

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
DRYCLEANER ENVIRONMENTAL)	
RESPONSE TRUST FUND ACT)	
PROPOSAL TO:)	
ADD 35 ILL. ADM. CODE PARTS)	R21-19
1501.100 TO 1501.450,)	(Rulemaking – Land)
REPEAL 35 ILL. ADM. CODE PARTS)	
1500.10 THROUGH 1500.70, AND)	
REPEAL 2 ILL. ADM. CODE PARTS)	
3100.10 THROUGH 3100.60)	

NOTICE

TO: ATTACHED CERTIFICATE OF SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S RESPONSE AND INFORMATION REQUESTED FROM THE SEPTEMBER HEARING** and **MOTION TO CORRECT TRANSCRIPT**, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ John M. McDonough II
John M. McDonough II
Assistant Counsel
Division of Legal Counsel

DATED: September 23, 2021

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSE AND INFORMATION REQUESTED FROM THE SEPTEMBER HEARING

The Illinois Environmental Protection Agency (“Agency” or “Illinois EPA”) submits these post hearing comments in response to first hearing for the above-titled mater before the Illinois Pollution Control Board (“Board”). During the first hearing held on September 9, 2021, the Agency indicated that there were certain questions the Agency would need to follow up with in writing. The answers to those questions are in bold:

Examination by Mr. Rao:

With regard to Section 1501.160(b), would it change the intent of this program is we removed the word “proper” from it? Instead of “proper facility,” could we just say “facility” for such records?

The Agency has no objection to the Board’s proposed change.

In response to Question 9, the Agency stated that the records retention language proposed in Section 1501.160(c)(7) reflects the possibility of longer retention periods that exist independent of these rules. Do you have examples of these types of provisions that could be provided?

The Agency is not specifically aware of longer records retention periods applicable to drycleaners. In drafting this language, the Agency incorporated the existing language of 35 Ill. Adm. Code 1500.40(i)(2)(C) in seeking to avoid potential confusion or concern within the regulated community that the records retention periods set forth in proposed Part 1501 would supersede other independent recordkeeping obligations.

In response to Question 16(a), can the Agency submit any additional information about the historic practices addressing continuing education?

The Agency is aware of two examples of documents related to drycleaner education and compliance programs that existed prior assuming oversight of the DERT Fund on July 1,

2020. Mr. Kang's Pre-Filed Testimony, filed with the Board on August 19, 2021, includes discussion of one such program. On September 16, 2021, Illinois Professional Drycleaners Association Executive Director Sue Kratz submitted electronic copies of examples of documents generated by historic education and compliance programs to the Illinois EPA. Copies of those items are included with this filing. See Attachment 1.

Did the Agency consult with any drycleaner trade groups, such as the Dry Cleaning and Laundry Institute International, to determine if there are any accepted practices or certification programs that could be used to model regulations for continuing education?

The Agency was aware that groups such as the Dry Cleaning and Laundry Institute International may have an interest in crafting accepted practices or certification programs used for continuing education within the drycleaning industry. However, the Agency did not consult outside groups on this topic because Section 12(h) of the DERT Fund Act authorizes the Board and not the Agency as the rulemaking authority of such provisions.

Please provide any additional information that could be helpful regarding continuing education.

The Agency has no additional documents to submit before the Board regarding continuing education.

When the Agency was developing this proposal, did the Agency review regulations of other states who may have continuing education programs as part of their rules?

The Agency developed its rulemaking proposal in light of its existing authorities under, among other statutory authorities, the Illinois Environmental Protection Act and the DERT Fund Act. Neither authority obligates the Agency to oversee a continuing education program similar to the privately administered programs that were historically maintained for Illinois drycleaners or propose rules to create such a publicly overseen program. In light of these statutory limitations, the Agency did not elect to evaluate whether other jurisdictions were required to adopt continuing education programs for operating drycleaners.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ John M. McDonough II
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Assistant Counsel
Division of Legal Counsel

DATED: September 23, 2021

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ATTACHMENT 1

Site: PLAZA CLEANERS Inspection Date: 8/29/19
 Site Number: 1460 Inspector: [Signature]



