



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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## 1. **What is the ERP Compliance Certification?**

Commercial dry cleaners who use perchloroethylene (perc) are required to certify to the Department of Environmental Protection (MassDEP) that they are complying with the environmental protection requirements that apply to their business on or before **September 15**. 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 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 three parts:

- **ERP Non-Applicability Statement:** This is a statement to be submitted to MassDEP if the facility is exempt from the program. Please note: this form has been deleted from the certification package. The questions from the form have been incorporated into the compliance certification form as Section B – Change in Status. See below.
- **Annual ERP Compliance Certification:** This form has four sections: *Facility Information* - identifies the facility, mailing address and a contact person. *Change in Status* – (*This replaces the ERP Non-Applicability statement on previous certification packages*). If you do not operate a dry cleaning machine on-site, use a perc alternative, or use only coin-operated dry cleaning machines, check the appropriate box and skip to the Certification Statement. *Compliance Questions* - 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 Plan* 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.

This package does not include the ERP Dry Cleaner Compliance Workbook. If you need a copy, you may obtain it by downloading one from <http://www.mass.gov/dep/service/online/erpforms.htm#dc> or by calling Paul Reilly at 617-556-1097.

## **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 Section B – Change in Status of the Compliance Certification for Dry Cleaners to determine whether or not you must submit a complete *ERP Compliance Certification*. If you check anything in the Change in Status Section that exempts you from the ERP program, skip directly to the Certification Statement (Section E). You do not need to answer the Compliance Information questions in Section C. Submit the form to MassDEP. Consult the workbook if you have any questions about terms on the Change in Status.

**NOTE:** If you are an owner of a **new facility** or a **new owner** of an existing facility, you are required to certify within 60 days of starting operation. You can get more information about compliance requirements by contacting Paul Reilly at [paul.reilly@state.ma.us](mailto:paul.reilly@state.ma.us) or 617-556-1097.

## **3. How do I submit an ERP Compliance Certification?**

Complete the *Annual ERP Compliance Certification* and submit either electronically or by registered mail, on or before **September 15**, to:

MADEP - ERP - DC  
P.O. Box 120-165  
Boston, MA 02112-0165

## **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. Submit the certification to MassDEP

## **5. What does the ERP Compliance Certification cover?**

The *ERP Compliance Certification* covers MassDEP's air pollution control, industrial wastewater management, and hazardous waste management requirements for dry cleaning<sup>1</sup> operations. The workbook explains these standards, and provides tips on how to comply.

## **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 Act<sup>2</sup>, water supply cross connections<sup>3</sup>, ground water withdrawal permits<sup>4</sup>; wetlands and waterways protection requirements<sup>5</sup>, and hazardous waste site clean up requirements<sup>6</sup>. If you think any of these programs might apply to your business, you can get more information on applicability and compliance requirements from DEP at (617) 292-5500.

## **7. What is my Annual Compliance Assurance Fee?**

NOTE: Please do NOT include a check with your *Certification*. You will be billed for your Annual Compliance Assurance Fee around the beginning of each the calendar year.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> You may be subject to groundwater withdrawal regulations if you take your process water from an onsite, private well.

<sup>4</sup> 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.

<sup>5</sup> 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.

Payment of your Annual Compliance Assurance Fee is required to maintain a valid certification and covers part of the costs associated with MassDEP's monitoring, compliance and enforcement activities. *ERP Compliance Fees* replace other MassDEP program compliance fees that may apply to your dry cleaning operation including those for air pollution control, industrial wastewater and hazardous waste management. 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 and their associated annual compliance assurance fees.

The compliance fee for dry cleaners is: \$250

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

### **SECTION A: Facility Information**

This section lists the name and address of your business, the mailing and billing addresses (if different), the contact person, the number of full-time employee equivalents (FTEs), and a Facility Identification Number (Facility ID) that MassDEP has assigned to your facility.

### **SECTION B: Change in Status**

This section replaces the separate Non-Applicability Form. Use the Change in Status section if you change your operation in one of the following ways: 1. become a drop store (no dry cleaning on-site), 2. switch to a perc alternative such as hydrocarbon or wet cleaning, 3. operate only coin-operated perc dry cleaning machines. You should check the appropriate box, enter the date the change occurred, and check the alternative cleaning method, if appropriate.

If you check one of the boxes in the Change in Status section, you do not answer the compliance questions in Section C. Simply skip to the Certification Statement on page 10, enter the required information, and complete the submittal process.

### **SECTION C: Compliance Questions**

These questions provide MassDEP 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 information you will need to determine how to answer the questions. The electronic version of the form features "Help Icons" that provide 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.

If you are NOT in compliance with the requirement on the date you certify, you must complete a *Return to Compliance Plan* for each violation 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. Return to Compliance Plans are needed only when 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).

#### **SECTION D:    Comments**

This section provides space to enter any comments, explanations, or additional information that should be included in this certification.

#### **SECTION E:    Certification Statement**

The *Certification Statement* states 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 MassDEP.

The statement may only be legally signed by the Responsible Official (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 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 Plan**

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 Plan*.

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 MassDEP. 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*.

### ***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 MassDEP.

- 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 Plans* 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?