

The presence of a coal tar sealant shall be presumed if:

1. A laboratory test result shows a level of one or more polycyclic aromatic hydrocarbons (PAH) in excess of one (1) percent-by-weight in a dry scraping sample, which the "Agency" has, or has caused to be, extracted;
2. A person, or the person's employee or other agent, acknowledges the use, sale, offer, or permission to use the substance containing it; or
3. A person has used, sold, offered, or permitted the use of a substance from a can, tank, truck, pump, or other container that has been accompanied by a document, including a sign, label or material safety data sheet (MSDS), describing contents to include one of the following:
 - a. "Coal tar";
 - b. "Refined tar";
 - c. "Coal tar pitch";
 - d. "Refined coal tar pitch";
 - e. "Refined coal tar";
 - f. "High temperature coal tar";
 - g. "High temperature coal tar pitch";
 - h. "RT-12"; or
 - i. A Chemical Abstracts Service number (CAS #) characterizing coal tar, including CAS #65996-93-2, 65996-90-9, and 8007-45-2.

The presumption can be rebutted with competent, material, and substantial evidence.