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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3376

02/17/2020 Authored by Wazlawik, Fischer, Becker-Finn, Lee, Hansen and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy
02/26/2020 Adoption of Report: Re-referred to the Environment and Natural Resources Finance Division

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. Definitions. For purposes of this section:

1.7 (1) "agency" means the Minnesota Pollution Control Agency;

1.8 (2) "commissioner" means the commissioner of the Minnesota Pollution Control Agency;

1.9 and

1.10 (3) "trichloroethylene" means a chemical with the Chemical Abstract Services Registry

1.11 Number 79-01-6.

1.12 Subd. 2. Use prohibited. (a) Beginning January 1, 2022, an owner or operator of a
1.13 facility required to have an air emissions permit issued by the agency may not use
1.14 trichloroethylene at the permitted facility for any purpose unless the commissioner grants
1.15 the facility a temporary extension under paragraph (c) or a waiver under subdivision 4.

1.16 (b) The commissioner must, no later than December 31, 2021, incorporate the ban on
1.17 trichloroethylene use as an enforceable provision of:

1.18 (1) a facility's air emissions permit; or

1.19 (2) a separate agreement entered into with the owner or operator of the facility.

1.20 (c) If, upon request from a facility before January 1, 2022, the commissioner determines
1.21 that the facility requires additional time to assess the feasibility of using one or more

2.1 chemicals to replace trichloroethylene, the commissioner may, at the commissioner's  
2.2 discretion, include a schedule of compliance in the facility's permit or in a separate  
2.3 enforceable agreement that requires compliance with this section no later than December  
2.4 31, 2023.

2.5 (d) An owner or operator of a facility requesting an extension under paragraph (c) or  
2.6 requesting a waiver under subdivision 4:

2.7 (1) must, while trichloroethylene continues to be used at the facility, demonstrate  
2.8 compliance with the health-based value and health risk limits for trichloroethylene established  
2.9 by the Department of Health;

2.10 (2) may be required to comply with additional operating restrictions based on air  
2.11 emissions from nearby sources or background concentrations; and

2.12 (3) may be required to provide additional information as requested by the commissioner  
2.13 to evaluate site-specific conditions or impacts.

2.14 Subd. 3. **Replacement chemicals; installing pollution control equipment.** An owner  
2.15 or operator proposing to replace trichloroethylene with another chemical must submit  
2.16 evidence to the commissioner, as required by the commissioner, demonstrating that the  
2.17 replacement chemical is less toxic to human health and the environment than  
2.18 trichloroethylene. If an owner or operator proposes more than one less-toxic replacement  
2.19 chemical, the commissioner must consider the option that has a lesser impact on human  
2.20 health and the environment. If the commissioner cannot determine the toxicity of a proposed  
2.21 replacement chemical, the commissioner may require a facility to install additional pollution  
2.22 control equipment to control trichloroethylene emissions.

2.23 Subd. 4. **Exceptions.** The commissioner may grant a waiver to the prohibition in  
2.24 subdivision 2 to a facility that demonstrates to the commissioner's satisfaction that the  
2.25 facility is:

2.26 (1) using trichloroethylene solely in closed systems so that no trichloroethylene is emitted  
2.27 from the facility;

2.28 (2) holding trichloroethylene or products containing trichloroethylene for distribution  
2.29 to a third party; or

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