

HOUSE BILL No. 5365

February 26, 2014, Introduced by Reps. Heise, Tlaib, Slavens, Knezek, Darany, Faris, Switalski, Geiss, Robinson, Zemke, Irwin, Kandrevas, Singh, Barnett, Roberts and Kosowski 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 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) A PERSON THAT STORES PET COKE FOR TRANSFER OR
6 SHIPMENT SHALL DO ALL OF THE FOLLOWING:

7 (A) MAINTAIN EACH PILE AND TRANSFER LOCATION IN ENCLOSED
8 STORAGE.

9 (B) ENSURE THAT EACH ENTRANCE OR EXIT FROM ENCLOSED STORAGE

1 THAT ALLOWS PASSAGE OF MATERIAL OR VEHICLES HAS OVERLAPPING FLAPS,
2 SLIDING DOORS, OR OTHER DEVICES APPROVED BY THE DEPARTMENT THAT
3 REMAIN CLOSED EXCEPT TO ALLOW MATERIAL OR VEHICLES TO ENTER AND
4 LEAVE OR WHEN INDIVIDUALS ARE INSIDE.

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

7 (i) MOIST MATERIAL.

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

9 (iii) COMPLETELY COVERED.

10 (2) NOT MORE THAN 45 DAYS AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL ISSUE
12 COMPLIANCE ORDERS SETTING FORTH SCHEDULES OF INTERIM STEPS TO
13 ENSURE FULL COMPLIANCE WITH SUBSECTION (1) BY 180 DAYS AFTER THE
14 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THE
15 COMPLIANCE ORDERS SHALL REQUIRE MONITORING AND REPORTING OF PILE
16 SIZES.

17 (3) AS USED IN THIS SECTION:

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

22 (B) "DRY MATERIAL" MEANS ANY MATERIAL THAT IS NOT MOIST
23 MATERIAL.

24 (C) "ENCLOSED STORAGE" MEANS ANY COMPLETELY ROOFED AND WALLED
25 STRUCTURE.

26 (D) "MATERIAL" MEANS ANY SUBSTANCE CONTAINING AT LEAST 50% BY
27 WEIGHT OF PET COKE. THE PERCENT BY WEIGHT SHALL BE DETERMINED BY AT

1 LEAST A 1-OUNCE SAMPLE TAKEN AT ANY RANDOM POINT.

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

4 (F) "PET COKE" MEANS A SOLID CARBONACEOUS RESIDUE PRODUCED
5 FROM A COKER AFTER CRACKING AND DISTILLATION FROM PETROLEUM
6 REFINING OPERATIONS.

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

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