

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 35

Bill No. 104-15

Introduced by Mr. Trumbauer, Mr. Grasso and Mr. Pruski

By the County Council, October 5, 2015

Introduced and first read on October 5, 2015
Public Hearing set for and held on November 2, 2015
Bill Expires January 8, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Stormwater Management - Coal Tar Pavement Products --
2 Prohibition

3
4 FOR the purpose of prohibiting the sale and use of coal tar pavement product in Anne
5 Arundel County; establishing penalties for the sale and use of coal tar pavement
6 product; and matters generally relating to coal tar pavement product.

7
8 BY adding: § 16-1-110
9 Anne Arundel County Code (2005, as amended)

10
11 WHEREAS, stormwater runoff from parking lots, roads, and other impervious
12 surfaces is a significant contributor to storm water pollution in Maryland; and

13
14 WHEREAS, coal tar pavement products are applied to parking lot as a sealant,
15 and coal tar pavement products may enter waterways through stormwater runoff
16 or accumulate in the sediment of stormwater ponds; and

17
18 WHEREAS, coal tar pavement products contain high levels of polycyclic
19 aromatic hydrocarbons (PAHs), which are known to cause cancer in humans and
20 are toxic to fish and other aquatic life, and

21
22 WHEREAS safer alternatives to coal tar pavement products exist and are widely
23 available in Maryland, and

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 WHEREAS, other local jurisdictions including Washington D.C. and
2 Montgomery and Prince George's Counties have banned the use of coal tar
3 pavement products, now, therefore

4
5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
6 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
7 follows:

8
9 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
10 **CONTROL, AND STORMWATER MANAGEMENT**

11
12 **TITLE 1. DEFINITIONS AND GENERAL PROVISIONS**

13
14 **16-1-110. Coal Tar Pavement Product - Prohibition.**

15
16 (A) **Definition.** "COAL TAR PAVEMENT PRODUCT" MEANS A MATERIAL THAT
17 CONTAINS COAL TAR OR POLYCYCLIC AROMATIC HYDROCARBONS AND IS USED FOR AN
18 ASPHALT OR CONCRETE SURFACE.

19
20 (B) **Applicability.** THIS SECTION APPLIES TO ALL PUBLIC AND PRIVATE USES OF
21 COAL TAR PAVEMENT PRODUCT.

22
23 (C) **Use and Sale Prohibited.** A PERSON MAY NOT SELL, OFFER FOR SALE, USE, OR
24 PERMIT THE USE OF A COAL TAR PAVEMENT PRODUCT IN THE COUNTY. A PROPERTY
25 OWNER WHO KNOWINGLY PERMITS THE APPLICATION OF A PRODUCT CONTAINING COAL
26 TAR PAVEMENT PRODUCT ON THEIR PROPERTY IS IN VIOLATION OF THIS SECTION AND
27 MAY BE CITED, IN ADDITION TO THE APPLICATOR OF THE PRODUCT, PURSUANT TO
28 SUBSECTION (E).

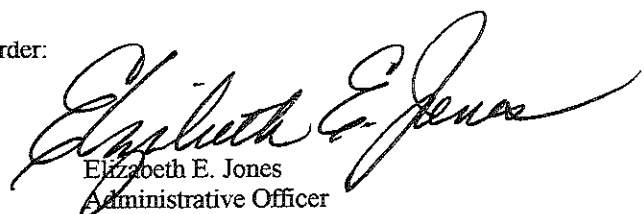
29
30 (D) **Alternatives.** THE DIRECTOR SHALL PUBLISH A LIST OF ALTERNATIVE PRODUCTS
31 FOR USE ON ASPHALT AND CONCRETE THAT DOES NOT CONTAIN A COAL TAR PAVEMENT
32 PRODUCT.

33
34 (E) **Remediation and penalties.** VIOLATORS SHALL BE REQUIRED TO REMEDIATE
35 THE SURFACE OF THE COAL TAR PAVEMENT PRODUCT. A VIOLATION OF THIS SECTION IS
36 A CLASS B CIVIL OFFENSE PURSUANT TO §9-2-101 OF THIS CODE. EACH DAY THAT THE
37 VIOLATION OCCURS SHALL BE CONSIDERED A SEPARATE OFFENSE. THE PENALTIES SET
38 FORTH IN THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDIES AND PENALTIES
39 PROVIDED UNDER FEDERAL, STATE OR COUNTY LAW.

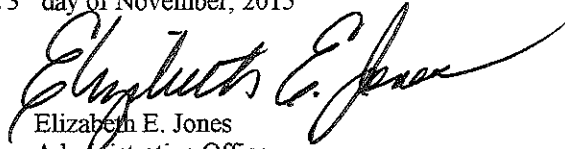
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41 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
42 from the date it is enacted.

READ AND PASSED this 2nd day of November, 2015


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 3rd day of November, 2015



Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 12th day of November, 2015


Steven R. Schuh
County Executive

EFFECTIVE DATE: December 27, 2015

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
104-15. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer