



Linda S. Adams
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
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Arnold Schwarzenegger
Governor

June 1, 2010

Dear Executive Officer/Air Pollution Control Officer:

As you know, the Air Resources Board (ARB/Board) approved the amendments to the Airborne Toxic Control Measure for Emissions of Perchloroethylene (Perc) from Dry Cleaning Operations (Dry Cleaning ATCM) on January 25, 2007. These amendments to the 1993 Dry Cleaning ATCM became effective on December 27, 2007. The rationale for the regulation and subsequent amendments was to reduce high exposures to Perc, a likely human carcinogen. The amendments require Perc machines that are operating in co-residential facilities, converted machines, and machines that are 15 years or older in age to be phased out by July 1, 2010.

The July 1, 2010 deadline will remain in place; however, it is expected that some dry cleaners will miss the deadline because of the current economic downturn. This letter provides guidance, developed jointly by ARB and the California Air Pollution Control Officers Association (CAPCOA), to address those dry cleaners that are having difficulties coming into compliance by July 1, 2010. Co-residential facilities must meet the July 1, 2010 compliance date because of their close proximity to residents and therefore, increased potential cancer risk.

In cases where, despite a good faith effort, a dry cleaner is unable to comply with the July 1, 2010 deadline and it is not a co-residential facility, ARB and CAPCOA are recommending that local air districts utilize either of the following options to extend the compliance date by up to 1 year - up to July 1, 2011:

1. Stipulated Order of Abatement; or
2. Enforcement or Compliance Agreements.

ARB and CAPCOA are also recommending that penalties be assessed for eligible noncomplying dry cleaners with an escalating penalty schedule of \$250 for the first quarter, \$500 for the second quarter, \$750 for the third quarter, and \$1,000 for the fourth quarter. The recommended penalty for the maximum one year compliance extension is \$2,500. Failure to comply with the terms of the abatement order and/or agreement will result in additional enforcement action and/or additional penalties where appropriate.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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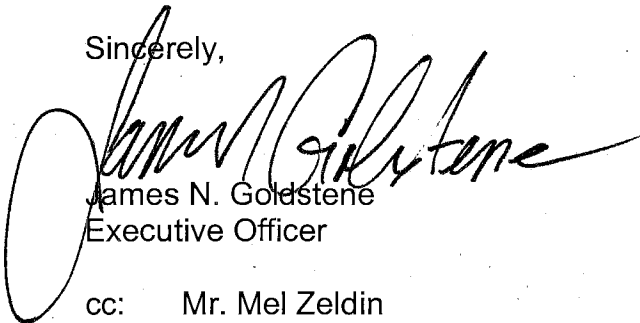
We believe that the above penalty structure will allow for a consistent approach in dealing with this compliance issue. At the same time, we recognize that there may be situations where a local air district may need to adjust the penalty schedule due to special circumstances.

Lastly, ARB and CAPCOA are recommending that local air districts include a plan for compliance in any Stipulated Order of Abatement, Enforcement, or Compliance Agreement. Examples of items that could be considered as part of the compliance plan are listed below.

- Permit applications and all necessary paper work needed to expedite equipment procurement and installation should be completed.
- A schedule of Perc machine removal and new equipment installation should be included.
- A local air district may have the dry cleaner provide additional details and/or commitments pertinent to the district's requirements.

If you have any questions regarding this guidance, please contact Mr. James Ryden, Chief, Enforcement Division, at (916) 324-7346 or email at jryden@arb.ca.gov.

Sincerely,



James N. Goldstene
Executive Officer

cc: Mr. Mel Zeldin
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Mr. James Ryden, Chief
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