



The Messenger

www.midatlanticassociation.org

Industry Roundtable Highlights Bright Future for Industry



THE MID-ATLANTIC ASSOCIATION OF CLEANERS' ROUNDTABLE DINNER WAS A GREAT SUCCESS. WITH OVER 35 PEOPLE ATTENDING, THE NIGHT FEATURED SOME LAUGHS, GREAT FOOD & DRINK -- AND SOME VERY SERIOUS AND THOUGHT PROVOKING DISCUSSION.

MAC partnered with Herson Supply to host the dinner meeting and roundtable. All attendees were invited to bring their thoughts, concerns, and theories on where the industry is headed, and the evening was designed as an open dialog constructed to share experiences in a peer-to-peer setting. The basic premise for discussion was: "Will the industry, as we know it today, still be viable in 10 years?"

"I am excited to see all the enthusiasm and involvement from the industry," offered Peter Blake, MAC Executive Director, "and really enjoyed the feedback, thoughts, and ideas brought out in the open discussion."

Peter Blake joined with Ron Herson to act as the hosts. Their main focus was to lead discussion and encourage an open exchange of ideas and thoughts. The main themes running through the discussion were: Customer Service, Customer Convenience, Diversification, and Consistency.

"Some of the discussions were tense and pointed", observed Blake, "especially over the differing philosophies of Full price Vs. Discount Cleaners and the advertising dynamics of both segments. Whenever you get two very differing views -- and add in the direct competitiveness -- you have the potential for some intense discussions. I do think that meetings like this help to bridge the gap, and gives everyone a chance to express their views."

While all the industry's problems haven't been solved, those drycleaners that attended all have a better understanding of the challenges that lie ahead. MAC will be designing similar programs in the near future in other MAC areas. Contact Peter Blake for more information on this program or future ones.

MAY/JUNE
2016

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PRESIDENT'S MESSAGE...

Let's Talk Membership

FIRST OF ALL, I AM SO IMPRESSED WITH THE WAY MY MEMBERSHIP INVESTMENT HAS BEEN GROWING. THERE ARE MORE USEFUL SERVICES NOW THEN THERE HAS EVER BEEN.



Dianne Chatelain

Both MAC and DLI are investing in our future. They are giving us incredible tools to use to succeed. With the DLI Encyclopedia of Drycleaning, the DLI App, the Garment Analysis App, and the weekly e-mails I receive-- I am an expert on almost everything drycleaning related. It is remarkable how much information I have instantly.

Think about it. With the DLI App you have directions on how to remove stains for a multitude of fabrics instantly. Not only that, but a help number to call if you have trouble right on the same page, and a full list of TAB Bulletins you can refer to in helping customers. As if that weren't enough, it is also in Spanish!

Just this week, I logged into the DLI website to check on something -- and noticed a new feature. A chat window popped up with a membership representative live, online to help me find what I was looking for. Now that is GREAT customer service.

MAC is also doing its part to add to the mix. With meetings like the FabriClean Open House, and the recent Roundtable meeting in Maryland, we are reaching out to our members in new and innovative ways. It was great to have Peter Blake visiting MAC members and prospective members for 3-days-- and we look forward to having him even more often. He has taken all his years of working with drycleaners and developed a terrific marketing workshop and we hope to bring that to the area this fall.

Even the bi-monthly magazine, MAC's The messenger, is getting better and better. With more timely and more in-depth articles on happenings and business matters, it moves to the top of my reading list. The website continues to be a great source of information on not only current activities but the archives of past newsletters, government assistance tools, and regulatory information is critical. Membership is always getting better -- and more valuable!

Dianne Chatelain

Presto Valet

703-998-6464 / dianne@prestovalet.net

**The Next Mid-Atlantic Association of Drycleaners
Board Meeting & Annual Membership Meeting**

**Sunday, July 31, 2016
Bedford, VA**

The Top 4 Ways of Identifying Toxic Employees

Written by James Peuster, 21st Century Drycleaning



1. They Externalize Failure

“WE CANS” have a culture of accountability. But those who are “toxic” would disagree -- they feel they can’t be held accountable. Their misfortune is never their fault which limits their ability to learn from their mistakes and fosters a culture of finger-pointing. Effective employees internalize their failures and setbacks. They honestly assess what went wrong in order to

avoid similar mistakes in the future. For instance, if a sale is lost to a competitor, self-aware employees examine what they could have done differently during the sales process, rather than deride the lost customer as “stupid” or allege that a competitor was unethical.

