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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3704**

02/24/2020 Authored by Wazlawik
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to environment; prohibiting using trichloroethylene; proposing coding for
1.3 new law in Minnesota Statutes, chapter 116.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [116.385] TRICHLOROETHYLENE; BAN.

1.6 Subdivision 1. Definition. For purposes of this section, "trichloroethylene" means a
1.7 chemical with the Chemical Abstracts Service Registry Number 79-01-6.

1.8 Subd. 2. Use prohibited. (a) Beginning January 1, 2022, an owner or operator of a
1.9 facility required to have an air emissions permit issued by the Pollution Control Agency
1.10 may not use trichloroethylene at the permitted facility, including in any manufacturing,
1.11 processing, or cleaning processes. By January 1, 2022, ceasing use must be made an
1.12 enforceable provision in the air emissions permit for the facility or in an enforceable
1.13 agreement with the owner or operator. The commissioner of the Pollution Control Agency
1.14 must not issue an air emissions permit that authorizes using trichloroethylene at a permitted
1.15 facility after January 1, 2022, except as described in paragraph (b) and subdivision 4.

1.16 (b) If additional time is needed to assess replacement chemicals or address impacts to
1.17 a facility's operations, then by January 1, 2022, the commissioner may, at the commissioner's
1.18 discretion, include a schedule of compliance in the facility's permit or enforceable agreement
1.19 that requires compliance with this section before January 1, 2024.

1.20 (c) Owners or operators of facilities requesting additional time under paragraph (b) or
1.21 requesting an exception under subdivision 4 must demonstrate compliance with the
1.22 health-based value and health risk limits for trichloroethylene, as established by the

2.1 Department of Health. Owners or operators may be required to comply with additional
2.2 restrictions based on impacts from nearby sources or background concentrations. Owners
2.3 or operators may be required to provide additional information as requested by the
2.4 commissioner to evaluate site-specific conditions or impacts.

2.5 Subd. 3. **Replacement chemicals; installing pollution control equipment.** An owner
2.6 or operator that must comply with this section and elects to replace trichloroethylene with
2.7 another chemical must replace trichloroethylene with a chemical demonstrated to be less
2.8 toxic to human health and reviewed in a form determined and approved by the commissioner
2.9 of the Pollution Control Agency. If there is more than one less-toxic replacement chemical,
2.10 then the commissioner must consider the option that has a lesser impact on human health
2.11 and the environment. If the commissioner cannot determine toxicity, then the commissioner
2.12 may require installing pollution control equipment.

2.13 Subd. 4. **Exceptions.** (a) The commissioner of the Pollution Control Agency may grant
2.14 exceptions to the prohibition in subdivision 2 for:

2.15 (1) using trichloroethylene in closed systems so that no trichloroethylene is emitted from
2.16 the facility;

2.17 (2) holding trichloroethylene or products containing trichloroethylene for distribution
2.18 to a third party; or

2.19 (3) a hospital licensed according to section 144.50 or an academic medical facility.

2.20 (b) Owners or operators of a facility seeking an exception under paragraph (a) must
2.21 submit information to the commissioner that specifies the exception that applies and must
2.22 provide all information needed to determine applicability.