



HB0077/473827/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

20 JAN 21
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BY: Delegate Stewart

(To be offered in the 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, after “surface” insert “in the State”; in the same line, before “establishing” insert “authorizing a person to submit an application to the Department of the Environment for a driveway sealer to be approved for authorized use in the State; requiring the Secretary of the Environment to compile and publish a qualified products list of driveway sealers authorized for use in the State; requiring a person submitting an application to include a driveway sealer on the qualified products list to include certain test results and data in the application; requiring the Secretary to issue an approval for use notice for approved driveway sealers”; strike beginning with “application” in line 7 down through “products” in line 8 and substitute “sale and use of driveway sealers in the State”; in line 11, strike “9-2304” and substitute “9-2305”; and in lines 11 and 12, strike “Coal Tar Pavement Products” and substitute “Driveway Sealers”.

AMENDMENT NO. 2

On page 1, in line 18, strike “**COAL TAR PAVEMENT PRODUCTS**” and substitute “**DRIVEWAY SEALERS**

On page 2, strike in their entirety lines 7 through 10, inclusive; after line 10, insert:

(Over)

“(C) “CUTBACK” MEANS A SOLIDS PORTION THAT HAS BEEN LIQUEFIED BY BLENDING WITH MORE THAN 0.5% BY VOLUME VOLATILE ORGANIC COMPOUNDS THAT EVAPORATE AT 260 DEGREES FAHRENHEIT OR LOWER AS DETERMINED BY:

(1) THE ASTM INTERNATIONAL STANDARD TEST METHOD FOR DISTILLATION OF CUTBACK ASPHALT; OR

(2) ANY OTHER TEST METHOD APPROVED BY THE SECRETARY.

(D) “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.

(E) “EMULSION” MEANS A SUSPENSION OF SOLIDS PORTION AND WATER.

(F) “HIGH-PAH DRIVEWAY SEALER” MEANS A DRIVEWAY SEALER CONTAINING MORE THAN:

(1) 0.000000% POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT FOR EMULSIONS; OR

(2) 0.000800% POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT FOR CUTBACKS.”;

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”; 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, after "SURFACE" insert "IN THE STATE"; after line 21, insert:

"9-2304.

(A) (1) A PERSON MAY SUBMIT AN APPLICATION TO THE DEPARTMENT FOR A DRIVEWAY SEALER TO BE APPROVED FOR AUTHORIZED USE IN THE STATE IN ACCORDANCE WITH THIS SUBTITLE.

(2) THE SECRETARY SHALL COMPILE AND PUBLISH A QUALIFIED PRODUCTS LIST OF DRIVEWAY SEALERS THAT MAY BE USED IN THE STATE.

(B) A PERSON SUBMITTING AN APPLICATION TO INCLUDE A DRIVEWAY SEALER ON THE QUALIFIED PRODUCTS LIST SHALL INCLUDE IN THE APPLICATION:

(1) THE RESULTS OF AN ISO/IEC 17025 ASSESSMENT CONDUCTED BY A TESTING FACILITY CERTIFIED UNDER THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS ACCREDITATION PROGRAM;

(2) ANALYSIS RESULTS FROM A SAMPLE OF THE DRIVEWAY SEALER TESTED FOR SEMIVOLATILE ORGANIC COMPOUNDS UNDER THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S TEST METHOD 8270;

(3) TEST RESULTS EXPRESSING THE COMPOSITION OF THE DRIVEWAY SEALER AS A PERCENTAGE OF POLYCYCLIC AROMATIC HYDROCARBONS BY WEIGHT; AND

(4) A SAFETY DATA SHEET.

(C) THE SECRETARY SHALL ISSUE AN APPROVAL FOR USE NOTICE FOR DRIVEWAY SEALERS THAT MEET THE REQUIREMENTS FOR APPROVAL UNDER THIS SECTION.

(Over)

(D) THE SECRETARY SHALL UPDATE THE QUALIFIED PRODUCTS LIST AT LEAST ONCE PER YEAR.;

and in line 22, strike "**9-2304.**" and substitute "**9-2305.**".