Red Flags: “They never gave me the resources I needed to succeed.” Or, “Production was weak. I could never get my clothes on time or clean.” And: “The owner was never around.”

2. Single-handed success

Toxic employees overvalue their contributions and exaggerate the

degree of their involvement in successful initiatives. Few successes are achieved by just one person. Self-aware candidates freely acknowledge the contributions of their teammates, or managers.

Red Flags: Frequent use of “I” and “me” instead of “us” and “we.” Statements like: “I generated 53 percent of the company’s sales.”

3. Them and they

Toxic people describe their past co-workers as if they themselves were never members of the organization, using pronouns such as, “they” and “them.”

Red Flags: “I tried to tell them that we needed more marketing materials or that production wasn’t great, but they wouldn’t listen.”

4. Everyone is ‘clueless’

Toxic staff members are the sole source of wisdom in their universe. Co-workers are clueless because they fail to appreciate their brilliance.

Red Flags: “My boss didn’t know what she was doing. She was totally clueless.” Or: “The manager’s didn’t have a clue, despite my repeated warnings that their strategy wouldn’t work.” And: “Marketing couldn’t generate decent leads.”



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The View From the Field

ONE OF THE BEST PARTS OF MY JOB IS THE OPPORTUNITY TO VISIT DRYCLEANERS UP AND DOWN THE EAST COAST. IN MY 29 YEARS WITH DRYCLEANING ASSOCIATIONS, I STILL LOVE TO SEE NEW THINGS, MEET NEW PEOPLE AND LEARN FIRST HAND HOW WE CAN BEST BE OF SERVICE TO OUR MEMBERS.

I had the opportunity to travel through the Maryland-Virginia areas recently and got to meet many of our MAC members, and potential members.

Over the course of the three days, I was able to visit almost 30 different plants. Many were already members of MAC -- but some weren't, and it gave me the opportunity to discuss membership.

During the trip, I was able to sign 3 members -- and had one member decide to move up to silver membership from budget.

Sometimes all it takes is to explain the benefits and to demonstrate the power of what we have to offer. Most of the time, when given the chance, I am able to show ways that MAC and DLI can be integral to your success and your future plans.

KEY OBSERVATIONS

One of the main things I learned from this trip is the need for information -- and the need for marketing help. I am always surprised by the cleaners who still don't have websites for their business. That is the easiest sell for a membership -- if you don't have a website, DLI/MAC Membership is the easiest, and most affordable way to get one.

There is also a need to help drycleaners market their business. The use of e-mail marketing, community advertising, networking were all common themes with the membership. There are some highly effective tools to help you increase business.

I saw that not only from the in-plant visits, but from the Roundtable Dinner as well. There is a need to get piece count up in the industry. There are only two ways to do that: increase your share of the pie -- or create a bigger pie. I was able to show a few members ways to increase their business, and to better entice their own customers for greater volume.

The other key observation was how lucky businesses are to have such dedicated Allied Tradespeople in the area. I have to take



(clockwise from top left) James Just of R.R. Street installing a pump for one of MAC's new members, Ron Herson of Herson Supply welcoming all the attendees, Russ Kaplan and Dwayne Gwaltney share a laugh, and Don Coleman, Buddy Poms and Bill Corli enjoy



my hat off to them and the personal service they give. I had the pleasure of working with Ron Herson at the dinner meeting --as well as have him set-up a couple meeting for me with drycleaners on Monday. Tuesday, Dwayne Gwaltney of FabriClean drove me around to visit some of the high profile cleaners in the area. Finally on Wednesday, Jim Just of R.R. Street spent a full day visiting some cleaners who could really use some assistance. I am impressed with their dedication to their customers -- and grateful for bringing me in to visit with them. I only hope I was of service!

