

**Minutes**  
**March 10, 2015**

**DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM**  
**STAKEHOLDER WORK GROUP MEETING**

**I. Welcome and Opening Remarks**

Mr. Pete Doorn opened the meeting with general comments. Attendees introduced themselves and the sign-in roster was circulated. The following individuals were present:

Christopher T. Edwards	A Cleaner World, VP NCALC
Clint Harris	N.S. Farrington
Rob MacWilliams	URS
Mike Ranck	URS
Genna Olson	ATC Associates
Meghan Greiner	ATC Associates
Kevin Sommers	ATC Associates
Brian Ray	AECOM
Susan Johnson	AMEC
Larry Hineline	AMEC
Kitty Hiortdahl	Hart & Hickman
Christie Zawtock	Hart & Hickman
Nancy Reed Dunn	NC Department of Justice
Pete Doorn	NC Division of Waste Management - DSCA Program
Eric Swope	NC Division of Waste Management - DSCA Program
Delonda Alexander	NC Division of Waste Management - DSCA Program
Dianne Thomas	NC Division of Waste Management - DSCA Program
Mike Cunningham	NC Division of Waste Management - DSCA Program
Jay King	NC Division of Waste Management - DSCA Program
Patrick Watters	NC Division of Waste Management - DSCA Program
Billy Meyer	NC Division of Waste Management - DSCA Program
Linda Culpepper	NC Division of Waste Management, Director
Tony Pendola	NC DENR EAP
Michael Jordan	Terracon Consultants
Carol Jones Van Buren	Van Buren Law, PLLC
Sarah Wolfe	McGuire Woods Consulting, LLC

**I. Welcome and Opening Remarks**

Mr. Pete Doorn (DSCA Program Branch Manager) welcomed everyone to the meeting. The update from December 2014 and the minutes from the September 2014 Stakeholder meeting were then brought up and approved. There were no comments or questions regarding the update or minutes.

## **II. Regulatory Update**

Mr. Doorn noted that the DSCA rules are proceeding through the Rule Review Process as required by the Administrative Procedures Act. In January, the EMC approved the DSCA Rules Review Report, and in February the report went to the Rules Review Commission where it was approved and sent on to the Joint Legislative Administrative Procedures Oversight Committee – this APO committee has a 60-day window to review & comment. If the APO doesn't comment, then the report is automatically approved after 60 days. After that the agency expects to be in communication with the Rules Review Commission to discuss a time frame for re-adopting the 02S rules.

Similar to rule making, re-adoption will involve the Division, the Department, and the EMC, and will require both a fiscal note and public participation. We anticipate there will be minor amendments to the remediation rules and more extensive amendments/improvements to the compliance rules. We are in the process of conducting meetings with representatives from the dry-cleaning industry to discuss improvements to the compliance rules.

## **III. Staffing Update**

Mr. Doorn mentioned the recent Department staff appointments that have been made, including:

Don Van Der Vaart – DENR Secretary  
John Evans - Chief Deputy Secretary  
Sam Hayes - DENR General Counsel  
Tom Reeder - Assistant Secretary for the Environment  
Jay Zimmerman - Water Resources Division Director  
Gerard Carroll - Chair of the EMC  
Linda Culpepper – Division of Waste Management Director  
Michael Scott - Division of Waste Management Deputy Director  
Matt Dockham – Legislative Liaison  
Brad Knott - Legislative Liaison

## **IV. DSCA Fund Statistics (handout)**

The Fund Statistics handout, covering the first half of FY2014-2015 (through December 31, 2014), was distributed and briefly discussed. Mr. Doorn stated that receipts were up about 4% from last quarter, mostly due to approximately \$100,000 in petitioner co-payments. Fund interest is low because of the statute change last year that reverted interest payments to the general fund. Disbursements were up slightly from last quarter, due to billing for Hazardous Waste fees and county monitoring well fees. The fund balance is \$6.7 million. The amount encumbered in DSCA contracts is \$2.3 million with an additional \$2 million pending encumbrance.

