

HOUSE BILL No. 4058

January 22, 2015, Introduced by Reps. Chang, Heise, Irwin, Plawecki, Derek Miller, Singh, Faris, Sarah Roberts, Hoadley, Robinson, Townsend, Neeley and Garrett 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 WHO STORES PET COKE FOR TRANSPORT OR
2 SHIPMENT SHALL OBTAIN A STORM WATER DISCHARGE PERMIT.

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

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

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

10 (B) "DRY MATERIAL" MEANS MATERIAL THAT IS NOT MOIST MATERIAL.

1 (C) "ENCLOSED STORAGE" MEANS A COMPLETELY ROOFED AND WALLED
2 STRUCTURE.

3 (D) "MATERIAL" MEANS A SUBSTANCE CONTAINING AT LEAST 50% BY
4 WEIGHT OF PET COKE. THE PERCENT BY WEIGHT SHALL BE DETERMINED BY AT
5 LEAST A 1-OUNCE SAMPLE TAKEN AT A RANDOM POINT.

6 (E) "MOIST MATERIAL" MEANS MATERIAL THAT HAS A MOISTURE
7 CONTENT THAT IN NO PLACE IS LESS THAN 8.3%.

8 (F) "PET COKE" MEANS A SOLID CARBONACEOUS RESIDUE PRODUCED
9 FROM A COKER AFTER CRACKING AND DISTILLATION FROM PETROLEUM
10 REFINING OPERATIONS.

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

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

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

19 (A) MAINTAIN EACH PILE AND TRANSFER LOCATION IN ENCLOSED
20 STORAGE.

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

26 (C) MAINTAIN ALL AREAS FREE OF ACCUMULATION, UNLESS THE
27 ACCUMULATION IS ANY OF THE FOLLOWING:

1 (i) MOIST MATERIAL.

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

3 (iii) COMPLETELY COVERED.

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