

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

1 AN ACT concerning

2 Coal Tar Pavement Products Ban

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

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

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

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

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

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

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

5 BY adding:

6 SUBTITLE 19. POLLUTION.
7 Sections 19-148, 19-149, 19-150, 19-151,
8 and 19-152,
9 The Prince George's County Code
10 (2011 Edition; 2014 Supplement).

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

14 SUBTITLE 19. POLLUTION.
15 DIVISION 6. COAL TAR PAVEMENT
16 PRODUCTS BAN.

17 **Sec.19-148. Definitions**

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

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

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

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

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

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

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

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

30 **Sec. 19-151. Alternatives and Outreach.**

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

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

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

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

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

8 (3) news releases and news events.

9 **Sec. 19-152. Enforcement and Penalties.**

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

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

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

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

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

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

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

30 SECTION 4. BE IT FURTHER ENACTED that, subject to [Section 19-151] Section 19-
31 152 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