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Eldon Heaston, Executive Director

May 24, 2006

Ms. Catherine Witherspoon
Executive Officer
c/o Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

RE: Proposed Amendments to the Dry Cleaning ATCM

Dear Ms. Witherspoon:

The Mojave Desert Air Quality Management District (MDAQMD) would like to thank the California Air Resource Board (CARB) for the opportunity to comment on the proposed changes to the Airborne Toxic Control Measure (ATCM) for Dry Cleaners, Title 17 CCR 93109. The MDAQMD is pleased that the CARB has proposed to take action to further reduce the risk from the emissions of perchloroethylene (perc) from dry cleaners. However, the MDAQMD would like to comment about this proposal and to recommend modifications that need to be made to this ATCM. The MDAQMD comments are as follows:

Comments #1

The MDAQMD does not support the suggestion made by other districts and environmental groups to total ban perchloroethylene use at dry cleaners. The MDAQMD does support the additional emission controls and restrictions on where new equipment can be located.

Comment #2 – 93109(c)(24) - Definition

The definition for "Full-time employee" is no longer needed since this term has been removed from the regulation.

Comment #3 – 93109(c)(26) - Definition

In this definition the word 'PURCHASE' should be replaced with the word 'ADDED'. Not all Perchloroethylene that is purchased goes directly into a machine. Also a new machine must be filled before startup and this perchloroethylene is not emitted. The amount of perchloroethylene that is emitted is the amount of perchloroethylene that is added later. This definition should read as follows:

(26) *"Gallons of perchloroethylene ~~purchased~~ added"* means the volume of perchloroethylene, in gallons, introduced into the dry cleaning equipment, and not recovered at the facility for reuse on-site in the dry cleaning equipment, over a specified time period.

Comment #4 – 93109(c)(31) & (35) - Definitions

The MDAQMD likes the addition of the phase "(a 10-foot stack is recommended)" to the definition #25 for "Full vapor barrier room". However, this phase should be added to the definition #31 for "Local ventilation system" and #35 for "Partial vapor barrier room".

Comment #5 – 93109(c)(41) - Definitions

As worded an operator within the MDAQMD may have to travel nearly 400 miles each direction for training. Therefore, replace the words 'within 200 miles of the district boundaries' with 'within driving 200 miles of the facility'. This definition should be reworded as follows:

(41) *"Reasonably available"*, as it applies to an initial course for the environmental training program, means that the course is offered within 200 miles of the ~~district boundaries~~ facility and that all such courses have a capacity, in the aggregate, that is adequate to accommodate at least one person from each facility in the district required to certify a trained operator at that time.

Comment #6 – 93109(c)(46) - Definitions

As written this definition does not read smoothly. Using the same words put in a different order this definition is easier to read, see the following":

(46) "Sensitive receptor" means any residence; any educational resource for minors including, but not limited to, early childhood education, preschools or schools for kindergarten through twelfth grade (K-12) and any facility licensed under Health and Safety Code division 2, commencing with section 1200, for health care or community care including, but not limited to, hospitals, clinics, skilled nursing, long-term care, adult day care, foster and small family homes, child care centers, and family day care homes.

Comment #7 –93109(c) & 93102.5(b) - Definition of "Sensitive Receptor"

The definition for "Sensitive receptor' in this proposed amendments and the definition for "Sensitive Receptor" in the Airborne Toxic Control Measure to Reduce Emissions of Hexavalent Chromium and Nickel from Thermal Spraying, Title 17 CCR 93102.5 are not the same. The two definitions are as follows:

> 93102.5 (b)(27) *"Sensitive Receptor"* means any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes individuals housed in long term care hospitals, prisons, and dormitories or similar live-in housing.
>
> 93109 (c)(46) *"Sensitive receptor"* means any residence; any educational resource for minors including, but not limited to, schools or preschools for kindergarten through twelfth grade (K-12) or early childhood education; and any facility licensed under Health and Safety Code division 2, commencing with section 1200, for health care or community care including, but not limited to, hospitals, clinics, skilled nursing, long-term care, adult day care, foster and small family homes, child care centers, and family day care homes.

When multiply ATCMs use the same term it should be defined the same way. It is difficult to implement the ATCM when the same term is defined in different terms.

