

MEETING MINUTES
November 14 , 2024

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

10:30am – 12:00 pm Main Work Group Meeting

I. Welcome and Opening Remarks

Delonda Alexander (Delonda) thanked everyone for attending. Our thoughts are with everyone affected by the hurricane in western NC – hope everyone's families are safe and any businesses in that part of the state are okay.

II. NCALC updates/meeting recap

Asked for any updates or anything NCALC can share – maybe update on western NC.

Inspector NeShonda Cobbs contacted 17 facilities in the impacted areas to check in on how they were doing – 4 were without phones still, 1 was severely damaged and closed and the rest were business as usual.

III. Rules & Legislation

02S rules are up for readoption as everyone knows. This morning, they came before the EMC as part of the process following the public comment period that recently closed. That public comment period was only for the public to comment on our determination of rules being necessary or unnecessary. As you might remember, there were 2 rules that we deemed unnecessary since they weren't used in all the years, we have had the rules. We received one comment that objected to us deeming those rules unnecessary. The process is that those rules are now changed back to necessary and that is what Delonda went before the EMC for today to present the results of the public comment period. Now we move forward with making any changes to the rules and there will be another public comment period sometime later in 2025 for comment on any actual wording/changes in the rules. At that time, if we choose, we can try to 'repeal' the two rules that we had deemed unnecessary.

NCALC reviewed the rules and submitted recommendations. We are in agreement to change the containment tray capacity from 110% to 100%. We are also going to examine adding a MMP to ban TCE spotting agents. Our legal counsel is evaluating if we can do this in rule without a statute change.

Internally, we will discuss any other rule changes and if any are made, will send to NCALC for review/comment.

IV. Fund & Site Statistics

This is new fiscal year, so stats in left side reset since this is the first quarter of the new fiscal year. Revenue is holding steady at about \$2.4 million/quarter. Disbursements are about equal to revenue which is what we aim for. Fund balance about \$14 million, encumbered about \$19 million. So we have total of about \$33 million available for remediation. The reason encumbered is higher – we had a big balance of money piling up for a while because the existing contracts were maxed out and we could not encumber more money until new contracts were awarded. Now that the new contracts are awarded, we can encumber money in those contracts. The bulk of the \$14 million balance will be encumbered into contracts soon.

A few new sites have come in – they are still trickling in. We closed one site this past quarter. The number of active/inactive facilities subject to inspection continues to decline slowly – down another 4 sites this quarter.

V. PFAS updates/Issues

On October 15th, the EMC established Interim Maximum Allowable Concentrations (IMACs) for groundwater for 8 PFAS substances. These are enforceable standards. Within 12 months, the director of Water Resources will make recommendation if these IMACs should be replaced with a new groundwater standard or should expire.

We have not been specifically asked to address PFAS in DSCA, but we believe some sort of evaluation is coming soon. We have put together a draft document that outlines a strategy to begin addressing PFAS in DSCA so that we have some control over it before someone else decides. We are currently reviewing internally and working with legal counsel. Once we feel like we have a final draft, we will share that with NCALC for review/comment.

Only the small Florida study has been done regarding PFAS and dry cleaners, so there is limited data/information. Our proposed process includes a pilot study of 10-15 DSCA sites where we will collect a minimum of 2 samples for PFAS - upgradient in highest are of plume. Will compare to background and evaluate data to see if dry-cleaning site could be contributing to PFAS concentrations. The approach will be receptor driven – if water supply wells are impacted in the area with PFAS – it will be referred to the Bernhard Allen program that provides alternate water supplies for PFAS impacted wells.

Our goal is to address PFAS if possible while conducting other DSCA activities with minimal additional expenditures and to keep moving sites toward closure. We will not be spending large amounts of money to define PFAS plumes. We will still close sites based on risk, which may include PFAS constituents. If sites with PFAS cannot be closed under risk assessment, some sites may be in a monitoring phase. Billy Meyer can expand on this further in the next topic if he wants.

VI. Remediation Unit Updates/Issues

Will turn over to Billy to discuss any remediation issues/updates.

VII. Compliance Unit Updates/Issues

We are continuing our migration to a new cloud-based database and are close to Beta testing. Inspectors will use Ipads in the field and we are striving for more efficiency and easy of completing inspection documents and follow up letters.

We are working on a potential penalty case now with legal counsel. Repeat violator who we have given many chances to come into compliance. Violations include recordkeeping, WWTU not properly maintained, waste discharged onto ground, spill containment, and others.

We have suspended inspections in the western part of the state until the new year, but if there are decommissionings or other issues, then we will travel and assist, so should still be notified.

VIII. Other Issues

Creating a property management/post closure unit that will handle DSCA and PRLF sites mainly. Currently have 2 positions that will fulfill this role. We have lots of requests for redevelopment guidance on active sites in both programs. Project managers do not have the time or established guidelines to handle these projects. Brownfields has a unit for this purpose, and we will be piggy backing on their guidance, documents, processes – 2 new positions will be setting up the unit from the ground up.

This brings up another issue with funding. We need to examine raising the 20% administrative cap to possibly 30%. The 20% cap was put in the statute some 28 years ago. Every time we have filled a position over those years, salaries increase. And all staff receive legislative salary increases and there are promotions, increases in insurance, longevity pay, etc. The cost of all other things that fall in the administrative category – computers, training, equipment, vehicles, etc. have increased also over those years.

I currently have 3 vacancies actually – not ever an increase in the number of people we have ever had. We actually are going to eliminate one of the positions because it is not really needed, and we can't fund it anyway. The 2 positions that will be the property management unit will be funded by DSCA (2 position) and the other will be split funded with PRLF. And we still can't find all the money we need in the budget. So we need a cap increase to continue to fund positions. The time for legislative requests for this current round is closed, so should be considered for the next time – not sure when that is. Will get with NCALC and discuss.

IX. Next Work Group Meeting

6 months puts us at Thursday, May 1st at 10am via TEAMS

Attendance as per TEAMS report:

1. Summary

Meeting title	DSCA Stakeholder Meeting
Attended participants	40
Start time	11/14/24, 10:24:55 AM
End time	11/15/24, 12:01:14 AM
Meeting duration	13h 36m 19s

2. Participants

Alexander, Delonda
Kwiatkowski, David
Stauber, John
Larry George (External)
Rivera, Ariana D
Brian Harrell
Rybak, John
Dollander, Peter
Gabe Araos (External)
King, Jay W
Chuck Hoffman (External)
MacWilliams, Robert (External)
Ashley Offer (External)
Mike Ranck (External)
Pendola, Tony
Christie Zawtockki (External)
Rice, Eric
Renee L Pewitt
Shore, Nick (External)
de Kozlowski, Mike (External)
Cobbs, NeShonda C
Cunningham, Mike
Lauderdale, Davenella S.
Stupak, Scott
Hardison, Nancy D
Chris Edwards
Hvozdiik, Jeff (External)
Brookshire, Robert (External)
April Neumann (Unverified)
Wagner, Cyndy
Clarke, Rachel
lou zeller (Unverified)

Genna Olson (External)
Paul Goodson NCALC (Unverified)
Friedman, Michelle (External)
Treadway, David
17048376344 (Unverified)
Landry, Catherine
Meyer, Billy
April Neumann (Unverified)