

Bill No. 21-12
Concerning: Erosion, Sediment Control
and Stormwater Management – Coal
Tar Pavement Products
Revised: June 5, 2012 Draft No. 4
Introduced: June 19, 2012
Enacted: September 11, 2012
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Rice, Navarro, Elrich, Riemer, and Ervin

AN ACT to:

- (1) prohibit the use and sale of coal tar pavement products in the County;
- (2) require enforcement by the Director of the Department of Environmental Protection;
- (3) amend the titles of Chapter 19; and
- (4) generally amend the County laws regarding water quality.

By amending the titles of Chapter 19 and adding
Montgomery County Code
Chapter 19, Erosion, Sediment Control and Storm Water Management
Article VI. General.
Section 19-68

By renumbering
Montgomery County Code
Chapter 19, Erosion, Sediment Control and Storm Water Management
Article VI. General.
Sections 19-68 and 19-69

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. The titles in Chapter 19 are amended, a new Section 19-68 is**
2 **added, and Sections 19-68 and 19-69 are renumbered as follows:**

3 **Chapter 19, Erosion, Sediment Control and [Storm Water] Stormwater**
4 **Management.**

5 * * *

6 **Article II. [Storm Water] Stormwater Management.**

7 * * *

8 **19-68. Coal tar pavement products.**

9 (a) Definitions. As used in this Section:

10 Coal tar pavement product means a material that contains coal tar and is
11 intended to cover an asphalt or concrete surface, including a driveway
12 or parking area.

13 Director means the Director of the Department of Environmental
14 Protection or the Director's designee.

15 (b) Use of coal tar pavement products prohibited.

- 16 (1) A person must not use a coal tar pavement product in the County.
- 17 (2) Both the property owner and the applicator have violated this
18 Section if a coal tar pavement product is applied to an asphalt or
19 concrete surface on the property.

20 (c) Sale. A person must not sell or offer for sale a coal tar pavement product
21 in the County.

22 (d) Enforcement. The Director must:

- 23 (1) publish a list of alternative products for use on asphalt and
24 concrete that do not contain coal tar; and
- 25 (2) generally enforce this Section.

26 **[19-68] 19-69. Authority of department of environmental protection.**

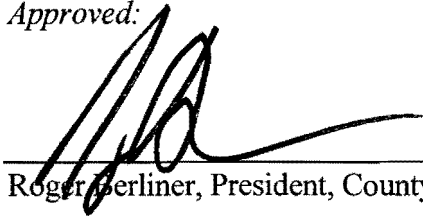
27 * * *

28 **[19-69] 19-70. Violations.**

29 Any violation of this Chapter is a Class A violation. However,
30 notwithstanding Section 1-19, the maximum penalty for a civil violation of Article I
31 is \$1,000 for an initial or repeat offense. Each day a violation continues is a separate
32 offense.

33 * * *

34 *Approved:*



9/12/12

Roger Berliner, President, County Council

Date

36 *Approved:*

37

Isiah Leggett, County Executive

Date

38 *This is a correct copy of Council action.*

39

Linda M. Lauer, Clerk of the Council

Date