

SENATE BILL No. 78

February 4, 2015, Introduced by Senators YOUNG and HERTEL 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 section 5525a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 5525A. (1) AS USED IN THIS SECTION:**

2 **(A) "ACCUMULATION" MEANS ANY SURFACE DEPOSIT OF MATERIAL**
3 **GREATER THAN 3 OUNCES IN 1 SQUARE FOOT OTHER THAN INSIDE ENCLOSED**
4 **STORAGE OR INSIDE A CONVEYOR, TRANSPORT VEHICLE, COKER PIT, SLURRY**
5 **BIN, WATER COLLECTION CHANNEL, OR SEPARATION POND.**

6 **(B) "DRY MATERIAL" MEANS ANY MATERIAL THAT IS NOT MOIST**
7 **MATERIAL.**

8 **(C) "ENCLOSED STORAGE" MEANS ANY COMPLETELY ROOFED AND WALLED**
9 **STRUCTURE.**

10 **(D) "MATERIAL" MEANS ANY SUBSTANCE CONTAINING AT LEAST 50% BY**
11 **WEIGHT OF PET COKE. THE PERCENT BY WEIGHT SHALL BE DETERMINED BY AT**

1 LEAST A 1-OUNCE SAMPLE TAKEN AT ANY RANDOM POINT.

2 (E) "MOIST MATERIAL" MEANS MATERIAL THAT HAS A MOISTURE
3 CONTENT THAT IS AT LEAST 8.3% THROUGHOUT.

4 (F) "PET COKE" MEANS A SOLID CARBONACEOUS RESIDUE PRODUCED
5 FROM A COKER AFTER CRACKING AND DISTILLATION FROM PETROLEUM
6 REFINING OPERATIONS.

7 (G) "PILE" MEANS ANY AMOUNT OF MATERIAL THAT ATTAINS A HEIGHT
8 OF 3 FEET OR MORE, OR A TOTAL SURFACE AREA OF 150 SQUARE FEET OR
9 MORE.

10 (H) "TRANSFER LOCATION" MEANS THE LOCATION IN THE STORAGE,
11 HANDLING, OR TRANSPORT PROCESS WHERE MATERIAL BEING MOVED, CARRIED,
12 CONVEYED, OR TRANSPORTED IS DROPPED OR DEPOSITED.

13 (2) A PERSON WHO STORES PET COKE FOR TRANSFER OR SHIPMENT
14 SHALL DO ALL OF THE FOLLOWING:

15 (A) MAINTAIN EACH PILE AND TRANSFER LOCATION IN ENCLOSED
16 STORAGE.

17 (B) ENSURE THAT EACH ENTRANCE OR EXIT FROM ENCLOSED STORAGE
18 THAT ALLOWS PASSAGE OF MATERIAL OR VEHICLES HAS OVERLAPPING FLAPS,
19 SLIDING DOORS, OR OTHER DEVICES APPROVED BY THE DEPARTMENT THAT
20 REMAIN CLOSED EXCEPT TO ALLOW MATERIAL OR VEHICLES TO ENTER AND
21 LEAVE OR WHEN INDIVIDUALS ARE INSIDE.

22 (C) MAINTAIN ALL AREAS OF THE PET COKE STORAGE OPERATION FREE
23 OF ACCUMULATION, UNLESS THE ACCUMULATION IS ANY OF THE FOLLOWING:

24 (i) MOIST MATERIAL.

25 (ii) DRY MATERIAL NOT HIGHER THAN 3 INCHES.

26 (iii) COMPLETELY COVERED MATERIAL.

27 (3) NOT MORE THAN 45 DAYS AFTER THE EFFECTIVE DATE OF THIS

1 SECTION, THE DEPARTMENT SHALL ISSUE COMPLIANCE ORDERS SETTING FORTH
2 SCHEDULES OF INTERIM STEPS TO ENSURE FULL COMPLIANCE WITH
3 SUBSECTION (2) BY 180 DAYS AFTER THE EFFECTIVE DATE OF THIS
4 SECTION. THE COMPLIANCE ORDERS SHALL REQUIRE MONITORING AND
5 REPORTING OF PILE SIZES.