

REQUEST FOR EARLY EFFECTIVE DATE

AMENDMENTS TO THE CONTROL MEASURE FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS AND ADOPTION OF REQUIREMENTS FOR MANUFACTURERS AND DISTRIBUTORS OF PERCHLOROETHYLENE

Pursuant to Government Code Section 11343.4(c), the Air Resources Board (ARB or Board) requests the amendments to section 93109, title 17, California Code of Regulations (CCR); and the adoption of sections 93109.1 and 93109.2, title 17, CCR, become effective upon filing with the Secretary of State. Good cause exists for this request.

In this rulemaking, the Board has adopted amendments to the Airborne Toxic Control Measure for Perchloroethylene (Perc) Dry Cleaning Operations (Dry Cleaning ATCM), title 17, CCR, section 93109 (hereafter section 93109) and has adopted new sections 93109.1 and 93109.2, title 17, CCR (hereafter sections 93109.1 and 93109.2). In summary, the amended Dry Cleaning ATCM:

- Prohibits new Perc dry cleaning machines after January 1, 2008;
- Removes from service converted Perc machines and Perc dry cleaning machines in co-residential buildings by July 1, 2010;
- Removes from service all Perc machines that are 15 years old, beginning July 1, 2010;
- Removes all remaining Perc dry cleaning machines by January 1, 2023;
- Expands good operating practices and recordkeeping and reporting requirements; and
- Adds recordkeeping and reporting requirements for Perc manufacturers and distributors who sell to California dry cleaners.

Because amended section 93109 prohibits the sale and operation of new Perc dry cleaning machines on and after January 1, 2008, it is critically important that title 17, California Code of Regulations, sections 93109, 93109.1 and 93109.2 as amended and adopted become effective as soon as possible, preferably on or before December 31, 2007. This effective date will provide regulatory certainty to stakeholders responsible for the regulations' enforcement and compliance. These stakeholders include the local air districts and the owners/operators, manufacturers, distributors, and dealers of Perc dry cleaning equipment and of Perc itself.

No adverse impact from the early effective date will occur as stakeholders have been aware since the November 28, 2006 publication of the notice and proposed regulations that ARB intended to begin implementation of the regulations on January 1, 2008 once they were adopted by a final rulemaking order during the latter part of 2007.

Date: November 9, 2007

/s/
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