May 23, 2006

Daniel E. Donohoue, Chief
Emissions Assessment Branch
Air Resources Board
1001 I Street
Sacramento, California 95812

Dear Mr. Donohoue:

The South Coast Air Quality Management District (SCAQMD) staff thanks you for the opportunity to comment on the State's Proposed Amendments to the Dry Cleaning Air Toxics Control Measure (ATCM). This rulemaking presents a unique opportunity to phase out perchloroethylene (perc) use in the dry cleaning industry in California. Because the useful life for dry cleaning equipment is potentially between 10 and 15 years and this industry is primarily made up of small businesses, CARB should not miss this opportunity to send a clear message to dry cleaners regarding the selection of compliance options.

Rule 1421 Equivalency

As you are aware, the SCAQMD amended Rule 1421 – Control of Percholoroethylene Emissions from Dry Cleaning Systems in 2002. The rule prohibits new perc facilities and phases out all perc dry cleaning by 2020, allowing adequate time for dry cleaning facilities to transition to non-perc alternatives. Your staff has indicated that the SCAQMD's comprehensive regulatory program for dry cleaners is expected to be at least as stringent as the proposed ATCM. The SCAQMD staff is hopeful that CARB staff will honor their stated intentions and issue a finding of equivalency for the SCAQMD's Rule 1421. The following comments pertain to statewide toxic control policies that this rulemaking may potentially establish.

VOC Emissions Trade-off

Eliminating the cancer risk from perc dry cleaning operations far exceeds the potential regional impacts associated with increased volatile organic compound (VOC) emissions. The Staff Report for the Proposed Amendments for the Dry Cleaning ATCM states that the VOC emissions statewide would be 1.4 tons per day if all perc dry cleaners affected by SCAQMD Rule 1421 and the ATCM changed to hydrocarbon dry cleaning machines. An increase in VOC emissions can be fully addressed through other sources with minimal detriment to public health and the state's air quality goals. However, localized exposure to cancer risks cannot be compensated by reductions elsewhere and there is no acceptable exposure threshold to perc below which there is no adverse health effects.

CARB's proposal for the dry cleaning ATCM is inconsistent with CARB's past regulatory actions regarding other perc sources. In April 2000 CARB banned perc in automotive cleaners, resulting in an estimated VOC increase of 1.3 to 2.3 tons per day. In May 2000 CARB banned perc for aerosol adhesives resulting in an estimated VOC increase of 0.3 tons per day. In June 2000 ARB banned perc from aerosol coatings resulting in an estimated short-term VOC increase of 1.7 tons per day. CARB's concern over the VOC trade-off seems inconsistent with past regulatory actions, particularly when alternatives are clearly available for perc dry cleaning. We believe CARB should, in this rulemaking, set a timetable to phase out perc machines, or at a minimum, not allow new additions of perc machines.

The Residual Cancer Risk

The SCAQMD's Governing Board voted unanimously to phase out perc from dry cleaning operations due the high cancer risk to residential neighborhoods and nearby workers from more than 2,000 dry cleaning operations. CARB has the opportunity to eliminate perc in all dry cleaning operations. This approach will eliminate the residual risk at all dry cleaning operations throughout the state.

Based on the Staff Report for the Proposed Amendments to the ATCM, the policy to allow the continued use of perc is based on average risk data that relied on average perc usage data and average meteorological conditions. The SCAQMD staff is concerned that this approach does not accurately represent the existing and residual risk from implementing the proposed amendments. Residual risk for dry cleaners in the SCAQMD was modeled using reported perc usage in 2002 from approximately 1,500 dry cleaners. Integral secondary controls and enhanced ventilation were assumed. The results showed that the residual risk for 25 percent (~440) of dry cleaners would be greater than 25 in a million. Of these 440 facilities, 17 facilities would have a residual cancer risk greater than 100 in a million. About 70% of the dry cleaners would have a risk above 10 in a million and require public notice. The residual risks are unacceptably high and we believe that the Basin is not unique in this regard. A phase-out of perc would eliminate this cancer risk from all facilities.