MAC IN THE FIELD -- WHAT'S NEXT

MAC will be holding its Annual Membership Meeting and Board meeting the weekend of July 31 at the Peaks of Otter Resort. I will be planning on visiting plants on Friday, July 29 and hope to see members at the annual meeting.

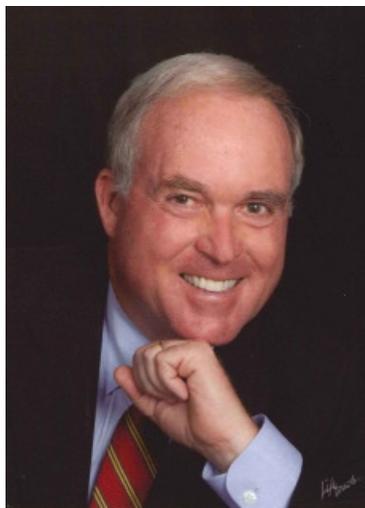
Would you like to be visited? Would you like to hear more about how MAC and DLI can help you be more successful? Call me at the MAC Office and I will try and schedule a visit to your plant during a future trip

I really enjoy getting out in the field and visiting cleaners. It is always a learning experience for me -- and I really hope I can share some insight and experience with them. We have so much to offer, and I really get excited to show ways we can help.

2016 Human Resources Management Checklist

Part 3 of 3

Written By Raleigh F. "Sandy" Seay, Jr., PHD, Chairman of The Seay Management Consulting Firm



SEAY MANAGEMENT CONSULTING HAS BEEN PROVIDING THE DRYCLEANING INDUSTRY CONSULTATIONS AND BASIC INFORMATION FOR YEARS. THEY ARE A TERRIFIC RESOURCE OF INFORMATION FOR ALL YOUR HUMAN RESOURCE QUESTIONS.

Due to the importance and the scope of the information that goes into an effective

HR Checklist, we have expanded this article to three parts. This is the third and final installment of the series. Over the three issues, we reviewed key components of an essential Human Resource Management Program. If you missed the other parts, they are posted online at www.sefa.org in the archives section of the website.

DOCUMENTATION - Make sure all of your Human Resources decisions and actions are fully and comprehensively documented, that you have developed and implemented a system of Progressive Discipline and that all of your supervisors and managers have been fully trained.

UNEMPLOYMENT - Remember that the Unemployment Office is giving away unemployment benefits like chicklets. Keep in mind:

If you dismiss an employee within the 90 day probationary period, whatever benefits may be awarded should not be charged to your account.

Former employees should not be eligible for benefits if they are dismissed for misconduct or if they leave with "no good cause attributable to the employer."

Employees who are dismissed for performance reasons will almost always be awarded benefits.

NATIONAL LABOR RELATIONS BOARD - This agency covers both union and non-union employees and enforces the "Unfair Labor Practices" requirements. In addition, union membership is at a historic low and union organizing campaigns are going to increase, so it's critical to train your supervisors and managers in the landscape of what they can and can't do. Most managers and supervisors are surprised to learn that they can do more than they think they can. A one-half day supervisory training program will

resolve this issue. This is an emerging flash point that we must continually monitor.

EMPLOYEE OPINION SURVEY - Consider conducting an employee opinion survey every 18-24 months to find out what your employees think and how they feel about their work and their jobs. Many a serious employee problem has been prevented by having an employee opinion survey.

TIME RECORDS - The Wage and Hour Division of the Department of Labor is targeting the question of "working time," which regulations define laboriously as whenever an employee is "suffered or permitted to work."

If an employee is working, the employer is responsible for paying for this time, even if you didn't authorize it, and even if you didn't know about it. This could include travel time, meal periods, time before and after regular work hours, homework and other time.

Employers should have a clear policy on the use of smart phones and other devices at home and during other non-scheduled work hours to conduct company related business. Make sure all employees are recording all of their work time accurately and that you know when employees are working.

EXEMPT CLASSIFICATION - Verify all of your exempt employees are properly classified. Remember that one of the requirements for exemption is that employees must receive a guaranteed salary, not subject to deduction, in any week in which they perform any work at all.

