

HOUSE BILL No. 4309

March 7, 2017, Introduced by Reps. Pagan, Kivela, Chang, Hertel, Chirkun, Robinson, Greig, Ellison, Hoadley, Green, Faris, Geiss and Elder 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:

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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) "NO-MICHIGAN-USE FORM" MEANS A FORM DESCRIBED IN SECTION
3 14907(1).

4 (E) "OTHER HIGH PAH SEALANT" MEANS A SURFACE-APPLIED PRODUCT
5 CONTAINING STEAM-CRACKED PETROLEUM RESIDUES, STEAM-CRACKED ASPHALT,
6 PYROLYSIS FUEL OIL, HEAVY FUEL OIL, ETHYLENE TAR, OR ANY VARIATION
7 OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE NUMBER
8 64742-90-1 OR 69013-21-4 OR RELATED SUBSTANCES CONTAINING MORE THAN
9 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

10 SEC. 14903. (1) EXCEPT AS PROVIDED IN SECTION 14909, A PERSON
11 SHALL NOT APPLY A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT ON
12 ASPHALT, CONCRETE, OR OTHER PAVEMENT.

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

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

19 (2) SUBSECTION (1) DOES NOT APPLY IF THE PURCHASER SUBMITS TO
20 THE SELLER A COPY OF AN EXEMPTION GRANTED UNDER SECTION 14909 OR A
21 COMPLETED NO-MICHIGAN-USE FORM.

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

27 SEC. 14907 (1) A NO-MICHIGAN-USE FORM SHALL INCLUDE ALL OF THE

1 FOLLOWING:

2 (A) BLANKS FOR DESIGNATING THE NAME, ADDRESS, AND TELEPHONE
3 NUMBER OF THE PURCHASER.

4 (B) A BLANK FOR THE DATE OF THE PURCHASE.

5 (C) A BLANK FOR THE QUANTITY OF COAL TAR SEALANT OR OTHER HIGH
6 PAH SEALANT PURCHASED.

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

9 (E) AN AFFIRMATION BY THE PURCHASER THAT THE INFORMATION ON
10 THE FORM IS CORRECT.

11 (F) A BLANK FOR THE PURCHASER'S SIGNATURE.

12 (2) THE DEPARTMENT SHALL POST ON ITS WEBSITE A NO-MICHIGAN-USE
13 FORM SUITABLE FOR COMPLIANCE WITH SECTION 14905.

14 (3) A PERSON SHALL NOT SIGN A NO-MICHIGAN-USE FORM IF THE FORM
15 CONTAINS FALSE INFORMATION.

16 SEC. 14909. THE DIRECTOR MAY GRANT A PERSON A WRITTEN
17 EXEMPTION FROM SECTION 14903 IF THE DIRECTOR DETERMINES THAT THE
18 PERSON IS RESEARCHING THE EFFECT OF A COAL TAR SEALANT OR OTHER
19 HIGH PAH SEALANT ON THE ENVIRONMENT OR IS DEVELOPING AN ALTERNATIVE
20 TECHNOLOGY, AND THE USE OF THE COAL TAR SEALANT OR OTHER HIGH PAH
21 SEALANT IS REQUIRED FOR THE RESEARCH OR DEVELOPMENT.

22 SEC. 14911. A PERSON THAT VIOLATES THIS PART IS RESPONSIBLE
23 FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE
24 OF NOT MORE THAN \$5,000.00.

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