

Senate Bill 262

By: Senator Hufstetler of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to control of water pollution and surface-water use, so as to prohibit the application  
3 of coal tar sealant products on asphalt paved surfaces and the sale of such products; to  
4 provide for exceptions; to provide for local ordinances; to authorize the director of the  
5 Environmental Protection Division to provide technical support and enforce compliance; to  
6 provide for definitions; to provide for related matters; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
11 control of water pollution and surface-water use, is amended by adding a new Code section  
12 to read as follows:

13 "12-5-54.

14 (a) As used in this Code section, the term 'coal tar sealant product' means a surface applied  
15 sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation  
16 thereof.

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17 (b) Except as otherwise provided in subsection (c) of this Code section:

18 (1) It shall be unlawful to apply coal tar sealant products on asphalt paved surfaces,  
19 parking lots, or driveways; and

20 (2) It shall be unlawful to sell a coal tar sealant product that is formulated or marketed  
21 for application on asphalt paved surfaces, parking lots, or driveways.

22 (c) Upon receipt of a written request explaining the need for an exemption, the director  
23 may exempt a person from the prohibitions of subsection (b) of this Code section if the  
24 person is either:

25 (1) Researching the effects of a coal tar sealant product on the environment and the use  
26 of a coal tar sealant product is required for such research; or

27 (2) Developing an alternative technology and the use of a coal tar sealant product is  
28 required for such development.

29 (d) Counties, municipalities, and consolidated governments are authorized to adopt  
30 ordinances not inconsistent with this Code section. The director shall provide technical  
31 support to local governments that adopt such ordinances.

32 (e) The director shall enforce this Code section with respect to multijurisdictional and  
33 state-wide offenses."

34

## **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.