

MEMORANDUM

TO: Board of Environmental Protection

FROM: Andrea Lani, Bureau of Air Quality

DATE: January 15, 2009

RE: Proposed Amendments: 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 amendments will apply to all dry cleaners in all areas of the state.

Description:

In July 2006, the US EPA amended the National Perchloroethylene Standards for Dry Cleaning Facilities (40 CFR Part 63, Subpart M). These amendments require monthly monitoring for leaks with a halogenated hydrocarbon detector, prevent the installation of dry cleaners in buildings with a residence (co-located) and require the removal of perchloroethylene dry cleaning equipment from co-located facilities by December 21, 2020. The Department is amending Chapter 125 to incorporate changes to the Federal requirements. In addition, the Department proposes to expand the definition of “co-located” dry cleaning facilities to protect a broader range of potentially sensitive populations than the Federal regulation, and we have increased 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.

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/m³ (0.6 ppb) (lifetime cancer risk of 1 in 100,000). The ambient (outdoor) air standard in Maine is 0.01 ug/m³ (0.0015 ppb). Maine's ambient concentrations of perc have been consistently above the guideline since monitoring began. Dry cleaners account for about 23 percent of perc emissions in Maine.

Departmental Recommendation:

The Department recommends that the Board post the amended proposal to a public hearing on February 19, 2009.

Estimated Time of Presentation:

45 minutes.