

A bill for an act
relating to environment; prohibiting the use of coal tar; requiring notification and
planning; appropriating money; proposing coding for new law in Minnesota
Statutes, chapter 116.

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

Section 1. **[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.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 2. **COAL TAR; NOTIFICATION, INVENTORY, AND BEST
MANAGEMENT PRACTICES.**

(a) By January 15, 2010, the commissioner of the Pollution Control Agency shall
notify state agencies and local units of government of the potential for contamination of
storm water ponds with polycyclic aromatic hydrocarbons from the use of coal tar sealant
products. For the purpose of this section, a storm water pond includes constructed ponds,
natural ponds, and wetlands used for the collection of storm water.

(b) By January 15, 2010, the commissioner of the Pollution Control Agency shall
establish a schedule that requires state agencies and local units of government regulated
under a national pollutant discharge elimination system/state disposal system permit for
municipal separate storm sewer systems to report to the commissioner of the Pollution
Control Agency the total number of storm water ponds under their jurisdiction.

(c) The commissioner of the Pollution Control Agency shall develop best management practices for state agencies and local units of government regulated under a national pollutant discharge elimination system/state disposal system permit for municipal separate storm sewer systems to use in cleaning up contaminated storm water ponds and make the best management practices available on the agency's Web site. As part of the development of the best management practices, the commissioner shall:

(1) sample a set of storm water pond sediments in residential, commercial, and industrial areas for polycyclic aromatic hydrocarbons and other contaminants of potential concern;

(2) investigate the feasibility of screening methods to provide more cost-effective analytical results and to identify which kinds of ponds are likely to have the highest concentrations of polycyclic aromatic hydrocarbons; and

(3) develop guidance on testing, treatment, removal, and disposal of polycyclic aromatic hydrocarbon contaminated sediments.

(d) The commissioner of the Pollution Control Agency shall incorporate the requirements for inventory and best management practices specified in paragraphs (b) and (c) into the next permitting cycle for the national pollutant discharge elimination system/state disposal system permit for municipal separate storm sewer systems.

Sec. 3. **APPROPRIATION.**

\$155,000 in fiscal year 2010 is from the clean water fund to the commissioner of the Pollution Control Agency to meet the requirements under section 2 in order to restore and protect water quality.