

A GUIDE TO NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP) REGULATIONS AND PERMITTING REQUIREMENTS FOR NYC DRY CLEANERS (10/99)

This guide describes the primary NYCDEP permit and other compliance requirements for existing and new dry cleaners. It does not describe all of DEP's programs and requirements; however, there are several phone numbers listed you can call for more information.

This guide uses the following abbreviations:

*** RCNY = Rules of the City of New York**

*** NYCAC = New York City Administrative Code**

*** PART 232 = Codes Rules and Regulations of the State of New York, Title 6 Chapter III, Part 232, "Perchloroethylene Dry Cleaning Facilities" = the new State Dry Cleaning Regulations**

I. Overview

DEP promulgated companion perchloroethylene drycleaner air and sewer use regulations which became effective on September 27, 1998 (see RCNY Title 15, Chapter 12). With a few exceptions, these regulations are identical to the DEC drycleaner rule, 6 NYCRR Part 232, which became effective in April, 1997. Like the State rule, the DEP rules require a variety of measures depending on the whether the drycleaning facility is an existing or new facility, whether the facility is a stand-alone facility or "co-located," and, if co-located, whether the drycleaning facility is co-located with residential or commercial uses.

Key compliance requirements in 1998 under the DEP rule include the following:

1. All "first generation" or "transfer machines" in mixed-use residential locations were to have been removed from service by no later than September 22, 1998;
2. All co-located "second generation" machines must install a vapor barrier with general exhaust ventilation by no later than August 15, 1998.

Over the upcoming months, DEP intends to visit each drycleaner with first, second, and third generation drycleaning machines to verify compliance with the rules. Drycleaners who are not in compliance with the rule will be subject to the issuance of a notice of violation returnable to the Environmental Control Board and other enforcement measures until compliance is achieved.

II. NYCDEP Air Code Requirements (See NYCAC Title 24, Chapter 1)

A. General Air Permit Requirements

All perc dry cleaning facilities, both new and existing, require a NYCDEP air permit (i.e. work permit and certificate of operation).

To obtain an application for an air permit call 718-595-3855. All air permit applications and/or amendments require a professional engineer or registered architect (licensed to practice in NYS) 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 NYCDEP's Bureau of Air, Noise & Hazardous Materials in effect at the time filed, (b) that the technical information on the equipment (contained in the application) is accurate, (c) that he or she inspected the equipment, (d) and that the equipment satisfies all the provisions of NYCAC, Title 24, Chapter 1.

B. Air Permitting Categories

1. Modifications or Alterations undertaken to comply with New York State Rule 6 NYCRR 232.5 (Vapor barriers etc.)

NYCDEP requires that owners and/or operators of perc dry cleaning facilities send NYCDEP a copy of the same notice that NYSDEC requires for room enclosures, vapor barriers, and general exhaust ventilation systems pursuant to requirements under 6 NYCRR 232.5. The copy of the notice shall be sent to NYCDEP at 59-17 Junction Blvd, 9th floor, Corona, NY 11368 attn. Air Permitting by certified mail at the same time the notice is sent to NYSDEC.

2. New Installations, Modifications or Alterations to Existing Facilities Other Than Those Required by 6 NYCRR 232.5

NYCDEP requires that owners and/or operators of new installations and of existing perc dry cleaning facilities undertaking modifications or alterations in order to comply with applicable State or City requirements, such as 6 NYCRR 232.6's equipment standards and specifications to submit (1) an air permit (i.e. work permit & certificate of operation) application on a form supplied by NYCDEP or (2) an amendment on a form supplied by NYCDEP, and obtain NYCDEP approval prior to the proposed installation, modification or alteration.

Typical actions that will require an approved DEP work permit & certificate of operation include:

- I) replacing an existing dry cleaning machine with a new dry cleaning machine (e.g. replace 2nd with 4th generation)

Typical actions that will require an approved DEP amendment include:

- I) installing a secondary control system (as described in Part 232.6(a)(6))
- ii) installing a door fan/local exhaust ventilation system (as

described in Part 232.6(a)(3)

III. NYCDEP "Right-To-Know" Requirements (See NYCAC Title 24, Chapter 7 & RCNY Title 15, Chapter 41)

Dry cleaners must comply with NYC's "Community Right-to-Know" Law which has requirements including chemical reporting and labeling. The reporting requirements mandate that if you store or handle any chemical on DEP's list of "Hazardous Substances" at or above its "threshold reporting quantity" you must annually file a "Facility Inventory Form" (FIF) with DEP.

