FINAL REGULATION ORDER

ENVIRONMENTAL TRAINING PROGRAM FOR
PERCHLOROETHYLENE DRY CLEANING OPERATIONS

APPROVED BY THE OFFICE OF ADMINISTRATIVE LAW ON MAY 4, 1994

Adopt new section 93110, Titles 17 and 26, California Code of Regulations, to read as follows:

17 CCR, Section 93110. Environmental Training Program for Perchloroethylene Dry Cleaning Operations.

(a) Definitions. For the purposes of this section, the definitions in 17 CCR, Section 93109 and the following definitions shall apply:

(1) "Course authorization request" means a written request to present the initial course or refresher course which includes the items specified in subsection (c)(1).

(2) "Identification" means a document that includes a picture and a signature, such as a driver's license, State identification card, or passport.

(3) "Initial course" means training presented in accordance with the requirements of this section for the purpose of achieving the training objectives in subsection (g).

(4) "Instructor" means a person responsible for presenting the curriculum and verifying the identification of trainees.

(5) "Record of completion" means a certificate issued to a trainee who completes the initial course.

(6) "Refresher course" means training presented in accordance with the requirements of this section for the purpose of achieving the training objectives in subsection (h).

(7) "Trainee" means an individual who is taking the initial course or the refresher course.

(b) General Provisions.

(1) The Executive Officer of the ARB may authorize persons or organizations to present courses for individuals seeking to qualify, or maintain their qualification, as trained operators as required in 17 CCR, Section 93109 (f)(3).

(2) Persons or organizations shall apply to ARB for authorization to present the initial course, the refresher course, or both courses. Applicants for authorization to present both courses shall file separate course authorization requests for each course.

(3) Authorization to present the course is granted to the person or organization that completes the authorization process and shall not be sold, traded, or transferred to any other person or organization.

(4) Persons or organizations authorized to offer these courses shall not require membership in an association or purchase of a product as a prerequisite to enrollment or successful completion of the course.

(5) Persons or organizations shall not represent any course as an authorized course unless the course is presented in accordance with the provisions of subsection (d) and the person or organization has been authorized by ARB to present the course.

(6) Failure to comply with the requirements of this section shall be cause for ARB to cancel authorization to present the course. Cancellation shall be effective 10 days following notice of cancellation. Such notice shall state the reasons for cancellation.

(7) Each authorization shall be effective for three years unless cancelled in accordance with the provisions of subsection (b)(6).

(c) Requirements for Authorization to Present Course(s).

(1) All of the following information and related materials shall be included in the course authorization request to be prepared and submitted to the ARB by any person or organization desiring to present an initial or refresher course:

(A) The minimum and maximum number of courses and locations of courses, by city or county, that the applicant will present, and the language in which they will be presented.

(B) A description of the instructional equipment and visual aids to be used.

(C) A statement of each instructor's qualifications. Instructors shall have demonstrated background in, and knowledge of, the following: operation and maintenance of dry cleaning systems, pollution prevention procedures, and environmental regulations pertaining to dry cleaning operations in California.

(D) A summary of topics to be presented, an hourly schedule indicating time to be spent on each topic, and the proposed instructor for each topic (including any special qualifications for that topic, if applicable).

(E) A copy of the proposed curriculum to be used if not using an ARB-developed curriculum.

(F) A written policy regarding refunds of prepaid fees, in the event the course is cancelled, rescheduled, or relocated.

(G) The method to be used to determine the identity of the trainee.

(H) Projected class size and a plan for achieving the trainee/instructor ratio specified in (d)(1)(C). If a greater ratio is proposed, a demonstration that the course objectives can be satisfied with the ratio.

(2) Review of course authorization requests.

(A) Within 30 calendar days of receipt of a course authorization request or receipt of additional information requested by the ARB in accordance with subsection (c)(2)(B), the ARB shall review the course authorization request and shall notify the applicant, in writing, that the request is either complete or incomplete.

(B) If incomplete, the ARB shall inform the applicant of the information which must be submitted to complete the request. If the applicant does not provide the information necessary to complete the request within 90 days of the date of notification, the application shall be automatically denied.

(C) The ARB shall evaluate each complete course authorization request in accordance with the requirements of subsection (c)(2)(D). Within 60 days of notification that the request is complete, the ARB shall notify the applicant in writing that the course is approved or disapproved. Notice of disapproval shall state the reasons for disapproval.

(D) The ARB shall evaluate each request for authorization to present a course in accordance with all of the following factors:

1. Adequacy of the information submitted pursuant to subsection (c)(1). The ARB shall be permitted to conduct an individual interview to verify instructor qualifications.

2. Conformity of course content with the training objectives in subsection (g) for the initial course and in subsection (h) for the refresher course.

3. Incorporation of trainee participation and hands-on training with halogenated-hydrocarbon detectors.

(d) Requirements for Presenting the Course.

(1) The authorized person or organization shall do all of the following:

(A) Ensure that the course incorporates all of the training objectives, specified in subsection (g) for an initial course and in subsection (h) for a refresher course.

(B) Ensure that the course is taught by an instructor whose qualifications have been approved by the ARB.

