Guide to
NYC Department of Environmental Protection
Permitting Requirements for

NYC DRY CLEANERS

Environmental Protection

Bill de Blasio, Mayor
Emily Lloyd, Commissioner

Florence Cleaners, Corona, N.Y.

I. OVERVIEW

This guide describes the primary New York City Department of Environmental Protection (DEP) permit and approval requirements for existing dry cleaners. It does not describe all of DEP's programs and requirements (which can be dependent on your specific operations).

DEP administers perchloroethylene regulations (RCNY, Title 15, Chapter 12) that are, with a few exceptions, identical to the NYSDEC's "Part 232" regulations.

Like the NYSDEC rule, the DEP rules require a variety of measures depending on:

- whether the dry cleaning facility is an existing or new facility;
- whether the facility is a stand-alone facility or "co-located" (shares a common wall, floor, or ceiling with a residence or business);
- if co-located, whether the dry cleaning facility is co-located with residential or commercial uses.

See the following rule: RCNY, Title 15, Chapter 12.

II. DEP AIR CODE REQUIREMENTS

A. General Air Permit Requirements

All perc dry cleaning facilities, both new and existing, require a DEP work permit and certificate of operation (note: other solvent-based operations such as DF 2000, GE Silicon SB32, Green Earth, Solvon K4, etc. also require a work permit and certificate of operation).

To obtain an application for a work permit and certificate of operation go to www.nyc.gov/dep/cats ("Clean Air Tracking System").

The above applications require a NYS licensed Professional Engineer ("PE") or a NYS licensed Registered Architect ("RA") to certify (a) that the application, plans and all supplementary documents submitted are complete and fully comply with all applicable laws, codes, rules, regulations and directives of DEP's Bureau of Environmental Compliance; (b) that the technical information on the equipment (contained in the application) is accurate; (c) that he or she inspected the equipment; and (d) that the equipment satisfies all the provisions of NYC Admin. Code, Title 24, Chapter 1.

Note: The certificate of operation must be renewed every 3 years. The renewal application can be obtained at www.nyc.gov/dep/cats.

See the following rule: NYC Admin. Code, Title 24, Chapter 1.

B. Boilers

Boilers that have a rated input of equal to or greater than 350,000 but less than 4.2 million BTUs per hour require a registration from DEP.

Boilers with a rated input equal to or greater than 4.2 million BTUs/hour require a work permit and certificate of operation. (As of May 2016)

To obtain an application for a boiler registration or work permit and certificate of operation go to DEP's Clean Air Tracking System ("CATS") at www.nyc.gov/dep/cats.

Renewals (required every 3 years) for boiler registrations and certificates of operation must also be submitted through the "CATS" system.

Note: You must have a valid email address to create a CATS account. For CATS related questions please email Catsfeedback@dep.nyc.gov or call 718-595-3855. For other questions please email AirPermit@dep.nyc.gov or call 718-595-3855.

See the following rule: NYC Admin. Code, Title 24, Chapter 1 & RCNY, Title 15, Chapters 2 and 9.

C. Posting Notices for Perc and non-Perc Dry Cleaners

Dry cleaning establishments must post a sign which lists the primary chemical used in their dry cleaning facility. The sign must be easily visible to customers and detail how to view the "Safety Data Sheet (aka "Material Safety Data Sheet")" for the primary chemical on DEP's website. Perc, as well as non-perc dry cleaners, are required to post the signs. For more information on this rule and to download the required signs please go to: www.nyc.gov/dep/drycleanermsds. You can also call 718-595-4436 to obtain copies of the required signs.

D. U.S. Environmental Protection Agency Rule Regarding Perc Dry Cleaners in Residential Buildings

The U.S. Environmental Protection Agency (EPA) revised certain requirements for perc dry cleaners on July 13, 2006. Several of these requirements go beyond the regulations established under NYSDEC's Part 232 regulations. This EPA rule included the following provisions concerning perc dry cleaning operations in residential buildings:

- Dry cleaning machines installed in residential buildings after July 27, 2006 may not use perc
- Perc dry cleaning machines installed in residential buildings between December 21, 2005 (date of the proposed rule) and July 13, 2006 (when the final rule was issued) must have eliminated perc usage by July 27, 2009
- Perc dry cleaning machines installed in residential buildings before December 21, 2005 must stop operating by December 21, 2020

For more information see www.nyc.gov/dep/perc.

III. DEP "RIGHT-TO-KNOW" REQUIREMENTS

Under NYC's "Community Right-to-Know" Law, dry cleaners must annually file a Facility Inventory Form with DEP for any substance they store or handle which equals or exceeds the "threshold reporting quantities" on DEP's list of Hazardous Substances at www.nyc.gov/dep/rtkhazlist.

