

HOUSE BILL No. 5174

December 17, 2015, Introduced by Reps. Pagan, Hoadley, Plawecki, Cochran, Greig, Irwin, Driskell, Robinson, Zemke, LaVoy and Chang and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 149. COAL TAR PRODUCTS

SEC. 14901. AS USED IN THIS PART:

(A) "COAL TAR SEALANT" MEANS A SURFACE-APPLIED PRODUCT CONTAINING COAL TAR, COAL TAR PITCH, COAL TAR PITCH VOLATILES, RT-12, REFINED TAR, OR ANY VARIATION OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE (CAS) NUMBERS 65996-92-1, 65996-93-2, 65996-89-6, AND 8007-45-2 OR RELATED SUBSTANCES CONTAINING MORE THAN 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR

1 HER DESIGNEE.

2 (D) "OTHER HIGH PAH SEALANT" MEANS A SURFACE-APPLIED PRODUCT
3 CONTAINING STEAM-CRACKED PETROLEUM RESIDUES, STEAM-CRACKED ASPHALT,
4 PYROLYSIS FUEL OIL, HEAVY FUEL OIL, ETHYLENE TAR, OR ANY VARIATION
5 OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE NUMBER
6 64742-90-1 OR 69013-21-4 OR RELATED SUBSTANCES CONTAINING MORE THAN
7 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

8 SEC. 14903. (1) EXCEPT AS PROVIDED IN SECTION 14907, A PERSON
9 SHALL NOT APPLY A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT ON
10 ASPHALT, CONCRETE, OR OTHER PAVEMENT.

11 (2) A PERSON THAT OWNS PROPERTY ON WHICH A COAL TAR SEALANT OR
12 OTHER HIGH PAH SEALANT IS APPLIED IN VIOLATION OF SUBSECTION (1) IS
13 REBUTTABLY PRESUMED TO HAVE APPLIED THE COAL TAR SEALANT OR OTHER
14 HIGH PAH SEALANT.

15 SEC. 14905. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON
16 SHALL NOT SELL A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT.

17 (2) SUBSECTION (1) DOES NOT APPLY IF THE PURCHASER SUBMITS TO
18 THE SELLER A COPY OF AN EXEMPTION GRANTED UNDER SECTION 14907 OR A
19 COMPLETED NO-MICHIGAN-USE FORM THAT INCLUDES ALL OF THE FOLLOWING:

20 (A) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PURCHASER.

21 (B) THE DATE OF THE PURCHASE.

22 (C) THE QUANTITY OF COAL TAR SEALANT OR OTHER HIGH PAH SEALANT
23 PURCHASED.

24 (D) A STATEMENT THAT THE COAL TAR SEALANT OR OTHER HIGH PAH
25 SEALANT WILL NOT BE USED WITHIN THIS STATE.

26 (E) AN AFFIRMATION BY THE PURCHASER THAT THE INFORMATION ON
27 THE FORM IS CORRECT.

1 (F) THE PURCHASER'S SIGNATURE.

2 (3) A PERSON THAT SELLS A COAL TAR SEALANT OR OTHER HIGH PAH
3 SEALANT SHALL RETAIN A COMPLETED NO-MICHIGAN-USE FORM OR A COPY OF
4 A WRITTEN EXEMPTION UNDER SUBSECTION (2) FOR 3 YEARS AND ALLOW THE
5 DEPARTMENT TO INSPECT OR COPY THE FORM OR WRITTEN EXEMPTION UPON
6 REQUEST.

7 (4) THE DEPARTMENT SHALL POST ON ITS WEBSITE A NO-MICHIGAN-USE
8 FORM SUITABLE FOR COMPLIANCE WITH SUBSECTION (2).

9 (5) A PERSON SHALL NOT SIGN A NO-MICHIGAN-USE FORM UNDER
10 SUBSECTION (2) IF THE FORM CONTAINS FALSE INFORMATION.

11 SEC. 14907. THE DIRECTOR MAY GRANT A PERSON A WRITTEN
12 EXEMPTION FROM SECTION 14903 IF THE DIRECTOR DETERMINES THAT THE
13 PERSON IS RESEARCHING THE EFFECT OF A COAL TAR SEALANT OR OTHER
14 HIGH PAH SEALANT ON THE ENVIRONMENT OR IS DEVELOPING AN ALTERNATIVE
15 TECHNOLOGY, AND THE USE OF THE COAL TAR SEALANT OR OTHER HIGH PAH
16 SEALANT IS REQUIRED FOR THE RESEARCH OR DEVELOPMENT.

17 SEC. 14909. A PERSON THAT VIOLATES THIS PART IS RESPONSIBLE
18 FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE
19 OF NOT MORE THAN \$5,000.00.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.