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

Section 1. \[116.385\] TRICHLOROETHYLENE; BAN.

Subdivision 1. Definitions. For purposes of this section:

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

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

and

(3) "trichloroethylene" means a chemical with the Chemical Abstract Services Registry Number 79-01-6.

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

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

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

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

(c) If, upon request from a facility before January 1, 2022, the commissioner determines that the facility requires additional time to assess the feasibility of using one or more...
chemicals to replace trichloroethylene, the commissioner may, at the commissioner's
discretion, include a schedule of compliance in the facility's permit or in a separate
everifiable agreement that requires compliance with this section no later than December

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

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

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

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

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

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

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

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

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