

TOWN OF LIBERTY GROVE PUBLIC MEETING

Highway Committee Meeting

Date: May 6, 2024

Time: 8:00am

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 3/22/24
5. Public input
6. Isle View Road-traffic issues, consider remedy
7. Chip Sealing—select roads, seek bids
8. Coal tar sealants: consider recommendation to Board
9. Correspondence
10. Future meeting date(s)
11. Adjourn

All agenda items will include discussion and possible action.

**Report items will not be discussed or voted on.*

Deviation from listed order may occur.

Audience members must ask for permission, during "Public input," to speak on agenda items.

Pamela Donart-Welcome, Clerk/Treasurer

Members of the Town Board or any other Town Committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended, and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town Committee or Board.

Town of Liberty Grove
Minutes of the Highway Committee meeting on March 22, 2024

Agenda:

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 2/26/24
5. Public input
6. Bids for Paving 2024-open and consider recommendation
7. Digital Gills Rock Speed Sign
8. Firming Up Gravel Roads
9. Chip Sealing—select roads
10. Correspondence
11. Future meeting date(s)
12. Adjourn

Chairman Stewart called the meeting to order at 8:01am. Committee members Jay Olson, Walter Kalms, Billy Appel, and Bill Surbaugh were present along with Clerk/Treasurer Pamela Donart-Welcome, and 4 members of the public, including one virtual.

Olson moved, Appel seconded to approve the agenda as posted. **Carried 5 - 0**

Surbaugh moved, Olson seconded to approve the 2/26/24 minutes as presented. **Carried 5 - 0**

Public input: Adria Dowling of 1284 Garrett Bluff Ct expressed her concerns with the maintenance of North Badger Rd when it comes to plowing in the winter and dust in the summer. She would like it to be paved as soon as possible to make it safer and more accessible.

The two sealed bids – one from Northeast Asphalt and one from Door County Highway Dept—for selected 2024 paving projects that were received by the Town by the published deadline were opened and reviewed. Each bid was entered into the cost formula for consideration. NE Asphalt came in \$40,156.23 over the budget of \$673,800.00, and DC Hwy came in \$99,507.14 over budget. The committee members discussed possible ways of paying for the overage, and Administrator Kalms noted that TRIP money received would help the Town defray the cost.

Appel moved, Olson seconded to recommend the Town Board move forward with having Northeast Asphalt do the listed 2024 paving projects with the Town portion of \$713,956.23. At a previous meeting, the committee received a request from a resident of Gills Rock to explore installing flashing lighted sign to remind drivers to slow down when entering Gills Rock on Hwy 42. The committee decided to try a more cost-effective approach of marking existing speed limit signs with flags first and revisit the issue at a future meeting. The idea of using a product to firm up existing gravel roads until they could be paved will be discussed further at a future meeting. The committee will come up with a list of roads to prioritize needing 2024 chip sealing at a future meeting.

Correspondence: none

Future Meeting(s): The next two meetings were scheduled for April 29, 2024 at 8:00am, and June 3, 2024.

Surbaugh moved, Olson seconded to adjourn at 8:59am. **Carried 5 - 0**

Respectfully submitted,
Pamela Donart-Welcome, Clerk/Treasurer

DRAFT

**Place Currently Not Set
Traffic Survey Summary**

Location: ISLEVIEW 42 TO TIMBERLINE
Start Date: 06-15-23
End Date: 07-20-23

Zone: Highway
Start Time: 11:00:40
End Time: 14:07:30
Travel Direction: E

Speed	1 - 19	20 - 21	22 - 23	24 - 25	26 - 27	28 - 29	30 - 31	32 - 33	34 - 35	36 - 37	38 - 39	40 - 999
Volume	924	125	108	167	337	738	1368	2216	2344	2417	2258	5340
% of Total	5.03%	0.68%	0.58%	0.91%	1.83%	4.02%	7.45%	12.08%	12.77%	13.17%	12.31%	29.11%
									Total Vehicles: 18342			

