

SENATE BILL NO. 108

February 04, 2021, Introduced by Senators CHANG, IRWIN, WOJNO, POLEHANKI, BAYER, ANANICH, ALEXANDER and BRINKS and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 5525b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5525b. (1) As used in this section:
- 2 (a) "Accumulation" means any surface deposit of bulk solid
- 3 that is in an amount greater than 3 ounces in 1 square foot or
- 4 higher than 3 inches and that is not any of the following:
- 5 (i) Moist material.

1 (ii) Completely covered.

2 (iii) In enclosed storage or a conveyor, transport vehicle,
3 coker pit, slurry bin, water collection channel, or separation
4 pond.

5 (b) "Bulk solid material" means any solid substance or
6 material that can be used as a fuel or as an ingredient in a
7 manufacturing process and that may become airborne or be scattered
8 by the wind, including, but not limited to, ores, coal, and coke.
9 Bulk solid material does not include any of the following:

10 (i) Salt.

11 (ii) Grain.

12 (iii) Construction or demolition material.

13 (iv) Material handled or stored pursuant to a permit under part
14 115.

15 (v) Material used in manufacturing cement at a facility that
16 has obtained any necessary permits under part 55.

17 (c) "Coal" means a solid, brittle, carbonaceous rock
18 classified as anthracite, bituminous, subbituminous, or lignite by
19 ASTM D388-19a, "Standard Classification of Coals by Rank".

20 (d) "Coke" means a solid carbonaceous material derived from
21 the distillation of coal, including met coke, or from oil refinery
22 coker units or other cracking processes, including pet coke.

23 (e) "Construction or demolition material" means material used
24 in or resulting from the construction, remodeling, repair,
25 landscaping, or demolition of utilities, structures, buildings, or
26 roads, including, but not limited to, stockpiles of crushed stone,
27 sand, or gravel.

28 (f) "Enclosed storage" means a completely roofed and walled
29 structure.

1 (g) "Met coke" means a carbon material resulting from the
2 manufactured purification of multifarious blends of bituminous
3 coal.

4 (h) "Moist material" means bulk solid material that has a
5 moisture content that in no place is less than 8.3%.

6 (i) "Pet coke" means a solid carbonaceous residue produced
7 from a coker after cracking and distillation from petroleum
8 refining operations, including such residues produced by petroleum
9 upgraders in addition to petroleum refining.

10 (j) "Pile" means bulk solid material that attains a height of
11 3 feet or more, or a total surface area of 150 square feet or more.

12 (k) "Transfer location" means the location in the storage,
13 handling, or transport process where bulk solid material being
14 moved is dropped or deposited.

15 (2) A person that stores bulk solid material for transfer or
16 shipment shall do all of the following:

17 (a) Maintain each pile and transfer location in enclosed
18 storage.

19 (b) Ensure that each entrance or exit from enclosed storage
20 that allows passage of bulk solid material or vehicles has
21 overlapping flaps, sliding doors, or other devices approved by the
22 department that remain closed except when individuals are inside or
23 to allow individuals or vehicles to enter and leave or nonairborne
24 material to be moved into or out of enclosed storage.

25 (c) Maintain all areas free of accumulation.

26 (3) Not more than 45 days after the effective date of the
27 amendatory act that added this section, the department shall issue
28 compliance orders setting forth schedules of interim steps to
29 ensure full compliance with subsection (2) by 180 days after the

1 effective date of the amendatory act that added this section. The
2 compliance orders shall require monitoring and reporting of pile
3 sizes.