ONLINE APPLICATION AND JOB POSTINGS - Consider having employees complete the application form online, through your website, rather than in person. This can be a more efficient and less expensive process and may more quickly identify those applicants who might be good candidates for the positions you have open. You might also want to list your open positions on your website.

HR MANAGEMENT COMPLIANCE AUDIT REVIEW - This will help you reduce or eliminate any potential liability or exposure, provide you with the comfort and assurance that you are in compliance with all of the employment regulations that cover you and check to see that you have the "best practices" you need to hire and retain good employees.

FOR MORE INFORMATION - We trust that this Human Resources Management Checklist will be helpful to you as you establish and refine your employment goals and objectives. The checklist will conclude in next month's Reclaimer. Please contact Seay Management Consultants by phone (888-245-6272) or email (admin@seay.us) with any questions you may have.

MAC Board and Annual Meeting Set for July 31



THE MAC BOARD OF DIRECTORS WILL HOLD ITS NEXT MEETING IN CONJUNCTION WITH THE ANNUAL MEMBERSHIP MEETING AT THE THE PEAKS OF OTTER LODGE IN BEDFORD, VA ON SUNDAY JULY 31.

The Annual meeting will feature a recap of the Association's events, the election of officers, and an update on the association. All Members are encouraged to attend.

MAC is always looking for more members to become involved with the association and the Board of Directors. Anyone interested is invited to contact President, Dianne Chatelain.

In addition to the Board and Annual meetings, MAC will be setting up a Winery Tour on Saturday afternoon. Any member (or non-member that is interested in attending the meeting) is invited

to join in the tour. MAC has arranged for a discounted room rate of \$159/night at the resort. Reservations can be made by calling: 866-387-9905 and mentioning the Mid-Atlantic Cleaners Association.

PEAKS OF OTTER

The natural wonder of Peaks of Otter is the main attraction here, of course, but it's perfectly complimented by the warm hospitality at Peaks of Otter Lodge. Both are a breath of fresh air.

Nestled between two of the three mountains that make up Peaks of Otter, the Lodge offers 63 rooms, a full-service restaurant, a lounge and a gift shop - all overlooking beautiful Abbott Lake and majestic Sharp Top mountain. Completed in 1964, the Lodge is the revered flagship of the chain of visitor concessions stretching along the Virginia portion of the Blue Ridge Parkway, and one in a long line of inns and wayside houses that have sheltered travelers and visitors in this part of the world for nearly 200 years.

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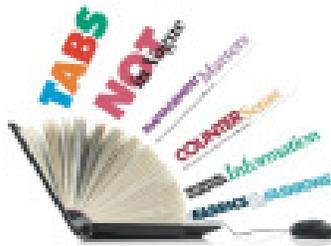
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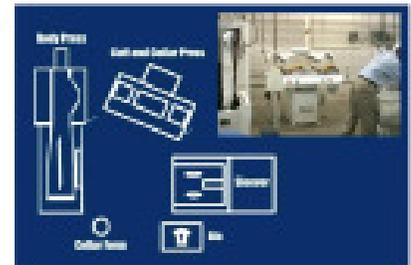
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Reactions to DOL New Salary Levels

IN THE PAST SEVERAL DAYS SINCE THE DEPARTMENT OF LABOR RELEASED THE FINAL RULE IMPLEMENTING THE NEW EXEMPT SALARY LEVELS, REACTION FROM THE BUSINESS COMMUNITY, AND FROM EDITORIAL OBSERVERS, HAS BEEN ALMOST UNIVERSALLY UNFAVORABLE. THE ONLY THREE SOURCES OF POSITIVE REVIEW THAT I HAVE SEEN ARE:

1. A college professor (not that there's anything wrong with that, as I am one myself . . .)
2. A Department of Labor spokesperson
3. The President of the United States

Even USA Today, not a bastion of conservatism, has weighed in as opposing the rule.

The Department of Labor declares that millions of employees who are now working long hours for low salaries will now be eligible for overtime and will receive higher paychecks. The DOL does not, however, acknowledge that the money must come from somewhere and does not realize that, instead of incurring higher costs, many employers will change employees to an hourly rate and either restrict their working hours to no more than 40 per week or pay them an hourly rate which, when combined with overtime, yields approximately what the employees have been receiving.

