

HOUSE BILL No. 5706

December 16, 2009, Introduced by Reps. Warren, Liss, Tlaib, Donigan and Scripps and referred to the Committee on Great Lakes and Environment.

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:

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PART 149. COAL TAR PRODUCTS

SEC. 14901. AS USED IN THIS PART:

(A) "COAL TAR PRODUCT" MEANS A PRODUCT CONTAINING COAL TAR.

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

(C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
HER DESIGNEE.

(D) "PAVEMENT" MEANS AN ASPHALT, CONCRETE, OR OTHER PAVEMENT
SURFACE.

1 SEC. 14903. (1) EXCEPT AS PROVIDED IN SECTION 14907, A PERSON
2 SHALL NOT APPLY A COAL TAR PRODUCT ON ASPHALT, CONCRETE, OR OTHER
3 PAVEMENT.

4 (2) A PERSON WHO OWNS PROPERTY ON WHICH A COAL TAR PRODUCT IS
5 APPLIED IN VIOLATION OF SUBSECTION (1) IS REBUTTABLY PRESUMED TO
6 HAVE APPLIED THE COAL TAR PRODUCT.

7 SEC. 14905. (1) EXCEPT AS PROVIDED IN SECTION 14907, A PERSON
8 SHALL NOT SELL A COAL TAR PRODUCT THAT IS FORMULATED OR MARKETING
9 FOR APPLICATION ON ASPHALT, CONCRETE, OR OTHER PAVEMENT, UNLESS THE
10 PURCHASER COMPLETES AND SIGNS A FORM THAT INCLUDES ALL OF THE
11 FOLLOWING:

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

13 (B) THE DATE OF THE PURCHASE.

14 (C) THE QUANTITY OF COAL TAR PRODUCT PURCHASED.

15 (D) A STATEMENT THAT THE COAL TAR PRODUCT WILL NOT BE USED
16 WITHIN THIS STATE.

17 (E) AN AFFIRMATION BY THE PURCHASER THAT THE INFORMATION ON
18 THE FORM IS CORRECT.

19 (2) A PERSON WHO SELLS A COAL TAR PRODUCT THAT IS FORMULATED
20 OR MARKETING FOR APPLICATION ON PAVEMENT SHALL RETAIN THE COMPLETED
21 FORM REQUIRED UNDER SUBSECTION (1) FOR NOT LESS THAN 3 YEARS AND
22 ALLOW THE DEPARTMENT TO INSPECT OR COPY THE FORM UPON REQUEST.

23 (3) THE DEPARTMENT SHALL POST ON ITS WEBSITE A FORM SUITABLE
24 FOR COMPLIANCE WITH SUBSECTION (1).

25 (4) A PERSON SHALL NOT SIGN A FORM REQUIRED UNDER SUBSECTION
26 (1) IF THE FORM CONTAINS FALSE INFORMATION.

27 SEC. 14907. THE DIRECTOR MAY EXEMPT A PERSON FROM A

1 REQUIREMENT OF THIS PART IF THE DIRECTOR DETERMINES THAT 1 OR MORE
2 OF THE FOLLOWING APPLY:

3 (A) THE PERSON IS RESEARCHING THE EFFECT OF A COAL TAR PRODUCT
4 ON THE ENVIRONMENT OR IS DEVELOPING AN ALTERNATIVE TECHNOLOGY, AND
5 THE USE OF A COAL TAR PRODUCT IS REQUIRED FOR THE RESEARCH OR
6 DEVELOPMENT.

7 (B) A SUITABLE ALTERNATIVE TO THE COAL TAR PRODUCT IS NOT
8 AVAILABLE FOR THE INTENDED USE.

9 SEC. 14909. A PERSON WHO VIOLATES THIS PART IS RESPONSIBLE FOR
10 A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
11 NOT MORE THAN \$1,000.00.