

Minutes
April 29, 2021

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

I. Welcome and Opening Remarks –

Delonda Alexander opened the virtual meeting. Attendees did not introduce themselves since we are on a virtual platform. Based upon the TEAMS participant list, the following were in attendance.

Delonda Alexander	NC DEQ
Billy Meyer	NC DEQ
Scott Stupak	NC DEQ
Mike Cunningham	NC DEQ
Jay King	NC DEQ
Al Chapman	NC DEQ
Sue Murphy	NC DEQ
David Kwiatkowski	NC DEQ
NeShonda Cobbs	NC DEQ
Rachel Clarke	NC DEQ
John Stauber	NC DEQ
Nancy Hardison	NC DEQ
Tony Pendola	NC DEQ
Chris Edwards	NCALC
Rita Foley	NCALC
Paul Goodson	NCALC
Laura Puryear	McGuireWoods
Ashley Winkleman	ATC Associates
Meghan Greiner	ATC Associates
Kevin Sommers	ATC Associates
Brian Harrell	ACW Management
Bryan Wence	S&ME
Sam Watts	S&ME
Carlin Slusher	Hart & Hickman
Christie Zawtocky	Hart & Hickman
Genna Olson	Hart & Hickman
Carol Van Buren	Van Buren Law
Daphne Jones	Draper Aden Associates
Michelle Friedman	AECOM
Jeff Hvozdk	AECOM
Mike Ranck	AECOM
Rob MacWilliams	AECOM
RB - guest	

II. Impacts of COVID19 on Dry-Cleaners and DSCA

COVID has had a big impact on the dry-cleaning industry. Chris, Rita and any other dry cleaners shared their experiences, thoughts, projections, etc. with the group. Shared a graph of national dry-cleaning sales figures. Sales are coming back up slowly. Ahead of 2020 sales, but still behind 2019 pre-COVID sales.

Our contractors were also affected by shifting workloads due to COVID and asked them to share any of their experiences, thoughts, etc. Some weighed in saying that some staff hours were cut back, but things are returning to normal, and some sectors of the business were not affected much.

Both the remediation unit and compliance unit had to adjust to operating during COVID. DSCA staff been essentially working from home since March 2020. Assessment and remediation work was slowed down until budget numbers were available. Inspectors did not do many inspections to keep them safe and out of the field, but that is returning.

III. Personnel

Billy Meyer had just taken over as remediation unit supervisor 9/30/19 right before our last meeting in October 2019. Shortly after that, David Kwiatkowski was hired to fill Billy's old position. David has been with us for a while, but not since we last met, so it is kind of a new hire, but not really. David was with the PRLF program previously and before that, worked with Withers & Ravenel on dry-cleaner sites, so very familiar with our program and we are fortunate to have him.

Ellen Lorscheider is retiring the end of this month. There is a new DEQ secretary, Dionne Delli-Gatti. Sheila Hollman, deputy secretary, retired – no news on a replacement.

Since we last met, in June 2020 we had a slight reorganization of the compliance unit. Aram Kim left DSCA in May 2020. In June 2020, the unit was realigned with Eric Swope becoming an Environmental Program Consultant – kind of a senior inspector and the unit is directly supervised by myself. Eric has been out on leave since November 2020, so I really want to commend the inspectors for stepping up to cover more territory and more work and to be there to help me with the transition. Appreciate the help of Chris Edwards and others in the dry-cleaning industry that have been there to answer questions and assist us.

IV. Rules & Legislation

Currently, there is not any DSCA related legislation pending. We did have the item still out there to increase the investigation costs from 1% to 3% and to amend the penalty cap to \$32,500 for violations involving hazardous waste to be consistent with

their regs. As of 3/25/21, Ellen said that it had not been picked up by anyone in the legislature and was not included in the regulatory mega bill.

Tony Pendola, for those that may not know him, is the small business ombudsman at DEQ in the Division of Environmental Assistance and Customer Service and has been involved with the dry-cleaning industry for many years. Tony wanted to share some regulation information with us on NESHAP. Tony shared that EPA is doing a technology review of the NESHAP standard for dry-cleaning. EPA understands that regs need to be revised/rewritten to keep up with current practices.

V. Fund & Site Statistics

Solvent tax revenue – preCOVID – avg about \$35k, post COVID - Sept. 2020 \$20k, Dec 2020 \$15k, March 2021 \$11k

Sales and Use tax – did not change a lot – which is good – preCOVID - \$2.26 mil, post COVID \$2.1 mil which mimics the total revenue since the solvent tax revenue is a small contributor; Total revenue – preCOVID \$2.3 mil, post COVID \$2.1 mil

Contract payments – preCOVID \$1.5 mil per quarter; post COVID Sept 2020 \$670k, Dec 2020 and March 2021 \$1mil – so we are ramping back up now that we can project revenue

Fund balance \$13 mil with \$9 mil of that encumbered in contracts; for comparison, fund balance first of April 2020 was \$10.2 mil so we are holding steady

Since the December stats, first of the year – 10 new sites have been identified, 7 of those certified; by comparison, from April 1st 2020 to January 1st 2021, there were 0 new sites identified

Since first of the year – 7 more sites pending closure and 2 sites closed (Dryclean Express in Sanford, Presto Cleaners in Greensboro) – Jay King is now the closure coordinator providing consistency and efficiency in the closure process

Number of operational facilities since the first of the year has dropped from 403 to 396 and we know of more that are closing where we are inspecting and observing decommissioning

VI. Remediation Unit Updates/Issues

When we first went home in March 2020, we immediately realized that there could be a big impact on the fund, so we took immediate measures to slow down work on lower priority sites and start looking at ways to conserve funds in the short term until we could see how revenue was impacted. Billy established a spending schedule and prioritization system with the contractors and project managers that was instrumental in helping us navigate spending while addressing sites that needed to be addressed. We are currently getting back up to full speed and have seen new sites coming into the program.

