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I N   S E N A T E

February 23, 2012

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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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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. A PERSON SHALL NOT SELL OR OFFER FOR SALE A PAVEMENT PRODUCT  
5     CONTAINING COAL TAR.  
6     2. A PERSON SHALL NOT APPLY A PAVEMENT PRODUCT THAT IS LABELED AS  
7     CONTAINING COAL TAR ON A DRIVEWAY OR PARKING AREA.  
8     3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY AIRPORTS NOT  
9     REQUIRED UNDER FEDERAL LAW TO USE A COAL TAR PAVEMENT PRODUCT.  
10    4. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
11    FOLLOWING MEANINGS:  
12    A. "COAL TAR" MEANS A VISCOUS SUBSTANCE OBTAINED BY THE DESTRUCTIVE  
13    DISTILLATION OF COAL AND CONTAINING LEVELS OF POLYCYCLIC AROMATIC HYDRO-  
14    CARBONS (PAHS) IN EXCESS OF TEN THOUSAND MILLIGRAMS PER KILOGRAM.  
15    B. "PAVEMENT PRODUCT" MEANS A MATERIAL THAT IS FOR USE ON AN ASPHALT  
16    OR CONCRETE SURFACE, INCLUDING BUT NOT LIMITED TO SEALCOAT.  
17    S 2. Nothing in this act shall be deemed to preempt any local law  
18    restricting the use of coal tar pavement products adopted prior to the  
19    effective date of this act.  
20    S 3. This act shall take effect immediately; provided however that  
21    subdivision 1 of section 37-0115 of the environmental conservation law  
22    as added by section one of this act shall take effect July 1, 2013;  
23    provided further that subdivision 2 of section 37-0115 of the environ-  
24    mental conservation law as added by section one of this act shall take  
25    effect July 1, 2016.

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

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