

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 12

Bill No. 60 -2018

Introduced by: Jon Weinstein

AN ACT to ban the sale or use of certain coal tar and similar pavement sealing products; and generally related to the control of surface applied pavement sealing products in the County.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2018 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2018

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 WHEREAS, Polycyclic Aromatic Hydrocarbons (PAH) are the harmful chemicals found in coal-
2 tar based and other pavement sealants that are known to cause rashes, skin irritations,
3 cancer, mutations, birth defects, and death; and
4

5 WHEREAS, the benzene compound found in PAH is a known carcinogen, exposure to which the
6 U.S. Department of Health and Human Services has found increases risk of cancers in
7 humans and animals, including skin, lung, kidney, bladder, and stomach cancers; and
8

9 WHEREAS, studies by the U.S. Geological Survey have identified coal-tar based sealants as a
10 major source of polycyclic aromatic hydrocarbon (PAH) contamination; and
11

12 WHEREAS, the estimated lifetime cancer risk is 38 times higher for people who live near a coal
13 tar pavement product for their lifetime; and
14

15 WHEREAS, cost effective coal tar free pavement products are available which are not major
16 sources of PAH contamination; and
17

18 WHEREAS, stormwater runoff from parking lots, driveways, and other paved surfaces is a
19 significant contributor to stormwater pollution; and
20

21 WHEREAS, banning the sale and use of PAH and the associated products will protect human
22 health, the environment, and marine life.
23

24 ***NOW, THEREFORE***

25 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard
26 County Code is amended as follows:

27 *By adding:*

28 *Title 3. Buildings*

29 *SUBTITLE 11. MISCELLANEOUS.*

30 *SECTION 3.1100. COAL TAR.*
31

32 **Title 3. Buildings**

33 **SUBTITLE 11. MISCELLANEOUS.**

34 **SECTION 3.1100. COAL TAR.**

1 (A) *SCOPE OF SECTION.*

2 THIS SECTION APPLIES TO ANY PRODUCT THAT IS USED TO SEAL THE SURFACE OF
3 DRIVEWAYS, PARKING AREAS, AND OTHER PAVEMENT AND THAT CONTAINS LEVELS OF
4 POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) GREATER THAN 10,000 MILLIGRAMS PER
5 KILOGRAM, INCLUDING, BUT NOT LIMITED TO, COAL TAR PITCH OR ETHYLENE CRACKER
6 RESIDUE.

7 (B) *FINDINGS.*

8 THE COUNTY COUNCIL FINDS THAT, UNDER SOME CONDITIONS, CERTAIN PAVEMENT
9 SEALING PRODUCTS CONTAMINATE WATER, SOIL, AND AIR, AND THEREFORE CONTROL OF
10 THESE PAVEMENT SEALING PRODUCTS IS NECESSARY TO PROTECT THE PUBLIC HEALTH,
11 SAFETY, AND WELFARE.

12 (C) *PROHIBITION.*

13 A PERSON SHALL NOT SELL, OFFER FOR SALE, OR APPLY TO PAVEMENT A PAVEMENT
14 SEALING PRODUCT DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

15 (D) *PENALTY.*

16 (1) A VIOLATION OF THIS SECTION IS A CLASS A CIVIL VIOLATION UNDER TITLE 24 OF THE
17 COUNTY CODE.

18 (2) FOR PURPOSES OF THIS SECTION, THE DEPARTMENT OF INSPECTIONS, LICENSES AND
19 PERMITS HAS THE DUTIES OF THE ENFORCEMENT OFFICIAL UNDER TITLE 24 OF THE
20 COUNTY CODE.

21 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
22 *this Act shall become effective 61 days after its enactment.*

23