

Introduced	<u>9/4/18</u>
Public Hearing	<u>9/17/18</u>
Council Action	<u>10/1/18</u>
Executive Action	<u>10/10/18</u>
Effective Date	<u>12/10/18</u>

**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 September 4, 2018. Ordered posted and hearing scheduled.  
 By order Jessica Feldmark  
 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 September 17, 2018.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

This Bill was read the third time on October 1, 2018 and Passed  Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4<sup>th</sup> day of October, 2018 at 3 a.m./p.m.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved by the County Executive Oct 10, 2018  
Allan H. Kittleman  
 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.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 10, 2018.

  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council