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Home

Newsletter

Archive search

Classified ads

Buyers' Guide

Events diary

Yearbook

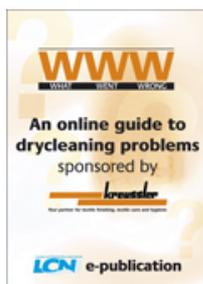
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## Feature

### Keep up with SED rules!

01 August 2007

**To meet the legal requirements of the Solvent Emissions Directive, drycleaners had to apply for a permit to operate by 31 October 2006 to stay in business. Senior environmental health officer Fay Rushby explains recent changes to the guidance**

All operational drycleaning installations should have applied for their permit under the Solvent Emissions Directive before the deadline of 31 October 2006.

The directive is now being implemented under the Local Air Pollution Prevention and Control (LAPPC) system by local councils and means that drycleaners must have a permit to operate.

Drycleaners have had to comply whether the business uses perchlorethylene, hydrocarbon or siloxane, but the rules are being applied slightly differently for new and existing businesses.

During the relatively quiet period after the rush to apply, Defra (the Department for Environment, Food and Rural Affairs, the government department that sets UK environmental law and policy) has been working with industry operators and inspectors to thrash out the practicalities of applying the SED.

To keep LCN readers right up to date, here is a run-down of the important changes.

#### Drycleaning machine spillage trays

There has been a lot of discussion about these. If you run an older drycleaning machine that does not have a spillage tray, you do not need to install one unless you are replacing or refurbishing your machine.

#### Secondary water separators

A second separator must be fitted to all machines installed after 19 May 2005. This can be an integrated or a retrofitted "bolt-on" unit and the requirement applies to new and refurbished machines installed after this date.

A second separator is not required for a drycleaning machine installed in an existing business before 19 May 2005. (Remember, an existing business is an establishment that started drycleaning operations on, or before, 1 April 2001. A new installation is one that started drycleaning operations after 1 April 2001.)

This leaves us with the question: is a second separator required in those businesses classed as new installations but with machines installed before 19 May 2005? Defra has left this as an open option for operators and regulators to agree on a case-by-case basis. It is an option that should be considered if the solvent recovered will help to secure compliance with the solvent emission limit.

#### Activated carbon filter beds

Defra now considers that retrofitting activated carbon filter beds to older machines in installations classed as "new" to treat contact water is not a Best Available Technique (or BAT).

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### **Continuous perc monitors**

There is no longer an absolute requirement to install and use a continuous perc monitor in a new installation, but it is recommended that one is used wherever drycleaning is undertaken in an enclosed space, or where a health and safety risk assessment has determined that it would be a useful precautionary measure.

### **Fees and charges**

Defra has revised the application fees for drycleaners. It revises all industrial pollution control fees and charges each year.

The fee for a new permit application is £138.

There is now an additional late application fee of £61 if already operating drycleaning activity when applying for a permit.

The annual subsistence charge (the fee to keep the permit valid) is £141.

The majority of the other SED requirements have remained the same.

However it is vitally important that accurate records are kept of:

- the weight of materials cleaned;
- the volume of solvent added to the machine to top it up, and;
- the volume of recovered still waste sent for disposal.

If you are not already keeping these records, you must start doing so now.

The more records you have, the more representative your figures will be. Seasonal variations in trade and in the type of articles cleaned do have an impact on solvent consumption.

To put it another way, a cleaner will want to have reliable evidence to hand that the machine and the way it is operated can meet the solvent emission limit.

This is particularly important if a local inspector thinks that your drycleaning machine is too old, or if you are uncertain whether you need

to replace your drycleaning machine.

I recommend that anyone having problems working out their solvent consumption gets in touch with their local inspector or uses the Solvcalc pack produced by the Textile Services Association (TSA).

Bad load management is the biggest single cause of poor solvent consumption (apart from actual solvent leaks). This applies particularly to under-loading the machine, as machines generally use the same amount of solvent for a part load as for a full one (unless you are lucky enough to have a drycleaning machine that automatically adjusts the volume of solvent used to the load being cleaned).

This does not mean that you can't run a short load from time to time. Indeed the law does recognise that on some occasions it isn't possible to fill the machine to its full load weight capacity, for example when cleaning light, delicate or bulky items.

But you should aim to load the machine as fully as the materials to be cleaned will allow on all other occasions. For some, this will mean that the provision of one- and two-hour cleaning services may have to be reviewed, particularly if the business regularly cleans small loads and this is hurting solvent consumption.

The target of cleaning at least 80kg of materials for every litre of perc solvent used (48.5kg for hydrocarbon solvents and siloxane users) does appear to be achievable for most drycleaners. Some sites regularly and reliably return an

annual perc use of around 114kg/litre.

Keeping detailed records will help a business to understand its solvent use better. It will also help cleaners to decide whether to upgrade or replace a drycleaning machine to make sure that the business remains viable and legal, and even help to convince an inspector that the drycleaner is meeting the solvent emission limits.

#### **Failing to comply**

One of the most common questions asked by drycleaners is: "What happens if a business cannot meet the solvent emission limit or fails to comply with the permit conditions?"

The answer is not that straightforward. A great deal will depend on the enforcement protocols and policies in place at your local council, and how badly (or deliberately) you have broken the law.

Minor breaches of permit conditions are often dealt with informally, and a drycleaner can usually expect to receive verbal or written advice regarding non-compliance.

The inspecting officer will expect the cleaner to take action to improve the way they operate their drycleaning process, and in especially the way the machine is loaded and the state of the machine's maintenance or repair.

Where non-compliance is more severe, and/or previous advice has been ignored (or is likely to be ignored), the local authority inspector can issue an enforcement notice which will be used to "remind" a drycleaner about a particular permit condition.

Finally, if a drycleaner is causing or is likely to cause serious pollution a suspension notice can be served, which could order the business to stop the drycleaning activity immediately. Serious pollution could include a gross solvent leak or severe non compliance with the solvent emission limit.

In general, the inspecting officer will decide the level of action, taking into account the conditions and attitudes encountered on site.

However, the council will usually want to work with you to secure compliance.

The enforcement process does not have to follow a specific or set course of action such as a written warning, followed by a formal notice then a court hearing.

#### **In court**

A case could go straight to court if the circumstances were bad enough. If the drycleaner is prosecuted, they could be liable to a maximum penalty of up to £20,000 and/or six months imprisonment if found guilty of breaching their permit conditions or ignoring the requirements of enforcement/suspension notices.

While the mention of law-breaking seems very formal, drycleaners should remember that their permit conditions are a set of legally enforceable rules that are largely the same for every drycleaner.

#### **Issuing permits**

Some drycleaners will have received their permits by now, but don't panic if you have not received yours as yet. Defra has given local councils the option of "holding off" issuing permits until 31 October 2007, and many councils are doing just that.

I would however suggest that if you have not received your permit by the beginning of September, you get in touch with your local council to make sure that there has not been a problem such as your permit getting lost in the post.

Once a drycleaner has a permit they should expect to see their inspector at least once per year.

The inspector will undertake a formal examination of the

drycleaning installation, check compliance with the permit conditions and offer advice on good practice and the latest Defra guidance.

They may also work through the annual solvent emission calculation with you, but don't bank on it. Keep your solvent accounts up to date as you go along.

Not only will it keep your solvent consumption under review, it can help you to improve your productivity and save you money on the use of drycleaning solvents.

If you are still unsure about what you need to do, how to calculate your solvent consumption, what your permit conditions mean or how to meet their requirements contact your local council inspector, or seek some independent advice.

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