S T A T E O F N E W Y O R K

7854--C

2011-2012 Regular Sessions

I N A S S E M B L Y

May 19, 2011

Introduced by M. of A. ROSENTHAL, LIFTON, MURRAY, P. RIVERA, WEPRIN, COOK, MILLMAN, ABINANTI -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, ORTIZ, PAULIN, THIELE -- read once and referred to the Committee on Environmental Conservation -- 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 committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The environmental conservation law is amended by adding a new section 37-0115 to read as follows:

S 37-0115. COAL TAR; PROHIBITED.

1. A PERSON SHALL NOT SELL OR OFFER FOR SALE A PAVEMENT PRODUCT CONTAINING COAL TAR.

2. A PERSON SHALL NOT APPLY A PAVEMENT PRODUCT THAT IS LABELED AS CONTAINING COAL TAR ON A DRIVEWAY OR PARKING AREA.

3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY AIRPORTS NOT REQUIRED UNDER FEDERAL LAW TO USE A COAL TAR PAVEMENT PRODUCT.

4. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "COAL TAR" MEANS A VISCOUS SUBSTANCE OBTAINED BY THE DESTRUCTIVE DISTILLATION OF COAL AND CONTAINING LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS (PAHS) IN EXCESS OF TEN THOUSAND MILLIGRAMS PER KILOGRAM.

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

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

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S 2. Nothing in this act shall be deemed to preempt any local law restricting the use of coal tar pavement products adopted prior to the effective date of this act.

S 3. This act shall take effect immediately; provided however that subdivision 1 of section 37-0115 of the environmental conservation law as added by section one of this act shall take effect July 1, 2013; provided further that subdivision 2 of section 37-0115 of the environmental conservation law as added by section one of this act shall take effect July 1, 2016.