



Air Pollution Control Board
Greg Cox District 1
Dianne Jacob District 2
Pam Slater District 3
Ron Roberts District 4
Bill Horn District 5
Air Pollution Control District
R. J. Sommerville Director

DATE: November 4, 1998
TO: Air Pollution Control Board
SUBJECT: Repeal of Rule 67.8 - Dry Cleaning Facilities Using Halogenated Organic Solvent

SUMMARY:

Overview

Rule 67.8 was adopted in 1981 to control emissions of perchloroethylene from dry cleaning operations. In 1993, the Air Resources Board adopted a more stringent statewide Airborne Toxic Control Measure for such operations. It superseded the requirements of Rule 67.8 except for vented dry-to-dry and transfer machines installed before 1993. Rule 67.8 continued to apply to that equipment. The Airborne Toxic Control Measure required vented dry-to-dry and transfer machines to be replaced with closed-loop machines equipped with a non-vented refrigerated condenser by October 1, 1998. As a result, the Airborne Toxic Control Measure has now completely superseded Rule 67.8. Accordingly, Rule 67.8 is proposed to be repealed.

A public workshop for Rule 67.8 was held on September 15, 1998.

Recommendation

AIR POLLUTION CONTROL OFFICER:

1. Adopt the resolution repealing Rule 67.8 and make appropriate findings:
 - (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
 - (ii) that repealing Rule 67.8 will alleviate a problem and will not interfere with the attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
 - (iii) that an assessment of the socioeconomic impact of the proposed repeal is not required by Section 40728.5 of the State Health and Safety Code because repealing Rule 67.8 will not significantly affect air quality or emission limitations; and
 - (iv) that it is certain there is no possibility that the repeal of Rule 67.8 may have a significant adverse effect on the environment, and this action is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061 (b) (3).

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2. Direct the Air Pollution Control Officer to request ARB to withdraw Rule 67.8 - Dry Cleaning Facilities Using Halogenated Organic Solvent, from the State Implementation Plan (SIP).

Fiscal Impact

Repealing Rule 67.8 will have no fiscal impact on the District.

Business Impact Statement

There is no impact on local businesses. All dry cleaning operations using perchloroethylene that were subject to Rule 67.8 are now regulated by a more stringent statewide Airborne Toxic Control Measure.

Alternatives

There is no viable alternative to the recommendation.

Advisory Statement

The Air Pollution Control District Advisory Committee recommended repealing Rule 67.8 at its October 7, 1998 meeting.

Compliance with Board Policy on Adopting New Rules

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. The proposed repeal of Rule 67.8 is consistent with this Board directive.

Socioeconomic Impact Assessment

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. Repealing Rule 67.8 will not affect air quality or emissions limitations because all facilities subject to this rule are now regulated by a more stringent statewide Airborne Toxic Control Measure. Therefore, a socioeconomic impact assessment is not required.

California Environmental Quality Act

The California Environmental Quality Act requires an environmental review for certain actions. It is certain there is no possibility that the repeal of Rule 67.8 may have a significant adverse effect on the environment because it has been replaced by a more stringent statewide Airborne Toxic Control Measure. Therefore, the repeal of Rule 67.8 is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

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Comparison to Existing Requirements

Health and Safety Code Section 40727.2 requires that whenever the District proposes adopting, amending or repealing a rule or regulation, an analysis be prepared to identify and compare the air pollution control elements of the proposal with corresponding elements of existing or proposed federal, state or District requirements. Pursuant to subdivision (g) of Section 40727.2, however, such analysis is unnecessary for the repeal of Rule 67.8 because the action does not impose new or more stringent requirements.

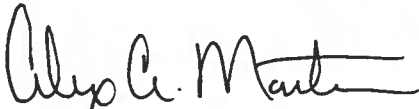
Attachment I contains the Resolution repealing Rule 67.8 from the District's Rules and Regulations.

Attachment II contains the report on the workshop held on September 15, 1998.

Concurrence:

Respectfully submitted,

LAWRENCE B. PRIOR III
Chief Administrative Officer



BY: ROBERT R. COPPER
For Deputy Chief Administrative Officer



R. J. SOMMERVILLE
Air Pollution Control Officer

**AIR POLLUTION CONTROL BOARD
AGENDA ITEM INFORMATION SHEET**

SUBJECT: Repeal of Rule 67.8 - Dry Cleaning Facilities Using Halogenated Organic Solvent

CONCURRENCES

11/10/20/98.

