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2595

2015-2016 Regular Sessions

I N   S E N A T E

January 26, 2015
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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
  when printed to be committed to the Committee on Environmental Conser-
  vation

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. 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, 2016;
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, 2019.