

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2469** Session of  
1982

INTRODUCED BY REBER, LASHINGER AND DAIKELER, MAY 4, 1982

REFERRED TO COMMITTEE ON CONSERVATION, MAY 4, 1982

AN ACT

1 Providing for a ban on the distribution, sale and use of  
2 halogenated hydrocarbon chemicals and aromatic hydrocarbon  
3 chemicals as sewage system cleaners, requiring the disclosure  
4 of the contents of sewage system cleaners covered by this  
5 act, requiring the Department of Environmental Resources to  
6 administer and enforce certain provisions and establishing  
7 penalties.

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1       Section 12.   Saving provision.

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3       Section 14.   Effective date.

4       The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6       Section 1.   Short title.

7       This act shall be known and may be cited as the "Sewage  
8 System Cleaner Control Act."

9       Section 2.   Legislative findings; declaration of policy.

10       It is hereby determined and declared as a matter of  
11 legislative finding that halogenated hydrocarbon chemicals and  
12 aromatic hydrocarbon chemicals used as sewage system cleaners  
13 and additives are a significant and unnecessary source of water  
14 pollution and ground water contamination and economic loss. It  
15 is the purpose of this act to:

16           (1)   Eliminate the introduction of these toxic chemicals  
17 into the surface and ground waters of the Commonwealth.

18           (2)   Prohibit the sale, distribution and use of sewage  
19 system cleaners and additives that contain these toxic  
20 chemicals.

21           (3)   Require the disclosure of the contents of sewage  
22 system cleaners or additives that are sold or distributed or  
23 used in the Commonwealth.

24       Section 3.   Definitions.

25       The following words and phrases when used in this act shall  
26 have, unless the context clearly indicates otherwise, the  
27 meanings given to them in this section:

28       "Board."   The Environmental Quality Board of the Commonwealth  
29 of Pennsylvania.

30       "Community sewage system."   Any system, whether publicly or

1 privately owned, for the collection of sewage or industrial  
2 wastes of a liquid nature from two or more lots, and the  
3 treatment and/or disposal of the sewage or industrial waste on  
4 one or more of the lots or at any other site.

5 "Department." The Department of Environmental Resources of  
6 the Commonwealth of Pennsylvania and its authorized  
7 representatives.

8 "Individual sewage system." A system of piping, tanks or  
9 other facilities serving a single lot and collecting and  
10 disposing of sewage in whole or in part into the soil or into  
11 any waters of this Commonwealth or by means of conveyance to  
12 another site for final disposal; an alternate individual sewage  
13 system shall mean any individual sewage system not heretofore  
14 recognized by rules, regulations and standards of the  
15 department.

16 "Person." Any individual, partnership, corporation,  
17 association, institution, cooperative enterprise, municipal  
18 authority, Federal Government and agencies, State institutions  
19 and agencies (including, but not limited to, the Department of  
20 General Services and the State Public School Building  
21 Authority), including municipalities as defined hereunder or  
22 other legal entity whatsoever which is recognized by law as the  
23 subject of rights and duties. In any clause prescribing a fine  
24 or imprisonment or penalty, or any combination of the foregoing,  
25 the term "person" shall include the officers and directors of  
26 any corporation or other legal entity having officers and  
27 directors and defined hereunder.

28 "Restricted chemical material." Any chemical material which  
29 contains concentrations in excess of one part per hundred of any  
30 halogenated hydrocarbon chemical aliphatic or aromatic

1 including, but not limited to, trichloroethane,  
2 tetrachloroethylene, methylene chloride, halogenated benzenes,  
3 carbon tetrachloride, any aromatic hydrocarbon chemical  
4 including but not limited to benzenes and toluene, but excluding  
5 perfumes and colors and any biodegradable material; any  
6 restricted chemical material prohibited pursuant to the act by  
7 regulation of the Environmental Quality Board.

8 "Sewage system." Any part of any community sewage system or  
9 individual sewage system including, but not limited to, all  
10 toilets, piping, drains, sewers, septic tanks, distribution  
11 boxes, absorption fields, seepage pits, cesspools and dry wells.

12 "Sewage system cleaner or additive." Any solid or liquid  
13 material intended or used primarily for the purpose of cleaning,  
14 treating or unclogging any part of a sewage system, but  
15 excluding those products intended or scour, clean, treat,  
16 deodorize or disinfect the surfaces of common fixtures (e.g.  
17 sinks, tubs, toilets, etc.).

18 Section 4. Powers and duties of the department.

19 The department shall have the power and its duty shall be to:

20 (1) administer the sewage system cleaner control program  
21 pursuant to the provisions of this act;

22 (2) cooperate with appropriate Federal, State,  
23 interstate and local units of government and with appropriate  
24 private organizations in carrying out its duties under this  
25 act;

26 (3) report to the General Assembly from time to time on  
27 further assistance that will be needed to administer the  
28 sewage system cleaner control program;

29 (4) initiate, conduct and support research,  
30 demonstration projects and investigations and coordinate all

1 State agency research programs pertaining to this act;

2 (5) regulate the distribution, sale, use, consumption of  
3 restricted chemicals as provided in this act;

4 (6) enter into any premises, place, establishment or  
5 building for the purpose of conducting inspections to  
6 determine compliance with this act or rules, regulations and  
7 standards issued pursuant to this act; and

8 (7) conduct any investigations necessary to determine  
9 compliance with this act or rules, regulations and standards  
10 issued pursuant to this act.

11 Section 5. Powers and duties of the Environmental Quality  
12 Board.

13 (a) The board shall have the power and duty to adopt rules  
14 and regulations to accomplish the purposes of this act.