COUNTY COUNSEL APPROVAL: Approval of Form ☒ Yes ☐ N/A
Type of Form: ☐ Standard Form ☐ Ordinance ☒ Resolution ☐ Contract
Review Board Letter Only ☐ Yes ☒ No

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW: ☐ Yes ☒ N/A
Requires Four Votes: ☐ Yes ☒ No

CHIEF INFORMATION OFFICER: ☐ Yes ☒ N/A

DEPARTMENT OF HUMAN RESOURCES: ☐ Yes ☒ N/A

CONTRACT REVIEW PANEL: ☐ Yes ☒ N/A

Other Concurrences: _____ N/A


BUSINESS IMPACT STATEMENT: ☒ Yes ☐ N/A

PREVIOUS RELEVANT BOARD ACTION: December 18, 1990 (APCB #2A)

BOARD POLICIES APPLICABLE: N/A

ORIGINATING DEPARTMENT: Air Pollution Control District County of San Diego

CONTACT PERSON: Richard. J. Smith, Assistant Director S50-3303 MS:0-176



R. J. SOMMERVILLE
DEPARTMENT AUTHORIZED REPRESENTATIVE

NOVEMBER 4, 1998
MEETING DATE

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION REPEALING RULE 67.8
OF REGULATION IV
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member Jacob
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Rule 67.8. Dry Cleaning Facilities Using Halogenated Organic Solvents is repealed

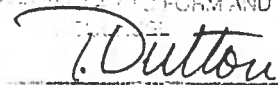
IT IS FURTHER RESOLVED AND ORDERED that the subject repeal of Rule 67.8 of Regulation IV shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 4th day of November, 1998 by the following votes:

AYES: Cox, Jacob, Slater, Roberts, Horn
NOES:
ABSENT:

11/4/98 (2) APCD

Resolution/Rule 67.8
10/16/98

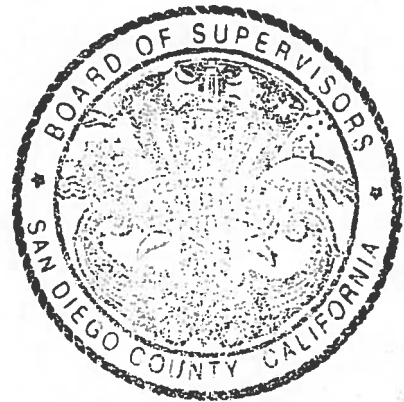
APPROVED AS TO FORM AND LEGALITY

DEPUTY

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA
Clerk of the Air Pollution Control Board

Beverly Ruth

By: Beverly Ruth, Deputy



Resolution No. 98-295
11/4/98 (APCD 2)

CHANGE COPY
REPEAL OF RULE 67.8

Proposed repeal of Rule 67.8 is to read as follows:

~~RULE 67.8. DRY-CLEANING FACILITIES USING HALOGENATED ORGANIC SOLVENT~~

~~(a) APPLICABILITY~~

~~This rule applies to any dry-cleaning facility which uses halogenated organic solvent.~~

~~(b) EXEMPTIONS—(Rev. Effective 12/18/90)~~

~~(1) The provisions of this rule shall not apply to facilities using trichloro-trifluoroethane or 1,1,1-trichloroethane.~~

~~(2) The provisions of Section (d)(2) shall not apply to existing dry-cleaning facilities using less than 320 gallons of halogenated organic solvent in every consecutive twelve-month period. It is the responsibility of any person claiming this exemption to maintain monthly records of usage of halogenated organic solvents. These records shall be retained on-site for at least three years and shall be made available to the District immediately upon request.~~

~~(c) DEFINITIONS~~

~~(1) "Dry-Cleaning-Facility" means any facility engaged in the cleaning of fabrics or leather in halogenated organic solvents. The facility includes, but is not limited to, washers, dryers, filter and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves.~~

~~(2) "Existing Dry-Cleaning-Facility" means a dry-cleaning facility which was lawfully installed and operating before January 2, 1982.~~

~~(3) "Fugitive-Liquid-Leak" is defined as:~~

~~(i) A leak of halogenated organic solvent at a rate in excess of three drops per minute; or~~

~~(ii) A visible mist of halogenated organic solvent.~~

~~(d) REQUIREMENTS~~

~~(1) A person shall not operate any dry-cleaning facility unless:~~

~~(i) There is no fugitive liquid leak from any portion of the dry-cleaning facility.~~

~~(ii) All washer lint traps, access doors and other parts of this equipment where halogenated organic solvent may be exposed to the atmosphere are kept closed at all times except when required for proper operation or maintenance.~~

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(iii) Still-residues-do-not-exceed-a-halogenated-organic-solvent-content-of-60 percent-by-weight.

