

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

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

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

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

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

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

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

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

3 NOW, THEREFORE,

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

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

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

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

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

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