Thus, the new DOL salary levels will not provide most formerly exempt employees with higher salaries but most probably will result in stricter and more onerous working conditions, less assurance of compensation and less opportunity for personal initiative and advancement.

RETURN TO VARIABLE WORK WEEK PAY PLAN?

One possible alternative to converting salaried employees to an hourly rate is the Variable Work Week pay plan, also called the Fluctuating Work Week. This pay plan was in general use in the 1940's, '50's and '60's. Most employers have not used it as much during the past 20 years, although it may be time to bring it back into the main stream. By means of this plan, the employee continues to receive a salary, but receives half-time for overtime, rather than time and one-half. This plan has three requirements:

The employee's hours must actually fluctuate from week to week. You could not use this plan if the hours are the same each week.

The employee would receive a salary called the Variable Work Week Base, which covers straight time for all hours worked in a week, regardless of how few or how many. An employee working 3 hours or 35 hours or 45 hours would receive a full week's salary.

However, if the employee works over 40 hours, he or she would receive half-time, not time and one-half. For example, if the Variable Work Week base is \$500, and if the employee works 46 hours,

you would divide \$500 by 46 to get an hourly rate of \$10.87. Since we only owe half-time, we divide \$10.87 by two to get a half time rate of \$5.44. Multiply \$5.44 times 6 overtime hours and we get the overtime due to the employee, which in this case is \$32.64, which the employ receives in addition to the \$500 base salary.

For the employer, the advantage of this pay plan is that the overtime costs are significantly less. The disadvantage is that an employee who works less than 40 hours in a week must still receive the full base salary. Thus, an employee who works, say, 28 hours one week would still receive the full VWW base salary. A further disadvantage is that if a VWW employee exhausts his or her sick leave, and then misses additional days, you would have to pay for the additional days, since the employee must always receive the full VWW salary in any week in which he works any hours at all.

For the employee, he or she has the advantage of receiving a guaranteed salary each week. A formerly exempt employee will probably like the idea of a salary, rather than an hourly rate, so the change will not be as much of a psychological hit. But, the corresponding disadvantage for the employee is receiving half-time, rather than time and one-half, for overtime hours. In practice, the more overtime hours worked per week, the less the effective hourly rate. On the other hand, the employee might receive some overtime pay that he or she has not received before, so the employee may be more satisfied, on that score.

CONCLUDING THOUGHTS . . .

One of the basic facts of economic life is that when you run a business and have to spend some money, the money has to come from somewhere. If you have children, you have probably said to them at some point, "Money doesn't grow on trees." That's a good lesson for children to learn early. It may be, however, that the Department of Labor officials have parents who did not teach them this lesson or, perhaps, they didn't listen.

Employers are forced by this new rule to the following alternatives:

Increase the salaries of employees who are close to the new level of \$913 per week.

Convert these employees to a lower hourly rate so that their straight time, when combined with the new overtime pay, will be about what the employee is receiving now.

Convert the employee to an hourly rate that is exactly what he or she is receiving now, but restrict the employee to no more than 40 hours per week.

As a fourth alternative, you may want to consider the Variable Work Week pay plan, in certain situations that may be specific to your business. As always, please contact your Seay Management consultant if you have any questions about the Variable Work Week or any other Human Resources Management issue. We appreciate having you as a friend of our firm.

Should You Let Your Sleeping Environmental Dog Lie?

Submitted By Steve Henshaw, President & CEO, EnviroForensics



EVERYONE HAS HEARD, AND PROBABLY DECLARED, THAT IT'S "BEST TO LET SLEEPING DOGS LIE" AT SOME POINT. THIS OLD PROVERB PRESENTS THE QUESTION, "WHY BRING UP ISSUES FROM THE PAST THAT WILL ONLY CAUSE TROUBLE"? LET'S LEAVE THESE THINGS ALONE AND AS THEY ARE.