TCE continues to be a major issue for vapor intrusion at DSCA sites – we have deployed indoor air units at a few sites since our last meeting – Billy gave a brief overview of a couple of sites. DEQ has recently hired a new toxicologist to replace Sandy Mort – her name is Frannie Nielson, and we have already worked with her on a couple of issues, and it has been very good and positive. During the last SCRCD meeting a couple of weeks ago – Wisconsin told us that they sent out 2600 letters to properties/consultants to reiterate the risk posed by TCE vapor intrusion.

VII. Compliance Unit Updates/Issues

The compliance program has been affected by COVID since we did not want inspectors out in the field for a long period of time. We used the time at home/office to work on SOPs, guidance, forms, database, etc. We implemented an outreach protocol to call cleaners to find out how they were doing, if they were open, etc. Our goal is to touch base either in person or over the phone with every operating dry-cleaner at least once a year. We have seen an uptick in closures as I think we all expected, so we have been doing a lot of decommissioning inspections/calls. It is important to remind cleaners whenever possible that DSCA should still be notified in advance when a facility will be decommissioned. I know we put an article in the NCALC newsletter a while ago and may need to try to revisit that and see if we can put another reminder in an upcoming issue.

Whenever possible and depending on the COVID situation, inspectors have been trying to go to decommissioning inspections in person. We have updated one document and added another regarding decommissioning on the website. We revised the Best Management Practices for Decommissioning Dry-Cleaning Facilities and since our inspectors may not be at every decommissioning, we created a document called Recommended Photographs and Required Documents for Decommissioning Dry-Cleaning Facilities that includes a list of these items for property owners, facility owners/operators and mechanics or others on site to keep in mind while they are performing the activities.

Discussed with dry cleaners present on the call the availability of wastewater treatment units (WWTUs). Inspectors are finding that dry cleaners are having a hard time getting parts, manuals and replacing WWTUs because several of the more common ones are no longer available. Zero Waste is out of business and hard to find Galaxy parts, manuals, etc. Chris Edwards will assist with putting together a list of WWTUs. Kleen Rite hydromist is a good option still available.

Wanted to mention to make sure that dry cleaners are aware that the hazardous waste section is sending out letters to SQG letting them know that starting in 2021, a SQG is required to re-notify electronically using EPA's RCRA info database by Sept. 2021. Our list of dry-cleaners looks like only 5 cleaners are SQG – most are VSQG and this does not apply.

Site locator tool (map) now has compliance facilities on it – search by ID number, address, etc. Sometimes the blue square marker does not show up – you have to scroll through the entries – demonstrated on screen.

VIII. Other Issues

New website launched late last year – main page and remediation page redone – will work on compliance page in the future – did a quick on-screen review.

The 2020 consolidated annual report that includes DSCA is now available on the website – this data covers July 1, 2019 through June 30, 2020 – there are some graphs and things there that may be of interest.

Remember to look for DSCA postings on Facebook and Twitter – DSCA Wednesday – and ‘like’ us; Mike Cunningham is the social media coordinator and has been doing a great job keeping up with items and working with contractors to get site pictures and info – thanks to the contractors for helping with this; we hope to start posting more compliance items soon.

Environmental justice (EJ) is becoming a hotter topic recently and is a focus of the new secretary and is trickling down into all divisions. We will be screening sites for EJ issues at the onset soon using online tools. There are a couple of people in DEQ that do EJ work, and we can always use them for projects where we find EJ issues. For these smaller dry-cleaning sites, the main EJ issue that will most likely be identified during screening is demographics regarding language barriers so that we know if we need to provide information in other languages. Showed on screen, DSCA map with sites shown in relation to underserved block groups (UBG). There are more underserved block groups in the eastern and southern part of the state. From the statistics, 178 DSCA sites lie within one of these UBGs and if you step out a quarter mile from the UBG, there are another 118 DSCA sites that fall within that range.

DWM/DAQ are pilot divisions in a return-to-work program that will be a hybrid of home-based, TW 1-2 days a week, TW 3-4 days a week, full time in office. There will be a continuation of work pretty much as we know it now. We will all return your phone calls when you leave a message and have a feature on our phones that sends us an email as soon as someone leaves a message – so even though we are not sitting by our phone, please know that we are getting the messages. Things will be looked at in the future regarding getting rid of land lines and issuing a cell phone to state employees.

IX. Next Work Group Meeting

The next stakeholder meeting is scheduled for 10:00 am on Thursday, October 14, 2021. At this time, not sure if there will be an in-person option for meeting or if it will be completely virtual or a hybrid of both.