Speed Statistics		10 MPH Pace		Number Exceeding Limit				
Posted	35	Pace Speed	32 to 41	Speed	35+	45+	55+	Total
#At/Under Limit	8327	# in Pace	11117	Number	8814	1150	51	10015
# Over Limit	10015	% in Pace	60.6%	Percent	48.05%	6.26%	0.27%	54.6%
Average Speed	35.73	85% Percentile	42					

Town of Gibraltar
Regulating the Application of Coal Tar Sealant Products
Ordinance 2023-03

The Town Board of Gibraltar, Door County, Wisconsin does ordain as follows:

WHEREAS, the Town of Gibraltar finds that the Town's water resources are a natural asset, which enhance the environmental, recreational, cultural, and economic resources of the area and contribute to the general health and welfare of the public; and

WHEREAS, the Town of Gibraltar finds that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants and other high PAH sealants, can be carried by storm water and other run off into the water resources of the Town, and

WHEREAS, PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and lower number of organisms; and

WHEREAS, PAH compounds have been proven to be carcinogenic, mutagenic and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal-tar sealcoat treated pavements and playgrounds have 38-fold higher risk of cancer, and the American Medical Association therefore advocates for legislation to ban use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH; and

WHEREAS, environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs; and

WHEREAS, the Town of Gibraltar finds that regulating the amount of contaminants, including PAHs contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the Town will improve and protect public health and the water quality of the Town and neighboring water resources;

NOW THEREFORE, BE IT ORDAINED by the Town of Gibraltar Town Board as follows:

I. Definitions:

- (a) COAL TAR is a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).

- (b) COAL TAR SEALANT PRODUCT means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances.
- (c) HIGH-PAH SEALANT PRODUCT means any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (d) PAVEMENT SEALANT PRODUCT, or sealcoat, is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based.
- (e) POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) are a group of organic chemicals that are formed during the complete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

II. Regulation of the Application and Sale of Coal Tar or other High-PAH Sealant Products:

- (a) Except as provided in Section III (Exemptions), no person shall apply any coal tar sealant product or high PAH sealant product within the Town of Gibraltar
- (b) Except as provided in Section III (Exemptions), No person shall sell, offer to sell, or display for sale any coal tar sealant product or high-PAH sealant product within the Town of Gibraltar.
- (c) Any person who sells any other pavement sealant products shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language: "The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots and all other paved surfaces in the Town of Gibraltar is prohibited by Ordinance 2023-03. PAHs are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high-PAH sealant products are a major source of PAHs that can travel into homes, buildings, and soils, or be carried by stormwater and other run off into the water resource of the Town of Gibraltar.
- (d) No person shall allow a coal tar sealant product or other high-PAH sealant product to be applied upon property that is under that person's ownership or control.
- (e) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar

sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the Town of Gibraltar.

- (f) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the Town of Gibraltar.

III. Exemptions:

- (a) The person is conducting bona fide research concerning the effects of a coal tar sealant product or high-PAH sealant product on the environment; the use of the coal tar product or high-PAH sealant product is required for said research; and the Town Board of the Town of Gibraltar determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health; or
- (b) If the person does not intent to apply the sealant within municipal boundaries.

IV. Penalty:

- (a) Any person who violates this ordinance by applying a coal tar sealant product or high-PAH sealant product at property within the Town of Gibraltar shall be subject to a forfeiture of not less than \$50, nor more than \$500, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed 30 days.
- (b) Each day the violation occurs or continues is a separate offense and subject to an additional fine.
- (c) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under sub (a) above, who violates this ordinance, shall be subject to a fine of not less than \$1,000 nor more than \$10,000. Each incidence of a violation shall constitute a separate offense. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed 30 days.

V. Enforcement:

- (a) Violations of this ordinance shall be by citation.
- (b) Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be stated above or such amount that the Circuit Court of Door County hereafter affixes.

BE IT RESOLVED that the foregoing ordinance amendment be adopted and shall become effective on passage and publication.

