Tier II Chemical Reporting Program is administered by the Department of State Health Services and applies to facilities that manufacture or handle any hazardous chemical whose release may threaten human health or the environment. Perc and petroleum solvents are hazardous chemicals whose release may threaten human health or the environment and facilities that handle them maybe required to participate in the Texas Tier II Chemical Reporting Program. For more information contact DSHS at 800-452-2791 or visit <www.dshs.state.tx.us>.

For information about federal programs contact EPA Region 6 at 800-887-6063 or visit <www.epa.gov/region6>.

For confidential assistance on environmental compliance call the Small Business and Local Government hot line, 800-447-2827, or visit <www.sblga.info>. In addition, the TCEQ, in partnership with federal, state, and local governments, offers a free and confidential Compliance Commitment (C2) Program to help small businesses and local governments identify and comply with environmental rules. For information on eligibility requirements and participating partners visit <www.tceq.state.tx.us/goto/c2>.