

Environmental Conservation

ARTICLE 39

SEWAGE SYSTEM CLEANERS AND ADDITIVES USED IN RESTRICTED GEOGRAPHICAL AREAS

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§ 39-0101. Declaration of policy.

It is declared to be the public policy of this state to prevent the pollution of water resources in restricted geographical areas through the use of sewage system cleaners and additives by establishing a regulatory program restricting the use of such products.

§ 39-0103. Definitions.

The following terms, whenever used or referred to in this article, shall have the following meanings:

1. "Sewage system cleaner" means (a) any solid or liquid material intended or used primarily for the purpose of cleaning, treating, or unclogging any part of a sewage system or (b) any solid or liquid material intended or used primarily for the purpose of continuously or automatically deodorizing or disinfecting any part of a sewage system including but not limited to solid cakes or devices placed in plumbing fixtures. Excluded from the definition are products intended or used primarily in the manual surface cleaning, scouring, treating, deodorizing or disinfecting of common plumbing fixtures.

2. "Sewage system" means any part of a wastewater disposal system, including but not limited to all toilets, urinals, piping, drains, sewers, septic tanks, distribution boxes, absorption fields, seepage pits, cesspools, and dry wells.

3. "Hydrocarbon chemical" means any compound composed of carbon and hydrogen.

4. "Restricted chemical material" means (a) any halogenated hydrocarbon chemical (aliphatic or aromatic) including but not limited to trichloroethane, tetrachloroethylene, methylene chloride, halogenated benzenes, carbon tetrachloride, or (b) any aromatic hydrocarbon chemical including but not limited to benzene, toluene, naphthalene, or (c) any halogenated phenol derivative in which a hydroxide group and two or more halogen atoms are substituted onto the aromatic carbons of a benzene ring including but not limited to trichlorophenol, pentachlorophenol, or (d) acrolein, acrylonitrile, or benzidine.

5. "Restricted geographic areas" means Nassau and Suffolk counties.

§ 39-0105. Prohibition of sale and use.

1. No person shall distribute, sell, offer or expose for sale in restricted geographical areas any sewage system cleaner or additive containing any restricted chemical material in excess of one part per hundred by weight.

2. No person shall use, introduce or apply or cause any other person

to use, introduce or apply in any sewage system, surface waters, or groundwaters in restricted geographical areas any sewage system cleaner or additive containing any restricted chemical material in excess of one part per hundred.

§ 39-0107. Powers and duties of the commissioner.

1. The commissioner shall, within three calendar months after the effective date of this article, promulgate regulations establishing methods for identification and quantification of ingredients in sewage system cleaners and additives used in restricted geographical areas.

2. The commissioner shall, within three calendar months after the effective date of this article, promulgate regulations requiring manufacturers of sewage system cleaners or additives distributed, sold or offered for sale in restricted geographical areas to furnish to the commissioner existing information regarding chemical components including the nature and extent of investigations and research performed by the manufacturer concerning the effects of such products on the quality of groundwaters, provided, however, that in lieu of furnishing said information, such manufacturers may refer the commissioner to any federal or state agency which has obtained said information, to the extent that said information is available to the commissioner from any such agency.

3. Whenever the commissioner finds, after investigation and public hearing, that any ingredient other than a restricted chemical material in a sewage system cleaner or additive distributed, sold, offered or exposed for sale in restricted geographical areas is likely to have a dangerous, deleterious or injurious effect upon the public health or environment, he shall prohibit or restrict in restricted geographical areas the sale, distribution, offer or exposure for sale or use by any person of sewage system cleaners or additives containing such ingredients.

4. The commissioner shall hold confidential any information obtained pursuant to subdivision two of this section when shown by any manufacturer that such information, if made public, would divulge competitive business information, methods or processes entitled to protection as trade secrets of such manufacturers.