



Recommendation for Action

File #: 19-2753, **Agenda Item #:** 22.

10/17/2019

Posting Language

Approve an ordinance amending City Code Chapter 6-6 (Coal Tar Pavement Products) to regulate additional high polycyclic aromatic hydrocarbon pavement products and creating offenses for the use and sale of these additional products.

Lead Department

Watershed Protection

Fiscal Note

There is no fiscal impact.

Prior Council Action:

November 17, 2005 - Council approved an ordinance amending the City Code to add a new Chapter 6-6 banning the use and sale of Coal Tar Pavement products.

For More Information:

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Council Committee, Boards and Commission Action:

August 21, 2019 - Recommended by the Environmental Commission with a 9 - 0 vote with Commissioner Smith absent.

Additional Backup Information:

In 2005, the Austin City Council unanimously approved Ordinance No. 20051117-070 banning the use and sale of coal tar pavement products. The ban was the result of scientific investigations by the City of Austin Watershed Protection Department and the United States Geological Survey that identified coal tar-based pavement sealants as a significant source of toxic polycyclic aromatic hydrocarbon (PAH) contamination in Austin-area stream sediments. For more information, visit <http://www.austintexas.gov/CoalTar>

Since 2005, there has been a 58% reduction in PAH values in Lady Bird Lake. However, City studies show some “hot-spots” of PAH contamination remain in Austin’s streams. The contamination could be from a variety of new and old sources, but contamination from pavement sealcoats can be addressed by City Code. In recent years, a new ingredient in asphalt pavement sealers has come on the market that uses high-PAH materials but contains no coal tar. It uses a by-product of plastic manufacturing known as “heavy pyrolysis oil” or “steam cracked asphalt.” The proposed ordinance amends City Code to regulate the use and sale of new, high PAH materials above 0.1%. There are alternative pavement sealant products available that contain PAH well below the threshold proposed in the ordinance