

SUPPLEMENTAL BASIS STATEMENT
CHAPTER 125
PERCHLOROETHYLENE DRY CLEANERS

List of Commenters

(1) Donald Dahl, Acting Chief
Air Permits, Toxics and Indoor Program Unit
US Environmental Protection Agency, Region I
1 Congress St. Suite 1100
Boston, MA 02114-2023

(2) Peter Blake
Northeast Fabricare Association

COMMENTS

General Support

1. Comment: The commenter expressed general support for the Department revising Chapter 125 to come in line with Federal requirements. (2)

Response: The Department acknowledges and appreciates the commenter's support.

Section 2. Definitions

2. Comment: The commenter pointed out that Maine defines a residence in Section 2(BB) as any housing or dwelling in which people reside while the Federal dry cleaner rule defines a residence as any dwelling or housing in which people reside excluding short-term housing that is occupied by the same person for a period of less than 180 days (such as a hotel room). (1)

Response: The Department deliberately made the residence definition more stringent than the Federal definition in order to protect those who may live in short-term housing options.

Section 3. Emissions Limitations and Performance Standards Requirements

3. Comment: The commenter supports the intent of the definition of “co-located” in Section 2(C), but requests that the Department add a “sunset” clause to section 3(A) that permits the continued operation of dry cleaning equipment for the useful (15-year) life of the machine in cases where a use listed in the co-located definition moves into a building where an existing dry cleaner already operates. (2)

Response: The Department understands the commenter's concern regarding this situation, and sees the potential for a situation outside of a dry-cleaner's control affecting its ability to operate beyond December 21, 2020, if a co-located use that does not currently exist in the same building moves in some time in the future. However, Maine is simply expanding the

scope of protected populations beyond those in the Federal NESHAP, which does not allow any such clause in cases when a residence moves into an existing dry cleaner building. The Department considered it appropriate to protect additional sensitive receptors beyond just residences; to allow a drycleaner to continue to operate a machine up to 15 years beyond 2020 would put sensitive groups, such as young children in a daycare center, at greater risk. No change.

4. Comment: The commenter suggested that the Department add a requirement that the carbon adsorber be desorbed in accordance with manufacturer's instructions to Section 3(C) in order to be consistent with Federal requirements. (1)

Response: The Department has made the change as suggested.

5. Comment: The commenter suggested that the Department add language to Section 3(C)(2) to clarify that "a non-vented carbon adsorber or equivalent control device immediately before the door of the dry cleaning machine is opened" is required for all dry cleaning systems installed after December 21, 2005 in order to be consistent with Federal requirements. (1)

Response: The Department has made the change as suggested.

6. Comment: The commenter pointed out that Section 3(E)(2) needs to be amended as follows: "All perchloroethylene and perchloroethylene containing waste must be stored in tightly sealed containers so that no perchloroethylene is emitted to the atmosphere;" to be consistent with Federal requirements. (1)

Response: The Department has made the change.

7. Comment: The commenter expressed concern that the changes to the repair requirements in Section 3(E)(3) are too rigid and that some dry cleaners may not be able to meet the seven day repair time due to circumstances beyond their control, such as parts being backordered. The commenter suggested that some dry cleaners could lose their business if they had to shut down a machine while awaiting repair parts. The commenter recommended that the seven-day maximum repair time in Section 3(E)(3)(d) be changed to a 15-day maximum operation time while leaking (Section 3(E)(3)(d)), with the option to apply to the Department for an extension that would not exceed 30 days. (2)

Response: The Department understands the need to allow a certain amount of flexibility in repairing leaking machines in circumstances in which a repair part may not be obtained within the allotted time; however 45 days of operating a leaking machine poses an unacceptable risk to public health. To allow dry cleaners a little more time in getting parts and repairing machines, the Department has expanded to maximum repair time to 15 days, consistent with other states, such as New York, but has not added the requested 30-day extension.

Section 4. Compliance and Monitoring Requirements

8. Comment: The commenter suggested that the Department may want to give dry cleaners with a refrigerated condenser the option to monitor either refrigeration system high pressure and low pressure or temperature in Section 4(B). (1)

Response: The Department has made the change as suggested.

9. Comment: The commenter suggests that the Department add the word "and" between sections 4(C)(1) and 4(C)(2) to clarify that the sensory inspections continue to apply in addition to the weekly analyzer inspections, we recommend. (1)

Response: The Department agrees and has made the change.

10. Comment: The commenter expressed support for weekly inspection of dry cleaning equipment with a halogenated hydrocarbon detector in Section 4(C)(2). (2)

Response: The Department acknowledges and appreciates the commenter's support.

Section 5. Recordkeeping Requirements

11. Comment: The commenter pointed out that the Department needs to maintain the carbon adsorber recordkeeping requirement language in Section 5(A)(6). (1)

Response: This deletion was inadvertent and the language has been restored.

12. Comment: The commenter recommends that the Department revise Section 5(A)(10) so that a drycleaner that owns multiple facilities can store records in a centralized office.

Response: The Department has made the change.