
Environment Committee

HB 1721

Brief Description: Preventing storm water pollution from coal tar sealants.

Sponsors: Representatives Frockt, Kenney, Roberts, Fitzgibbon and Stanford.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits the sale of coal tar pavement products after January 1, 2012.• Prohibits the application of coal tar pavement products after July 1, 2012.

Hearing Date: 2/8/11

Staff: Courtney Barnes (786-7194).

Background:

Storm Water.

Storm water is rain and snow melt that runs off surfaces such as rooftops, paved streets, highways, and parking lots. As water runs off these surfaces, it can pick up pollutants such as oil, fertilizers, pesticides, soil, and trash. Storm water may flow directly into local waterways or it may go into a storm drain and continue through storm pipes until it is released into a waterway.

Certain storm water discharges require a National Pollutant Discharge Elimination System permit or water quality discharge permit. The United States Environmental Protection Agency gave the Department of Ecology (Department) the authority to implement these permits in Washington.

Coal Tar Sealants.

Coal tar sealants are used to protect and maintain asphalt pavement for driveways and parking lots. Asphalt pavement develops cracks over time, and sealants are used to help protect the

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pavement surface. Coal tar sealants contain polycyclic aromatic hydrocarbons (PAHs). PAHs are a group of chemicals that are formed during the incomplete burning of coal, oil, gas, wood, or other organic substances.

Summary of Bill:

The Legislature finds that prohibiting the sale and use of coal tar sealants in this state is an appropriate and cost-effective way to limit storm water pollution and to protect public health.

After January 1, 2012, no person may sell at wholesale or retail a coal tar pavement product that is labeled as containing coal tar. After July 1, 2012, a person may not apply a coal tar pavement product on a driveway or parking area. A coal tar pavement product is any product that contains coal tar and is for use on an asphalt or concrete surface, including a driveway or parking area.

The Department of Ecology may issue a notice of corrective action to a person who sells or applies a coal tar pavement product in violation of the bill.

A city or county may adopt an ordinance to provide enforcement with the requirements of the bill. A city or county adopting an ordinance for enforcement has concurrent jurisdiction with the Department.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.