

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-6-2015

Chapter No. 5

Proposed and Presented by Council Members Lehman and Taveras

Introduced by Council Members Lehman, Taveras, Franklin, Davis and Glaros

Co-Sponsors _____

Date of Introduction March 31, 2015

BILL

AN ACT concerning

Coal Tar Pavement Products Ban

For the purpose of defining coal tar pavement products; prohibiting the use of coal tar pavement products; prohibiting the sale of coal tar pavement products; providing for alternatives and outreach of this Act; providing for and enforcement and penalties for violations of this Act; and generally relating to coal tar pavement products.

WHEREAS, coal tar pavement product is a thick black or brown liquid that is a byproduct of the carbonization of coal for the steel industry or the gasification of coal for the steel industry or the gasification of coal to make coal gas; and

WHEREAS, coal tar pavement products are applied to asphalt and concrete surfaces and are used to seal the following: parking lots, driveways, recreational trails, airport runways and lots, and playgrounds to protect surfaces from sunlight, water, debris, chemical spills and leaks; and

WHEREAS, studies by the U.S. Geological Survey have identified coal-tar based sealcoat as a major source of polycyclic aromatic hydrocarbon (PAH) contamination in urban areas for large parts of the Nation. Several PAHs are suspected human carcinogens and are toxic to aquatic life; and

WHEREAS, the estimated lifetime cancer risk is 38 times higher for people who live near a coal tar pavement product for their lifetime; and

WHEREAS, cost effective coal tar free pavement products are available which are not major sources of PAH contamination; and

WHEREAS, several jurisdictions including: Austin, Texas, Washington D.C., Dane County, Wisconsin, Montgomery County, Maryland, and several suburbs of Minneapolis, Minnesota has banned the use of coal-tar-based sealcoat. Similar bans are under consideration in other jurisdictions.

BY adding:

SUBTITLE 19. POLLUTION.
Sections 19-148, 19-149, 19-150, 19-151,
and 19-152,
The Prince George's County Code
(2011 Edition; 2014 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 19-148, 19-149, 19-150, 19-151, and 19-152 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 19. POLLUTION.
DIVISION 6. COAL TAR PAVEMENT
PRODUCTS BAN.

Sec.19-148. Definitions

(a) For the purposes of this Act, the following terms shall mean:

(1) Coal tar pavement product means a material that contains coal tar and is intended to cover an asphalt or concrete surface, including, but not limited to a driveway or parking area.

(2) Director means the Director of the Department of the Environment or the Director's designee.

Sec. 19-149. Prohibition on use of coal tar pavement products.

(a) A person shall not use a coal tar pavement product in the County.

(b) Both the property owner and the applicator has violated this Section if a coal tar pavement product is applied to an asphalt or concrete surface on the property.

Sec. 19-150 . Prohibition on sale of coal tar pavement products.

(a) A person shall not sell or offer for sale a coal tar pavement product in the County.

Sec. 19-151. Alternatives and Outreach.

(a) By July 1, 2015, the Director shall publish a list of alternative products for use on

asphalt and concrete that does not contain a coal tar pavement product.

(b) The Department of the Environment must conduct an education and outreach campaign before and during implementation of the provisions of this Act. This campaign shall include:

(1) informational mailers to and direct contact with affected property owners and contractors; and

(2) distribution of information through County internet and web based resources; and

(3) news releases and news events.

Sec. 19-152. Enforcement and Penalties.

(a) The Director or the Director's designee shall enforce this Act.

(b) No person or entity shall willfully violate any provision of this Act. The violation of any such prohibited or unlawful act or offense, or a misdemeanor, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000).

(c) For each violation, each day of the violation shall constitute an offense and the penalties prescribed shall apply separately to each offense.

(d) Violators shall remediate the surface of the coal tar pavement product to which coal tar was applied.

(e) The County Attorney or any affected party may file an action in court with jurisdiction to enjoin repeated violations of this Section.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that Section 19-151 of this Act shall take effect on July 1, 2015.

SECTION 4. BE IT FURTHER ENACTED that, subject to [Section 19-151] Section 19-152 of this Act shall take effect on January 1, 2016.

Adopted this 21st day of April, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive