

# SENATE BILL No. 508

July 12, 2017, Introduced by Senators WARREN, HOPGOOD, GREGORY, HOOD and BIEDA and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the heading of subpart 1 of part 147 and by adding sections 14701, 14703, 14705, 14707, and 14709.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SUBPART 1 ~~PCB COMPOUNDS~~ POLYCYCLIC AROMATIC HYDROCARBONS  
2           SEC. 14701. AS USED IN THIS SUBPART:  
3           (A) "COAL TAR SEALANT" MEANS A SURFACE-APPLIED PRODUCT  
4 CONTAINING COAL TAR, COAL TAR PITCH, COAL TAR PITCH VOLATILES, RT-  
5 12, REFINED TAR, OR ANY VARIATION OF THOSE SUBSTANCES ASSIGNED THE  
6 CHEMICAL ABSTRACTS SERVICE (CAS) NUMBERS 65996-92-1, 65996-93-2,  
7 65996-89-6, OR 8007-45-2 OR RELATED SUBSTANCES CONTAINING MORE THAN  
8 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

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

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

5 (D) "NO-MICHIGAN-USE FORM" MEANS A FORM DESCRIBED IN SECTION  
6 14705(2).

7 (E) "OTHER HIGH PAH SEALANT" MEANS A SURFACE-APPLIED PRODUCT  
8 CONTAINING STEAM-CRACKED PETROLEUM RESIDUES, STEAM-CRACKED ASPHALT,  
9 PYROLYSIS FUEL OIL, HEAVY FUEL OIL, ETHYLENE TAR, OR ANY VARIATION  
10 OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE NUMBER  
11 64742-90-1 OR 69013-21-4 OR RELATED SUBSTANCES CONTAINING MORE THAN  
12 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

13 SEC. 14703. (1) BECAUSE OF THE HARMFUL EFFECTS OF POLYCYCLIC  
14 AROMATIC HYDROCARBONS (PAHS) ON HUMANS AND ON FISH AND OTHER  
15 AQUATIC LIFE, A PERSON SHALL NOT APPLY A COAL TAR SEALANT OR OTHER  
16 HIGH PAH SEALANT ON ASPHALT, CONCRETE, OR OTHER PAVEMENT, EXCEPT AS  
17 PROVIDED IN SECTION 14707.

18 (2) A PERSON THAT OWNS PROPERTY ON WHICH A COAL TAR SEALANT OR  
19 OTHER HIGH PAH SEALANT IS APPLIED IN VIOLATION OF SUBSECTION (1) IS  
20 REBUTTABLY PRESUMED TO HAVE APPLIED THE COAL TAR SEALANT OR OTHER  
21 HIGH PAH SEALANT.

22 SEC. 14705. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON  
23 SHALL NOT SELL A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT.

24 (2) SUBSECTION (1) DOES NOT APPLY IF THE PURCHASER SUBMITS TO  
25 THE SELLER A COPY OF AN EXEMPTION GRANTED UNDER SECTION 14707 OR A  
26 COMPLETED FORM THAT INCLUDES ALL OF THE FOLLOWING:

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

1 (B) THE DATE OF THE PURCHASE.

2 (C) THE QUANTITY OF COAL TAR SEALANT OR OTHER HIGH PAH SEALANT  
3 PURCHASED.

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

6 (E) AN AFFIRMATION BY THE PURCHASER THAT THE INFORMATION ON  
7 THE FORM IS CORRECT.

8 (F) THE PURCHASER'S SIGNATURE.

9 (3) A PERSON THAT SELLS A COAL TAR SEALANT OR OTHER HIGH PAH  
10 SEALANT SHALL RETAIN A COMPLETED NO-MICHIGAN-USE FORM OR A COPY OF  
11 A WRITTEN EXEMPTION UNDER SECTION 14707 FOR 3 YEARS AND ALLOW THE  
12 DEPARTMENT TO INSPECT OR COPY THE NO-MICHIGAN-USE FORM OR WRITTEN  
13 EXEMPTION UPON REQUEST.

14 (4) THE DEPARTMENT SHALL POST ON ITS WEBSITE A NO-MICHIGAN-USE  
15 FORM SUITABLE FOR COMPLIANCE WITH SUBSECTION (2).

16 (5) A PERSON SHALL NOT SIGN A NO-MICHIGAN-USE FORM IF THE FORM  
17 CONTAINS FALSE INFORMATION.

18 SEC. 14707. THE DIRECTOR MAY GRANT A PERSON A WRITTEN  
19 EXEMPTION FROM SECTION 14703 IF THE DIRECTOR DETERMINES THAT THE  
20 PERSON IS RESEARCHING THE EFFECT OF A COAL TAR SEALANT OR OTHER  
21 HIGH PAH SEALANT ON THE ENVIRONMENT OR IS DEVELOPING AN ALTERNATIVE  
22 TECHNOLOGY, AND THE USE OF THE COAL TAR SEALANT OR OTHER HIGH PAH  
23 SEALANT IS REQUIRED FOR THE RESEARCH OR DEVELOPMENT.

24 SEC. 14709. A PERSON THAT VIOLATES THIS PART MAY BE ORDERED TO  
25 PAY A CIVIL FINE OF NOT MORE THAN \$5,000.00.

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