

HOUSE BILL NO. 949

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Tran)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.5, relating to pavement sealants containing coal tar; local prohibition.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.5 as follows:**

**§ 15.2-926.5. Authority to prohibit pavement sealants containing coal tar.**

A. For the purposes of this section:

"Coal tar" means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per kilogram. "Coal tar" includes refined coal tar, high temperature coal tar, coal tar pitch, or any substance identified by chemical abstract number 65996-93-2.

"Pavement sealant" means a sealant product intended for application on asphalt pavement surfaces, including driveways and parking lots.

"Polycyclic aromatic hydrocarbons" means a group of compounds that are by-products of incomplete combustion, that include several carcinogens, and that are designated as hazardous substances pursuant to subsection 9602(a) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 et seq.).

B. Any locality may by ordinance prohibit the sale of pavement sealant that contains coal tar within the locality, provided that the locality provide 12 months' public notice prior to the effective date of any such ordinance. Any ordinance adopted pursuant to this subsection shall permit the continued sale of

26 inventory in stock on the effective date of the ordinance for an additional six months after the effective  
27 date of such ordinance.

28 C. A locality may by ordinance prohibit the application or other use of a pavement sealant that  
29 contains coal tar within the locality, provided that the locality provide 12 months' public notice prior to  
30 the effective date of any such ordinance.

31 D. A violation of an ordinance adopted pursuant to this section is subject to a \$250 fine.

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