	Unit #1	Unit #2	Unit #3
DC Machine (Model):	<u>FIRBIMATIC</u>		
Capacity (lbs):	<u>40#</u>		
Generation:	<u>5th</u>		
Solvent Type:	<u>HYDROCARBON</u>		
Solv. Tank Vol(s):	<u>87463163 = 203</u>		
Date Machine Installed	<u>2010</u>		
Age of DC Machine	<u>9</u>		
Refrigerated Condenser	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Yes / No	Yes / No
Carbon Absorber	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Yes / No	Yes / No
Air Permit Required:	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Expiration: <u>ROSS</u>	
Solvent Delivery System:	<u>Closed Loop / Direct Coupled Vapor Recovery System: <input checked="" type="radio"/> Yes / <input type="radio"/> No</u>		
Comments:			

DC Secondary Containment: Yes / No

Unit 1	H x W x L: <u>5.25 x 77.5 x 93</u> = <u>37,39</u> in ³
	Volume: _____ in ³ x 0.00432 = <u>163.47</u> gallons
Unit 2	H x W x L: _____ = _____ in ³
	Volume: _____ in ³ x 0.00432 = _____ gallons
Unit 3	H x W x L: _____ = _____ in ³
	Volume: _____ in ³ x 0.00432 = _____ gallons

Are the floors sealed as part of the secondary containment requirement? Yes No

Comments: Machine sits above pan not on floor

Site PLAZA CLEANERS Inspection Date: 8/29/19
Site Number: 1460 Inspector: _____

Hazardous Waste (HW) Containers: Yes/No

Used Filter (UF) Containers: Yes/No

	Container #1	Container #2	Container #3
Type:	<u>HW/UF</u>	HW / UF	HW / UF
Volume:	<u>30</u>	_____	_____
Radius x Height:	<u>8 x 35</u>	_____ x _____	_____ x _____

Is Each Haz Waste Container Appropriately Labeled: Yes/No

Is the site categorized as: CESQG/SQG/LOG

* Quantity of Haz Waste Generated per Calendar Year: 30 gallons 2018
2019 Ready for P/A
Comments: Non Hazardous Special Waste

Hazardous Waste Secondary Containment: Yes/No

Container 1	H x W x L:	<u>5.5 x 25.5 x 25.5 = 3576</u> in ³
	Volume:	_____ in ³ x 0.00432 = <u>15.5*</u> gallons +SD
Container 2	H x W x L:	_____ x _____ x _____ = _____ in ³
	Volume:	_____ in ³ x 0.00432 = _____ gallons
Container 3	H x W x L:	_____ x _____ x _____ = _____ in ³
	Volume:	_____ in ³ x 0.00432 = _____ gallons

Waste Hauler: Stercycle

Comments: * Containment Pan also has a 50 gallon spill bladder. Total containment = 65.5 gallons

Site PLAZA CLEANERS Inspection Date: 8/29/19
Site Number: 1460 Inspector: [Signature]

Vaporizer/Hazardous Waste Water Treatment: Type: Kleen Kete

Volume: 5 gal. Emitted to the (outside) or (inside) of the facility?

Secondary Containment:

H x W x L: 3 ^{ft} x 25 ⁱⁿ diameter = _____ in³

Volume: _____ in³ x 0.00432 = 6.375 gallons

(If more than one, please attach calculations for them.)

Comments: _____

Underground (UST) or Aboveground (AST) Storage Tank System Information

If USTs exist, do they meet the Federal EPA 1998 upgrade standard? Yes N/A No _____

If USTs exist, do leak detection records exist? Yes _____ No _____

If leak detection records exist, please list the method(s) being used: _____

For each UST and AST please complete information on page 7 of this inspection form.



Log Review for the past 2 years: Repair: weekly Inspection: weekly

Solvent Purchases: monthly Employee Training: STELL

(Please list all repairs for the past 2 years in the "comments" section below.)

Comments: _____

Site Play Cleaners Inspection Date: 8/29/19
Site Number: 1460 Inspector: SK

Compliance Certificate: Program: DCCP Expiration: 12/31/19

Miscellaneous: 300# x 5 days

* Annual Weight = (# of loads a day) x (Capacity of Machine) x days of operation per year
= 52,000 lbs = _____ kg = 26 tons

Annual Solvent Usage (in gallons): Chlorine-based _____
Petroleum-based 40 2018 Green: _____
2019 470

Does evidence of a prior or ongoing release exist? Yes X No _____
If the answer is yes, please describe: NFR on file

Additional Comments: _____

Site Plaza Cleaners Inspection Date: 8/29/19
Site Number: 1460 Inspector: sh

Based upon the facility inspection and review of records, is the facility operating and in compliance with federal and state regulations? Yes No

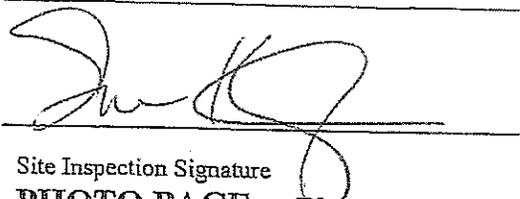
If you answered "no", please describe in detail in the section titled "DEFICIENCIES" the compliance violations/deficiencies.