There is wisdom in this saying, but it's not necessarily applicable for every situation. Is there an actual sleeping dog in your path? Sure, let it lie. Have you encountered an old adversary with whom you've had a disagreement in the past? Maybe you should just say hi and don't bring up those old issues. Of course, I get it. Do you own a property with a potential environmental problem from past operations? Are you in a position where you may be blamed for an environmental release? I don't believe that the sleeping dog proverb applies here. If it were me, I'd rather wake that dog myself, gently and cautiously, than have someone else wake him abruptly and make the situation go from manageable to unmanageable. I'm referencing, as you have guessed, the question of if, when, and how you approach looking for a potential environmental release at your property.

WHEN IS CONTAMINATION OFTEN FOUND?

As experienced business owners well know, a large number of environmental problems are discovered during commercial real estate property transactions. When properties are to be exchanged from one business entity to another, or even refinanced through a new mortgager, potential liability for environmental issues may also be exchanged if the new owner or lender doesn't perform an adequate inquiry into the environmental conditions at the property. In turn, financial lending institutions are especially interested in looking for "environmental sleeping dogs". They would like to take possession of the property that was used as collateral in the transaction without assuming liability for a costly cleanup, should their loan become default. Now, I don't want to bore you with the details and if you'd rather be sleeping you wouldn't be reading, but it's important to understand just how you can end up being one who has to deal with that environmental dog regardless of how or by whom he is awoken. So here we go.

The rules governing the knowing or unknowing transmittal of environmental liability are enforced by the United States Environmental Protection Agency (U.S. EPA) using the Comprehensive

Environmental Response, Compensation, and Liability Act (CERCLA), commonly referred to as Superfund. CERCLA defines a liable party as: (1) the current owner and operator of a contaminated property; (2) any owner or operator at the time of disposal of any hazardous substances; (3) any person who arranged for the disposal or treatment of hazardous substances, or arranged for the transportation of hazardous substances for disposal or treatment; and (4) any person who accepts hazardous substances for transport to the property and selects the disposal site. In most cases, numbers (1) or (2) define the situation for commercial property owners.

Also under CERCLA, a person is an "owner or operator" of a facility (or property) if that person: (1) owns or operates the facility; or (2) owned, operated, or otherwise controlled activities at that facility immediately before title to the facility, or control of the facility, was conveyed to a state or local government due to bankruptcy, foreclosure, tax delinquency, abandonment or similar means. Remember, the U.S. EPA is not only interested in waking up sleeping environmental dogs; they also want to find out who owns that mutt.

FINDING THE RIGHTFULLY RESPONSIBLE PARTY

This is not news to most of you, but an owner of a dry cleaning business that uses petroleum or chlorinated solvents, has used them in the past, or owns a property where they were used by others in the past is likely to fit the description of an "owner or operator" as defined above. There is likely an old environmental dog hanging around that probably belongs to you, whether it's sleeping or not. Since potential purchasers don't want to inherit environmental issues along with a property, they are going to make sure that the rightfully responsible party claims it before the deal is closed. This is done during the environmental due diligence process by performing the Phase I and Phase II Environmental Site Assessment (ESA) process. Even stakeholders in property transactions that don't directly involve your property could try to wake your sleeping dog if they want to buy a property located adjacent or nearby where environmental impacts may have migrated across parcel boundaries.

"There is likely an old environmental dog hanging around that probably belongs to you, whether it's sleeping or not. ."

In the past, and up until the end of this year, the standard for Phase I ESAs used during commercial property transactions to predict

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the likelihood of environmental impacts has focused primarily on releases of hazardous substances to soil and groundwater. As we know, groundwater impacts can migrate a fair distance (typically in one, downgradient direction) beyond property boundaries, so even real estate deals being conducted a block or more away may prompt a look in your direction. With the increasing concern regarding vapor intrusion issues, however, the number of people who may be looking toward a potential source of solvent releases (like current or past dry cleaners) is soon to increase.

