



DRYCLEANER

ENVIRONMENTAL RESPONSE PROGRAM (DCERP)

*Facility
Registration*

*Response
Actions*



615-532-0900

www.state.tn.us/environment/permits/dcerp or
<http://www.tennessee.gov/environment/dsf/>

WHAT IS DCERP AND WHAT DOES IT DO?

Background

On June 13, 1995, the Tennessee General Assembly enacted a law establishing the Drycleaner Environmental Response Program (DCERP). The Act establishes a “fund” made up of annual registration fees collected from the owners/operators of drycleaning facilities and surcharges on drycleaning solvent.

Program Purpose

The purpose of the program is to provide funding and oversight for the response portion of the program which includes investigation and where necessary remediation (cleanup) of impacted sites (contaminated with solvents from drycleaning operations). While annual facility registration of active drycleaning facilities is mandatory, participation in the environmental response portion of the program is voluntary. There are industry estimates that as many as 80% of drycleaning facilities have some degree of contamination.

Statutory Preemption - Liability Protection

The statute (TCA 68-217-111) provides liability protection to eligible parties for any release under any other law or for third party claims, if the site is fund eligible and is in material compliance with the Board’s requirements. The liability protection begins when a site is accepted into the response portion of the program and ends when DCERP determines the response is complete. The liability protection does not apply to personal injury claims or liability under federal laws.

What Are The Program Fees?

Facility Registration

The mandatory annual registration fees are due on or before October 31st of each year and are

paid by active drycleaning facilities based on the number of gallons of solvent purchased during the preceding year. The total for the year is calculated from July 1 of the previous year to June 30 of the current calendar year.

Abandoned facilities can also be registered. An abandoned facility means any real property, premises, or individual leasehold space on which a drycleaning facility formerly operated. The current or prior property owners or current or prior operators of the facility can register the site individually or jointly.

Solvent Purchases

Solvent surcharge fees are collected by drycleaning solvent suppliers. The suppliers report sales and remit surcharge fees on a quarterly basis to DCERP. The funds collected from registration and solvent surcharge fees fund all program cleanup activity.

How Do I Apply For Response Activities?

First fill out an application for the response program and after receipt & approval of the application a Facility Inspection is conducted. At this step compliance with Best Management Practices (BMPs) is determined. The program provides facilities an “opportunity to cure” BMP deficiencies which impact Fund eligibility. To receive an application call 615-532-0900 or download the form from the web at <http://www.state.tn.us/environment/permits/dcerp>

Response Fund Eligibility Requirements

The applicant must meet the definition of a current or prior owner or operator of an active or abandoned drycleaning facility, in-state wholesale distribution facility, or an impacted third party.

The facility must be registered with the program and have paid all applicable fees, surcharges, penalties, and interest.

The facility must implement applicable Best Management Practices (BMPs) and must comply with all other requirements of the rules and Act.

What Activities does the Program Fund?

The Fund will provide reimbursement for the reasonable cost of Department-authorized Response Actions; inspection, investigation, and remediation, exclusive of interest, at sites accepted into the program. The applicant is responsible for accepting responsibility for a percentage of costs associated with each request for reimbursement.

Reimbursement for DCERP-Approved Actions

DCERP can authorize reimbursement of up to \$200,000 per year for eligible costs toward DCERP approved response activities from any individual facility. In order for response costs to be reimbursable a Drycleaner Approved Contractor (DCAC) must perform the work and the work plan and associated cost proposal must have received written pre-approval from DCERP.

How Are Cleanup Activities Prioritized?

Facility/Site Ranking System

DCERP Funds will be obligated and reimbursed to applicants for eligible response expenses as Funds become available pursuant to the DCERP's priority ranking system for sites. The ranking system ensures that sites, which pose relatively greater risks to human health and the environment, are approved for response actions prior to DCERP's approval of actions at sites, which pose lesser risks.

What Is A Drycleaner Approved Contractor?

Program rules identify the requirements environmental consultants/contractor's must meet in order to be recognized as a Dry Cleaner Approved Contractor (DCAC). DCERP evaluates their qualifications and maintains a list of approved contractors. DCAC's enter into a contractual relationship with the applicant and not DCERP or the Department. DCAC's can apply for one or more of the following categories: Facility Inspection, Site Investigation, and Remediation.

What Are The Steps of Investigation And Remediation/Cleanup Activities?

Facility Inspection (FI)

The FI begins the environmental investigation process and includes a determination of Fund eligibility through records review and an on-site inspection to determine compliance with BMPs and gather other data.

Prioritization Investigation (PI)

The PI determines the presence or absence of solvent impacts, establishes a priority ranking for the site, and determines whether additional investigation is needed (similar to a Phase 1 & 2 Environmental Assessment). Additional work is scheduled in accordance with the site's priority ranking.

Solvent Impact Assessment (SIA)

The SIA determines the extent and nature of the contamination and presents recommendations for appropriate remedial response actions or other follow-up activities.

Remedial Alternatives Study (RAS)

This step may not be applicable to all DCERP projects. The RAS evaluates technical feasibility, costs, and effectiveness of implementing various remedial approaches.

Remedial Response

Cleanup response activities are conducted. During the remedial response process the applicant, via their DCAC, will submit periodic reports confirming the remediation option is performing as expected, site remediation goals are being achieved, and the approved remediation action has been completed.

A **Response Complete** letter will be issued to the applicant after all required activities are completed at the site. This letter summarizes the response actions that were conducted and the final site disposition.

In accordance with statutory requirements environmental response actions and associated methods and techniques "shall be cost effective reasonable, and technically feasible." (TCA 68-217-110)

For More Information Contact:

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(615) 532-0900

Or visit our website at

www.state.tn.us/environment/permits/dcerp

Tennessee DCERP is a member of the State Coalition for the Remediation of Drycleaners (SCRD). Additional information regarding cleanup at drycleaner sites is available at: www.drycleancoalition.org.