DEFICIENCIES: _____

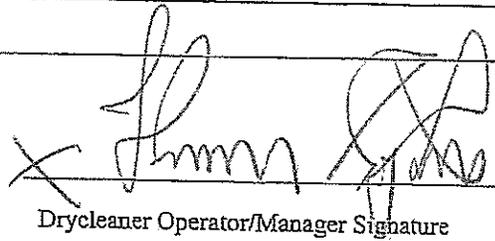
All deficiencies listed must be resolved by _____

Written documentation (including photos) substantiating the deficiencies have been resolved are to be sent to:

Site PLAZA CLEANERS Inspection Date: 8/29/19
Site Number: 1460 Inspector: Sh



Site Inspection Signature



Drycleaner Operator/Manager Signature

PHOTO PAGE: (Please attach a copy of all colored photos taken during the site inspection.)

Photos required to be taken include:)

- a. all drycleaning machines,
- b. all hazardous waste containers (filled or empty) and secondary containment pans,
- c. all waste water mister(s),
- d. all floor drains,
- e. outside dumpster(s),
- f. wetcleaning machines,
- g. pictures of the outside front and back of building.
- h. interior (taken from front and back of store),
- i. detergents and spotting chemicals stored onsite,
- j. outside storage areas/sheds. N/A

SITE DIAGRAM:

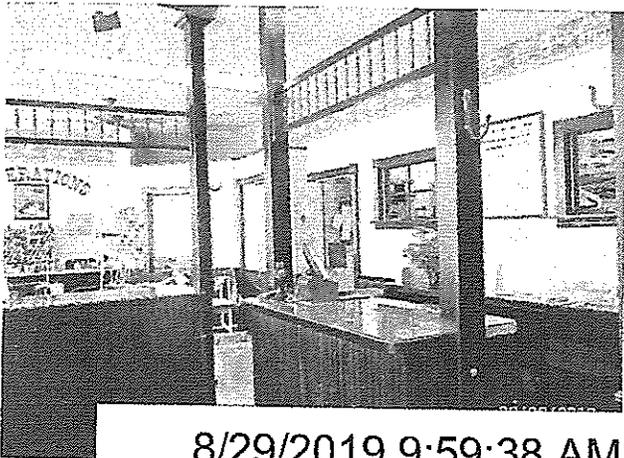
Please attach a diagram of the facility, showing the location of the building, drycleaning units, stored drycleaning solvents, stored hazardous waste containers, containment area, floor drains, etc. If you know where the sewer and water lines are located, please show this on the diagram. Attached is an example diagram layout.