Perc is listed on the "hazardous substance" list under both "tetrachloroethylene" and "perchloroethylene" so dry cleaners who use perc must:

- (1) annually (by March 1st) file a "Facility Inventory Form" (FIF) with DEP if any perc was present at your facility in the previous calendar year.
- (2) attach a "Material Safety Data Sheet" for your perc to the FIF
- (3) file an updated FIF if the amount of perc you reported increases by 25% or more (see instruction guidebook)
- (4) have copies of (1), (2) and (3) above available to emergency response workers addressing emergencies at your facility
- (5) label, tag or mark each container of perc as "tetrachloroethylene" or "perchloroethylene" and with its' "Chemical Abstracts Service" # which is 127184. The labels, tags or marks must be legible, in English and prominently displayed

NOTE: *DEP has published an instructional guidebook for complying with these (and federal right-to-know) regulations and it can be obtained by calling 718-595-4659.*

IV. Emergency Response (Spill) Requirements (see NYCAC Title 24, Chapter 6 & RCNY Title 15, Chapter 11)

If you know of a release or spill of 1 pound or more of perc you are required (under the "Spill Bill") to immediately telephone DEP at 718-337-4357 and provide various information about the release. You must also send written notification* to DEP about the release, by certified mail, within one week of the release to:

NYC Dept. of Environmental Protection
59-17 Junction Blvd.
Corona, NY 11368-5107
Attn: Hazardous Substances Emergency Response Officer

* -- The requirements for written notification are contained in RCNY Title 15, Chapter 11, section 11-03.

NOTE: *Please be informed that RCNY Title 15, Chap.11/sec. 11-03 states that "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.

V. Discharges of Wastewater and Other Materials to Public Sewers

(see NYCAC Title 24, Chapter 5, and RCNY Title 15, Chapter 19)

NYCDEP's rule RCNY Title 15, Chap.19/sec. 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, solvents etc.).

DEP ("Bureau of Wastewater Pollution Control") has adopted a new regulation covering perc-related discharges to public sewers. This new rule closely mirrors State Part 232 sections relating to wastewater discharges and contains the current wastewater rule (see paragraph above).

This new regulation contains requirements (very similar to Part 232) for effluent standards, the operation and maintenance of wastewater treatment units, record keeping, etc. For example (as under 232.9), the DEP rule requires perc-contaminated wastewater to be treated by a water separator and double carbon filtration (or equivalent control approved by NYSDEC) which has been designed to assure an effluent that is ≤ 20 ppb perc (without evaporation).

DEP also has adopted some new requirements in the rule, such as for spill control. The new rule is available by calling DEP at 718-595-4359. We recommend that all dry cleaners obtain it ("RCNY, Title 15, Chapter 19, sections 19-01 & 19-12").

For questions about DEP's wastewater regulations, call 718-595-4730.

VI. DEP & New York City Dept. of Health Facility Investigations

NYCDEP will continue to play a role in New York City Dept. of Health's (NYCDOH) investigations of perc exposures in residential units near dry cleaners. As you may know, based on laws protecting public health, NYCDOH can require dry cleaners to make repairs, undertake remedial actions and cease operations. DEP's role in these investigations can include recommending operating changes, approving remedial plans, and conducting follow up inspections.

For more information about NYCDOH dry cleaning facility investigations call NYCDOH at 212-442-3372.

Prepared by NYCDEP October 1999. For further assistance on compliance, pollution prevention (e.g. "wet cleaning"), and financing call DEP's Environmental Economic Development Assistance Unit (EEDA) at 718-595-4541 or 718-595-4454. You can also call or visit DEP's One Stop Information Office at 96-05 Horace Harding Expressway, Queens NY (tel. 718-595-4820).