(C) Ensure that class size does not exceed 30 trainees per instructor or an alternative ratio approved by the ARB.

(D) Provide a copy of the fee refund policy to each trainee prior to registration.

(E) Verify the identity of the trainee.

(F) Provide a copy of the course manual to each trainee to keep.

(G) Distribute records of completion within 10 working days to persons who have completed the course. The records shall bear all the following:

1. The name of the person who completed the course.

2. The identification number and type of document presented to verify identity.

3. The date the initial course was completed.

4. The signature of the instructor who verified the trainee's identity and attendance for the initial course.

5. The date each refresher course was completed and the signature of the instructor for the refresher course.

(2) Within 10 working days after each course presentation, the authorized person or organization shall submit to ARB the information specified in subsection (e)(2) and a certification that the instructor verified the identity and attendance of each trainee.

(e) Records of Completion.

(1) ARB shall provide validated record blanks to the person or organization authorized to present training. Validated record blanks shall bear the seal of the State of California and a unique number. All damaged or unused records shall be returned to the ARB.

(2) ARB shall maintain all of the following information on each trained operator:

(A) The trained operator's full name.

(B) The type and document number of identification provided by the trainee and noted on the record of completion.

(C) The number of the record issued to the trained operator.

(D) The date the initial course was completed and the course instructor.

(E) The date each refresher course was completed and the course instructor.

(3) Replacement of lost records:

(A) A trained operator may request a replacement record from the ARB. The request shall be in writing and shall include all of the following information:

1. The full name and current mailing address of the trained operator.

2. The type and document number of the identification provided at the initial course.

3. The number of the original record issued to the trained operator.

4. The date and instructor of the most recent refresher course.

(B) Within 30 working days after receiving a complete request for a replacement record, ARB shall issue a replacement record or notify the applicant of reasons for not issuing a record.

(f) Appeals Process.

(1) A decision regarding denial of authorization may be appealed to the Executive Officer of the ARB. The appeal and all supporting documentation shall be submitted in writing to the Executive Officer within 30 days of the date of the notice of denial.

(2) Within 30 calendar days of receipt of the appeal, the Executive Officer shall respond to the appellant in writing with a decision and associated reasons upon which the decision is based.

(g) Training Objectives for the Initial Course. The primary objectives of the training course shall be to promote understanding of the airborne toxic control measure for emissions of perchloroethylene from dry cleaning operations (17 CCR, Section 93109), how to comply with that control measure, and the advantages of minimizing releases of perchloroethylene to the environment. The training shall include all of the following topics and shall be designed to help trainees develop the knowledge and ability to do all of the following:

(1) Determine and keep records, according to the requirements of 17 CCR, Section 93109, of:

(A) The pounds of materials cleaned per load,

(B) The gallons of perchloroethylene used,

(C) The facility mileage achieved, and

(D) Repairs made to leaking components of the dry cleaning system.

(2) Check for and recognize liquid leaks and vapor leaks, according to the requirements of 17 CCR, Section 93109.

(3) Complete a leak inspection checklist.

(4) Inspect the components of the dry cleaning system and identify maintenance needs.

(5) Operate and maintain the dry cleaning system, according to the requirements of 17 CCR, Section 93109.

(6) Properly operate waste water evaporators, according to the requirements of 17 CCR, Section 93109.

(7) Complete an operation and maintenance checklist.

(8) Prevent, contain, and properly clean up perchloroethylene spills.

(9) Identify and utilize waste disposal practices that minimize perchloroethylene loss to the environment.

(10) Understand how to achieve and maintain good perchloroethylene mileage.

(11) Distinguish between a transfer machine, a vented machine, a converted machine, and a closed-loop machine.

(12) Identify perchloroethylene health effects, recognize signs of excessive exposure, and know when personal protective equipment may be necessary to meet worker safety regulations.

(13) Use the course manual as a reference tool to determine applicable environmental regulations established by:

(A) ARB,

(B) Districts,

(C) Department of Toxic Substances Control,

(D) Water Resources Control Board and Regional Water Quality Control Boards,

(E) Local sanitation districts, and

(F) Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA regulations in Title 8 CCR).

(14) Recognize the purpose and types of the following:

(A) Refrigerated condensers,

(B) Vapor adsorbers,

(C) Secondary control systems,

(D) Fugitive control systems,

(E) Spill containment systems,

(F) Filtration systems, and

(G) Stills.

(h) Training Objectives for the Refresher Course. The refresher course shall include all of the following topics and activities:

(1) Improvements in dry cleaning equipment.

(2) Improvements in waste handling techniques and equipment.

(3) Improvements in perchloroethylene reclamation processes and equipment.

(4) Improvements in leak detectors.

(5) Updated environmental regulations.

(6) Other topics of interest to dry cleaners.

(7) Updates to the course manual.

Authority cited: Sections 39600, 39601, 39650, 39655, 39656, 39658, 39659, 39665, and 39666, Health and Safety Code; Sections 7412 and 7416, Title 42, United States Code.

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Adopted by the Air Resources Board on October 14, 1993