

**Department of Environmental Protection
Promulgation of Amendments to
Chapter 12 of Title 15 of the Rules of the City of New York
Requiring Posting of Notices at Dry Cleaning Facilities**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Environmental Protection by sections 1043 and 1403(c) of the Charter of the City of New York, and section 24-105 of the Administrative Code of the City of New York, that the Department of Environmental Protection promulgates a rule requiring posting of notices at dry cleaning facilities (15 RCNY 12-01 *et seq.*). This rule was proposed and published on October 26, 2012 in the City Record. The required hearing was held on November 28, 2012.

Rule Amendment

Pursuant to authority vested in the Commissioner of Environmental Protection by Section 1043 and 1403(c) of the Charter of the City of New York, and Section 24-105 of the Administrative Code of the City of New York, and in accordance with the requirements of Section 1043 of the Charter of City of New York, the Department of Environmental Protection adopts a rule requiring posting of notices at dry cleaning facilities.

Statement of Basis and Purpose

Section 1403(c) of the New York City Charter and Section 24-105 of the Administrative Code authorize the Commissioner to regulate and control the emission of harmful air pollutants into the open air.

Dry cleaners use chemicals, including those that may be hazardous. Existing Department of Environmental Protection (DEP) rules set forth the primary permits and other compliance requirements for existing and new dry cleaners. DEP currently requires dry cleaners to post a notice that informs the public of the use of the chemical perchloroethylene (perc) in the dry cleaning process.

The rule requires an additional notice for perc that would inform the public how to access Material Safety Data Sheets from DEP's website. These Material Safety Data Sheets provide more detailed information about the chemicals used in dry cleaning. In addition, the rule requires that the notice include the dry cleaner's DEP permit number.

The rule also requires dry cleaners that use chemicals other than perc to post a notice that would identify the primary non-perc chemical used. Recently, dry cleaners have been promoting the use of non-perc solvents as environmentally green solvents, but customers typically are not informed about what chemical the dry cleaner uses. The notice must also contain the information about the Material Safety Data Sheets and the dry cleaner's DEP permit number.

After receiving public comments, the requirement to post that the public can call 311 to report chemical odors or leaks was removed. A Department of Consumer Affairs Posting Notice at dry cleaners provides the 311 number, as well as a State Department of Environmental Conservation odor complaint phone number.

The new notices, which must be posted where they can be easily seen, will keep the public informed of perc and the primary non-perc chemical used in the dry cleaning process. A dry cleaner that uses both perc and non-perc chemicals would have to post separate notices informing the public about the use of perc and the primary non-perc chemical.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 12-01 of Chapter 12 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-01 Applicability.

This Rule applies to all new and existing [perchloroethylene (perc)] dry cleaning facilities in the City of New York.

§2. Paragraph 20 of subdivision b of section 12-02 of Chapter 12 of Title 15 of the Rules of the City of New York is amended to read as follows:

(20) *Dry cleaning.* The process used to remove soil, greases, paints and other unwanted substances from articles with the use of perc or non perc.

§3. Subdivision b of section 12-02 of Chapter 12 of Title 15 of the Rules of the City of New York is amended by adding new paragraphs 44-a, 47-a, and 57(a) to read as follows:

(44-a) *Material safety data sheet.* The material safety data sheet as defined in section 24-702 of the Administrative Code of the City of New York.

...

(47-a) *Non perc.* Any chemical substance used in the dry cleaning process other than perc.

...

(54-a) *Primary chemical.* The chemical that is used in the greatest concentration in the dry cleaning process.

§4. Section 12-18 of Chapter 12 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-18 Posting Notice.

(a) The facility owner must post the notice required by §232.18 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York in a conspicuous location in the dry cleaning facility to inform building tenants and/or customers of the substances (perc) used in the dry cleaning system and potential health effects associated with exposure to them.

(b) In addition to the notice required by subdivision (a), the owner of a dry cleaning facility that uses perc in the cleaning process must post in a conspicuous location in the facility a notice, on a form to be provided by the Department and with dimensions of 8 ½ x 11 inches, that contains the following statements:

(i) “Information about the hazardous chemical substance (perc) used at this dry cleaning facility can be found on the Material Safety Data Sheet, which may be read at www.nyc.gov/dep/drycleanermsds.”

(ii) “This facility is inspected and permitted by the Department of Environmental Protection. The Department of Environmental Protection permit number is _____ . The RTK ID # is _____.”

(c) The owner of a dry cleaning facility that uses non-perc in the cleaning process must post in a conspicuous location in the facility a notice, on a form to be provided by the Department and with dimensions of 8 ½ x 11 inches, that contains the following statements:

(i) “The primary non-perc chemical substance used at this dry cleaning facility is _____.”

(ii) “Detailed information about the primary non-perc chemical substance can be found on the Material Safety Data Sheet, which may be read at www.nyc.gov/dep/drycleanermsds.”

(iii) “This facility is inspected and permitted by the Department of Environmental Protection. The Department of Environmental Protection permit number is _____ . The RTK ID # where applicable is _____.”

(d) The owner of a dry cleaning facility that uses both perc and non-perc in the cleaning process must post the notice required by subdivision (c) of this section, in addition to the notices required by subdivisions (a) and (b) of this section.

§5. This rule shall take effect twelve months after its final publication in the city record.