

Bill No.: 3-21
Introduced: May 11, 2021
By Commissioner: Flynn
Enacted: _____

MT. LEBANON, PENNSYLVANIA
ORDINANCE NO. _____

**AN ORDINANCE TO REGULATE POLYCYCLIC AROMATIC HYDROCARBONS AND
CERTAIN OTHER HAZARDOUS SUBSTANCES**

WHEREAS, Mt. Lebanon, Pennsylvania (the "Municipality") currently has a Health and Safety Code;

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, the Commission believes it to be in the best interest of the Municipality and its citizens to proscribe the use in the Municipality of certain PAHs, to require property owners to obtain from their contractors and to provide to the Municipality in advance of application to such areas material safety data sheets on pavement sealants they propose to install or have installed, and to provide remedies in the event of such use;

WHEREAS, the Municipality wishes to amend said Code to prohibit Polycyclic Aromatic Hydrocarbons.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. Chapter VII of the Mt. Lebanon Code is amended by adding a new Part 6 to read as follows:

Part 6- PAH

Section 601: Polycyclic Aromatic Hydrocarbons or PAHs shall mean chemical compounds such as benzanthracene, benzoflouranthene, benzoperylene, benzopyrene, crysene and other similar compounds which are believed by competent authorities to pose risks to human health and other animal life.

Section 602: It shall be a violation of this Ordinance to use, apply or cause others to apply PAHs to pavement and other surfaces in the Municipality. It shall likewise be a violation to fail or refuse to remove or encapsulate PAHs which are being leached, emitted or otherwise released at a harmful level from a surface on land in the Municipality owned, leased or otherwise controlled by an individual or entity. In the event of difference of opinion as to whether the level of release is harmful, the opinion of the property owner's competent testing agency will generally be accepted. Removal shall include the obligation to control and remove dust or other residue of PAHs from such land and other downstream properties including during removal.

Section 2: Should any part of this Ordinance be declared void or illegal, it is the intention of the Commission that the remainder of this Ordinance be in full force and effect, as if the Ordinance had been enacted without said invalid portion.

Section 3: This Ordinance shall take effect immediately.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt.

Lebanon, Pennsylvania on this ____ day of _____, 2021.

ATTEST:

MT. LEBANON, PENNSYLVANIA

Manager/Secretary

President of the Commission

4818-4018-6597, v. 1