

CHAPTER 105**(SJR 149)**

A JOINT RESOLUTION directing the Energy and Environment Cabinet to provide guidance and consultation on best management practices for perfluoroalkyl and polyfluoroalkyl substances (PFAS) to entities that discharge directly or indirectly into Kentucky's waterways.

WHEREAS, perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large and diverse group of chemistries characterized by the strong bond between fluorine and carbon; and

WHEREAS, PFAS are nonpolymeric perfluoroalkyl substances, saturated polyfluoroalkyl substances, and side-chain fluorinated polymers that contain at least two fully fluorinated sequential carbon atoms, excluding gases and substances that become gases in use, and that are regulated under various state, federal, and international programs; and

WHEREAS, because of their strong bonds, PFAS provide products with strength, durability, stability, and resilience and are used in products including but not limited to cell phones, tablets and telecommunications, the aircrafts that power the United States military, alternative energy sources, automotive parts, electronics, textiles, and medical devices; and

WHEREAS, PFAS have been in use around the world for several decades and continue to enable our lives in the 21st Century; and

WHEREAS, the United States Environmental Protection Agency is currently considering regulatory measures with respect to PFAS; and

WHEREAS, with the passage of Senate Bill 104 of the 2019 Regular Session, the General Assembly restricted the use of PFAS in Class B firefighting foam that contains intentionally added PFAS chemicals for firefighting training or testing purposes unless otherwise required by law, regulation, or ordinance, and unless the testing facility has implemented best industry practices to prevent uncontrolled releases of Class B firefighting foam in the environment; and

WHEREAS, the Energy and Environment Cabinet has experience and expertise in the regulation of and best practices for the control of a broad array of constituents;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. If requested by an entity discharging pursuant to a Kentucky Pollutant Discharge Elimination System (KPDES) permit or direct or indirect dischargers to a publicly owned treatment works, the Energy and Environment Cabinet shall provide guidance to, and consult with, that entity regarding best practices for the management of materials, including wastewater that contains PFAS.

➔Section 2. The consultation and guidance shall include but not be limited to a discussion of:

(1) Options available to meet applicable requirements imposed by the United States Environmental Protection Agency, if any, that are in effect at the time of the consultation and guidance;

(2) A cost-benefit analysis of available options; and

(3) The availability of funding for the implementation of the best practices.

Signed by Governor April 5, 2024.