(iv) All-diatomaceous-earth-filters-are-cooked-or-treated-in-a-cooker-which-is vented-to-a-condenser-so-that-the-residue-contains-no-more-than-25-percent-halogenated organic-solvent-by-weight.

(v) All-cartridge-type-filters-are-(1)-drained-in-the-filter-housing-for-at-least-24 hours-before-disarding-the-cartridges-or-(2)-drained-for-at-least-12-hours-and-dried-in a-closed-dryer-whose-exhaust-is-vented-through-an-air-pollution-control-device, specified-in-Subsection-(d)(2)-of-this-rule.

(vi) All-waste-from-dry-cleaning-operations,-including-cartridge-filters,-which contains-halogenated-organic-solvent-must-be-stored-and-transported-in-sealed-metal containers-and-shall-be-disposed-of-as-set-forth-in-California-State-Law-regarding hazardous-waste-disposal-as-described-in-Title-22,-Division-4,-Chapter-30-of-the California-Administrative-Code.-Sealed-containers-other-than-metal-may-be-used provided-the-containers-are-compatible-with-the-waste-and-meet-the-requirements-of the-California-Department-of-Health-Services.

(2) A-person-shall-not-operate-any-dry-cleaning-facility-unless-the-entire-exhaust from-drying-tumblers,-washers,-and-cabinets-including-uncondensed-halogenated-organic vapor-from-cooling-coils-is-vented-through-an-approved-and-properly-functioning-air pollution-control-device-which-meets-one-of-the-following-conditions:

(i) Ninety-percent-or-more-by-weight-of-the-halogenated-organic-compounds shall-be-removed-by-the-device,-or

(ii) The-concentration-of-halogenated-organic-compounds-in-the-exhaust-after the-device-and-before-dilution-shall-not-exceed-100-ppmv-as-measured-and-averaged over-a-period-of-one-minute.

(e) RECORDKEEPING

(1) Any-person-operating-a-dry-cleaning-facility-using-halogenated-organic-solvents shall-maintain-purchase-records-showing-the-date-and-amount-of-halogenated-organic-solvents purchased,-and-shall-maintain-daily-records-of-the-total-dry-weight-of-fabric-processed.

(2) Any-person-operating-a-carbon-adsorber-which-is-subject-to-Subsection-(d)(2) of-this-rule-shall-maintain-records-showing-the-dates-on-which-the-carbon-was-regenerated.

All-records-shall-be-retained-on-site-for-at-least-three-years-and-made-available-to-the District-immediately-upon-request.

(f) TEST METHODS

Measurements-of-halogenated-organic-compounds-pursuant-to-Subsections-(d)(1)(iii)-and -(d)(1)(iv)-of-this-rule-shall-be-determined-in-accordance-with-ASTM-Standard-Recommended Practices-for-General-Gas-Chromatography-Procedures-E-260-73.

Measurements-of-halogenated-organic-compounds-emissions-pursuant-to-Subsection-(d)(2) of-this-rule-shall-be-conducted-in-accordance-with-EPA-Test-Method-25-(40-CFR-60,-Appendix-A)- and-EPA-Guidelines-for-Measurement-of-Capture-Efficiency-as-they-exist-on-December-18,-1990.

WORKSHOP REPORT

PROPOSED REPEAL OF RULE 67.8 - DRY CLEANING FACILITIES USING HALOGENATED ORGANIC SOLVENT

A workshop notice was mailed to all businesses and government operations in San Diego County that are involved in dry cleaning operations using halogenated organic solvent (perchloroethylene). In addition, notices were mailed to all local Chambers of Commerce, all local Economic Development Corporations, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on September 15, 1998, and was attended by 2 people. The workshop comment and District response is as follows:

1. WORKSHOP COMMENT

If a facility has a dry-to-dry machine that complies with Rule 67.8, would it also comply with the equipment requirements of the statewide Airborne Toxic Control Measure (ATCM)?

DISTRICT RESPONSE

No, not necessarily. Effective October 1998, the ATCM requires all dry cleaning equipment to operate with no exhaust (venting) to the atmosphere. Rule 67.8. does not have similar requirements. Some older dry-to-dry machines may still be vented machines and would not be in compliance with the ATCM. The facility in question should request assistance from the Compliance Division or from the Small Business Assistance Program Specialist in determining whether particular equipment is in compliance with the ATCM. If it is determined the equipment is not in compliance, correction action will need to be taken before October 1, 1998.