

MEMORANDUM

TO: Board of Environmental Protection
FROM: Andrea Lani, Bureau of Air Quality
DATE: May 21, 2009
RE: Adoption of Proposed Amendments to Chapter 125 Perchloroethylene Dry Cleaners

Statutory and Regulatory Reference:

A. Statutory authority.

38 MRSA Section 585-A provides that the Board of Environmental Protection “may establish and amend regulations to implement ambient air quality standards and emission standards. These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and prevent air pollution.”

B. Specific legal mandates requiring adoption.

No specific legal mandates require the adoption of this rule.

Location/Applicability:

The proposed regulation will apply statewide.

Description:

On March 19, 2009, the Board of Environmental Protection held a public hearing on the Department’s proposed amendments to Chapter 125 Perchloroethylene Dry Cleaner regulation.

The proposed amendments to Chapter 125 incorporate changes to the Federal dry cleaner NESHAP (National Emission Standard for Hazardous Air Pollutants). In addition, the amendments protect a broader range of potentially sensitive populations than the Federal regulation which imposes certain restrictions on dry cleaners located in buildings with residences by including requirements for dry cleaning facilities that are located in a building with a day care center, a health care facility, a prison, an elementary school, a middle or high school, a children's pre-school, a senior center, a youth center or other facility inhabited by children or the elderly.

Additionally, the proposed amendments increase the inspection frequency using a monitor from monthly to weekly. The Department has also proposed a change to subsection 3(E)(3) limiting the amount of time leaking dry cleaning equipment can be operated to a maximum of seven days while awaiting repair parts.

During the public hearing and comment period, the Department received comments from two parties: the US Environmental Protection Agency and the Northeast Fabricare Association. The EPA commented on some areas of the rule that may not have been completely consistent with or as stringent as the Federal Rule. The Department corrected all these deficiencies. The Northeast Fabricare Association had issues with the tightened repair time, requesting it be extended to 15 days with a 30-day extension to allow extra time to procure parts that may be backordered or otherwise unavailable. The Department changed the repair time to 15 days, with no extension, to allow for extra time while also protecting public health. The Association also requested that in the case in which a business that falls under the definition of “co-located,” such as a daycare, moves into a building with a dry-cleaner, that the dry cleaner be permitted to operate through the useful life of the dry cleaning machine. In the interest of protecting all sensitive receptors equally, the Department did not make this change.

Environmental Issues:

Perchloroethylene (perc) is number 20 on the Maine Air Toxics Initiative list of priority chemicals. A recent review of occupational studies and residential exposure studies by Maine Center for Disease Control found perchloroethylene associated with numerous health impacts, including: cancer (bladder, esophageal, cervical, liver, pancreatic and non-Hodgkin’s lymphoma) and non-cancer health effects (impairment in tests of visual memory, visual recognition, attention, reaction time, speed of information processing, reading tasks, motor function, spatial and color vision, etc.). US EPA’s residual risk review found concentrations of perc in residences co-located with fourth-generation dry cleaning machines with vapor barriers installed to be more than eight times greater than Maine’s residential indoor air guideline of 4 ug/m^3 (0.6 ppb) (lifetime cancer risk of 1 in 100,000). The ambient (outdoor) air standard in Maine is 0.01 ug/m^3 (0.0015 ppb). Maine’s ambient concentrations of perc have been consistently above the guideline since monitoring began. Dry cleaners account for about 23 tons, or 44 percent of perc emissions in Maine, based on the 2005 emissions inventory.

Departmental Recommendation:

The Department recommends that the Board adopt the amendments as proposed and revised.

Estimated Time of Presentation:

15 minutes.