Plaza Cleaners, Frankfort, Site #1460



8/29/2019 9:59:05 AM

Front of Store



8/29/2019 9:59:38 AM



8/29/2019 9:59:35 AM

Views from front counter



8/29/2019 10:00:18 AM



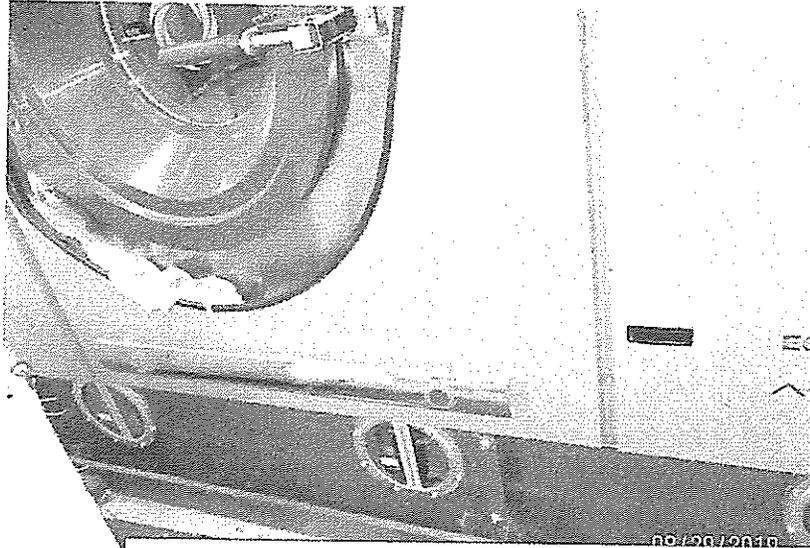
8/29/2019 10:00:30 AM

Views from front of production area facing rear



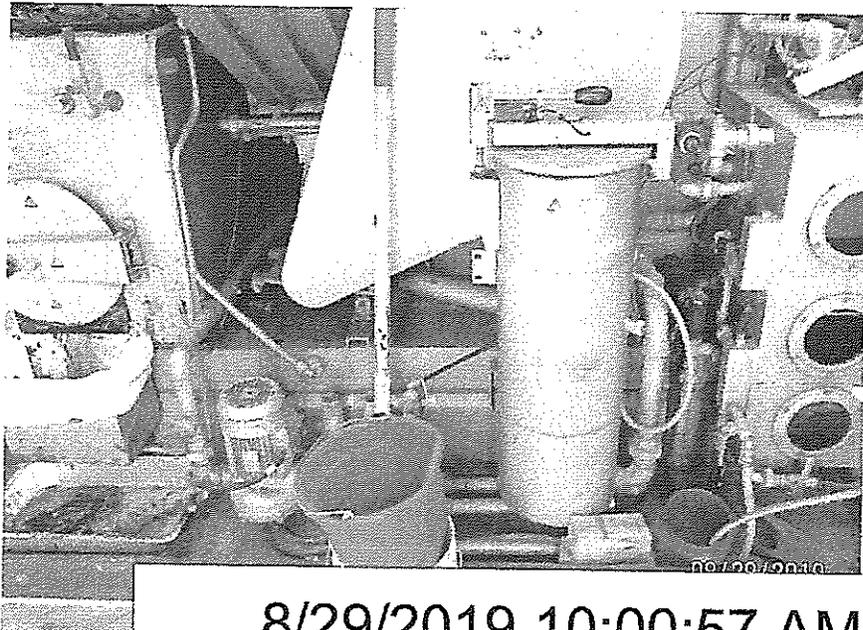
8/29/2019 10:00:39 AM

Front of Drcleaning machine



8/29/2019 10:00:46 AM

Containment under dc machine



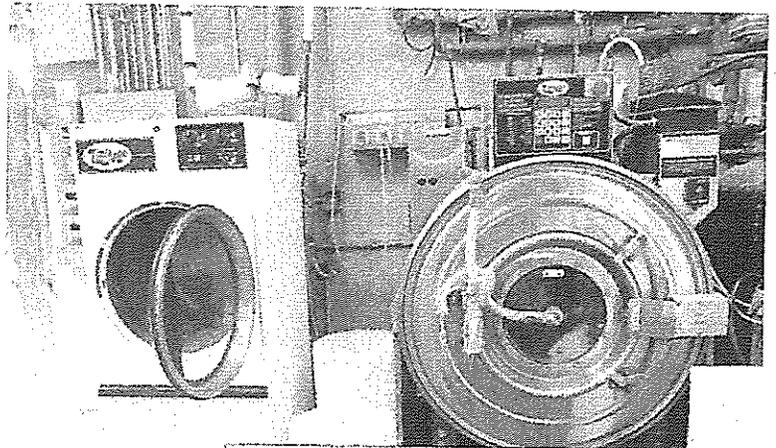
8/29/2019 10:00:57 AM

Rear of dc machine



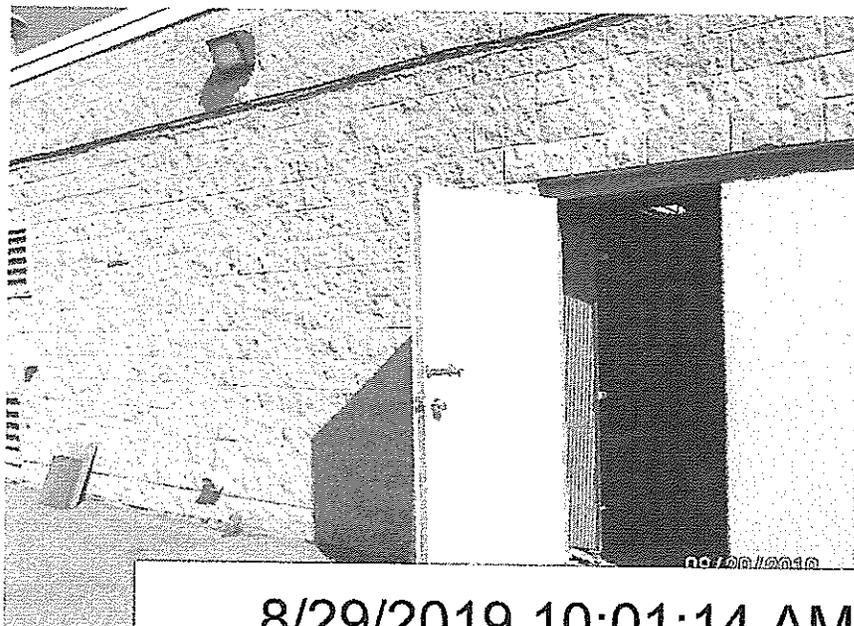
8/29/2019 10:01:01 AM

Kleen Rite Waste
Water Evaporator



8/29/2019 10:01:26 AM

Washer an Dryer



8/29/2019 10:01:14 AM

Rear entrance to store



8/29/2019 10:01:32 AM

Washer



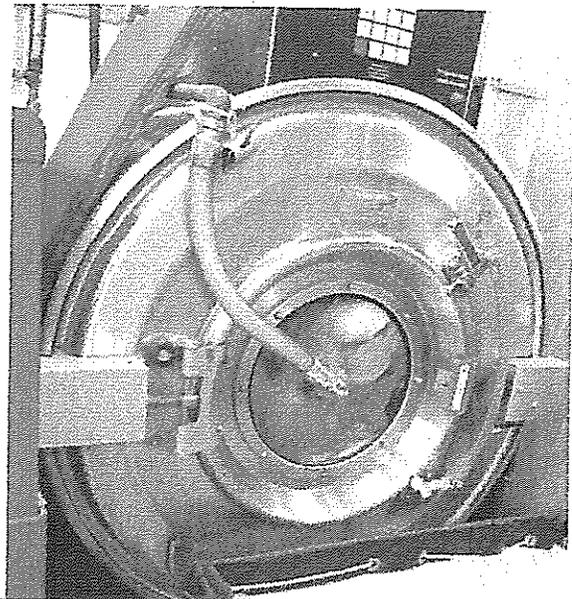
8/29/2019 10:01:39 AM

Washer and Dryer



