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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3456

March 8, 2010

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

1.1 A bill for an act
1.2 relating to the environment; prohibiting the use and sale of certain coal tar
1.3 products; providing civil penalties; proposing coding for new law in Minnesota
1.4 Statutes, chapter 116; repealing Minnesota Statutes 2009 Supplement, section
1.5 116.201.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [116.202] COAL TAR USE AND SALE PROHIBITED.

1.8 Subdivision 1. Definitions. The following terms have the meanings given.

1.9 (a) "Coal tar product" means a product containing coal tar.

1.10 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

1.11 (c) "Pavement" means an asphalt, concrete, or other pavement surface.

1.12 Subd. 2. Use prohibited. Except as provided in subdivision 4, a person shall not
1.13 apply a coal tar product on asphalt, concrete, or other pavement.

1.14 Subd. 3. Sale prohibited. (a) Except as provided in subdivision 4, a person shall
1.15 not sell a coal tar product that is formulated or marketed for application on asphalt,
1.16 concrete, or other pavement, unless the purchaser completes and signs a form that includes
1.17 the following:

1.18 (1) the name, address, and telephone number of the purchaser;

1.19 (2) the date of the purchase;

1.20 (3) the quantity of coal tar product purchased;

1.21 (4) a statement that the coal tar product will not be used within this state; and

1.22 (5) an affirmation by the purchaser that the information on the form is correct.

1.23 (b) A person who sells a coal tar product that is formulated or marketed for
1.24 application on pavement shall retain the completed form required under paragraph (a)

2.1 for not less than three years and allow the commissioner to inspect or copy the form
2.2 upon request.

2.3 (c) The commissioner shall post on the Pollution Control Agency's Web site a form
2.4 suitable for compliance with paragraph (a).

2.5 (d) A person shall not sign a form required under paragraph (a) if the form contains
2.6 false information.

2.7 Subd. 4. **Exemptions.** The commissioner may exempt a person from this section if
2.8 the commissioner determines that one or more of the following apply:

2.9 (1) the person is researching the effect of a coal tar product on the environment;

2.10 (2) the person is developing an alternative technology and the use of a coal tar
2.11 product is required for the research or development; or

2.12 (3) a suitable alternative to the coal tar product is not available for the intended use.

2.13 Subd. 5. **Civil penalty.** A person who violates this section is subject to a civil
2.14 penalty of up to \$1,000.

2.15 **Sec. 2. REPEALER.**

2.16 Minnesota Statutes 2009 Supplement, section 116.201, is repealed.

APPENDIX

Repealed Minnesota Statutes: 10-5947

116.201 COAL TAR.

A state agency may not purchase undiluted coal tar sealant. For the purposes of this section, "undiluted coal tar sealant" means a sealant material containing coal tar that has not been mixed with asphalt and is for use on asphalt surfaces, including driveways and parking lots.