



Department of Environment and Conservation  
Division of Remediation  
Drycleaner Environmental Response Program  
401 Church Street, 4th Floor L & C Annex  
Nashville, Tennessee 37243

To: Tennessee Drycleaning Facilities  
Drycleaning Solvent Suppliers  
Current or Prior Owners/Operators of Abandoned Drycleaning Facilities  
Potentially Impacted Third Parties

From: The Tennessee Drycleaner Equipment Response Program (DCERP)

Subject: 2008 Annual Registration Notice

The annual drycleaner facility registration fee is based on the reported amount of solvent purchased from July 1, 2006 through June 30, 2007. The reported amounts are verified by comparing the amount you have reported to the amount reported by solvent distributors. The 2008 registration package includes: *Registration form, Annual Registration Fee Invoice, 2008 Annual Registration Notice, Best Management Practices (BMP) Certification Form and the Quarterly Solvent Purchase Log*. Facilities that fail to submit all the required forms will not receive a Certificate of Registration until the forms are correctly filled out and received. Additional program information and forms including the "Guidance for Registering with the Tennessee Drycleaner Environmental Response Program" are available on the web at <http://www.state.tn.us/environment/permits/dcerp> or call the DCERP administrator at 615.741.2281 and we'll be happy to mail you a copy.

You must return all of the following items in the enclosed return address envelope on or before October 31, 2007:

1. Registration form (remember to make a copy for your files)
2. 2008 Annual Registration fee (payable to the Treasurer, State of Tennessee)
3. 2008 Fee Invoice: You **must** pay the invoiced fee or face possible late penalties. If you dispute the reported amount of solvent purchased we will review your documentation (a statement, saying that you feel that you were incorrectly invoiced, along with any supporting documentation or verifiable proof) and verify if the amount invoiced was in error. If it is determined the invoice amount was in error and that amount exceeds the corrected annual fee we will process a refund.
4. Quarterly Solvent Purchase Log (July-September 2007) (According to DCERP's new rules every facility must submit quarterly solvent reports, even if they did not purchase any solvent, or we will not issue you a registration certificate.)
5. Copy of the current CED certificate(s)
6. BMP Certification Form

#### **Registered Drycleaner Facilities Penalty Policy**

To obtain a certificate for 2008, all fees and penalties owed to the DCERP must be paid in full and all the required documents listed above submitted. *Without a current certificate, you will be unable to purchase solvent and additional penalties may be levied.*

The late penalty policy is based on the number of days after the registration due date, which is October 31, 2007, through the date (postmarked on envelope) the fee is paid in full. Numbers 1 through 4 on the next page are to assist you in calculating your late registration penalty. The penalty is in addition to the amount assessed on your invoice. For example, if the amount invoiced was \$500.00 and you paid the fee 20 days late on November 20, 2007, a penalty of \$250.00 will be added to the amount owed. The new total amount (invoiced fee plus penalty) due would be \$750.00.

The penalties listed are based on DCERP policy and are minimums, which may be increased, at the program's discretion, up to the statutory maximum of \$50.00 per day. Please be aware that an additional penalty of \$100.00 will be assessed for

each returned check. If you are unsure how to determine the amount you owe please call the DCERP administrator at 615.741.2281.

Example: Invoiced fee (\$500.00) + penalty amount (\$250.00) = new amount due that must be paid to receive a certificate (\$750.00).

- 1) Annual Registration fee postmarked after October 31<sup>st</sup> but by December 31<sup>st</sup> will be assessed a \$250.00 late penalty.
- 2) Annual Registration fee postmarked after December 31<sup>st</sup> but by February 28<sup>th</sup> will be assessed a \$500.00 late penalty,
- 3) Annual Registration fee postmarked after February 28<sup>th</sup> but by March 31<sup>st</sup> will be assessed a \$1,000.00 late penalty,
- 4) Annual registration fee postmarked after April 1<sup>st</sup> will be referred to the TDEC Office of General Counsel for further determination of penalties and potential legal action.

Note: These penalties are cumulative. Example: Invoiced fee (\$500.00) + Penalty 1 (\$250.00) + Penalty 2 (\$500.00) + Penalty 3 (\$1,000.00) = Fee and penalties of \$2,250.00

DCERP policy also levies a penalty of \$500.00 per incident if the facility purchased or obtained solvent while in an unregistered status. The \$500.00 penalty is in addition to any late registration penalty.

If your certificate is lost or damaged a duplicate certificate cost's \$25.00 with a limit of one duplicate per year. The facility must request a duplicate certificate in writing and explain why a duplicate certificate is necessary. A facility that fails to post a Certificate of registration is subject to a \$50.00 penalty.

### **Penalty Policies and fees for Solvent Suppliers/Distributors**

Solvent surcharge fees are due by the end of the month following the end of the calendar quarter i.e. January to March surcharges are due by April 30. Late payment or non-payment of solvent surcharge fees will accrue a late penalty whichever is the greatest of either 5% per month of the unpaid surcharge or \$150.00 per month, not to exceed an amount equal to \$50.00 per day.

The sale or transfer of solvent to an unregistered facility is unlawful and carries a minimum penalty of \$800.00 for the 1<sup>st</sup> offense per incident. The 2<sup>nd</sup> offense penalty is \$1,000.00 per incident. The 3<sup>rd</sup> or more offense carries a minimum penalty of \$2,500.00 per incident. The penalties may be adjusted at the discretion of the Department based on the cooperation given the Department, the amount of solvent sold or transferred; the number of repeated violations, or other relevant factors.

### **Registered Drycleaners and Solvent Suppliers**

Penalties for late payment or non-payment of program registration fees and/or solvent surcharge fees will continue to accrue until the entire fee or surcharge is paid. Once the fee/surcharge is paid, penalty will cease to accrue. However, penalty amounts (including the above schedule) are discretionary up to the statutory limit of \$50 per day and can be adjusted based on timeliness of payment, other program violations and other relevant factors determined by the Program. A drycleaning facility is considered unregistered and will not receive a Certificate of Registration until all the required forms are submitted and all fees, surcharges, and penalties have been paid.

If you plan to cease operations at your facility on or before December 31, 2007 you must notify DCERP to prevent penalty accrual and possible legal action.

### **Registration Status and Entry into the Response Program**

A facility, which registered as an active facility, but then ceases on-site drycleaning operations during the calendar year, will qualify as an active facility until the end of the calendar year. At the beginning of the next calendar year, the facility will be considered an abandoned facility. The Response Program, the environmental cleanup portion of the program, has deductibles that are based on the facility's status when an Application for Entry for Response/Cleanup is submitted to the program. For these facilities, if you submit an application for the Response Program prior to the end of the year you will receive the benefit of a significantly reduced deductible. If you are in the category and need an application or if you have any questions, call DCERP staff at 615.741.2281.