

ASSEMBLY, No. 90

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY

1 AN ACT concerning control of air pollution by certain toxic substances  
2 and supplementing P.L.1954, c.212 (C.26:2C-1 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. For the purposes of this act:

8 "Air contaminant" means any substance, other than water or  
9 distillates of air, present in the atmosphere as solid particles, liquid  
10 particles, vapors or gases, including, but not limited to,  
11 perchloroethylene emissions;

12 "Area source dry cleaner" means any perchloroethylene dry cleaning  
13 facility, including, but not limited to, facilities with owner-operated  
14 dry cleaning machines or coin-operated dry cleaning machines  
15 operated by customers;

16 "Carbon adsorber" means equipment or other apparatus or device  
17 that uses a bed of activated carbon into which an air stream of  
18 perchloroethylene emissions is routed and which adsorbs the  
19 perchloroethylene emissions into the carbon;

20 "Control apparatus" means any device or machine which prevents  
21 or controls the emission of any air contaminant directly or indirectly  
22 into the outdoor atmosphere;

23 "Department" means the Department of Environmental Protection;

24 "Dry-to-dry machine" means a one-machine dry cleaning operation  
25 in which washing and drying are performed in the same machine;

26 "EPA" means the United States Environmental Protection Agency;

27 "Generation 4 dry cleaning equipment" means dry-to-dry machines  
28 with a stage of carbon adsorbers or equivalent apparatus that reduces  
29 the level of perchloroethylene left in the drum of the machine to 300  
30 parts per million or less;

31 "Perchloroethylene emissions" means any gaseous or vaporous  
32 releases of perchloroethylene, tetrachloroethylene or its chemical  
33 equivalent, whether released into the indoor environment or outdoor  
34 atmosphere.

35 2. a. On and after the effective date of this act, any person

1 establishing a new area source dry cleaner, installing or replacing dry  
2 cleaning equipment and machines, or expanding an existing area  
3 source dry cleaner into new locations or in the existing facility shall  
4 install or equip the facility with Generation 4 dry cleaning equipment.

5 b. Within three years of the effective date of this act, all owners of  
6 an area source dry cleaner shall replace their dry cleaning equipment  
7 with, or convert their equipment to, dry-to-dry machines that do not  
8 vent into the outdoor atmosphere, or retrofit its dry-to-dry machines  
9 which release into the outdoor atmosphere with control apparatus that  
10 reduce perchloroethylene emissions to no greater than 5 parts per  
11 million. Any dry-to-dry machine that is not a Generation 4 machine  
12 shall also be retrofitted with the equipment necessary to install an  
13 inward door fan which directs perchloroethylene emissions into a  
14 carbon adsorber at the rate of 100 feet per minute.

15 c. After three years following the effective date of this act, no  
16 person shall operate an area source dry cleaner with equipment that is  
17 not Generation 4 dry cleaning equipment, unless the area source dry  
18 cleaner operates dry-to-dry machines that do not vent into the outside  
19 atmosphere and the machines have been retrofitted with the equipment  
20 necessary to install an inward door fan which directs perchloroethylene  
21 emissions into a carbon adsorber at the rate of 100 feet per minute,  
22 and, if the area source dry cleaner operates any dry-to-dry machines  
23 which release into the outdoor atmosphere, the owner of the area  
24 source dry cleaner has retrofitted the machines with control apparatus  
25 that reduce perchloroethylene emissions to no greater than 5 parts per  
26 million.

27 d. After three years following the effective date of this act, no  
28 person shall operate an area source dry cleaner with a ventilation  
29 system for the facility that releases into the outdoor atmosphere  
30 perchloroethylene emissions greater than 5 parts per million. Area  
31 source dry cleaner ventilation systems releasing perchloroethylene  
32 emissions in excess of 5 parts per million shall be retrofitted with  
33 control apparatus or the ventilation system equipment shall be replaced  
34 with equipment that reduces the perchloroethylene emissions from the  
35 area source dry cleaner ventilation system to no greater than 5 parts  
36 per million.

37  
38 3. Within one year of the effective date of this act, the Department  
39 of Environmental Protection shall adopt, pursuant to the  
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
41 seq.), rules and regulations establishing a random inspection program  
42 for area source dry cleaners. These rules and regulations shall provide  
43 for the monitoring and supervision of conversion and retrofitting of  
44 equipment, enforcement of the standards and requirements set forth in  
45 this act, and penalties for violations of the standards and requirements.  
46 The rules and regulations may also include any other provisions

1 deemed necessary by the department for the implementation and  
2 enforcement of this act.

3

4 4. Nothing in this act shall be construed to supersede or otherwise  
5 interfere with the department's issuance of operating permits or its  
6 implementation of any federal program establishing national  
7 perchloroethylene air emission standards for dry cleaning facilities,  
8 except that, if the implementation of the program requires area source  
9 dry cleaners to retrofit or replace equipment or machines, the  
10 department shall require the area source dry cleaner to comply with  
11 the requirements of this act, and in the event that emissions standards  
12 vary, the department shall enforce the most stringent standard for  
13 perchloroethylene emissions.

14

15 5. This act shall take effect immediately.

16

17

#### 18 STATEMENT

19

20 This bill requires all perchloroethylene dry cleaners to convert  
21 within three years of the effective date of this act to Generation 4 dry  
22 cleaning machines or retrofit the dry-to-dry machines used in the  
23 facility with equipment that reduces perchloroethylene concentrations  
24 in the drum of the machine to 300 parts per million.

25 Perchloroethylene is a carcinogenic, toxic substance used widely in  
26 the dry cleaning of garments and other items. In the cleaning process,  
27 the substance becomes airborne as gas and vapors and can be released  
28 into the atmosphere or the room in which dry cleaning machines are  
29 operating. Dry-to-dry machines eliminate the exposure caused by  
30 moving garments from a washing to a drying machine and Generation  
31 4 dry-to-dry machines have been developed so that the level of  
32 perchloroethylene emissions in the drum of the machine are reduced  
33 to 300 parts per million. This level in the drum reduces  
34 perchloroethylene emissions at the time of the machine door opening  
35 to an amount believed to be negligible and of no health risk.

36 The bill also requires the phase-out within three years of any  
37 dry-to-dry dry cleaning machines that vent perchloroethylene  
38 emissions into the outdoor atmosphere at levels exceeding 5 parts per  
39 million. Dry cleaners are permitted to retrofit machines with control  
40 apparatus that reduce the emissions to 5 parts per million. The bill  
41 further requires that, after three years following the effective date of  
42 the act, ventilation systems for dry cleaners release no more than 5  
43 parts per million of perchloroethylene emissions. The bill directs the  
44 Department of Environmental Protection to develop and implement by  
45 rule and regulation a random inspection program to ensure compliance  
46 with the provisions of the act.

1       The bill establishes the same standards developed by the dry  
2 cleaning industry in New York State and being implemented in that  
3 State.

4

5

6

7

8       Requires phase-out of perchloroethylene dry cleaning machines  
9 venting into the outdoor atmosphere; requires new equipment or  
10 retrofitting with certain control apparatus; directs DEP to establish  
11 random inspections.

WITHDRAWN