



Massachusetts Department of Environmental Protection
Environmental Results Program
1997 Compliance Certification Instructions
for Dry Cleaners

1. What is the ERP Compliance Certification?

Commercial dry cleaners are required to certify to the Department of Environmental Protection (DEP) that they are complying with the environmental protection requirements that apply to their business on or before **September 15, 1997**. This package contains the material you need to complete and submit the *ERP Certification*. The *Certification* and the accompanying guidance material have been designed to enable you to fill out the *ERP Certification* by yourself.

DEP strongly advises you to review this material well in advance of the September 15, 1997 deadline. While many facilities have all of the equipment they need to comply with environmental standards and are operating in compliance with the requirements, *some businesses may need to take additional steps to comply*.

The certification package has four parts:

- **ERP Applicability Statement:** Fill out this form **FIRST** to determine whether or not you have to submit an *ERP Certification*. Certain dry cleaners are not required to certify, depending on how they operate. Submit the *ERP Applicability Statement* **ONLY IF** you are not required to certify.
- **Annual ERP Compliance Certification:** This form has three sections: *Facility Information* that identifies the facility and a contact person, *Compliance Questions*, which are a series of mostly "yes" or "no" questions about whether or not your facility is following the applicable environmental requirements, and a *Certification Statement* to be signed by the facility owner or certain other specified senior managers.
- **Additional Compliance Certification Forms:** Complete the *Return to Compliance Form* if your facility is **NOT** in compliance with a particular requirement at the time you certify. Complete the *Spill or Release Report Summary* **ONLY** if your plant had a reportable chemical spill or pollution release during the past year.
- **ERP Compliance Workbook:** The workbook explains the environmental protection standards that apply to your facility, and how to make sure you are following them. The workbook also provides information about opportunities to prevent pollution at your facility. You should retain the workbook as a reference. DEP will mail updates to the workbook for certification in coming years. For your convenience, the workbook has been three-hole punched so that you can keep both the workbook and the updates in a binder.

2. Do I have to certify?

While the program applies to almost all commercial dry cleaners, certain conditions may exempt your business from the requirement to submit an annual *ERP Compliance Certification*. Fill out the *ERP Applicability Statement* first to determine whether or not you must submit an *ERP Compliance Certification*. If you have checked anything on the statement that exempts you from the ERP program,



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please fold the completed *Applicability Statement* in thirds, staple it, and send it back to DEP on or before September 15, 1997. DEP has preprinted the address on the back of the form. A label identifying your facility may also be pasted to the top of the attached *ERP Compliance Certification*. Peel the identification label off of the *ERP Compliance Certification* and affix it to the top of the *ERP Applicability Statement*. If no preprinted label is attached to your form, please fill in your company's name, address and telephone number in the appropriate space. Consult the workbook if you have any questions about terms on the *Applicability Statement*.

3. How do I submit an ERP Compliance Certification?

If ERP does apply to your facility, you are required to complete an *Annual ERP Compliance Certification* and mail it to DEP. The completed package is due at the following address on or before **September 15, 1997**:

DEP - ERP - DC
P.O. Box 4062
Boston, MA 02211

A pre-addressed envelope has been enclosed in this package for your convenience.

4. How do I fill out the ERP Compliance Certification?

1. Read the workbook to understand the environmental protection requirements that apply to your facility.
2. Answer all of the questions on the attached forms. The forms list places in the workbook where you can find the information you need to answer the question. Refer to *Section 8*, below, *Step by Step Instructions for Filling Out the ERP Compliance Certification* (page 4).
3. When you have answered all of the questions, sign the *Certification Statement*.
4. Fill out the *Completeness Checklist* at the end of these instructions to make sure you have included all of the required forms.
5. Make a copy of the complete package for your records.
6. Mail the package in the enclosed envelope (or another envelope if you have misplaced the one included with the package) to the above address.

5. What does the ERP Compliance Certification cover?

The *ERP Compliance Certification* covers DEP's air pollution control, industrial wastewater management, and hazardous waste management requirements for dry cleaning¹ operations. The workbook explains these standards, and provides tips on how to comply.

¹ This year's *ERP Compliance Certification* for dry cleaners does not require certification that laundry discharges to onsite wastewater disposal systems (septic systems) comply with groundwater discharge regulations. (Certification that you are not disposing perchloroethylene-containing wastewater from



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6. What is not currently covered by the ERP Compliance Certification?

Some facilities may be subject to additional state, federal or local environmental standards that are not covered by the *ERP Compliance Certification*. You still must comply with these requirements, even though they are not included on the Certification. Additional state requirements that may apply to your facility include air pollution control, industrial wastewater, or hazardous waste management requirements for industrial activities other than dry cleaning or other regulatory programs including: reporting and planning under the Toxics Use Reduction Act², water supply cross connections³, ground water withdrawal permits⁴; wetlands and waterways protection requirements⁵, and hazardous waste site clean up requirements⁶. If you think any of these programs might apply to your business, you can get more information on applicability and compliance requirements from DEP's **InfoLine** at (800) 462-0444 or (617) 338-2255.

7. What is my ERP certification fee?

NOTE: There is a flowchart on page 4 of the workbook that makes reference to paying the ERP certification fee at the time of certification. Please ignore this instruction. Do NOT include a check with your Certification. You will be billed for your ERP certification fee in December of 1997.

The fees associated with the *ERP Compliance Certification* replace all existing state air pollution control, industrial wastewater and hazardous waste management compliance and enforcement fees that presently apply to your dry cleaning operation. It is important to note that total fees are being reduced for facilities subject to ERP. Industrial wastewater sewer connection and hazardous waste recycling permits, and industrial wastewater holding tank, industrial wastewater treatment system and dry cleaning air pollution control plan approvals have been eliminated for industrial processes covered by ERP. This means that businesses will no longer have to pay the \$100 - \$1200 application fees for obtaining and renewing these permits and plan approvals.

