

**BOROUGH OF OAKMONT
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 01 of 2022

**AN ORDINANCE OF THE BOROUGH OF OAKMONT,
ALLEGHENY COUNTY, PENNSYLVANIA,
PROHIBITING THE USE OF POLYCYCLIC AROMATIC
HYDROCARBONS AND CERTAIN OTHER
HAZARDOUS SUBSTANCES AS PAVEMENT
SEALANTS**

WHEREAS, the U.S. Environmental Protection Agency (“EPA”), the US. Agency for Toxic Substances and Disease Registry (“ATSDR”), and other agencies, foreign and domestic, have determined that exposure to certain Polycyclic Aromatic Hydrocarbons (“PAHs”) pose risks to human health (including cancer, cardiovascular disease and poor fetal development) and to the health and well-being of various aquatic and other animal life; and

WHEREAS, products sold to property owners for the purpose of sealing driveways, parking lots and other paved areas are often based on coal tar derivatives and used motor oil and often contain high levels of PAHs; and

WHEREAS, environmental regulatory agencies at the federal and Commonwealth levels are not controlling the use of PAHs for these purposes; and

WHEREAS Council believes it to be in the best interest of the Borough and its citizens to proscribe the use in the Borough of certain pavement sealants containing high levels of PAH’s. This shall include coal tar and coal tar-based asphalt sealants.

I. NOW THEREFORE, the Council of Oakmont Borough, ordains and enacts as follows:

Part II: General Legislation, of the Oakmont Borough Code of Ordinances shall be amended with the addition of a new Section to be entitled Coal Tar Sealant Products which shall contain the following sections:

§ ____ -1 Definitions.

COAL TAR

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

COAL TAR SEALANT PRODUCT

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

HIGH PAH SEALANT PRODUCT

any pavement sealant product that contains greater than 0.1% 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 numbers 64742-90-1, 69013-21-4 or related substances.

PAVEMENT SEALANT PRODUCT OR SEALCOAT

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)

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, and fish and other aquatic life.

§ ____ -2 Application and sale of coal tar or other high PAH sealant products prohibited.

- A. No person or company shall apply any coal tar sealant product or high PAH sealant product within the Borough of Oakmont.
- B. No person or company shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the Borough of Oakmont
- C. No person or company shall allow a coal tar sealant product or high PAH sealant product to be applied upon property in the Borough of Oakmont.

§ ____ -3 Enforcement; violations and penalties.

- A. The provisions of this chapter shall be enforced by the Borough Manager and/or the Borough Code Enforcement Officer.
- B. Any person, partnership, association or corporation who or which shall violate any provision of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding \$600, or such person, the members of such partnership or the officers of such association or corporation may be sentenced to undergo imprisonment not exceeding 30 days, or both. Each day that a violation is continued shall constitute a separate offense.

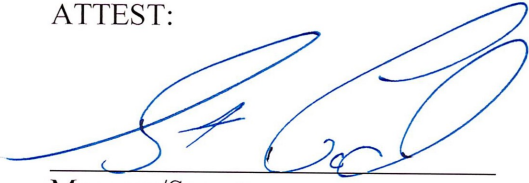
II. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.

III. Severability. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections.

IV. Effective Date. This Ordinance shall be effective immediately upon adoption.

This Ordinance adopted at a duly assembled public meeting held this 18th day of April, 2021²

ATTEST:



Manager/Secretary

BOROUGH OF OAKMONT

By: Gudsey Osterhoff
President, Borough Council

Approved by Office of the Mayor:


Mayor, Borough of Oakmont