

UPDATED INFORMATIVE DIGEST

INFORMATIVE DIGEST OF REGULATORY ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Amendments to section 93109, title 17, California Code of Regulations (CCR); and adoption of sections 93109.1 and 93109.2, title 17, CCR.

Background

In 1983, the California Toxic Air Contaminant Identification and Control Program was established by a California law, Assembly Bill 1807 (AB 1807, Health and Safety Code section 39650 et seq.). AB 1807 created a comprehensive program administered by the Air Resources Board (ARB or Board) to reduce the potential adverse public health impacts caused by emissions of toxic substances to the ambient air.

The ARB identified perchloroethylene (Perc) as a toxic air contaminant in 1991. Following the identification, the ARB was required, with participation from the local air districts, affected sources, and interested parties, to evaluate the need and appropriate degree of regulation to reduce emissions of Perc (Health and Safety Code section 39665). This evaluation resulted in the regulation to reduce emissions from Perc dry cleaning operations (title 17, CCR, section 93109). This regulation (title 17, CCR, section 93109, Perchloroethylene Airborne Toxic Control Measure – Dry Cleaning Operations (Dry Cleaning ATCM)) was adopted by the Board in 1993 and set forth the requirements for Perc dry cleaning equipment, operations and maintenance, recordkeeping, and reporting.

As permitted under California law, in 2002, the South Coast Air Quality Management District (South Coast AQMD) amended its Rule 1421, Control of Perchloroethylene Emissions from Dry Cleaning Systems (Rule 1421). These amendments prohibit new Perc dry cleaning facilities and will phase out the use of Perc in existing dry cleaning operations by December 1, 2020 within the South Coast AQMD. Rule 1421 also requires all existing Perc dry cleaners in the South Coast AQMD to use secondary control and comply with Rule 1402, Control of Toxic Air Contaminants from Existing Sources, which limits the lifetime cancer risk from a facility to no more than 25 in a million, by November 1, 2007. Under the South Coast AQMD rules, prior to December 1, 2020, if an existing facility chooses to replace its existing machine with a new Perc machine, the facility would need to purchase a secondary control machine and comply with Rule 1401, New Source Review of Toxic Air Contaminants. Under this rule, dry cleaning machines can be replaced with new dry cleaning machines provided there is no emissions increase in any TAC.

From 2003 to 2005, staff performed an evaluation of the effectiveness of the ARB Dry Cleaning ATCM. Although the evaluation showed that Perc emissions from dry cleaning decreased by about 70 percent, ARB staff found that more could be done to

reduce emissions of Perc from dry cleaning operations. As a result of this evaluation, the staff developed proposed amendments to the Dry Cleaning ATCM, which the Board considered on May 25, 2006.

At the May 25, 2006 hearing, the Board heard testimony from many interested parties, including the affected industries, industry associations, environmental groups, local air districts, and other interested individuals. Although some of the testimony was supportive of ARB staff's proposal, many commenters suggested that ARB phase out the use of Perc in dry cleaning operations. The commenters based their recommendation primarily on the toxic effects of Perc and that there are available alternative dry cleaning technologies.

After hearing the public comments and considering the staff's proposal, the Board made a decision not to proceed with the proposed rulemaking and directed staff to return to the Board with a new proposal to phase out the use of Perc in dry cleaning operations. The Board also directed staff to consider the cost impacts of the proposal and evaluate ways to minimize these through possible financial assistance programs. On January 25, 2007, ARB staff returned to the Board and presented amendments to the regulation designed to phase out the use of Perc from dry cleaning operations. The Board approved these amendments to the Dry Cleaning ATCM, as described in further detail below.

The Regulations Amended and Adopted in This Rulemaking

The requirements of the amended Dry Cleaning ATCM apply to any person who sells or distributes Perc and who installs, owns, operates, or distributes cleaning equipment in California that uses a solvent that contains Perc. The amended Dry Cleaning ATCM will: prohibit the installation of new Perc dry cleaning machines beginning on January 1, 2008; eliminate the use of existing Perc machines at co-residential facilities (facilities that share a wall with, or are located in the same building, as a residence) by July 1, 2010; require that converted machines, and machines that are 15 years or older, be removed from service by July 1, 2010; after July 1, 2010, require that all Perc machines be removed from service once they become 15 years old; and, that all remaining Perc machines be removed from service by January 1, 2023.

The amendments to the existing regulation also require additional recordkeeping and reporting, and good operating practices.

The rulemaking also includes new requirements for Perc solvent manufacturers and distributors in newly adopted sections 93109.1 and 93109.2, title 17, CCR. The requirements relate to information that will be used to facilitate the implementation of Health and Safety Code, section 41998 (Assembly Bill 998, chapter 821, statutes of 2003).

Comparable Federal Regulations

The United States Environmental Protection Agency (U.S. EPA) first promulgated technology-based emissions standards to control emissions of Perc from dry cleaning facilities in 1993. The current California regulation was granted federal equivalency on May 21, 1996 (Volume 61, Federal Register, page 25397). Effective July 27, 2006, U.S. EPA promulgated revisions to their 1993 standards to further limit emissions of Perc from existing and new dry cleaning facilities. Based on a review of U.S. EPA's final rule, ARB is confident that the emissions-related requirements of the amended and adopted regulations are more stringent than U.S. EPA's 2006 final rule. Pursuant to federal Clean Air Act law and regulations, however, the amended Dry Cleaning ATCM will be submitted to U.S. EPA for a federal equivalency determination.