Ventilation vs. Pollution Prevention

Rule 1421 addresses the long-term perc issue by allowing dry cleaners to use their limited resources to replace perc machines with alternative technologies. The SCAQMD staff is concerned about the ATCM requirement to add local ventilation systems. Local ventilation systems and barrier rooms costing $3,000 to $8,500 will change the dispersion of emissions but do not control or reduce perc emissions. This is a significant added expense for drycleaners without a corresponding reduction in overall perc emissions. As previously discussed, the residual cancer risk for some dry cleaners with integral secondary controls and enhanced ventilation will be too high.

Alternative Technologies

Since the adoption of amendments to Rule 1421, use of non-perc alternatives in dry cleaners has increased. Approximately one-third of all dry cleaners in the South Coast Air Basin now use alternative cleaning technologies. These alternative technologies are feasible, cost effective, and achieved in practice.

The SCAQMD staff recommends a phase-out of perc for dry cleaners as has been done with Rule 1421. Removing this source of perc is in the best interest of public health and is warranted in view of its toxicity and residual risk to receptors near perc dry cleaners. CARB's Proposed Amendments to the ATCM are likely to leave a number of dry cleaners in the state with cancer risks that exceed 25 to 50 in a million. Eliminating the cancer risk from perc dry cleaning operations far exceeds the VOC trade-off, an impact that can be mitigated through other source categories and New Source Review. Alternatives are available, economically viable, and have been successfully demonstrated.

If you have any questions or would like to discuss our comments please call me at (909) 396-3186.

Sincerely,

Elaine Chang, Dr. PH
Deputy Executive Officer
Planning, Rule Development, and Area Sources

Attachment: Other Comments

cc: Catherine Witherspoon, CARB
Bob Fletcher, CARB
Richard Boyd, CARB
Mei Fong, CARB

Attachment

Other Comments
Proposed Amendment to State Dry Cleaning ATCM

Applicability
The proposed ATCM is applicable to dry cleaning equipment that uses any solvent that contains perc or any identified toxic air contaminant (TAC). The original ATCM was applicable only to perc dry cleaning. Since the regulation does not include a de minimus level for TACs, it will apply to hydrocarbon solvents which contain trace amounts of TACs. Furthermore, the only requirement for dry cleaners using solvents containing non-perc TACs is that they are subject to the local district's BACT requirements or risk reduction equivalent to that obtained for perc in the absence of local regulations. Since BACT analysis is done for all new permits, this seems unnecessary.

Requirements for Non-perc TACs
CARB staff has confirmed that the only requirement for dry cleaners using solvents containing non-perc TACs is BACT for new equipment. It is clearly stated in several sections of the rule that they apply only to perc machines, however, it is not clear in all sections (wastewater treatment, recordkeeping, reporting requirements) that they apply only to perc machines. This should be clear in all sections of the regulation.

Annual Testing with Quantitative Results
The proposed amendments include a requirement for annual drum concentration testing with an instrument that would give a quantitative result. This requirement was included because CARB determined during site visits that weekly testing with halogenated hydrocarbon detectors or portable gas analyzers (which do not give a quantitative result) were not being done consistently. The added expense for this testing may not be justified. It is questionable to assume that a single annual test with the more expensive instrument would improve compliance over the current weekly test requirements.

Cost Analysis
Table VII-6 of the Staff Report shows a cost range for enhanced ventilation, wastewater treatment unit, and spare gaskets for hydrocarbon machines. Even though the bottom of the range is $0, these costs should not be included for hydrocarbon machines since none of the rule requirements pertain to hydrocarbon machines. Therefore, the cost for changing from a primary perc machine to a hydrocarbon machine would only be the incremental cost of primary vs. hydrocarbon machine or $23,100. That is within the range for going from primary to integral secondary perc machines ($9,740 to $24,120).