

To whom it may concern,

I have made some comments and suggestions on the PRE-FILED TESTMONY by Mr. James Jennings. Based on 2012 Compliance Program policies of the Drycleaners Environmental Response Trust Fund of Illinois I have edited the Rules of Compliance Program Regulations. I hope these suggestions help the agency to move forward with the Compliance Program portion of the rules.

COMPLIANCE PROGRAM Rules

As of June 30, 2020, all current Drycleaners Environmental Response Trust Fund of Illinois approved compliance programs without any state or federal violations should be accepted as a compliance program with an application submission directed by the Agency/ Board.

The Illinois Pollution Control Board set the criteria a compliance program should address and the criteria are summarized as follows:

- 1. Compliance with state and federal regulations involving the handling and storage of drycleaning solvents and waste, and the operation and maintenance of drycleaning equipment**
- 2. Continuing education**
- 3. Third Party Site Inspection**
- 4. Requirement For Compliance Program**

The following is a definition of the compliance program criteria.

1. Compliance with State and Federal Regulations

The compliance program should address the issues and questions listed below regarding drycleaning facility compliance with state and federal regulations. The following is not intended to be an all-inclusive list of state and federal regulations that a drycleaning facility may be subject to.

A. Perc-based drycleaning machine(s)

- o What is the type of drycleaning machine(s)? (transfer, dry-to-dry, or combination)
- o Date the machine(s) installed?
- o What is the annual perc consumption amount?
 - a. If the dry-to-dry drycleaning machine is installed before 9/23/93 and the facility purchases less than 140 gallons annually, no air pollution control requirements are needed.
 - b. If the facility purchases more than 140 gallons of perc annually, then the unit must have a refrigerated condenser or a carbon absorber that was installed before 9/23/93.
 - c. If the dry-to-dry drycleaning machine is installed on or after 9/23/93 and the facility purchases less than 2,100 gallons of perc annually, the unit must have a refrigerated condenser.

- d. If the dry-to-dry drycleaning machine is installed on or after 9/23/93 and the facility purchases more than 2,100 gallons of perc annually, the unit must have a refrigerated condenser and a supplemental carbon absorber.

Does the facility have an air permit?

(Note: If the drycleaning machine consumes more than 30 gallons of perc monthly, the facility must have an Illinois EPA air operating permit.)

Solvent must be delivered by means of a closed loop and direct coupled delivery with a vapor recovery system.

B. Petroleum-Based Drycleaning Machine(s)

- o The vendor delivering petroleum solvent must have a Department of Transportation (DOT) approved spill control system on the truck.
Solvent must be delivered by means of a direct-coupled delivery system with proper vent lines for receiving product.
- o The facility must have an Illinois EPA air operating permit.

C. Pollution Prevention Measures (P2)

Containment devices/structures to prevent leakage or spillage to the soil/groundwater must exist around all of the following:

- o Drycleaning machines
- o Any solvent containers such as:
 - a. Portable waste containers
 - b. Wastewater containers
 - c. Used filter containers
 - d. Solvent storage tanks
- o **Drycleaning machines** - The containment device for the drycleaning machine must be capable of holding a capacity of 110 percent of the largest tank (or vessel) in the drycleaning machine.
 - ci **Portable Containers** - The containment device for portable containers such as hazardous/solvent waste containers, wastewater containers, used filters and solvent storage tanks must be capable of holding 100 percent capacity of the largest portable hazardous waste containers, wastewater containers and used filters or at least 10 percent of the total volume of all portable containers stored within the containment device, whichever is greater.
 - ci **Location of Portable Containers** - The containment device for portable containers such as hazardous waste containers, wastewater containers, used filters and solvent storage

tanks should be located within the drycleaning facility. If these portable containers are not located within the drycleaning facility, then the portable containers and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and environment.

- o **Containment Area** - The floor surface in the containment or diked area must be impervious to solvent leaks, spills or other release.

D. Hazardous Waste Maintenance

All drycleaning wastes generated shall be managed in accordance with applicable state waste management laws and regulations. Depending upon the amount of drycleaning waste the facility generates per month, the facility will fall under one of the following categories of hazardous waste generators:

1. Conditionally Exempt Small Quantity Generators (CESQGs)
2. Small Quantity Generators (SQGs)
3. Large Quantity Generators (LQGs)

The compliance program should address the following questions:

- o What categories does the facility fall under? (CEQGs, SQGs, or LQGs)
- o Does the facility properly manage the drycleaning waste?
- o Requirements for containers used to accumulate hazardous waste:
 - a. Is each container properly labeled?
 - b. Is each container made of or lined with a proper material?
 - c. Are all waste containers closed during storage except when adding or removing the waste?
 - d. Are all waste containers properly handled to prevent a rupture of the container?
 - e. Are all waste containers inspected weekly for any sign of leak or deterioration?
- o How is the wastewater being treated? (Note: Discharge of wastewater from a drycleaning machine to a sanitary sewer, septic tank, surface or groundwater is not allowed)

E. Record Logs

- Record log must be kept on operating premises a

minimum of 3 years and shall be available for any inspector or IEPA request. The record log can be paper form or electrical form.

- Operators shall conduct and maintain a log of weekly drycleaning equipment inspections and areas that contain drycleaning solvents or waste solvents.
- Operator shall maintain a log of all solvent purchases.
- Operator shall maintain a log of all drycleaning system repairs.

