

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1721**

Chapter 268, Laws of 2011

62nd Legislature  
2011 Regular Session

STORM WATER POLLUTION--COAL TAR

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011  
Yeas 64 Nays 32

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 6, 2011  
Yeas 36 Nays 12

BRAD OWEN

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**President of the Senate**

Approved May 5, 2011, 10:18 a.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1721** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 6, 2011

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1721**

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AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

**State of Washington**                      **62nd Legislature**                      **2011 Regular Session**

**By**     House Environment (originally sponsored by Representatives  
Frocht, Kenney, Roberts, Fitzgibbon, and Stanford)

READ FIRST TIME 02/17/11.

1            AN ACT Relating to preventing storm water pollution from coal tar  
2 sealants; and adding a new chapter to Title 70 RCW.

3            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6            (1) "Coal tar" means a viscous substance obtained by the  
7 destructive distillation of coal and containing levels of polycyclic  
8 aromatic hydrocarbons in excess of ten thousand milligrams per  
9 kilogram. "Coal tar" includes, but is not limited to, refined coal  
10 tar, high temperature coal tar, coal tar pitch, or any substance  
11 identified by chemical abstract number 65996-93-2.

12            (2) "Coal tar pavement product" means a material that contains coal  
13 tar that is intended for use as a pavement sealant.

14            (3) "Department" means the department of ecology.

15            NEW SECTION.    **Sec. 2.** (1) After January 1, 2012, no person may  
16 sell at wholesale or retail a coal tar pavement product that is labeled  
17 as containing coal tar.

1           (2) After July 1, 2013, a person may not apply a coal tar pavement  
2 product on a driveway or parking area.

3           (3) The department may issue a notice of corrective action to a  
4 person in violation of subsection (1) or (2) of this section.

5           (4) A city or county may adopt an ordinance providing for  
6 enforcement of the requirements of subsection (1) or (2) of this  
7 section. A city or county adopting an ordinance has jurisdiction  
8 concurrent with the department to enforce this section.

9           NEW SECTION.   **Sec. 3.** Sections 1 and 2 of this act constitute a  
10 new chapter in Title 70 RCW.

Passed by the House April 13, 2011.

Passed by the Senate April 6, 2011.

Approved by the Governor May 5, 2011.

Filed in Office of Secretary of State May 6, 2011.