## **V. Site Work**

Mr. Doorn stated that there are now 48 sites closed under DSCA's risk-based rules. The latest site receiving a no further action determination is Klean Rite Cleaners in Walnut Cove (Stokes County). A list of closed sites and the Risk Management Plans for those sites can be viewed on the web – [www.ncdsca.org](http://www.ncdsca.org). There are another 30+ sites that are in the queue for closure.

An information session was held in Wilmington on January 13, 2015 regarding the former Coastal Cleaners (site # DC650007). Relatively low levels of contamination extend under at least one neighborhood, and additional assessment work is underway to evaluate the full extent. The distribution of impacts may be affected by community irrigation wells in the area. The session was held to let residents know about the work being done. We also discussed the idea that due to the low contaminant levels, the preferred remedial approach will likely be to use institutional controls to manage future risks.

Plans are underway for another information session for the One Hour Martinizing site (#DC320013) in Durham. A date has not been finalized, but that meeting will be held within the next few months. The session will include a discussion of groundwater remedy implemented last year, the sample results, and the steps going forward. DSCA and Hart & Hickman will be distributing the next site update soon.

## **VI. Compliance Update**

Mr. Swope provided an update on the DSCA Compliance Program. He noted that the DSCA Compliance staff will be attending the Clean Show in Atlanta in April 2015. He also mentioned that the compliance staff have completed a draft compliance calendar for petroleum sites. Staff member Aram Kim has translated the new calendar into Korean.

Mr. Swope discussed the inspection statistics. At the beginning of 2014, there were 572 active dry-cleaning facilities and 565 at the end of 2014. The reduction can be attributed to cleaners going out of business and cleaners changing to pick up only. Eleven outreach visits were conducted, and 288 inspections were completed at 275 facilities. Of those inspected facilities, 105 had small violations or record keeping issues that required a response from the operator. These inspections resulted in the Compliance Program issuing 26 NOVs, 14 NREs, and two civil penalties totaling \$10,855. As of December 2014, 56 facilities were out of compliance for a compliance rate of 79%, down slightly from the previous year's 82%. There are eight facilities in the queue for re-inspection before proceeding with enforcement.

Mr. Swope also noted that an internal workgroup is studying program enhancements that would help improve compliance rates. This group will also discuss potential rules changes and the clarification of some rules that could help with compliance rates.

## **VII. Other Issues**

Mr. Doorn discussed the Division's existing public records management system known as CARA or Documentum. There have been frequent problems with internal and external access mostly due to security issues with Java. The Division is currently looking to transition to a

system called Laserfiche which has a file structure similar to Windows Explorer making navigation much simpler. DWR's wetland protection group uses it if you want to check it out...<http://portal.ncdenr.org/web/wq/laserfiche>

Mr. Doorn also noted that as a member of the State Coalition for the Remediation of Dry-cleaners (SCRD), NC has been invited to participate on a panel at the September Brownfields conference. The idea will be for a few states to discuss their dry-cleaning programs and the beneficial re-uses of remediated dry-cleaning sites.

Chris Edwards requested a meeting with Rick Kane, Nancy Dunn and Pete Doorn to address the concerns of some banking entities. It was stated that this meeting would be in about 2 – 3 weeks. He explained that these issues had been discussed in a meeting once but he wanted to follow up on that. A discussion of these issues followed. Banks would like the option to be listed as a temporary petitioner when they foreclose on a property because they do not want to take on the potential liability of contamination. Nancy Dunn observed that option would leave the fund with no recourse for cost recovery in those situations. Other issues to be discussed include letters for down-gradient property owners acknowledging that they are not the responsible party, and adding language to the access agreements that includes indemnity from contractor negligence and more lead time. This meeting will be set up separately between the interested parties.

## **VII. Next Work Group Meeting**

The next stakeholder meeting was set for Thursday, September 10<sup>th</sup>, 2015 at 10:00 am at the Green Square Building and the meeting was then adjourned.