

MEETING MINUTES
November 2, 2023

DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM
STAKEHOLDER WORK GROUP MEETING

10:00am – 11:30am Main Work Group Meeting

- I. Welcome and Opening Remarks – Delonda Alexander welcomed everyone.
- II. Personnel – there are no personnel changes to discuss at this time – feel like we are well staffed
- III. NCALC updates/meeting recap – update from Rita Foley with NCALC on last meeting – discussed fund statistics and containment pan issues. Thankful for Rachel Clarke and John Stauber attending meeting. Next meeting is in February in Durham – more info to come.
- IV. Rules & Legislation – Delonda Alexander discussed upcoming rules review. The Rules Review Commission does a periodic review of rules – the next round starts in 2024. All rules have to be readopted and go through the adoption process which involves review and public comment through the EMC. This only applies to the rules – for us the 2S rules – not the statute. DSCA has been notified that our 2S rules are some of the first ones up for review. The process will start in Feb 2024 – most of that is just paperwork – filling out their spreadsheets and saying that our rules are necessary and we don't want them deleted. Around February of 2025, the 2S rules will start the rulemaking process and we have to have any changes to the rules done by that time and draft a regulatory impact analysis.

DSCA will work with NCALC about getting together and meeting regarding any changes we might want to consider to the MMPs and will start that process after the first of the year after the holidays. The other 2S rules that apply to the remediation side will also be discussed as far as changes. There are some sections that might get removed completely that don't really apply. Delonda stated that she wrote the initial 2S rules regarding remediation and threw the kitchen sink at them at that time and now we have a clearer picture of how we are actually conducting work that make some of those rules not accurate or applicable. All rule changes will be worked on with the stakeholders and NCALC when the time comes and have complete participation by all.

As many are aware, EPA has proposed a ban on TCE. The rule is out for public comment until 12/15/23. If the rule is adopted, TCE for all uses would be phased out in one year. This is a good thing to discuss in our readoption and revision of the MMPs – we may want to get out ahead of this and put it in the MMPs or we could just wait until EPA phases it out and then it could not be used anyway – but there may be a place to clarify in our rules.

Chris Edwards made suggestions for revising MMPs. One under 02S.0202 (b)(1) – state that anyone using WWTUs have owners manual; (b)(2) regarding waste

containment, consider lowering percentage of capacity to maybe 100% - containment pans that are in question would possibly be allowable and they are designed with a small lip that makes removal by Safety Kleen easy with a hand truck. Delonda Alexander stated that DSCA will look into it and see what is required by the Hazardous Waste Section and rules.

V. Fund & Site Statistics

The up-to-date statistics that were sent out and presented on screen. The fund balance is still healthy at about \$14.4 million and we have approx. \$13.4 million encumbered in contracts. A quick update on contracts – we have 3 contractors – one of the contracts is maxed out as far as money we can encumber – one of the others has about \$1 million left to be encumbered and the last one has about \$2.5 left to be encumbered. The contractors all have enough money either already encumbered or this additional amount to keep them working for 2-3 yrs. However, just to note – that when all the money has been encumbered in these contracts, DSCA cannot move money anywhere, so the fund balance may build. The contracting process is ever changing and we haven't done any new contracts in many years. The process now takes up to a year to get done with all the required reviews by the Attorney General's office and Dept of Administration, etc. DSCA will likely start the process to issue new contracts early next year. Once those are in place, we can start encumbering money in those new contracts.

Next quarter is when we will get a new calculation of the sales tax revenue that will then be used for the next year. The number has been holding stable about \$2million per quarter.

Since June 2023 stats – we have had 6 new sites petition in the remediation program – no closures since June.

From the June 2023 stats – we only dropped 2 active facilities – from 316 to 314. Remember these could be closed or moved to a non-regulated solvent. We have had 6 facilities drop from our 'subject to inspection' total – from 358 to 352 – four of those were inactive facilities that were finally moved to closed and the other 2 were facilities that changed to a non-regulated solvent.

VI. Remediation Unit Updates/Issues – Turned discussion over to Billy Meyer, head of the remediation unit. Billy discussed that DSCA is developing program guidance documents on a variety of topics. There is about \$8 million available each year for assessment/remediation and DSCA watches expenditures closely.

DSCA continues to be the leader in TCE assessment and mitigation, etc. Billy, Eric Rice and Ariana Rivera went to the AWMA VI conference in October to stay on top of vapor intrusion issues. There was talk there about attenuation factors and a new study to revise them – they guide assessment, remediation and closure decisions. DSCA did their own attenuation factor study back about 10 years ago and has a large amount of current data so offered to help this new study by providing data. A change in the attenuation factor could influence which sites close in the future.

Thanks to the feedback from Chris Edwards and others regarding the water supply well survey form that is sent out on DSCA sites, a change was made so that now a letter goes to cleaner/petitioner/property owner ahead of time so that they have advanced notification and can answer questions when they get them.

- VII. Compliance Unit Updates/Issues – Delonda Alexander gave an update on compliance issues. Recognized the inspectors – Rachel Clarke, NeShonda Cobbs and John Stauber – they have been working really hard over the past 1-2 years to get DSCA inspection numbers up and compliance rate up and have done a fabulous job. DSCA compiles year end statistics for the FY year at the end of June each year for the annual report to the legislature. From 2022 to 2023, the number of inspections almost doubled from 122 to 207 and the compliance rate is 96%.

Delonda Alexander explained that the compliance rate that was being reported to the legislature prior to June 2021 was based on not only NOV's issued but if a checklist was left with a cleaner, that was being considered out of compliance. The compliance rates being reported were 30-60% each year. After speaking with other inspection programs in the Division, DSCA decided to be consistent with other programs, that leaving a checklist should not be considered out of compliance. Only when an NOV is issued is that true noncompliance. DSCA stopped counting the checklists as noncompliance and the compliance rate has jumped to 95% or higher.

Also, to let everyone know, the inspectors also help out with needed inspections pertaining to sites in the remediation program. When a new site petitions into the remediation program, if it is an active facility, an inspection is conducted to make sure that they are in compliance before admitting them into the remediation program and the inspectors prioritize these inspections to keep them moving through the petition process. When there are issues with vapor intrusion in spaces adjacent to active cleaners, the inspectors work with the remediation group to identify potential sources of indoor air contamination – often visiting the cleaners and talking to them about the use of TCE spotting agents or helping to identify any other sources.

- VIII. Case Studies – There are 2 case studies today – one from AECOM and one from ATC.

Jeff Hvozdk with AECOM presented on Four Seasons Cleaners DC600086 in Charlotte

Robert Broda with ATC presented on \$2.50 Cleaners DC410030 in High Point

(presentations available on website at <https://www.deq.nc.gov/about/divisions/waste-management/superfund-section/dry-cleaning-solvent-cleanup-act-program/dsca-stakeholder-work-group-information>)

- IX. Other Issues – No other issues were brought up

- X. Next Work Group Meeting – Thursday, May 2nd, 2024 at 10am