8/29/2019 10:01:43 AM

Dryer



8/29/2019 10:01:51 AM

Washer



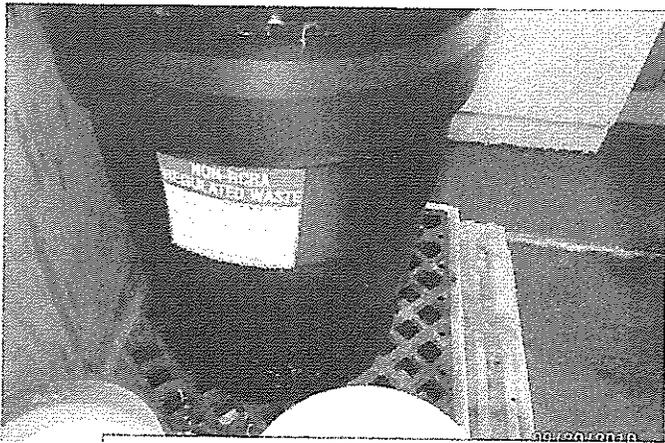
8/29/2019 10:02:01 AM

Boiler



8/29/2019 10:02:08 AM

Floor Drain in Boiler Room



8/29/2019 10:06:10 AM

HW



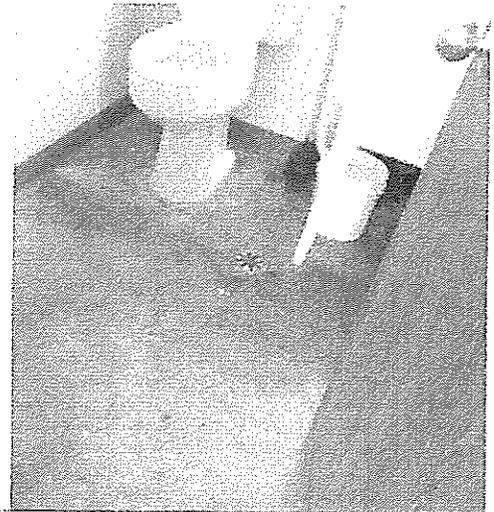
8/29/2019 10:02:39 AM

Chemical Storage



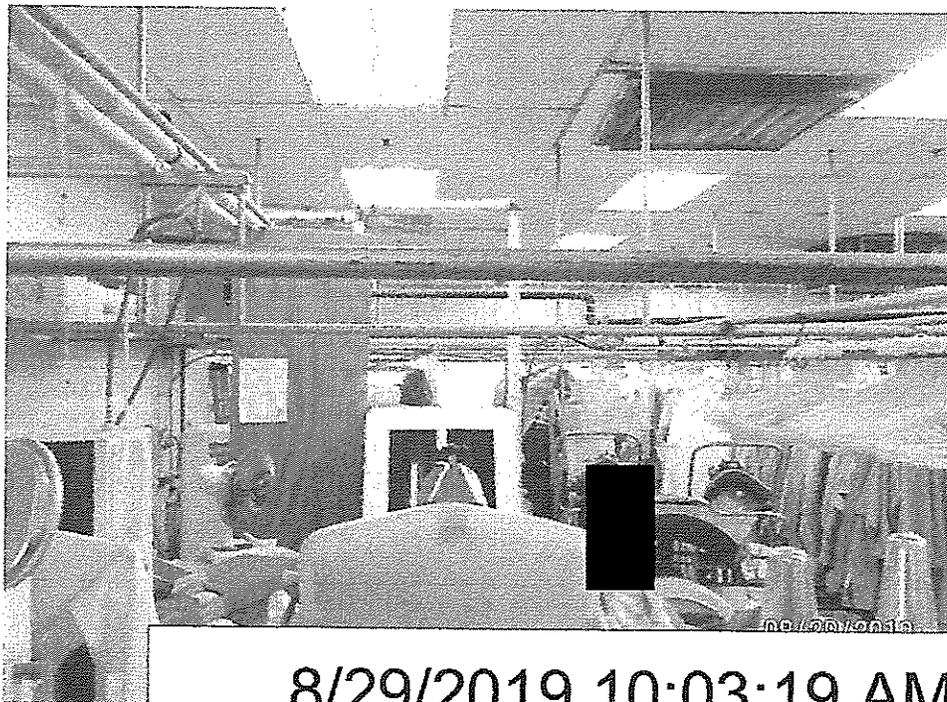
8/29/2019 10:02:52 AM

View from rear of
store/garment rack area



8/29/2019 10:03:04 AM

Rest Room/Floor Drain



8/29/2019 10:03:19 AM

View from rear of
store/production area



8/29/2019 10:03:37 AM

Spotting Board Chemicals



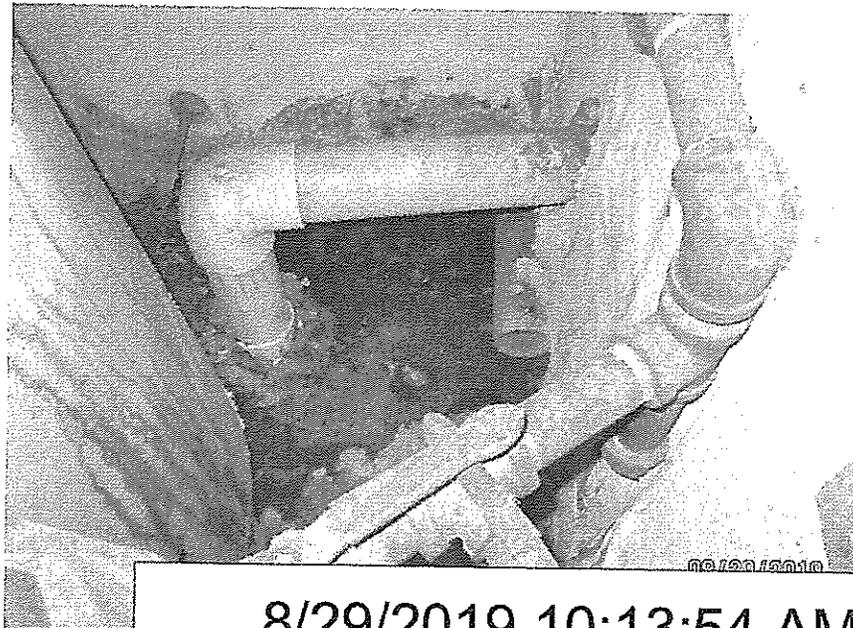
8/29/2019 10:11:23 AM

Dumpster behind rear of store



8/29/2019 10:12:46 AM

Chemical Storage



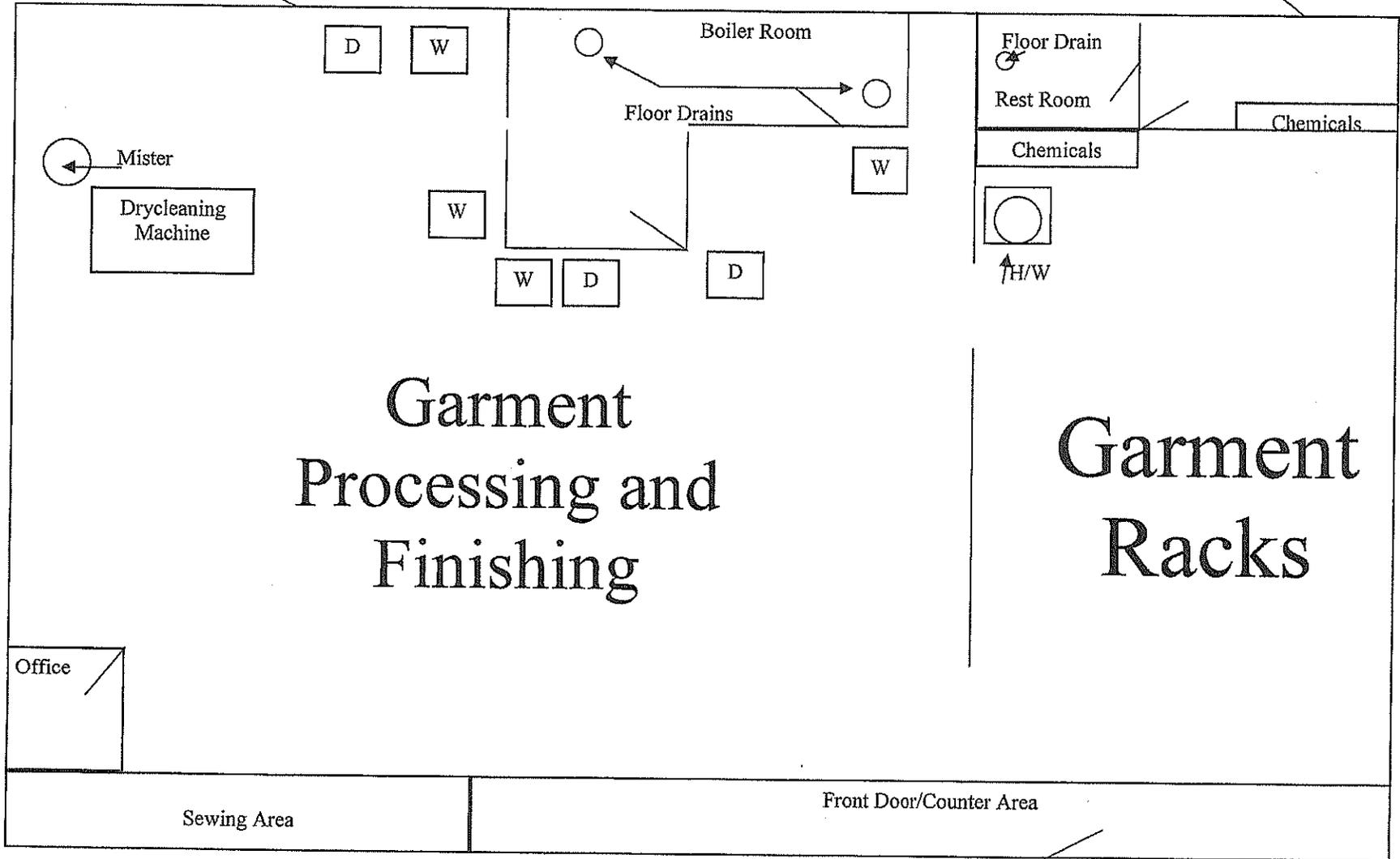
8/29/2019 10:13:54 AM

Additional floor drain in boiler room

Plaza Cleaners, Site #1460
