

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2997

| (SENATE AUTHORS: CHAMBERLAIN and Wiger) | | |
|---|------|---|
| DATE | D-PG | OFFICIAL STATUS |
| 02/11/2020 | 4720 | Introduction and first reading |
| 02/24/2020 | 4901 | Referred to Environment and Natural Resources Policy and Legacy Finance |
| 03/02/2020 | | Author added Wiger |
| | | Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance |

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A bill for an act

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relating to environment; restricting certain uses of trichloroethylene; proposing

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coding for new law in Minnesota Statutes, chapter 116.

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

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Section 1. **[116.385] TRICHLOROETHYLENE; RESTRICTION ON USE.**

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Subdivision 1. Definitions. For purposes of this section, "trichloroethylene" means a

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chemical with the Chemical Abstract Services Registry number of 79-01-6.

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Subd. 2. Certificate of compliance and use restriction. (a) Beginning July 1, 2020,

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the Pollution Control Agency must notify the owner or operator of a facility with an air

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emission permit issued by the Pollution Control Agency that within 90 days of receiving

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the notice the facility must submit a certificate of compliance, provided by the Pollution

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Control Agency, that states that the facility does not use trichloroethylene at the facility,

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including in any manufacturing, processing, or cleaning processes, or, if the facility uses

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trichloroethylene, that the facility is in compliance with its air emission permit. The notice

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required under this subdivision must include a copy of this section.

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(b) Beginning January 1, 2023, an owner or operator of a facility that is required to have

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an air emission permit issued by the Pollution Control Agency may not use trichloroethylene

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at the permitted facility, including in any manufacturing, processing, or cleaning processes,

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if there is a replacement chemical that is less toxic to human health, is equally effective for

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the use for which trichloroethylene is used at the facility, and is commercially readily

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available at a price comparable to the price of trichloroethylene. This paragraph must be

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made an enforceable provision in the air emission permit for the facility or in an enforceable

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agreement by January 1, 2023.

(c) Before the commissioner of the Pollution Control Agency issues or renews an air emission permit, at the request of the owner or operator of a facility that wishes to continue to use trichloroethylene, the commissioner and the owner or operator must cooperatively perform a feasibility study on using a replacement chemical at the facility. The commissioner may use money in the trichloroethylene emissions account to reimburse the Pollution Control Agency and the owner or operator for the costs associated with the feasibility study

(d) If the study does not demonstrate that a replacement chemical is feasible according to paragraph (b), the commissioner must grant a variance from this section according to section 116.07, subdivision 5.

(e) Owners or operators of facilities may demonstrate compliance with the health-based values and health-risk limits for trichloroethylene established by the Department of Health.

Subd. 3. **Exceptions.** Subdivision 2, paragraph (b), does not apply to:

(1) processes that result in only trace amounts of trichloroethylene remaining after most of the trichloroethylene has been transformed into another substance or consumed;

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

(3) holding trichloroethylene, or products containing trichloroethylene, for distribution to a third party; or

(4) a medical or medical research facility.

EFFECTIVE DATE. This section is effective the day following final enactment.