

6535--A

I N S E N A T E

February 23, 2012

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, 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:

- 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:
21 A. "COAL TAR" MEANS A LIQUID OF HIGH VISCOSITY WITH VARIABLE MIXTURES
22 OF PHENOLS, POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), AND HETEROCYCLIC
23 COMPOUNDS.
24 B. "PAVEMENT PRODUCT" MEANS A MATERIAL THAT IS FOR USE ON AN ASPHALT
25 OR CONCRETE SURFACE, INCLUDING BUT NOT LIMITED TO SEALCOAT.
26 C. "PERSON" MEANS ANY INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP,
27 CORPORATION, ORGANIZATION, OR JOINT VENTURE.
28 S 2. This act shall take effect immediately.

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

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