

HOUSE BILL No. 4257

February 21, 2017, Introduced by Reps. Chang, Hammoud, Rabhi, Pagan, Hoadley, Phelps, Yanez, Green, Gay-Dagnogo, Inman, Howrylak and Geiss and referred to the Committee on Energy Policy.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 3111 and 5525a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 3111. (1) A PERSON SHALL NOT STORE PET COKE FOR TRANSPORT**
2 **OR SHIPMENT UNLESS THE PERSON HAS OBTAINED A PERMIT FOR THE**
3 **DISCHARGE OF STORMWATER FROM THE STORAGE AREA.**

4 **(2) AS USED IN THIS SECTION, "PET COKE" MEANS THAT TERM AS**
5 **DEFINED IN SECTION 5525A.**

6 **SEC. 5525A. (1) FOR THE PURPOSE OF THIS SECTION:**

7 **(A) "ACCUMULATION" MEANS ANY SURFACE DEPOSIT OF BULK SOLID TO**
8 **WHICH NONE OF THE FOLLOWING APPLIES:**

9 **(i) IT IS MOIST MATERIAL.**

10 **(ii) IT IS NOT HIGHER THAN 3 INCHES.**

1 (iii) IT IS NOT MATERIAL GREATER THAN 3 OUNCES IN 1 SQUARE
2 FOOT.

3 (iv) IT IS COMPLETELY COVERED.

4 (v) IT IS INSIDE AN ENCLOSED STORAGE OR A CONVEYOR, TRANSPORT
5 VEHICLE, COKER PIT, SLURRY BIN, WATER COLLECTION CHANNEL, OR
6 SEPARATION POND.

7 (B) "BULK SOLID MATERIAL" MEANS ANY SOLID SUBSTANCE OR
8 MATERIAL THAT CAN BE USED AS A FUEL OR AS AN INGREDIENT IN A
9 MANUFACTURING PROCESS AND THAT MAY BECOME AIRBORNE OR BE SCATTERED
10 BY THE WIND, INCLUDING, BUT NOT LIMITED TO, ORES, COAL, AND COKE.
11 BULK SOLID MATERIAL DOES NOT INCLUDE ANY OF THE FOLLOWING:

12 (i) SALT.

13 (ii) GRAIN.

14 (iii) CONSTRUCTION OR DEMOLITION MATERIAL.

15 (iv) MATERIAL HANDLED OR STORED PURSUANT TO A PERMIT UNDER
16 PART 115.

17 (v) MATERIAL USED IN MANUFACTURING CEMENT AT A FACILITY THAT
18 HAS OBTAINED ANY NECESSARY PERMITS UNDER PART 55.

19 (C) "COAL" MEANS A SOLID, BRITTLE, CARBONACEOUS ROCK
20 CLASSIFIED AS ANTHRACITE, BITUMINOUS, SUBBITUMINOUS, OR LIGNITE BY
21 ASTM DESIGNATION D388-77.

22 (D) "COKE" MEANS A SOLID CARBONACEOUS MATERIAL DERIVED FROM
23 THE DISTILLATION OF COAL, INCLUDING MET COKE, OR FROM OIL REFINERY
24 COKER UNITS OR OTHER CRACKING PROCESSES, INCLUDING PET COKE.

25 (E) "CONSTRUCTION OR DEMOLITION MATERIAL" MEANS MATERIAL USED
26 IN OR RESULTING FROM THE CONSTRUCTION, REMODELING, REPAIR,
27 LANDSCAPING, OR DEMOLITION OF UTILITIES, STRUCTURES, BUILDINGS, OR

1 ROADS, INCLUDING, BUT NOT LIMITED TO, STOCKPILES OF CRUSHED STONE,
2 SAND, OR GRAVEL.

3 (F) "ENCLOSED STORAGE" MEANS A COMPLETELY ROOFED AND WALLED
4 STRUCTURE.

5 (G) "MET COKE" MEANS A CARBON MATERIAL RESULTING FROM THE
6 MANUFACTURED PURIFICATION OF MULTIFARIOUS BLENDS OF BITUMINOUS
7 COAL.

8 (H) "MOIST MATERIAL" MEANS BULK SOLID MATERIAL THAT HAS A
9 MOISTURE CONTENT THAT IN NO PLACE IS LESS THAN 8.3%.

10 (I) "PET COKE" MEANS A SOLID CARBONACEOUS RESIDUE PRODUCED
11 FROM A COKER AFTER CRACKING AND DISTILLATION FROM PETROLEUM
12 REFINING OPERATIONS, INCLUDING SUCH RESIDUES PRODUCED BY PETROLEUM
13 UPGRADERS IN ADDITION TO PETROLEUM REFINING.

14 (J) "PILE" MEANS BULK SOLID MATERIAL THAT ATTAINS A HEIGHT OF
15 3 FEET OR MORE, OR A TOTAL SURFACE AREA OF 150 SQUARE FEET OR MORE.

16 (K) "TRANSFER LOCATION" MEANS THE LOCATION IN THE STORAGE,
17 HANDLING, OR TRANSPORT PROCESS WHERE BULK SOLID MATERIAL BEING
18 MOVED IS DROPPED OR DEPOSITED.

19 (2) A PERSON THAT STORES BULK SOLID MATERIAL FOR TRANSFER OR
20 SHIPMENT SHALL DO ALL OF THE FOLLOWING:

21 (A) MAINTAIN EACH PILE AND TRANSFER LOCATION IN ENCLOSED
22 STORAGE.

23 (B) ENSURE THAT EACH ENTRANCE OR EXIT FROM ENCLOSED STORAGE
24 THAT ALLOWS PASSAGE OF BULK SOLID MATERIAL OR VEHICLES HAS
25 OVERLAPPING FLAPS, SLIDING DOORS, OR OTHER DEVICES APPROVED BY THE
26 DEPARTMENT THAT REMAIN CLOSED EXCEPT WHEN INDIVIDUALS ARE INSIDE OR
27 TO ALLOW VEHICLES TO ENTER AND LEAVE OR NONAIRBORNE MATERIAL TO BE

1 MOVED INTO OR OUT OF ENCLOSED STORAGE.

2 (C) MAINTAIN ALL AREAS FREE OF ACCUMULATION.

3 (3) NOT MORE THAN 45 DAYS AFTER THE EFFECTIVE DATE OF THE
4 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL ISSUE
5 COMPLIANCE ORDERS SETTING FORTH SCHEDULES OF INTERIM STEPS TO
6 ENSURE FULL COMPLIANCE WITH SUBSECTION (2) BY 180 DAYS AFTER THE
7 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THE
8 COMPLIANCE ORDERS SHALL REQUIRE MONITORING AND REPORTING OF PILE
9 SIZES.