For example, perc is listed as "perchloroethylene" (also known as "tetrachloroethylene") on the DEP Hazardous Substance list. Dry cleaners who store or handle perc or other reportable substances must:

1. File the "Facility Inventory Form" ("FIF") by March 1st of every year (see below "Tier 2" link to obtain the FIF).
2. Attach a Safety Data Sheet (aka "Material Safety Data Sheet") for all reportable substances.
3. File an updated FIF if the amount of any reportable substance you report increases in weight by 25% or more, or if you store or handle a new reportable substance that was not included in a previous FIF submission. **Note:** have copies of (1), (2) and (3) above available to emergency response and/or Right-to-Know staff that may visit your facility.

4. Label, tag or mark each container of reportable substances with its "Chemical Abstract Service" (CAS) number. For example, the CAS # of perc (aka "perchloroethylene" or "tetrachloroethylene") is 127184. The labels, tags or marks must be legible, in English and prominently displayed.

Note: For more information on Right-to-Know Requirements, please call DEP's Right-To-Know division at 718-595-4659, or visit DEP's web site at www.nyc.gov/dep/tier2filing (for on-line filing information, filing guidelines, regulations, copies of forms, DEP list of hazardous substances, CAS numbers).

IV. EMERGENCY RESPONSE ("SPILL BILL") REQUIREMENTS

1. If you know of a release or spill of a "hazardous substance" (as defined in the below regulation) you must immediately call 311 and provide detailed information about the release. For example, a spill of 1 pound or more of perc (also known as "perchloroethylene" or "tetrachloroethylene") must be reported to 311.
2. You must also send written notification to DEP about the release, by certified mail, within one week of the release to:

   DERTA
   New York City Department of Environmental Protection
   59-17 Junction Blvd. (1ST Floor Low Rise)
   Flushing, NY 11373-5108

For more information, including substances that must be reported in the event of a spill, reportable quantities and the written notification requirements (see Section 320), please see www.nyc.gov/dep/spillbill to review the Spill Bill.

Note: In addition to any notification required under this section, Police Emergency at 911 should be notified in the event of a significant incident involving a hazardous substance which presents a danger to the public.

For more information on emergency spill requirements and regulations call 718-595-4784.

See the following rule: NYC Admin. Code Title 24, Chapter 6 & RCNY, Title 15, Chapter 11.

V. BACKFLOW PREVENTION DEVICES

Owners of properties that contain dry cleaning equipment (or various other equipment such as boilers) are required to install an approved backflow prevention device (BPD) on all water service lines supplying those properties.

A NYS licensed Professional Engineer (PE) or a NYS licensed Registered Architect (RA) must submit plans to DEP for the original BPD installation and a NYC Licensed Master Plumber (LMP) must install the BPD (the LMP must also file a "Limited Alteration Application" with the NYC Department of Buildings). Moreover, the initial test report for the BPD must be signed & sealed by a PE (or RA) and a LMP, and also signed by the NYS Certified BPD Tester that tested the device.

Annual tests for the BPD must also be submitted to DEP by a NYS Certified Tester. For more information (and required forms) call 718-595-5463 or go to www.nyc.gov/dep/backflow.

See the following rule: RCNY, Title 15, Chapter 20, Section 20-04.

VI. DISCHARGES OF WASTEWATER AND OTHER MATERIALS TO PUBLIC SEWERS

RCNY Title 15, Chapter 19, Section 19-03(a)(15) prohibits the discharge of any still bottoms, deposits, residues, filters or filter media resulting from or used in the dry cleaning process to public sewers, drains, pipes, etc. (e.g., lint, soils, dirt, filters).

DEP has adopted a regulation covering perc-related discharges to public sewers. This rule closely mirrors NYSDEC's "Part 232" sections relating to wastewater discharges. The DEP rule also prohibits the discharge of perc-contaminated wastewater or wastes into any sewer and contains requirements for the operation and maintenance of wastewater treatment units and the required record keeping.

For example (as under NYSDEC's section 232.9), the DEP rule requires perc-contaminated wastewater to be treated by a water separator and double carbon filtration (or equivalent control technology approved by NYSDEC) which has been designed to assure a discharge that is less than or equal to 20 parts per billion of perc (without evaporation).

To obtain a copy of RCNY Title 15, Chapter 19, please go to http://rules.cityofnewyork.us. For questions about DEP's wastewater regulations you can also call 718-595-4730.

See the following rule: RCNY, Title 15, Chapter 19 (in particular see sections 19-01, 19-03 and 19-12).

Courtesy of National Cleaners Association

This guide uses the following abbreviations:

- **RCNY** = Rules of the City of New York (http://rules.cityofnewyork.us/)
- **NYC Admin. Code** = New York City Administrative Code (http://www.amlegal.com/codes/client/new-york-city_ny/)
- **NYSDEC** = New York State Department of Environmental Conservation (http://www.dec.ny.gov)
- **PART 232** = Codes Rules and Regulations of the State of New York, Title 6 Chapter III, Part 232, "Perchloroethylene Dry Cleaning Facilities" i.e. the NYSDEC Dry Cleaning Regulations (http://www.dec.ny.gov/chemical/38088.html)
- **Perc** = Perchloroethylene; Tetrachloroethylene

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