SC Drycleaning Facility Restoration Trust Fund
Eligibility Criteria

The following criteria apply to *ALL* sites (former and operating):

Transfer of Ownership of the Facility: Section 44-56-470(F) of the Act states that eligibility for the Fund will transfer with the facility. Section 33.21 of the Regulation requires that the seller provides a notarized statement of the transfer to the Department within fifteen (15) days of the sale. Form DHEC 2057 is available at our website, http://www.scdhec.gov/environment/lwm/html/drycleaner.htm for this purpose. Any new owner of the facility must also comply with the terms of the Regulation and Act. Failure of a new owner to comply could result in financial liability for all parties that have ever been associated with the site in a responsible capacity.

Provide Access for Department Staff: Section 44-56-470(G)(3) of the Act removes eligibility for a facility if the Owner, Operator, or Property Owner deny site access to Department staff who are required to carry out the provisions of the Act. The environmental assessment and/or remedy implementation will be coordinated in advance to minimize disruption of any businesses on the property. The environmental assessment and/or remedial activities will be designed around any buildings or structures that may be in place on the property.

Payment of Deductibles: Section 33.25 of the Regulation requires that: (A) after the Department spends Fund money on the facility, the applicant shall pay into the Fund any unspent balance of the deductible up to the amount spent by the Department. (B) the applicant shall remit the full balance of the expended funds or shall enter into a payment plan with the Department within thirty days after notification by the Department that the funds have been used. Costs of the initial environmental assessment incurred as part of the application for Fund eligibility may be applied toward the deductible. Section 33.25 (B), Parts 1 – 4 of the Regulation provide details of the payment plan and interest rates. Please contact Katie Grant at 803.898.1241 or at grantks@dhec.sc.gov for questions about deductible payments.

The following criteria apply only to sites with *OPERATING* drycleaning machines:

Yearly Registration Fees: Section 44-56-440(B) of the Act requires payment of yearly fees into the Fund from all drycleaning facilities under your control. The fees are based on the number of employees at the facility:

Number of employees	Annual fee
1-4	$750
5-10	$1500
11 or more	$2250

The South Carolina Department of Revenue (DOR) has responsibility for collecting the yearly fees. Questions about fee payment should be directed to David Demary, DOR, 803-896-1902.

Payment of 1% Sales Tax on Drycleaning: Section 44-56-440(B) of the Act requires payment of one percent of the gross proceeds of sales of a drycleaning facility as an environmental surcharge on every owner or operator of a drycleaning facility participating in the Fund. This 1% sales tax is collected regardless of whether the customer picks up the garment at the registered plant location or at remote locations (dry-drop stores, home delivery, etc.).

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Solvent Surcharges: Section 44-56-460(A) of the Act requires all drycleaning facilities registered with the Fund to pay surcharges on all drycleaning solvents purchased for use within the state. These surcharges are usually collected by the solvent supplier. However, the drycleaner has the ultimate responsibility to ensure that they are paid. The legislation now defines solvents as "Halogenated Drycleaning Fluid" or "Non-Halogenated Drycleaning Fluid" based on the chemical makeup of the solvent:

- **Halogenated Drycleaning Fluids** are subject to a $10.00 per gallon surcharge. Halogenated fluids include all solvents that contain 10% or more of any of the compounds known as "Halogens," which is a chemical name for substances containing chlorine, bromine, fluorine, or iodine. Perchloroethylene is a Halogenated Fluid.

- **Non-Halogenated Drycleaning Fluids** are subject to a $2.00 per gallon surcharge. Non-Halogenated Drycleaning Fluids contain less than 10% halogen compounds. All current formulations of commercial petroleum-based solvents are considered as Non-Halogenated Cleaners, as are the newer synthetic silicone- or propylene-glycol-based cleaning agents (i.e., "GreenEarth" or "Impress"). Non-Halogenated Drycleaning agents that are in a non-liquid physical state (e.g., carbon dioxide, etc.) are assessed a surcharge of $0.20 per pound.

Containment: Section 44-56-480(A) of the Act requires all operating drycleaning facilities to have containment in place around all areas where solvents and wastes-containing-solvents are stored or used. Containment is intended to prevent releases from drycleaning facilities. Drycleaning owners are required to certify the containment meets the requirements every five years. The Drycleaning Containment Guidelines and the Containment Certification Form (DHEC 3879) are available on our website (http://www.scdhec.gov/environment/lwm/html/drycleaner.htm) or by calling our toll-free telephone number 1.866.343.2379.

Spills: Section 44-56-480(B) of the Act requires that a spill of solvent outside of a containment structure must be reported immediately upon its discovery to the Department if the quantity exceeds the Federal Reportable Quantity (RQ):

Solvent	Reportable Quantity (RQ)
Halogenated solvents (ex. Perchloroethylene)	100 pounds (approx. 7 gallons of pure solvent)
Petroleum-based solvents (ex. Stoddard)	Any amount that causes an oil sheen or deposit in "waters of the U.S."

Spills may be reported to SCDHEC's 24-hour toll free number (1-888-481-0125).

Gross Negligence: Section 44-56-470 (B)(5) of the Act requires that the contamination cannot be the result of Gross Negligence in operations after 1980. Gross negligence could include but is not limited to dumping, pouring, or otherwise intentionally releasing drycleaning solvent into the environment; failure to pay annual fees and surcharges; failure to have wastes or waste products handled properly; or not having required containment structures in place.

Details about the Fund, the Drycleaning Act and Regulation, and other information are available at
http://www.scdhec.gov/environment/lwm/html/drycleaner.htm.