VAPOR INTRUSION ISSUES HERE TO STAY

I'm sure that most know about vapor intrusion by now and most folks are sick of hearing out it. I'm afraid we're going to have to get used to it; we're just getting started with this. Trust me. Vapor intrusion occurs when hazardous compounds (like many solvent constituents), which have been released to soil or groundwater are volatilized and migrate as a vapor through the soil to a building or house. Once the contaminated soil gas comes into contact with a building, it may seep in through cracks or small holes in the floor or walls, where it is breathed. Contaminated soil gas vapors can also move along subsurface utility corridors and may enter nearby buildings via that pathway. EnviroForensics represents many former or current dry cleaner "owner or operators", and assisting our clients with vapor intrusion issues are a large part of our daily work. Soil gas contamination and vapor intrusion issues are the number one concern at nearly every one of those dry cleaner sites, which are currently under investigation. Also, nearly every one of those cases involves assessing or managing impacts at off-site properties owned by others. The bottom line here is that if there has been a release of chlorinated solvents (like perchloroethylene, or PERC), there are very likely accompanying soil gas contaminants and vapor intrusion concerns.

Vapor intrusion is becoming a very heavily regulated potential human health exposure pathway and, as such, the commercial real estate market is reacting to make sure that it is considered during transactions alongside potential soil and groundwater impacts. As early as January 2013, the standards by which environmental consultants evaluate whether or not there are concerns about contamination at a property their clients want to buy (or lend on) will change to include a need to look farther away. All potential sources of potential vapor intrusion concerns as much as 1/3-mile away may be included in their assessment. What this means to an owner of a sleeping environmental dog, is that a potential purchaser of someone else's property, as much as 1/3-mile away, may come knock on your door and try to wake it up. At that point, you may very well find yourself with someone pointing squarely at you, as the proud owner of an environmental release.

PRIOR CLEAN-UPS

Even those properties where cleanups have already been conducted and the environmental regulators have closed the site may be subject to these issues. Since most past cleanups were conducted without assessing potential vapor intrusion risks, the standard to which they were cleaned up may not have been stringent enough to meet current cleanup standards. For example, let's say that soil

and groundwater remediation was conducted at a dry cleaner site with a retail business adjacent on one side and a residence on the other. We can even make it easy here and say that groundwater was not even impacted. The level to which contaminated soil was removed would have been determined using a cleanup standard established by the regulators that are based on the land use of the property. Commercial cleanup standards are lower than residential cleanup standards. Based on the criteria being evaluated by the regulators at the time, the site was closed.

POTENTIAL PROBLEMS

So there are potentially two problems here; the first of which is that nobody has assessed whether or not the low levels of contamination (likely PERC in this scenario) left in place are enough to cause a vapor intrusion concern. The cleanup standards for soil in the scenario above would have been based upon a set of human health-based criteria that aren't applicable to vapor intrusion potential. The second problem is that even if there is a contaminated soil gas plume remaining at the site, it may have migrated off-site to the adjacent properties; a retail store and a residence. If the retail property next door becomes involved in a commercial real estate transaction, there will soon be a higher probability that the new changes to the Phase I ESA standards may result in the discovery of a vapor intrusion threat due to those residual levels of soil impacts left in place. If a potential vapor intrusion concern is discovered on the commercial property, the potential purchaser of that property will likely start the process of avoiding the CERCLA liability we discussed above, which commonly includes some interaction with the regulators. At that point, there may be concerns from the regulators about the residential property on the other side of the former cleanup site. Look at the wording on your closure letter from the regulators; it likely says that they have the right to reopen their assessment if additional information becomes available that changes their views.

There is no guarantee that every sub-surface environmental release of hazardous chemicals is going to be discovered. Past or present dry cleaning operations, especially those where PERC was/is used are highly associated with environmental releases and are most commonly identified as reasons to perform subsurface sampling during property transactions, along with gas station sites. With the upcoming changes to the environmental due diligence process and the developing issues brought on by continuing concerns about vapor intrusion, the odds are getting even higher that most all former and currently operating PERC dry cleaner sites will be investigated at one time or another. Have a look at whether you may fit the definitions presented above as being liable for environmental problem, pull together your property's transaction history, look and see if there is a "For Sale" sign on that commercial property in your neighborhood and get some professional advice. If you own a closed site; you may want to dust off that old environmental closure report and have another look. It may make sense to let that sleeping dog lie for just a little bit longer, but you may want to start considering what you are going to need to wake up that old dog cautiously, without losing control or ending up in the hot seat, whether it's your first time or not.

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