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## NESHAP/Air Enforcement: Alabama Department of Environmental Management and Tuscaloosa County, Alabama Dry Cleaning Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Vardaman Enterprises, Inc., d/b/a Jerry’s Cleaners (“VEI”) entered into a September 14th Consent Order (“CO”) addressing alleged National Emission Standard for Hazardous Air Pollutants (“NESHAP”) air violations. See No. 17-\_\_\_\_-CAP.

The CO provides that VEI owns and operates a perchloroethylene (“PERC”) dry cleaning facility (“Facility”) in Tuscaloosa, Alabama.

The Facility is stated to utilize a dry-to-dry PERC machine. The Part 63, Subpart M for NESHAP for Dry Cleaning Facilities has been incorporated into ADEM Admin. Code r. 335-3-11-.06 (12). As a result, the NESHAP is applicable to PERC dry cleaners in Alabama.

The Part 63, Subpart M NESHAP imposes a number of obligations on such dry cleaners, such as (paraphrasing):

- Dry cleaning system inspection requirements
- Recordkeeping requirements including receipts of PERC purchases and a log that must include certain information
- Retention on site of a copy of the design specifications/operating manuals for the dry cleaning system

ADEM is stated to have conducted an unannounced inspection of the Facility on January 12, 2017. It is alleged that certain required records were not available at the time of the inspection, which include:

- PERC purchase receipts;
- Records of monthly PERC purchases;
- A 12-month rolling total for PERC purchases;
- Documentation showing that weekly leak detection inspections were conducted;
- Documentation showing that weekly temperature and/or pressure monitoring of the refrigerated condenser was conducted; and
- Monthly documentation showing that leak detection and repair inspections were conducted.

A Notice of Violation (“NOV”) was issued to VEI for the alleged failure to have the compliance records available for review. Further, the NOV requested that VEI submit written responses to certain questions regarding recordkeeping and ways to prevent future compliance issues concerning the PERC NESHAP.

VEI responded noting that the general manager and the dry cleaning supervisor had been trained in recordkeeping, and that the owner, general manager, and dry cleaning supervisor would be responsible for maintaining the records. VEI also made a commitment to keep records current and available for inspection.

The CO provides that an unannounced follow-up inspection was conducted by ADEM on June 8, 2017 which allegedly noted:

- There was a strong odor of PERC near the operating PERC dry cleaning machine.
- Certain records were not available for inspection, with an explanation from a member of VEI’s supervisory staff stating that he did not have access to these items because they were locked in the office.

VEI neither admits nor denies ADEM’s contentions.

The CO assesses a civil penalty of \$2,400. Further, VEI agrees to submit a plan to ADEM not later than 45 days from the effective date of the CO detailing how it will ensure that the required equipment and manual are onsite and that records are kept current.

[A copy of the CO can be downloaded here.](#)