

Department of Environmental Protection
Promulgation of
Chapter 12 of Title 15 of the Rules of the City of New York
Governing and Restricting the Use of perchloroethylene (perc) at dry cleaning facilities in
the City of New York.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN The Department of Environmental Protection by sections 1043 and 1403(c) of the Charter of the City of New York, and sections 24-102, and 24-105 of the Administrative Code of the City of New York, that the Department of Environmental Protection promulgates a rule governing the use and restriction of perc at dry cleaning facilities in the City of New York (15 RCNY 12-01 *et seq.*) These amendments were proposed and published on April 28th, 2009 in the City Record. The required hearing was held on June 3rd, 2009.

Statement of Basis and Purpose

The New York City Department of Environmental Protection (DEP) has promulgated regulations and permitting requirements for New York City Dry Cleaners (15 RCNY 12-01 *et seq.*) that set forth the primary permits and other compliance requirements for existing and new dry cleaners.

The amendments to Sections, 12-02, 12-04, 12-06, 12-08, 12-11, and 12-14 reflect revised national emission standards for hazardous pollutants for perc that have occurred since the last amendments in 1997. The Department has set forth detailed requirements for when and how perc dry cleaning machines shall operate.

The proposed amendments, specifically section 12-04, prohibit new dry cleaning machines from operating in residential buildings. In addition, existing dry cleaning operations shall stop cleaning with perc or move to non-residential buildings by 2020.

The amendments to the remaining sections reflect technical changes that must be complied with in order to effectuate the changes set forth in section 12-04 and clarify current operation and maintenance requirements.

The Rule is authorized by section 1043 of the Charter of the City of New York and Sections 24-102 and 24-105 of the Administrative Code of the City of New York.

The text of the Rule follows.

Chapter 12 of Title 15 of the Rules of the City of New York is hereby amended to read as follows:

Section one. Section 12-02 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-02 Definitions.

(40) *General exhaust ventilation system.* A mechanical exhaust ventilation system consisting of fresh air makeup inlets and one or more exhaust fans in a dry cleaning facility. This type of system would commonly be used to exhaust a dry cleaning workroom or a room enclosure. This system shall be completely separate from the ventilation system(s) for the remainder of the building.

§2. Section 12-04 of Title 15 of the Rules of the City of New York is amended by relettering subdivisions (a) through (f) as subdivisions (d) through (i) and adding new subdivisions (a), (b) and (c), to read as follows:

§12-04 Prohibitions.

(a) Perc dry cleaning machines may not be installed in residential buildings after July 13, 2006.

(b) Perc dry cleaning machines that were installed in residential buildings between December 21, 2005 and July 13, 2006 must eliminate perc use by July 13, 2009. In the interim, all perc dry cleaning facilities must continue to comply with the requirements of 6 NYCRR Part 232.

(c) Perc dry cleaning machines that were installed in residential buildings before December 21, 2005, must eliminate perc use by December 21, 2020.

[(a)] (d) The use of any dry-to-dry vented or non-vented equipment as a transfer machine is prohibited.

[(b)] (e) The installation of any self-service dry cleaning machine(s) after May 15, 1997 is prohibited.

[(c)] (f) The use or offering for use of any self-service dry cleaning machine(s) after May 15, 1997 is prohibited.

[(d)] (g) The use of immersion heaters to evaporate solvent from the untreated water effluent of solvent water separators is prohibited.

[(e)] (h) Except as provided in §12-05 of this Rule, the installation, construction, alteration, modification, or operation of a perc dry cleaning facility without first obtaining an installation or alteration permit or an operating certificate issued by the Department in accordance with the requirements of §12-15 of this Rule is prohibited.

[(f)] (i) Venting of perc emissions from dry cleaning equipment or emission control devices into the workroom or facility is prohibited.

§3. Subdivision (c) of section 12-05 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-05 Pre-Permitting Requirements for Existing Facilities.

(c) *Public information notice.* The facility owner must post a copy of the notice required under §12-18 of this Rule immediately [upon the effective date of this Rule].

§4. Subdivision (a) of section 12-06 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-06 Equipment Standards and Specifications.

(a) Specific equipment standards and emission control specifications:

(2) *General exhaust ventilation system.* Dry cleaning facilities which are co-located must be equipped with a vapor barrier and with a general exhaust ventilation system that is completely separate from the ventilation system(s) serving other areas of the building. The general exhaust ventilation system must be located near the dry cleaning machinery or connected to a separate room enclosure with a vapor barrier exhausting emissions to the outer air. The system shall be designed and operated to maintain a negative pressure in the room enclosure whenever the dry cleaning machine(s) is operating. This dry cleaning general exhaust ventilation system must be operated at all times when the dry cleaning machine(s) is in operation, and during maintenance operations and must be capable of at least one air change per five minutes.

§5. Subdivision (d) of section 12-08 of Title 15 of the Rules of the City of New York is amended by adding a new paragraph (vii), to read as follows:

§12-08 Operation and Maintenance Requirements.

(d) Operators must comply with the following operation and maintenance requirements, as applicable:

(vii) Test carbon absorber exhaust vents daily using colorimetric detector tubes or portable gas detectors. These absorbers shall be stripped periodically and maintained so that the perc concentration in the exhaust air does not exceed 20 ppm.

§6. Paragraph (2) of subdivision (a) of section 12-11 of Title 15 of the Rules of the City of New York is amended to read as follows:

§12-11 Emergency Response.

(a) Dry cleaning systems must be operated and maintained to ensure that perc releases are contained and do not migrate to sewer systems or groundwater.

(2) For new dry cleaning equipment, a spill containment system must be installed under the equipment as specified in paragraph (a)(7) of §12-06 of this Rule. This spill tank shall be capable of holding 125% of the capacity of the largest perc tank or vessel that is part of the dry cleaning machine.

§7. Section 12-14 of Title 15 of the Rules of the City of New York is amended by adding a new subdivision (e), to read as follows:

§12-14 Dry Cleaner Owner/Manager Operator and Inspector Training and Dry Cleaning Certification.

(e) Dry cleaning owners and/or managers and all machine operators shall attend a 16-hour training course, successfully pass a DEC Certification test and hold current, valid DEC Owner/Manager and/or Operator Certificates. Every shop owner shall have at least one person with an Owner/Manager Certification and one person with an Operator Certification.

