

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

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

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

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

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

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

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

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

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

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

(2) the date of the purchase;

(3) the quantity of coal tar product purchased;

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

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

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

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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.