PASSED, APPROVED AND ADOPTED by the Town of Gibraltar on the 7th day of June 2023

Steve Sohns, Town Chairperson

John Selenica, Town Supervisor

Thomas Birmingham, Town Supervisor

Jayson Merkel, Town Supervisor

Vinni Chomeau, Town Supervisor

Attest:

Kelly Murre, Town Clerk



Home > Environmental Health > **Coal Tar Sealants**

Coal Tar Sealants

Coal tar sealant is a thick, black goop applied to driveways, asphalt parking lots and playgrounds, primarily in the eastern United States. The sealcoat contains high levels of toxic chemicals that can cause cancer and environmental harm.

Manufacturers encourage consumers to use coal tar sealant every few years to brighten up and protect their asphalt pavement surfaces. And sealcoating, as it's sometimes called, is widespread. The U.S. Geological Survey estimates that 85 million gallons of coal tar-based sealant — enough to cover 170 square miles — is laid down each year.

But the shiny, black sealant contains toxic compounds known as polycyclic aromatic hydrocarbons, or PAHs, which can seep into the environment. As a result, several cities have banned the sale and use of the product, and some localities are suing coal tar sealant manufacturers to get them to pay for the costly environmental cleanups.

PAH Contaminants

PAHs give newly paved parking lots their characteristic smell, but the compounds are dangerous. PAHs are poisonous to fish and other aquatic life, and they've been linked to cancer in humans.

PAHs develop whenever carbon is heated or combusted. As such, the contaminants are common in used motor oil, industrial emissions and automobile tires. They're also plentiful in coal tar pitch, which is a key ingredient in coal tar paver.

More than 200 types of PAH compounds are found in coal tar pitch, and at least seven types of PAHs are classified by the Environmental Protection Agency as probable human carcinogens.

Did You Know?

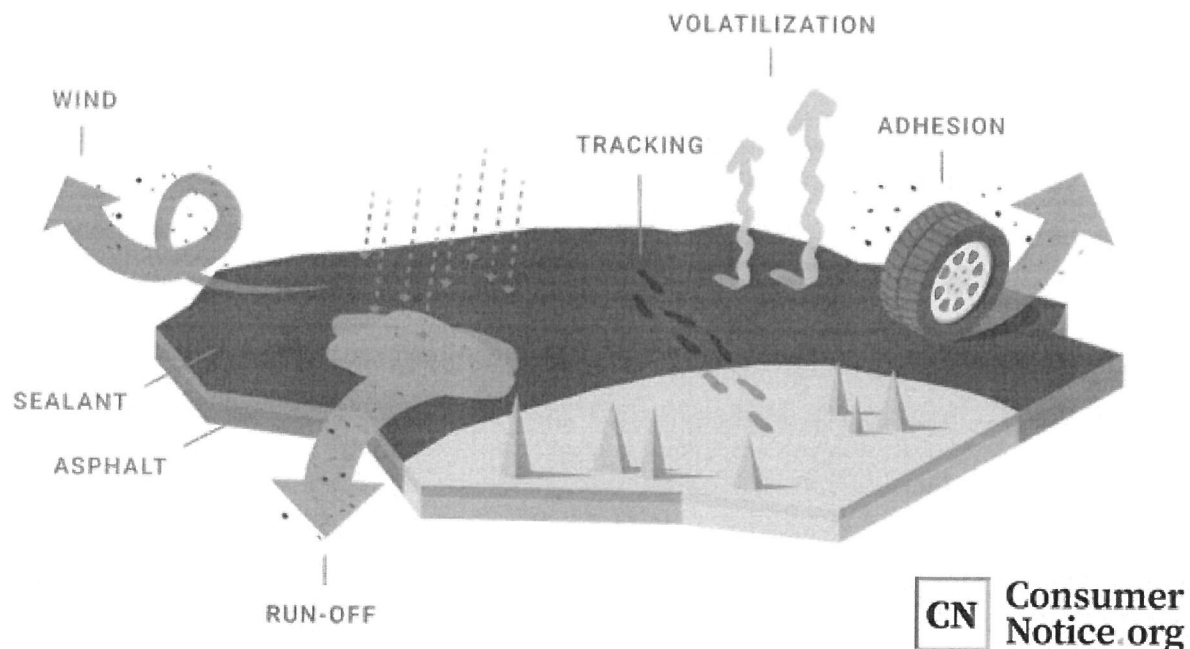
At least seven types of PAHs are probable human carcinogens, and the contaminants are toxic to fish and other sea life.

