

Dry Cleaners: Overview for Dry Cleaners

Background

In 1995, the Oregon Legislature passed House Bill 3216. This bill created Oregon's dry cleaner statute (ORS 465.500). The legislation was proposed by the dry cleaning industry in response to its concerns that liability under Oregon's cleanup law that required responsible parties to pay for cleaning up contaminated property, could put many individual dry cleaners out of business. Property owners were finding it difficult to get loans from lending institutions if a dry cleaner was located on their property. Also, dry cleaners were finding it increasingly difficult to obtain and renew leases.

Environmental contamination at a dry cleaner site can occur from spills and leaks of solvent to soil and ground water as well as releases of vapor to the air. Perchloroethylene, the most common dry cleaning solvent can penetrate concrete and can sink through floor cracks since it is heavier than water. In addition, many dry cleaners historically disposed of wastes containing solvent by pouring wastewater into a sanitary sewer, throwing spent filters and sludge into the trash, or dumping wastewater on the ground near their facility. The Resource Conservation and Recovery Act, a federal law passed in 1980 and amended in 1984, regulates the handling and disposal of hazardous waste. With increased regulation of hazardous waste, unsafe practices are no longer allowed. However, at some dry cleaner facilities, past disposal and management practices have resulted in contamination of soil and groundwater to an extent that requires cleanup.

What does the statute require?

The Dry Cleaner statute requires all dry cleaners to implement waste minimization and hazardous waste management practices designed to eliminate future releases of hazardous waste to the environment, in essence becoming a "zero release" industry. Dry cleaners pay fees to a fund, the Dry Cleaner Environmental Response Account (Account), to be used for cleaning up dry cleaning solvents at contaminated sites. Individual dry cleaners who pay fees will not be liable under Oregon law for the cost of cleaning up a site contaminated due to past practices. The new law essentially creates an insurance fund to pay cleanup costs for dry cleaners.

The Dry Cleaner statute has two major provisions: Preventing future contamination and cleaning up historical contamination.

How can we prevent future contamination?

In order to prevent future contamination, the statute requires all dry cleaners in Oregon to implement waste minimization and hazardous waste management and air quality practices designed to eliminate future leaks and spills of dry cleaning solvent to the environment.

Waste minimization practices reduce air emissions from solvents, reduce the potential for spills and leaks of solvents, protect groundwater and promote more efficient use of dry cleaning solvent, all of which help prevent future contamination.

Dry cleaners must meet the following "waste minimization" requirements:

- Use only acceptable types of dry cleaning equipment.
- Manage dry cleaning waste as hazardous waste.
- Manage solvent-contaminated wastewater according to state rules. Do not discharge solvent-contaminated wastewater to a sanitary sewer, septic system, boiler, on the ground, or to waters of the state.
- Provide containment under and around dry cleaning equipment and solvent-containing items.
- Submit annual reporting on waste minimization and hazardous waste management and air quality practices.
- Report releases of dry cleaning solvent.
- Use only closed direct-coupled delivery systems for delivering perchloroethylene solvent (perc or PCE).
- Meet air quality monitoring and recordkeeping requirements for perc dry cleaners.

Complying with these requirements is necessary for a facility to be eligible for cleanup funding from the Dry Cleaner Environmental Response Account.



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For more information on the environmental regulations that apply to dry cleaners, see the DEQ fact sheet, **Dry Cleaners: Overview of Environmental Regulations** at <http://www.oregon.gov/deq/Hazards-and-Cleanup/Pages/Dry-Cleaner.aspx>

Cleaning up historical contamination

Perchloroethylene the most commonly used dry cleaning solvent over the past 50 years, is listed as a toxic chemical because it causes nerve and organ damage and is a suspected carcinogen in humans. Sites contaminated with PCE or other toxic solvents must be cleaned up to a level that is protective of human health and the environment.

The final cleanup remedy is based on the current and reasonably likely future use of land or water, including groundwater. Under the dry cleaner program, funds from the Account can be used by DEQ to clean up a site or reimburse a dry cleaner owner or operator who conducts a cleanup. DEQ can only reimburse costs that are pre-approved.

How is the program funded?

Since January 1, 1996, dry cleaners have been paying fees that DEQ uses to fund the cleanup of existing contamination and to manage the program. The fees are collected by the Oregon Department of Environmental Quality (DEQ) and deposited in the Dry Cleaner Environmental Response Account.

DEQ collects fees from dry cleaners and solvent suppliers.

Dry cleaners pay fees:

- For each dry cleaning facility that used any solvent prior to 1998;
- For each dry cleaning facility that used perc during the past year.
- An environmental fee based on gross revenue from dry cleaning services.
- On each gallon of solvent purchased

Solvent Suppliers collect fees from dry cleaners:

- A solvent use fee on perc of \$10 per gallon, and
- A solvent use fee on solvents other than perc (e.g., petroleum solvents) of \$2 per gallon

What if my dry cleaning site needs cleaning up?

Based on money accrued to the Account, DEQ will fund cleanups as quickly as possible. Currently, there are not enough funds in the Account to clean up all facilities that apply; those that present the highest risk to human health and the

environment are funded first. Cleanups at additional facilities are selected as funds become available. If you suspect that your site is contaminated, contact Nancy Cardwell

To request a copy of any or all of these fact sheets, please call 503-229-6783 or toll free in Oregon, 1-800-452-4011.

You can also find this information at DEQ's dry cleaner Web site at:

<http://www.oregon.gov/deq/Hazards-and-Cleanup/Pages/Dry-Cleaner.aspx>

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.