

7854--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 19, 2011

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Introduced by M. of A. ROSENTHAL, LIFTON, MURRAY, P. RIVERA, WEPRIN --  
Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, ORTIZ, PAULIN, THIELE  
-- read once and referred to the Committee on Environmental Conserva-  
tion -- recommitted to the Committee on Environmental Conservation in  
accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill  
amended, ordered reprinted as amended and recommitted to said commit-  
tee

AN ACT to amend the environmental conservation law, in relation to  
prohibiting coal tar in pavement products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The environmental conservation law is amended by adding a  
2 new section 37-0115 to read as follows:  
3     S 37-0115. COAL TAR; PROHIBITED.  
4     1. ON THE ONE HUNDRED TWENTIETH DAY AFTER THE EFFECTIVE DATE OF THIS  
5 SECTION, A PERSON SHALL NOT SELL OR OFFER TO SELL AT WHOLESALE OR RETAIL  
6 A PAVEMENT PRODUCT THAT IS LABELED AS CONTAINING COAL TAR.  
7     2. ON THE ONE HUNDRED EIGHTIETH DAY AFTER THE EFFECTIVE DATE OF THIS  
8 SECTION, A PERSON SHALL NOT APPLY A PAVEMENT PRODUCT THAT IS LABELED AS  
9 CONTAINING COAL TAR ON A DRIVEWAY OR PARKING AREA.  
10    3. A. THE DEPARTMENT MAY ISSUE A NOTICE OF CORRECTIVE ACTION TO ANY  
11 PERSON IN VIOLATION OF SUBDIVISION ONE OR TWO OF THIS SECTION.  
12    B. A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS GOVERNING BODY,  
13 MAY ENACT A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING FOR THE  
14 ENFORCEMENT OF SUBDIVISIONS ONE AND TWO OF THIS SECTION AND SHALL BE  
15 DEEMED TO HAVE CONCURRENT JURISDICTION WITH THE DEPARTMENT IN THE  
16 ENFORCEMENT OF SUCH PROVISIONS.  
17    4. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY AIRPORTS NOT  
18 CURRENTLY REQUIRED UNDER FEDERAL LAW TO USE A COAL TAR PAVEMENT PRODUCT.  
19    5. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
20 FOLLOWING MEANINGS:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11517-03-2

1       A. "COAL TAR" MEANS A LIQUID OF HIGH VISCOSITY WITH VARIABLE MIXTURES  
2 OF PHENOLS, POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), AND HETEROCYCLIC  
3 COMPOUNDS.

4       B. "PAVEMENT PRODUCT" MEANS A MATERIAL THAT IS FOR USE ON AN ASPHALT  
5 OR CONCRETE SURFACE, INCLUDING BUT NOT LIMITED TO SEALCOAT.

6       C. "PERSON" MEANS ANY INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP,  
7 CORPORATION, ORGANIZATION, OR JOINT VENTURE.

8       S 2. This act shall take effect immediately.