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## MEMORANDUM

Date: April 3, 2019

To: Interested Parties

From: Peter L. Doorn, LG  
Special Remediation Branch Head, Superfund Section  
Division of Waste Management, NC DEQ

Cc: Eric Swope, DSCA Compliance Supervisor  
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Subj: DSCA Rule Interpretation regarding transport of used perchloroethylene (perc) solvent

The Dry-Cleaning Solvent Cleanup Act (DSCA) Program has received a request to provide an interpretation of the DSCA rules in 15A NCAC 02S as it pertains to the following question: Can used perchloroethylene (perc) solvent reclaimed from perc dry-cleaner A be legally transported to dry-cleaner B for purposes of introducing the used perc into a dry-cleaning machine?

The DSCA Program first wishes to note that this question raises issues about whether used perc in such a situation is a “spent” solvent or a “reclaimed” solvent under federal and NC Hazardous Waste Rules. Accordingly, thorough review of applicable Hazardous Waste regulations is underway in order to establish a policy statement regarding the status of used perc on the facts described above, and that question will be addressed separately in a later document.

This document is intended to provide the DSCA Program’s guidance only on compliance with DSCA MMPs in the above referenced scenario. While the DSCA MMPs do not directly reference transporting used perc from one dry-cleaning facility to another, the DSCA Minimum Management Practice (MMP) requirement in 15A NCAC 02S .0202(b)(4) applies to all perchloroethylene transfers, including the above referenced situation. Based upon the requirement set forth in this Rule, as well as on the DSCA Program’s understanding of currently available industry technology, the Program offers the following guidance on this issue.

15A NCAC 02S .0202(b)(4) states “Facilities that use perchloroethylene shall use a closed container solvent transfer system by January 1, 2002.” We also refer to this system as a closed-loop system. This Rule sets out



a clear requirement regarding the method of transfer of perchloroethylene into a dry-cleaning machine: in order for perchloroethylene to legally be transferred into a dry-cleaning machine, the transfer must be accomplished via a closed-loop delivery system. This requirement applies without qualification or limitation based upon the source of the perc being transferred into the dry-cleaning machine. Accordingly, under this Rule, solvent reclaimed from one machine may only legally be transferred into another machine via a closed-loop delivery system.

To facilitate compliance with this Rule, solvent suppliers in NC have acquired closed-loop transfer equipment and implemented specific protocols, which include installation of solvent delivery couplings on clients' perc dry-cleaning machines. Virgin perc provided to the supplier comes in containers that are compatible with closed-loop transfer systems. The specialized containers and delivery equipment allow solvent suppliers to deliver virgin perc solvent directly to perc dry-cleaning machines in compliance with the DSCA MMPs.

At this time, it is the DSCA Program's understanding that the extraction of used perc from a dry-cleaning machine is not done using a method that would be considered as closed-loop transfer system, primarily due to practical and equipment limitations. Extraction of perc from a dry-cleaning machine entails pumping or draining perc from the machine into a non-sealed container or drum.<sup>1</sup> Thus, the used perc is held in a container that is not compatible with a closed-loop transfer system. Because the used perc is in a container incompatible with a closed-loop transfer system, the perc is unable to be delivered into a perc dry-cleaning machine in a manner that complies with the DSCA MMPs.

Used perc in an incompatible container cannot be introduced to the dry-cleaning machine in a manner that complies with the 02S .0202(b)(4), and the introduction of the used perc solvent into another dry-cleaning machine by any method other than closed-loop would be a violation. If the used perc solvent cannot be introduced into the dry-cleaning machine in compliance with DSCA MMPs, then knowingly transporting used perc to another dry-cleaning facility for the purpose of introduction of said perc into a dry-cleaning machine would be to do so with full knowledge that the used perc can only be introduced into the machine in violation of the DSCA MMPs. Therefore, we maintain that transportation of used perc in containers incompatible with closed-loop transfer systems from one dry-cleaning facility to another dry-cleaning facility under these circumstances violates the intent of the closed container solvent transfer system requirement.

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<sup>1</sup> As already noted above the determination as to whether the used perc extracted from the machine is "spent" or "reclaimed" is important under Hazardous Waste Rules but will be addressed in a future statement.