The new compliance fee for dry cleaners is: \$200

your dry cleaning operation to septic systems is required however.) As part of its ongoing evaluation of commercial discharges to septic systems, DEP is studying the environmental impacts of laundry discharges. Upon completion of that analysis, DEP will review its regulations to determine if any changes are needed, and will add questions related to laundry discharge requirements to the *ERP Compliance Certification*, as appropriate. DEP may, however, enforce groundwater regulations where there is an imminent threat to public health or safety.

² You may be subject to the Toxics Use Reduction Act if you use more than 10,000 pounds per year of a toxic chemical listed on the Federal CERCLA or EPCRA chemical lists. Chemical MSDSs state whether a chemical is on one of these lists.

³ You may be subject to water supply cross connection regulations if you are required to have a backflow prevention device which prevents wastewater from being pulled back into your water supply lines.

⁴ You may be subject to groundwater withdrawal regulations if you take your process water from an onsite, private well.

⁵ You may be subject to wetlands and waterways regulations if you are doing construction in or near a wetland or in a tideland, or if you have a Tidelands License under Chapter 91.

⁶ You may be subject to hazardous waste site clean up requirements if there has been a spill or release of a hazardous waste or chemical on your property, or if you are undertaking a remedial action to clean up hazardous wastes.



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8. Step by step instructions for filling out the ERP Compliance Certification

Facility Information

This section lists the name and address of your business, the individual DEP should contact if there are questions about your *Certification*, your Federal Employer Identification number (FEI) from your state and Federal income tax forms, and a Facility Identification Number (Facility ID) that DEP has assigned to your facility. If your form has a preprinted label, please make any necessary corrections to the facility name or address on the label. Then add your FEI, the business's phone number, and name and business phone number for the contact person in the space provided. If your form does not have a preprinted label, put your facility's name, address, FEI, business phone number, and the contact person information in the appropriate spaces. Please leave the space for the Facility ID blank if you do not have a preprinted label.

Compliance Questions

These questions provide DEP with some background information about your facility and information about whether or not your facility is following the environmental protection standards and requirements that apply to it. The workbook contains the information you will need to determine how to answer the questions. The form tells you where in the workbook you can find information about the environmental requirements referred to in each question. *DEP strongly advises you to consult the workbook before answering any questions.* Most of the questions are "yes" or "no" questions about compliance with particular requirements or standards.

Answer YES if your facility is following the rule *as of the date you sign the certification statement.*

Answer NO if you are not following the rule *as of the date you sign the certification statement.* If you are NOT in compliance with the requirement on the date you certify, you must complete a *Return to Compliance Form* and submit it with the *ERP Compliance Certification.*

- Please note that it is your responsibility to keep your facility in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards. You should be able to come into compliance with all of the standards by the time you complete the certification. "NO" answers should be very rare, and only for those problems that you were unable to correct prior to certifying (for example, if your required pollution control equipment is malfunctioning and you do not have the parts on hand to fix it at the time you certify, or if pollution control equipment you planned to install was not delivered on schedule).
- There are some questions that ask whether you have been doing a routine activity (such as conducting leak detection checks of your dry cleaning machines) for the past year. For this first year of certification it is acceptable to say you are in compliance with these ongoing requirements as long as you have begun doing them by the time you certify and have a system in place to keep doing them over the next year. Be sure to comply with the requirements throughout the year. The *Certification Statement* includes a pledge that you have systems in place to keep your business in



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compliance with environmental protection standards over the coming year. DEP will be asking whether or not you complied with the requirement on next year's *ERP Compliance Certification*.

One question on the form asks if your facility had a spill or release in the last year that was supposed to be reported to DEP. If the answer to this question is YES, you must also complete and include a *Spill or Release Report Summary*.

Certification Statement

The *Certification Statement* is a preprinted statement which says that the person signing the form:

- has reviewed it,
- believes the information being submitted is true,
- will make sure that management systems are in place that will keep the facility in compliance with environmental protection requirements throughout the coming year, and
- understands that there may be serious consequences for submitting false information to DEP.

The statement may only be legally signed by the facility owner or certain other types of senior managers. The types of managers that are allowed to sign the statement are listed below the space for the signature. The person who signs the form must also print or type his or her name and title on the appropriate lines, date the form, and check the space next to the type of manager he or she is. Note that you must hold one of the titles listed on the form to legally sign it.

Return to Compliance Form

If your facility is unable to comply with a standard at the time you certify, fill out this form. The form asks for the standard you are violating, what you plan on doing to comply, and when you will be in compliance with the requirement. A separate form is required each time your answer to a question on the Certification required a *Return to Compliance Form*. In the unlikely event you need more than one form, make the necessary number of copies, and attach them to your *ERP Compliance Certification*.

Spill or Release Report Summary

This form asks when the spill or release happened, what was spilled or released, and when you notified DEP. Complete this form only if you had a chemical spill or pollution discharge that tripped the reporting threshold. If you need more than one form, make the necessary number of copies and attach them to your *ERP Compliance Certification*.



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Completeness Checklist

Complete the checklist below to help make sure that you have included all of the necessary information when you return the *ERP Compliance Certification* to DEP.

- Do you have a pre-printed label in the *Facility Information* section or have you written in your facility name and address?
- Are all *Compliance Questions* answered (except those you were directed to skip)?
- Did you consult the workbook when you were unsure of an answer?
- Are all required *Return to Compliance Forms* completed and attached?
- Are all required *Spill or Release Report Summaries* completed and attached?
- Has the *Certification Statement* been read, understood and signed by an appropriate person?
- Have you made a copy of the complete *ERP Compliance Certification* for your records?