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Subject: Division 12 rulemaking - proposed dry cleaner classification change
Date: Friday, July 19, 2013 11:31:42 AM

Hello:

Jenny just pointed something out that we think we should fix. In Division 12, the dry cleaner program has a classification for failing to do leak detections, which currently looks like this:

340-012-0097 - Dry Cleaning Classification of Violations

(1) Class I:

(h) Failing to conduct weekly perchloroethylene leak inspections, and to measure the perchloroethylene refrigerated condenser outlet temperature and log the results, by a dry cleaning owner or operator.

It's always been weird to me that we have this violation(s) classified under the DC program because they are really NESHAP (and now ACDP) requirements, not found in dry cleaner rule or statute. Jenny pointed out today that this classification is also problematic because it uses "and" to connect three separate violations.

So, we suggest that we delete 0097(1)(j) and rely on this existing AQ class I when we cite failing to do leak detection or condenser monitoring (and the AQ class II for permit recordkeeping for the log violation):

340-012-0054 - Air Quality Classification of Violations

(1) Class I:

(j) Failing to perform testing or monitoring, required by a permit, rule or order, that results in failure to show compliance with a Plant Site Emission Limit (PSEL) or with an emission limitation or a performance standard set pursuant to New Source Review/Prevention of Significant Deterioration (NSR/PSD), National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), Reasonable Achievable Control Technology (RACT), Best Achievable Control Technology (BACT), Maximum Achievable Control Technology (MACT), Typically Achievable Control Technology (TACT), Lowest Achievable Emissions Rates (LAER) or adopted pursuant to section 111(d) of the Federal Clean Air Act;

Is everyone OK with that change? Jenny has made it in the current draft, but if anyone has concerns, please let us know asap and we will change it.

Thanks!
Sarah

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