Comment #8 - Subsections 93109(e), (f) & (g)

Subsection (e), (f) & (g) should apply to all TACs and not only Perchloroethylene.

Comment #9 -- 93109(f)(1)(C) - 'Enhanced Ventilation System' for all new machines

When an existing facility installs a new (additional or replacement) machine they should be required to install an 'Enhanced Ventilation System' on the new machine. Also the requirements of subsection (e) & (f) shall apply to the new unit. It will keep the new unit out of public notice and it is more cost effective (cheaper) to install the 'Enhanced Ventilation System' during installation than as a retrofit.

Comment #10 - Subsections 93109(g)(1)(A) & (B) and (g)(2)(A)&(B).

Subsection (g)(1)(A) & (B) should be switched to put the 2009 requirement before the 2010 requirement and to line up with subsection (g)(2)(A)&(B). See below:

(g) Requirements for Existing Facilities.

(1) All existing facilities that operate any dry cleaning equipment using Perchloroethylene shall use an integral secondary control machine. For existing facilities that operated Perchloroethylene dry cleaning equipment prior to July 1, 2007, and that do not have an integral secondary control machine, the compliance schedule is as follows:

(A) If the facility is 100 feet or more from a sensitive receptor, the facility shall install an integral secondary control machine (or non-Perc alternative) by July 1, 2010, or when the primary, converted, or "add-on" secondary control machine is 15 years of age, whichever comes later.

(B) If a facility is within 100 feet of a sensitive receptor, the facility shall install an integral secondary control machine (or non-Perc alternative) by July 1, 2009, or when the primary, converted, or "add-on" secondary control machine is 10 years of age, whichever is later.

(2) All existing facilities shall install an enhanced ventilation system. Compliance shall be according to the following:

(A) By July 1, 2009, if a sensitive receptor is within 100 feet of the facility as of July 1, 2007; or

(B) By July 1, 2010, if a sensitive receptor is 100 feet or greater from the facility as of July 1, 2007.

Comment #11 – 93109(i)(1)(B)

Subpart (i)(1)(B) is not needed because it is covered in subpart (i)(1)(C). Also subpart (B) prevents a trained operator from working at different facilities and at different times. An operation should be allowed to operate more than one facility but at a different time.

Comment #12 – 93109(i)(2)(A)9

Maintenance on parts that may be exposed to perchloroethylene should only be done when the dry cleaning machine is not operating.

Comment #13 – 93109(i)(3)(D) - Recordkeeping Requirements

This subsection has the following requirement "…For enforcement purposes, the district shall identify the presence of a vapor leak by determining the concentration of perchloroethylene with a portable analyzer according to ARB Test Method 21 (title 17, California Code of Regulations, section 94124)". Therefore, is the ARB going to provide the district with the needed analyzer and training?

Comment #14 – 93109(j)(1)(G) - Recordkeeping Requirements

The type of ventilation system does not need to be included in the 'Recordkeeping Requirements' since this does not change. It should be a part of the annual report required in subsection 93109(k) because it is needed for risk calculations.

Comment #15 - 93109(k) - Reporting Requirements

The amount (gallons) of wastewater disposed of by either hauling off-site or on-site treatment needs to be added to the "Reporting Requirements".

Comment #16 – 93109(l) - Testing and Certification of Secondary Control Systems

Since this subsection only applies to equipment suppliers and therefore it should be moved to after subsections (m) & (n). Many facilities may not read past subsection (l).

Comment # 17 – Consistence Between ATCMs

The ATCMs for Dry Cleaning 93109, Chrome Plating 93102 Thermal Spraying 93102.5 lack in the residual risk target and in common definition between ATCMS. The target residual risk for dry cleaners is 25 in a million, for thermal spraying is 10 in a million and for chrome plating is 5 in a million. These ATCMs are using or are proposing to use different definitions for "Residence", "Sensitive receptor" and "Zoned for residual use". Also each of these ATCMs has a different size for zone around sensitive receptors where they cannot be located. None of these ATCMs prevent sensitive receptors from locating with this zone.

Should you have any questions, please contact Mr. Richard Wales of the Engineering staff at (760) 245-1661 extension 1803.

Sincerely,

Alan J. De Salvio
Supervising Air Quality Engineer
Mojave Desert Air Quality Management District