Log shall identify:

- a. Drycleaning machine
- b. Date repair is needed or repaired.
- c. Date machine is taken out of and placed back in operation
- d. Date parts ordered (if needed)

2. Continuing Education

The compliance program must require and provide drycleaner owner/operators with continuing educational seminars focused on continued compliance with federal and state regulations as they specifically relate to eligibility requirements for participating in the IEPA's insurance and remedial programs.

- a. Compliance programs that offer continuing education units (CEUs) for seminars must be able to submit the following at the IEPA's request.
 - i. Name of seminar
 - ii. Presenter's name
 - iii. Presenter's qualifications for presenting topic
 - iv. Date of seminar
 - v. Length
 - vi. Locations
 - vii. Sign in sheet

The sign-in sheet shall contain:

- Name of person who attended seminar
- Drycleaner name and address they represent

- b. Compliance Program must submit by December 1st the list of drycleaners who have completed CEU or a third party inspection for the calendar year. The list must include a copy of sign in sheet. Compliance program may offer special seminars or third party inspections until December 31st for drycleaners who don't complete their CEU or a third party inspection before December 1st, The compliance program must then send an

updated list to IEPA by January 10th.

- c. The topics for seminars that compliance programs must be topics in the following areas of state and federal regulations (*see: Section 1 - Compliance With State and Federal Regulations*)
 - i. IEPA (State Law)/ Pollution Control Board
 - ii. Pollution prevention methods
 - iii. Hazardous waste maintenance•- storage and disposal
 - iv. Record keeping of solvents
 - v. Paperwork requirements of the Fund
 - vi. Solvent handling
 - vii. Regulatory permitting
 - viii. Requirements for reporting a release to the Fund and appropriate state and federal agencies
 - ix. Cleanup requirements
 - x. Solvent reduction
 - xi. Topics related to drycleaning environmental issues

Minimum continuing education requirement is **1-credit** hours per calendar year. One continuing education credit hour shall include, as a minimum, 50 minutes of actual seminar time, exclusive of time devoted by participants to prepare for the seminar.

3. Third Party Site Inspection

- a. The site inspection shall qualify for 1 hour of continuing education credit. It is the responsibility of the drycleaner owner/operator participating in the compliance program to track and verify that annually they have met the continuing education requirement. The compliance program must maintain by facility a record of continuing education.
- b. The compliance program must inspect each facility participating in their program a minimum of once every two years (bi annually).
- c. Compliance Program must submit by December 1st the list of drycleaners who have completed third party inspection for the calendar year. There will be a grace period until December 31st of drycleaners who don't complete their CEU or third party inspection by December 1st. The compliance program must then send an updated list to IEPA by January 10.

4. Requirement for Compliance Program

The compliance program must be able to demonstrate the capacity to administer the compliance program. The compliance program shall be approved by IEPA upon review of application.

- a. Board members shall have minimum of 5 years working experience within the dry cleaning industry
- b. Anyone with criminal conviction record shall not be a board member.
- c. The compliance program must be able to demonstrate that it is available to all Illinois drycleaners who wish to participate in the compliance program. This can be demonstrated by:
 - Marketing lists used for promotional mailings
 - Must be available telephone calls, e-mails, fax, etc.
- d. The compliance program must issue each facility participating in their program a compliance certificate that lists the name and address of the facility and includes an expiration date. No certificate may be valid for more than a year period.

From: [sung kang](#)
To: [Brown, Don](#)
Subject: [External] Re: Hearing Officer Order R21-19: Drycleaner Environmental Response Trust Fund Act Proposal
Date: Thursday, August 19, 2021 4:43:57 PM
Attachments: [image001.png](#)
[compliance program rules suggestion wo \(1\).docx](#)

Good afternoon Mr Brown,

I haven't been able to review the attachment you sent today but I would like to share my comments prior. I'm sorry for sending it last minute and if you need my background information please let me know.

I reviewed Mr James Jennings Prefiled Testimony and I had a few comments.
I appreciate that the rules are similar to DERTF rules so that it's easier for the industry to follow.

1. Page 6

*Unless stated otherwise in the rules, all submissions to the Agency must be on Agency- prescribed forms and provided to the Agency via certified mail, **email, fax or on the website.***

2. Page 7 Is there a grace period? Are there late fees?

3. Page 8 proof of payment: to clarify it doesn't have to be a DS3 form with a green sticker? it can be a cleared check copy, online invoice, or DS3 form with or without a green sticker?

4. Page 10 inside chart. Is \$1,000 correct in the remediation deductible top boxes?

5. Page 13 It should be more clear on Paying all insurance premiums (such as: up to date on insurance premiums)

6. Page 13 Are there any penalty or late fees for after the 30 day grace period?

7. Page 14 There should be a penalty added. *Upon completion of its review, the Agency will notify the owner or operator, in writing, of its determination regarding insurance coverage.*

8. Compliance Program

I was wondering if the policies from DERTF were going to be used or if something new was going to be created? (No DERTF compliance program policies were ever turned into JCAR or made into rules but were heavily enforced)

I have attached the suggestions that I had given to DERTF and IEPA in years prior for reference.

Thank you.

Sung

-Sent from phone

On Thu, Aug 19, 2021, 11:04 AM Brown, Don <Don.Brown@illinois.gov> wrote:

By this e-mail, the Illinois Pollution Control Board serves you with the attached Hearing Officer Order of August 19, 2021.



Don A. Brown

Clerk of the Board

Illinois Pollution Control Board

312-814-3461

FAX: 312-814-3669

Don.Brown@illinois.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.