Site Map

Dumpster

Rear of Store

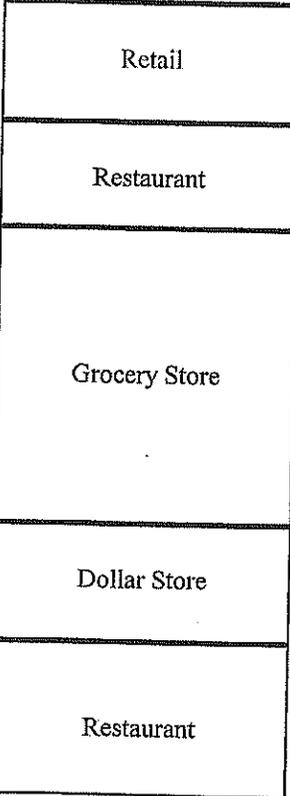
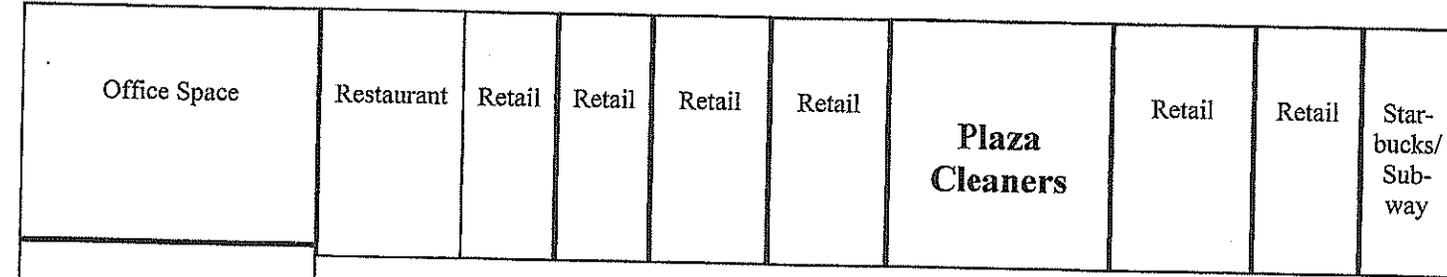


Plaza Cleaners, Site #1460
Area Map



Vacant Land

Bank



Parking

Parking

Salon/Day Spa

Parking

Burger King

Lagrange Road

Colorado Ave.

Office Buildings

Bank

Residential

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MOTION TO CORRECT TRANSCRIPT

The Illinois Environmental Protection Agency (“Agency” or “Illinois EPA”) moves pursuant to 35 Ill. Adm. Code 101.604 that the Hearing Officer order the correction of the transcript of the hearing held in this matter on September 9, 2021, as follows:

<u>Page</u>	<u>Line</u>	<u>Correction</u>
9	1	“Section 1501.116(b)” should be “Section 1501.160(b)”
11	18	“Section 1501.116(c)(7)” should be “Section 1501.160(c)(7)”

