

PT
3-18-19

ORDINANCE

An Ordinance create Section 7.325 of the Manitowoc Municipal Code regulating Application and Sale of Coal Tar and Other High-PAH Sealant Products.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 7.325 is created to read as follows:

“7.325 Application and Sale of Coal Tar and Other High-PAH Sealant Products

(1) Purpose and Intent. The City of Manitowoc finds that its local water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The City of Manitowoc is concerned about the environmental and human health impact that exposure to polycyclic aromatic hydrocarbons (PAHs) may pose and finds that the environmental and human health impacts can be minimized and pavement can be maintained by utilizing alternative products or methods. Therefore, the City of Manitowoc intends to regulate the amount of contaminants, including PAHs contained in coal tar sealant products and other high-PAH sealant products.

(2) Definitions.

Coal Tar is a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).

Coal Tar Sealant Product means a pavement sealant product that contains coal tar, coal tar pitch, coal tar volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1; 65996-93-2; 65996-89-6; or 8007-45-2, or related substances.

High-PAH Sealant Product means any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to: coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the CAS number 64742-90-1; 69013-21-4 or related substances.

Pavement Sealant Product, or Sealcoat, is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based.

Polycyclic Aromatic Hydrocarbons (PAHs) are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

Director means the Director of Public Infrastructure.

(3) Regulation of the Application and Sale of Coal Tar and Other High PAH Sealant Products.

(a) Except as provided in 7.325(4), no person shall apply any coal tar sealant product or high PAH sealant product within the City of Manitowoc.

(b) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the City of Manitowoc.

(c) Any person who sells pavement sealant products shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language:

The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots and all other paved surfaces in the City of Manitowoc is prohibited by Manitowoc Municipal Code Section 7.325.

(d) No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under the person's ownership or control.

