

---

HOUSE BILL 1721

---

State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Frockt, Kenney, Roberts, Fitzgibbon, and Stanford

Read first time 01/31/11. Referred to Committee on Environment.

1            AN ACT Relating to preventing storm water pollution from coal tar  
2 sealants; and adding a new chapter to Title 70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** (1) The legislature finds that contaminated  
5 storm water runoff from parking lots, roads, and other impervious  
6 surfaces is a significant contributor to pollution in lakes, rivers,  
7 and marine waters in Washington.

8            (2) The legislature acknowledges that coal tar sealants, which are  
9 applied to parking lots to extend the life of asphalt, are a  
10 significant contributor to storm water pollution. Coal tar sealants  
11 contain high levels of benzo(a)pyrene and other toxic chemicals known  
12 collectively as polycyclic aromatic hydrocarbons. Research shows that  
13 as the sealants age, the tar steadily wears off and crumbles into  
14 contaminated dust that is tracked into houses and contaminates  
15 waterways.

16            (3) The legislature finds that polycyclic aromatic hydrocarbons are  
17 of particular concern because they do not break down easily. Although  
18 concentrations of banned chemicals like DDT and polychlorinated  
19 biphenyls are slowly declining in the environment, levels of polycyclic

1 aromatic hydrocarbons are increasing. Polycyclic aromatic hydrocarbons  
2 are carcinogenic and in sufficient quantities are a major threat to  
3 human health and the environment.

4 (4) The legislature finds that about eighty-five million gallons of  
5 coal tar-based sealants are sold in the United States each year.  
6 Although coal tar sealants are used most heavily in the eastern part of  
7 the country, the sealant is sold in all fifty states of the United  
8 States, including Washington.

9 (5) The legislature finds that the use of coal tar sealant has  
10 impacted the water quality in Washington's waterways. A recent United  
11 States geological services study shows that Lake Ballinger in Mountlake  
12 Terrace has levels of polycyclic aromatic hydrocarbons in its sediment  
13 that approach concentrations expected to harm bottom-dwelling plants  
14 and animals.

15 (6) The legislature finds that safer alternatives to coal tar  
16 sealants exist and are widely available in Washington. Certain major  
17 retailers no longer sell coal tar sealants because of their negative  
18 environmental impacts.

19 (7) Therefore, the legislature finds that prohibiting the sale and  
20 use of coal tar sealants in Washington is an appropriate and cost-  
21 effective way to limit pollution and protect public health.

22 NEW SECTION. **Sec. 2.** The definitions in this section apply  
23 throughout this chapter unless the context clearly requires otherwise.

- 24 (1) "Department" means the department of ecology.  
25 (2) "Coal tar pavement product" means a material that contains coal  
26 tar and is for use on an asphalt or concrete surface, including a  
27 driveway or parking area.

28 NEW SECTION. **Sec. 3.** After January 1, 2012, no person may sell at  
29 wholesale or retail a coal tar pavement product that is labeled as  
30 containing coal tar.

31 NEW SECTION. **Sec. 4.** After July 1, 2012, a person may not apply  
32 a coal tar pavement product on a driveway or parking area.

33 NEW SECTION. **Sec. 5.** (1) The department may issue a notice of

1 corrective action to a person in violation of section 3 or 4 of this  
2 act.

3 (2) A city or county may adopt an ordinance providing for  
4 enforcement of the requirements of section 3 or 4 of this act. A city  
5 or county adopting an ordinance has jurisdiction concurrent with the  
6 department to enforce this section.

7 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
8 a new chapter in Title 70 RCW.

--- END ---