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ John M. McDonough II
John M. McDonough II
Assistant Counsel
Division of Legal Counsel

DATED: September 23, 2021

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attached **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSE AND INFORMATION REQUESTED FROM THE SEPTEMBER HEARING** and **MOTION TO CORRECT TRANSCRIPT**, on behalf of the Illinois EPA, upon the following person(s) by e-mailing it to the e-mail address(es) indicated below or, if no e-mail address is provided, by placing a true copy, in an envelope duly addressed and bearing proper first class postage, in the United States mail at Springfield, Illinois on September 23, 2021:

TO:

Illinois Pollution Control Board
Don Brown, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Illinois Department of Natural Resources
Mark Kaminski, Hearing Officer
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
mark.kaminski@illinois.gov

Office of the Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
karen.howard@ilga.gov

Illinois Department of Natural Resources
Office of General Counsel
One Natural Resources Way
Springfield, Illinois 62702
renee.snow@illinois.gov

I affirm that my e-mail address is john.mcdonough@illinois.gov; the number of pages in the e-mail transmission is 24; and the e-mail transmission took place today before 5:00 PM. If you prefer service by mail, please contact me and a copy will be mailed to you.

Respectfully submitted,

**ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY**

By: /s/ John M. McDonough II
John M. McDonough II
Assistant Counsel
Division of Legal Counsel

DATED: September 23, 2021

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