

AGENDA
November 10, 2022

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

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

I. Welcome and Opening Remarks

Thanks everyone for joining us today. We will forgo introductions since it is difficult to do virtually. We will jump right into the agenda.

II. Personnel

Eric Swope no longer an employee at DEQ. His position has not been filled and we are evaluating if we need to add another inspector or not.

On the remediation side – we have a new project manager – Eric Rice who comes from within DEQ. We are happy to have Eric join us and look forward to him diving in and working on sites and with the contractors.

We just finished interviews for a hydrogeologist position in the remediation unit and hope to fill that soon. It has been reposted 3 times. The entire agency is having difficulty hiring.

III. Rules & Legislation

Nothing pending. In discussions with management, they feel it best to not put forward getting rid of the sunset date at this time since the program just got reauthorized. Chris Edwards added that we can address it next time the sunset date approaches – just propose not having a sunset date.

IV. Fund & Site Statistics

Sorry that I couldn't get the stats to you before yesterday – there was a delay in the budget getting approved and therefore our fiscal officers had a delay in getting our statistics updated. So, if you have time to digest the numbers and have questions later, please follow up with me. I won't go through them line by line but will point out a few things. In the receipts for this past quarter, everything remained stable. I have mentioned this before – the sales tax revenue is calculated once a year and then we get that same amount for 4 quarters. The new calculated amount will show itself next quarter, so we will see if it continues to decline.

In disbursements, payments to contractors were down compared to previous quarters, but that is partly because we had a large contractor payout last quarter due to

remediation projects, therefore, we tend to balance that out the next quarter. We are looking at more spending on remediation projects.

You will see that the fund balance is in good shape. I have more encumbrances in the works to tie up more of that money.

In the stats, we are seeing a few new sites trickle in and have closed a few more sites since June. On the compliance side, there are approximately 10 fewer active (regulated solvent) facilities since June. Chris Edwards asked about the types of solvents that pay taxes and brought up the issue with a new solvent that we all learned about recently. We are investigating that solvent and will update the document/table that we have (shown on screen) that indicates the solvents that pay taxes and the nonregulated solvents.

V. Remediation Unit Updates/Issues

Before I turn things over to Billy – I wanted to give a quick update/status about one of our sites that I still manage. It is DC100001, Towngate Cleaners in Southport. I have worked on this site for about 20 years. It was one of the first sites in our program – coming in before we had contractors. It is one of or could be the largest site in terms of properties impacted and size of the plume. It covers a large portion of downtown Southport. With the sandy nature of soils there, the plume spreads easily and especially with tidal fluctuations and hurricanes/storms over the years that have flooded downtown. After many years of assessment, water well sampling, risk assessment, etc. we were finally at a place to close the site. There are 244 properties that require 2C groundwater notices on the deeds. We had held a public information session on this site years ago and about 2 people showed up. We have had lots of communication with all of the affected properties throughout the years regarding water wells, sampling, etc. So, we prepared the Risk Management Plan and went to public comment in May/June 2022. We had a few requests for an additional public information session, so held one in Southport in August. People are a lot more in tune with groundwater issues now than they were years ago – people in Southport have had to deal with the Chemours/PFAS issues – so we had quite a better turnout for this information session – I would say maybe 80 people or so. Many issues were brought up – common things that property owners are concerned about – how this affects their property values and some specific to this site. A lot of people have existing irrigation wells or want to put an irrigation well in – so there was lots of discussion about how the 2C notices affect those situations. If there is an existing well, we cannot force someone to abandon it – but we offer to. If they keep the well, they are still subject to 2C rules that say it must be maintained properly to prevent cross contamination. The interesting issue comes in with new irrigation wells – they are not permitted, and no one is really regulating the installation of them. As we told them, you would be in violation of a state law (2C) if you install a well in contaminated groundwater or create a conduit that allows contamination to reach a clean groundwater zone. The analogy I gave them is – it is like speeding – you can do it and you may or may not get caught. If you put in a well and someone files a complaint, the DEQ regional office can come out and issue a violation. Approximately 6 property owners did file appeals regarding

our placing a 2C notice on the property. After reviewing the appeals and looking at the data, we decided to rescind the RMP and not move forward with closing the site at this time. The issue is that we have to make interpretive decisions regarding the location of the edges of the plume. It is not cost efficient or feasible to collect groundwater data on every property that will receive a 2C notice. But there were a few gaps in the data on the edge of the plume that we felt could be filled in to further our justification for 2C notices on those properties. And that is where we are now.

Billy Meyer added that we still deal with TCE action levels and work with the DEQ toxicologist on risk communication. We are still moving forward with remediation projects including excavation and injection. We appreciate NCALC helping to discourage use of TCE spotting agents.

VI. Compliance Unit Updates/Issues

Will be sending out perc calendars and the new petroleum self-inspection checklist. We will send it out again this year to emphasize and clear up that they are due in January each year and does not mean that you are not subject to inspection at any time.

NeShonda Cobbs mentioned a recent decommissioning where the mechanic performing the work had no experience with dry cleaners or solvents. We need to emphasize that mechanics familiar with dry cleaning machines and solvents are hired to do decommissioning. We will work with NCALC to potentially do an article highlighting this issue.

John Stauber asked if it is an issue that inactive machines can corrode around the tanks and leak. Chris Edwards said that this has not really been an issue and it could take 20-30 years before it would really corrode. The main issue is that there is still secondary containment.

Tony Pendola mentioned that the new NESHAP rule will be coming out soon - 3rd gen machines will no longer be allowed.

DSCA is working on reworking the compliance database to support a GIS based system where the inspectors will have iPads and capability in the field to generate documents. This will greatly improve efficiency.

VII. Other Issues

Lou Zeller asked what the sunset dates are – the funding mechanisms are set to sunset in 2030 and the program in 2032. Tony Pendola asked about money recently available, and Lou confirmed that Blue Ridge Environmental Defense League did receive an EPA grant. Tony Pendola said to let us know if we can be of any assistance and Chris Edwards added that there may be ways to assist dry cleaners that cannot afford certain tasks that could protect the environment.

Lou Zeller asked about the Extreme superior solvent mentioned earlier. DSCA is trying to find out more information. John Stauber has gotten the MSDS and it is a petroleum naphtha. The company is a recycler, and we are not sure if they are distilling and reselling a product. There could be an issue if they are crossing state lines with a solvent and not paying tax. They would be excluded from the cleanup program if they are not paying the tax.

VIII. Next Work Group Meeting

The next meeting will be scheduled to be in person and virtual hybrid on Thursday, May 25, 2023.