15 (b) The board may promulgate regulations requiring  
16 manufacturers of sewage system cleaners or additives  
17 distributed, sold or offered for sale, to furnish in a form the  
18 board may prescribe, existing information regarding these  
19 products including a certified list of chemical components of  
20 products updated on an annual basis and effects of such products  
21 on the ground waters of the environment.

22 (c) When the board finds after investigation by the  
23 department and public hearings that any ingredient in addition  
24 to the restricted chemical or additive listed have been  
25 distributed, sold, offered or exposed for sale in the  
26 Commonwealth will have an adverse affect on human health or  
27 environment it shall by regulation prohibit or restrict for  
28 sale, distribution, offer or exposure for sale or use by any  
29 person of sewage system additives containing such ingredients.

30 (d) The board and the department shall hold confidential any

1 information obtained pursuant to subsection (b) when shown by  
2 any manufacturer that such information, if made public, would  
3 divulge competitive business information, methods or processes  
4 entitled to protection as trade secrets of such manufacturers.

5 (e) Whenever the Environmental Quality Board finds, after  
6 investigation by the department and public hearings that any  
7 restricted chemical material will not have any adverse affect on  
8 human health or the environment when used as a sewage system  
9 cleaner or additive it may authorize the use of such chemical  
10 material in such products, notwithstanding any provisions of  
11 this act.

#### 12 Section 6. Prohibited acts.

13 (a) No person shall distribute, sell, offer or expose for  
14 sale any sewage system cleaner or additive containing any  
15 restricted chemical material.

16 (b) No person shall use, introduce or apply or cause any  
17 other person to use, introduce or apply in any sewage system,  
18 surface water or ground waters, any sewage cleaner or additive  
19 containing any restricted chemical material.

20 (c) No person shall distribute, sell, manufacture or offer  
21 or expose for sale any sewage system cleaner or additive covered  
22 by this act unless a list of components of the covered product  
23 has been provided to the department. These lists must be updated  
24 annually at a time designated by the board.

#### 25 Section 7. Enforcement orders.

26 The department may issue such orders to such persons,  
27 distributors, manufacturers, dealers, retailers and consumers as  
28 are necessary to aid in the enforcement of the provisions of  
29 this act. Such orders may include orders requiring cessation of  
30 the use, sale, manufacture or distribution of any substance or

1 chemical or product which is in violation of any provision of  
2 this act. An order issued under this act shall take effect upon  
3 notice unless the order specifies otherwise. The right of the  
4 department to issue an order under this act is in addition to  
5 any penalty which may be imposed pursuant to this act.

6 Section 8. Public nuisance.

7 Any violation of this act, rules and regulations promulgated  
8 pursuant to this act or order of the department shall constitute  
9 a public nuisance.

10 Section 9. Procedure and enforcement.

11 Any activity or condition declared by this act to be a  
12 nuisance shall be abatable in the manner provided by law or  
13 equity for the abatement of public nuisances. In addition, suits  
14 to abate such nuisances or suits to restrain or prevent any  
15 violation of this act may be instituted in equity or at law in  
16 the name of the Commonwealth upon relation of the Attorney  
17 General or upon relation of any district attorney of any county  
18 affected, after notice has first been served upon the Attorney  
19 General of the intention of the district attorney to so proceed.  
20 The court may provide for payment of a civil penalty as  
21 specified in section 10.

22 Section 10. Civil penalties.

23 Any person violating this act or the orders, rules,  
24 regulations or standards thereunder may, after a hearing by the  
25 board, be assessed a civil penalty of not more than \$25,000 per  
26 day for each violation. Such a penalty may be assessed whether  
27 or not the violation was willful. In determining the amount of  
28 the civil penalty, the department shall consider the  
29 willfulness, if any, of the violation, damage or injury to the  
30 Commonwealth or its citizens, cost of restoration and other

1 relevant factors. Violations or separate days shall be  
2 considered separate and distinct offenses under this section.

3 Section 11. Criminal penalties.

4 (a) Any person violating this act or the orders, rules,  
5 regulations or standards promulgated thereunder, shall upon  
6 conviction thereof in a summary proceeding, be sentenced to pay  
7 a fine of not less than \$100 and not more than \$1,000 and costs  
8 and, in default of the payment of such fine and costs, shall  
9 undergo imprisonment for not more than 30 days.

10 (b) Any person who willfully violates any provisions of this  
11 act, any rule or regulation of the department, any order of the  
12 department, shall upon conviction thereof in a summary  
13 proceeding be subject to pay a fine of not more than \$25,000 per  
14 day for each violation or to imprisonment in the county jail for  
15 a period of not more than one year, or both.

16 (c) Violations of separate days shall be considered separate  
17 and distinct offenses under subsections (a) and (b).

18 Section 12. Saving provision.

19 Nothing in this act shall be construed as estopping the  
20 Commonwealth or any district attorney from proceeding in courts  
21 of law or equity to abate pollutions forbidden under the law of  
22 the Commonwealth or abate nuisances under existing law. Nothing  
23 contained in this act shall in any way abridge or alter rights  
24 of action or remedies now or hereafter existing in equity, or  
25 under the common law or statutory law, criminal or civil, nor  
26 shall any provisions of this act be construed as estopping the  
27 Commonwealth, persons or municipalities in the exercise of their  
28 rights under the common law or decisional law or in equity, from  
29 proceedings in courts of law or equity to suppress nuisances or  
30 to abate any pollution now or hereafter existing, or enforce

1 common law or statutory rights.

2 Section 13. Severability provision.

3 The provisions of this act are severable and if any provision  
4 or part thereof shall be held invalid or unconstitutional or  
5 inapplicable to any person or circumstances, such invalidity,  
6 unconstitutionality or inapplicability shall not affect or  
7 impair the remaining provision of the act.

8 Section 14. Effective date.

9 This act shall take effect in 180 days.