The key problem with coal tar-based sealcoat is that it doesn't stay put. After it dries, it flakes off as a dust and spreads everywhere.

At the 2017 Emerging Contaminants in the Aquatic Environment Conference, Barbara Mahler, a research hydrologist at the U.S. Geological Survey, explained how sealcoat dust washes into stormwater, is blown around by the wind and sticks to tires. It also sticks to people's shoes and they can track the PAH-laden dust into their homes and offices.

PAHs can also vaporize — or volatilize — into the air. And homes in close vicinity to treated pavement have been found to have dust with PAH concentrations 25 times higher than normal.

Coal Tar-Based Sealer Contamination



The toxic dust from coal tar-based sealcoat doesn't stay put. It seeps into water, evaporates into air and gets tracked into people's homes.

Mahler said the first clue that coal tar pavement sealers were causing serious environmental health problems surfaced in the early 2000s when the City of Austin detected high levels of PAHs

in local streams. The contaminants there measured at 1,000 parts per million. To put it in perspective, that's about 43 times the amount one would expect to find at a federally designated Superfund hazardous waste site, according to Mahler.

When a member of the research team looked upstream to find the source of the contamination, the team member realized it was coming from the pavement sealcoat. After the city's discovery, the U.S. Geological Survey began researching the problem. The agency found that most of PAH contamination in Austin streams was indeed coming from coal tar sealants.

But it wasn't just an Austin problem. PAH contamination was running rampant all over the United States, east of the Mississippi. In 2010, U.S. Geological Survey scientists discovered sealant contamination in 40 urban lakes they studied.

What Are the Health Risks?

As coal tar sealant dust spreads, humans and animals can inhale it, swallow it or absorb it through their skin, and the toxic chemicals can wreak havoc on living organisms.

Children who live near parking lots coated with tar-based sealcoats ingest 14 times more PAHs than those who live next to unsealed lots, according to a 2012 study published in the Environmental Pollution journal.

The same study, which was conducted by researchers at Baylor University and the U.S. Geological Survey, found that people living next to pavement coated with coal tar-based sealants have a cancer risk 38 times higher on average than those who don't live in close proximity to the pavement sealer.

Cancers Linked to PAH Exposure

Lung cancer

Skin cancer

Bladder cancer

Gastrointestinal cancers

Source: [Illinois Department of Public Health](#)

The PAHs released by the pavement coating can also cause cancer, birth defects and deaths in fish, insects and other organisms, according to the U.S. Geological Survey.

Manufacturers of coal tar-based sealcoat will sometimes say that the product is safe and won't contaminate other areas if it's given 24 to 48 hours to cure and no one drives on it or uses it during that time. But according to the U.S. Geological Survey, the toxic effects can occur long after that period and are especially severe when organisms are exposed to sunlight.

In a U.S. Geological Survey experiment, researchers exposed minnows and water fleas to coal tar sealant runoff. Up to 42 days later, the runoff caused all the animals to die. When the minnows and water fleas were also exposed to UV light, the 100 percent mortality rate continued for up to 111 days after the sealcoat application.

Sealcoat Bans and Alternatives

As awareness of the dangers of coal tar-based sealcoating has spread, state and local governments have begun banning the use of the products.

In 2006, Austin became the first United States city to ban the use of coal tar-based pavement sealants, and the crackdown appears to be working. By 2014, the level of PAH contaminants in Lady Bird Lake, a river-like reservoir on Austin's Colorado River, declined by 58 percent, according to a U.S. Geological Survey study.

Several other cities and counties have followed suit, enacting bans and instituting enforcement actions for those who violate the bans. In Austin, for instance, the courts can require a person who violates the ban to clean up any contamination caused by application of the sealant. Violators can also face fines and jail time.

Some of the cities, counties and states that have banned the use of coal tar-based sealants include: