

HB0077/980713/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 77
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Application of Coal Tar Pavement Products**” and substitute “**Driveway Sealers**”; strike beginning with “applying” in line 4 down through “products” in line 5 and substitute “supplying, selling, offering for sale, or manufacturing a high-PAH driveway sealer for use in the State; prohibiting, on or after a certain date, a person from applying or soliciting the application of a high-PAH driveway sealer”; in line 5, strike “or a similar surface” and substitute “in the State”; strike beginning with “establishing” in line 5 down through “Act” in line 6 and substitute “prohibiting, on or after a certain date, a person from supplying, selling, offering for sale, or manufacturing a driveway sealer for use in the State unless the driveway sealer has a certain label; requiring the Department of the Environment to develop labeling standards for a person supplying, selling, offering for sale, or manufacturing a driveway sealer for use in the State; requiring the Department to adopt regulations to allow a sealant manufacturer to label a certain product in a certain manner; authorizing the Department to adopt regulations to implement this Act; applying certain provisions of law to enforce violations of this Act; requiring certain penalties to be paid into the Maryland Clean Water Fund; altering the contents and use of the Fund”; strike beginning with “application” in line 7 down through “products” in line 8 and substitute “sale and use of driveway sealers in the State”; after line 8, insert:

“BY repealing and reenacting, without amendments,
Article - Environment
Section 9-320(a) and (c)(7)
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)”

BY repealing and reenacting, with amendments,
Article - Environment
Section 9-320(b)(3) and (4) and (c)(6)”

(Over)

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Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)”;

in line 11, after “Section” insert “9–320(b)(5); and”; and in lines 11 and 12, strike “Coal Tar Pavement Products” and substitute “Driveway Sealers”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“9–320.

(a) There is a Maryland Clean Water Fund.

(b) The following payments shall be made into the Maryland Clean Water Fund:

(3) Any civil or administrative penalty or any fine imposed by a court under the provisions of Title 4, Subtitle 1 of this article; [and]

(4) Any fees or funds that the Department collects under Subtitle 2, Part III of this title and §§ 9–269 and 9–270 of this title and any civil or administrative penalty or fine imposed by a court under the provisions of Subtitle 2 of this title; AND

(5) ANY FEES OR FUNDS THAT THE DEPARTMENT COLLECTS UNDER SUBTITLE 23 OF THIS TITLE AND ANY CIVIL OR ADMINISTRATIVE PENALTY OR FINE IMPOSED BY A COURT UNDER THE PROVISIONS OF SUBTITLE 23 OF THIS TITLE.

(c) The Department shall use the Maryland Clean Water Fund for activities that are related to:

(6) Activities that are:

(i) Conducted by the Department, by a local health official, or by the local health official’s designee under § 9–243(e) of this title; [and]

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(ii) Related to identifying, monitoring, or regulating the utilization of sewage sludge, including program development; and

(iii) CONDUCTED BY THE DEPARTMENT UNDER SUBTITLE 23 OF THIS TITLE; AND

(7) Providing supplemental inspections and monitoring of sewage sludge utilization sites by:

(i) Contracting with a county on request of that county to provide supplemental inspections and monitoring; and

(ii) Limiting the value of services provided under the contract to no more than 45% of the generator fees for sludge utilized in that county that is generated outside of that county or service area.”.

AMENDMENT NO. 3

On page 1, in line 18, strike “**COAL TAR PAVEMENT PRODUCTS**” and substitute “**DRIVEWAY SEALERS**”; and strike line 22 in its entirety.

On page 2, strike in their entirety lines 1 through 10, inclusive; after line 10, insert:

“(B) “DRIVEWAY SEALER” MEANS A COATING LABELED AND FORMULATED FOR APPLICATION TO WORN ASPHALT DRIVEWAY AND PARKING LOT SURFACES TO:

(1) FILL CRACKS;

(2) SEAL THE SURFACE TO PROVIDE PROTECTION; OR

(3) RESTORE OR PRESERVE APPEARANCE.

(Over)

(C) “HIGH-PAH DRIVEWAY SEALER” MEANS A DRIVEWAY SEALER CONTAINING MORE THAN 0.100% POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT.”;

strike in their entirety lines 11 through 13, inclusive; in line 14, strike “**9-2303**” and substitute “**9-2302**”; strike beginning with “**APPLY**” in line 16 down through “**SURFACE**” in line 18 and substitute “**SUPPLY, SELL, OFFER FOR SALE, OR MANUFACTURE A HIGH-PAH DRIVEWAY SEALER FOR USE IN THE STATE**”; in the same line, strike “**OR**”; strike beginning with “**MORE**” in line 19 down through “**LESS**” in line 21 and substitute “**OR SOLICIT THE APPLICATION OF A HIGH-PAH DRIVEWAY SEALER**”; in line 21, strike “**OR A SIMILAR SURFACE**” and substitute “**IN THE STATE; OR**”

(3) SUPPLY, SELL, OFFER FOR SALE, OR MANUFACTURE A DRIVEWAY SEALER FOR USE IN THE STATE UNLESS THE DRIVEWAY SEALER IS LABELED IN ACCORDANCE WITH § 9-2303 OF THIS SUBTITLE”;

after line 21, insert:

“9-2303.

(A) THE DEPARTMENT SHALL DEVELOP LABELING STANDARDS FOR A PERSON SUPPLYING, SELLING, OFFERING FOR SALE, OR MANUFACTURING A DRIVEWAY SEALER FOR USE IN THE STATE, INCLUDING THE PLACEMENT OF THE COMPOSITION OF THE DRIVEWAY SEALER AS A PERCENTAGE OF POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT ON THE LABEL.

(B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ALLOW A SEALANT MANUFACTURER TO LABEL A PRODUCT CONTAINING LESS THAN 50 PPM POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT AS “LOW PAH”.

(2) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.;

and after line 22, insert:

“(A) THE PROVISIONS OF §§ 9-334 THROUGH 9-344 OF THIS TITLE APPLY TO ENFORCE VIOLATIONS OF:

(1) THIS SUBTITLE;

(2) ANY REGULATION ADOPTED UNDER THIS SUBTITLE; OR

(3) ANY ORDER ISSUED UNDER THIS SUBTITLE.

(B) ANY PENALTY COLLECTED BY THE DEPARTMENT UNDER THIS SECTION SHALL BE PAID INTO THE MARYLAND CLEAN WATER FUND ESTABLISHED UNDER § 9-320 OF THIS TITLE.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 2 on page 3, inclusive.