

1 AN ACT relating to trichloroethylene.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Small business" means a business that has less than five hundred (500)*
7 *full-time equivalent employees; and*

8 *(b) "Trichloroethylene" or "TCE" means a chemical with the Chemical*
9 *Abstract Service registration number of 79-01-6.*

10 *(2) (a) Beginning June 1, 2023, an owner or operator of a facility that is permitted*
11 *as an air contaminant source by the Division of Air Quality or the*
12 *Louisville Metro Air Pollution Control District shall not use*
13 *trichloroethylene at its permitted facility, including in any manufacturing,*
14 *processing, or cleaning processes, except as otherwise provided in this*
15 *section. After June 1, 2023, cessation of use of TCE shall be made a*
16 *condition of the air emissions permit for the facility.*

17 *(b) The Division of Air Quality and the Louisville Metro Air Pollution Control*
18 *District shall not approve an air emissions permit that authorizes using*
19 *TCE at a permitted facility after June 1, 2023, except as provided in this*
20 *section.*

21 *(c) If a small business subject to the requirements of this section needs*
22 *additional time to assess replacement chemicals or modifications to facility*
23 *operations, then on or before June 1, 2023, the small business may apply to*
24 *the secretary for an extension of time up to one (1) year to comply with the*
25 *requirements of this section. The extension of time shall only be granted*
26 *upon good cause shown. A small business owner or operator requesting*
27 *additional time under this subsection shall demonstrate compliance with the*

1 health risk limits for TCE established in the administrative regulations
2 promulgated under subsection (7) of this section.

3 (3) The cabinet or the Louisville Metro Air Control District may require additional
4 information from owners or operators of permitted facilities and may require
5 additional restrictions based on impacts from nearby sources or background
6 concentrations.

7 (4) An owner or operator subject to the requirements of this section that elects to
8 replace TCE with another chemical shall only use a replacement chemical
9 demonstrated to be less toxic to human health. The replacement shall be reviewed
10 and approved in the form and manner required by the secretary.

11 (5) (a) The secretary shall grant exceptions to the prohibitions in subsection (2) of
12 this section for any of the following uses where compliance with the health
13 risk limits for TCE established in the administrative regulations
14 promulgated under subsection (7) of this section is demonstrated:

15 1. Use of TCE in closed systems so that no TCE is emitted from the
16 facility;

17 2. Holding TCE or products containing TCE for distribution to a third
18 party; and

19 3. Use of TCE in a health facility licensed under KRS Chapter 216B or
20 an academic medical facility.

21 (b) The secretary may grant exceptions to the prohibitions in subsection (2) of
22 this section where compliance with the health-based value and health risk
23 limits for trichloroethylene is demonstrated at a facility that:

24 1. Uses TCE exclusively for research and development or other
25 laboratory or experimental purposes; and

26 2. Processes trichloroethylene for waste disposal.

27 (c) Owners or operators of facilities seeking an exception under this section

1 shall submit information to the secretary that specifies the applicable
2 exception and provide all information needed to determine applicability, as
3 may be required by the secretary.

4 (6) Nothing in subsection (5) of this section shall be construed to authorize a
5 use of an amount of TCE that exceeds the levels authorized in a stipulation
6 agreement entered into between the cabinet or the Louisville Metro Air
7 Pollution Control District and a permittee that goes into effect on June 1,
8 2023.

9 (7) On or before January 1, 2023, the cabinet shall promulgate administrative
10 regulations pursuant to KRS Chapter 13A that are necessary to implement
11 this section, including establishing health risk limits for TCE
12 concentrations in the air and drinking water.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) As used in this section, "trichloroethylene" or "TCE" means a chemical with the
16 Chemical Abstract Service registration number of 79-01-6.

17 (2) Beginning January 1, 2023, the department shall require all employers at
18 workplaces where employees may be exposed to TCE to post information at the
19 workplace regarding the dangers of TCE exposure based on the health risk limits
20 established by the Energy and Environment Cabinet in the administrative
21 regulations promulgated under Section 1 of this Act.