



City of San Antonio

Agenda Memorandum

File Number:16-2559

Agenda Item Number: 4.

Agenda Date: 4/13/2016

In Control: Transportation, Technology and Utilities Committee

DEPARTMENT: Office of Sustainability

DEPARTMENT HEAD: Douglas Melnick, Chief Sustainability Officer AICP CNU-A

COUNCIL DISTRICTS IMPACTED: City-Wide

SUBJECT:

Coal Tar Sealants

SUMMARY:

Briefing and possible action on a request from District 8, Councilmember Ron Nirenberg to consider a prohibition on coal tar based sealants.

BACKGROUND INFORMATION:

On November 18, 2014, Councilman Nirenberg submitted a Council Consideration Request to consider a prohibition on coal tar based sealants. Coal tar sealant is the black liquid sprayed or painted on many parking lots, driveways, and playgrounds. Coal tar contains polycyclic aromatic hydrocarbons (PAHs) which are known cancer causing chemicals. Since 2005, fifteen municipalities and two counties within four states (Minnesota, New York, Texas, and Wisconsin), the District of Columbia, the States of Washington and Minnesota all have enacted some type of ban, affecting almost 10.4 million people. Several national and regional hardware and home-improvement retailers have voluntarily ceased selling coal tar based driveway sealer products. The US Geological Survey conducted a study in 2007-2009 in San Antonio and PAHs were detected in samples from the Leon Creek and San Antonio watersheds. The November 2015 "San Antonio and Fair Oaks Ranch Water Policy Analysis" provided a sample of positive and negative references concerning a coal tar sealant ban and recommended the City of San Antonio review available research to determine if coal tar sealants provide a threat to water quality, and if regulating the use of such materials would minimize risk to contamination.

ISSUE:

This item is in response to a Council Consideration Request submitted by Councilman Nirenberg to consider a prohibition on coal tar sealants.

City staff from the Office of Sustainability, Health, Transportation & Capital Improvements, Development Services, in coordination with the San Antonio Water System, Edwards Aquifer Authority, and the San Antonio River Authority conducted preliminary research of scientific data and best practices available on the use of coal tar sealants. On January 13, 2016, the Transportation Technology and Utilities Committee approved a recommendation by City staff to conduct a communications and engagement strategy through June 2016 for stakeholders such as commercial property owners and developers, manufacturing, industrial sites, environmental organizations and the pavement industry. Staff will present a summary of stakeholder feedback with a recommendation to accept additional stakeholder comments through April 29, 2016 and present a final recommendation to City Council in June 2016.

US Geological Survey

The US Geological Survey, an agency of the US Department of the Interior, will present to the Transportation Technology and Utilities Committee an overview of their extensive scientific research throughout the nation that validates the negative impacts of coal tar based sealants within urban water ways and on human health.

ALTERNATIVES:

The Committee can recommend deferment of a policy examination of coal tar sealants or recommend not implementing a policy review.

FISCAL IMPACT:

If City Council approves City staff to proceed with implementation of code amendments banning coal tar sealants, fiscal resources will be required to fund policy enforcement and public outreach.

RECOMMENDATION:

Staff recommends approval to accept additional stakeholder comments through April 29, 2016. As a result of the outreach City staff will provide a final briefing and recommendation to City Council in June 2016.