

HOUSE BILL No. 4074

January 22, 2013, Introduced by Rep. Slavens and referred to the Committee on Regulatory Reform.

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 THAT CONTAINS COAL TAR AND IS FORMULATED OR MARKETED FOR APPLICATION ON ASPHALT, CONCRETE, OR OTHER PAVEMENT.

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

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

SEC. 14903. (1) EXCEPT AS PROVIDED IN SECTION 14907, A PERSON

1 SHALL NOT APPLY A COAL TAR PRODUCT ON ASPHALT, CONCRETE, OR OTHER
2 PAVEMENT.

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

6 SEC. 14905. (1) A PERSON SHALL NOT SELL A COAL TAR PRODUCT
7 THAT IS FORMULATED OR MARKETED FOR APPLICATION ON ASPHALT,
8 CONCRETE, OR OTHER PAVEMENT, UNLESS THE PURCHASER EITHER PROVIDES A
9 COPY OF AN EXEMPTION GRANTED UNDER SECTION 14907 OR SIGNS A NO-
10 MICHIGAN-USE FORM THAT INCLUDES ALL OF THE FOLLOWING:

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

12 (B) THE DATE OF THE PURCHASE.

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

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

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

18 (2) A PERSON WHO SELLS A COAL TAR PRODUCT SHALL RETAIN THE
19 COMPLETED NO-MICHIGAN-USE FORM OR COPY OF THE WRITTEN EXEMPTION
20 REQUIRED UNDER SUBSECTION (1) FOR NOT LESS THAN 3 YEARS AND ALLOW
21 THE DEPARTMENT TO INSPECT OR COPY THE FORM OR WRITTEN EXEMPTION
22 UPON REQUEST.

23 (3) THE DEPARTMENT SHALL POST ON ITS WEBSITE A NO-MICHIGAN-USE
24 FORM SUITABLE FOR COMPLIANCE WITH SUBSECTION (1).

25 (4) A PERSON SHALL NOT SIGN A NO-MICHIGAN-USE FORM REQUIRED
26 UNDER SUBSECTION (1) IF THE FORM CONTAINS FALSE INFORMATION.

27 SEC. 14907. THE DIRECTOR MAY GRANT A PERSON A WRITTEN

1 EXEMPTION REFERRED TO IN SECTION 14905(1) IF THE DIRECTOR
2 DETERMINES THAT 1 OR MORE 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 THE 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 USE INTENDED BY THE PERSON.

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.