

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: September 18, 2012  
Effective: December 18, 2012  
Sunset Date: None  
Ch. 16, Laws of Mont. Co. 2012

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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

<b>Boldface</b>	<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.**

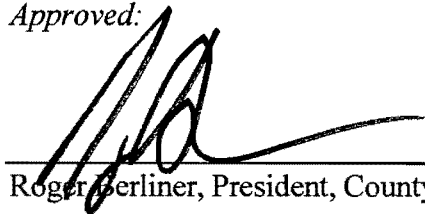
27   \*   \*   \*

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:*

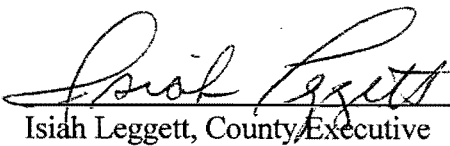


9/12/12

Roger Berliner, President, County Council


Date

36 *Approved:*

37   
Isiah Leggett, County Executive

9/18/12  
Date

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

39   
Linda M. Lauer, Clerk of the Council

9/19/12  
Date