

**RESOLUTION NO. 272 -2016, ADOPTING LOCAL LAW  
NO. 12 -2016, A LOCAL LAW TO BAN THE SALE OF  
FORMALDEHYDE FOR USE IN HOLDING TANKS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on January 4, 2016, a proposed local law entitled, "**A LOCAL LAW TO BAN THE SALE OF FORMALDEHYDE FOR USE IN HOLDING TANKS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 12 -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO BAN THE SALE OF FORMALDEHYDE FOR  
USE IN HOLDING TANKS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk is a wonderful place to pursue outdoor recreation, both on land and on the water.

This Legislature further finds and determines that many County residents use recreational vehicles to camp and boat to enjoy the vast water resources of Long Island.

This Legislature finds that some boats and recreational vehicles use sanitary waste holding tanks which provides their owners with greater freedom of movement while protecting ground water from contamination.

This Legislature determines that persons owning boats or recreational vehicles often put additives into their sanitary waste holding tanks when the tanks are not ready to be emptied.

This Legislature also finds that some sanitary waste holding tank additives contain formaldehyde, a chemical that is harmful to the environment and which eliminates "good" bacteria that are an important element in the sewage treatment process.

This Legislature further finds that formaldehyde additives, when introduced into municipal sewage treatment plants, eliminate needed bacteria; this problem then has to be remedied at taxpayer expense.

This Legislature determines that formaldehyde derivatives and other chemicals can also cause harm to the environment and the bacteria used in the sewage treatment process.

This Legislature also determines that many alternative holding tank additives are readily available which do not contain formaldehyde, its derivatives or similar chemicals.

This Legislature further determines that Suffolk County should ban the sale of holding tank additives that contain formaldehyde, formaldehyde derivatives and other bacteria damaging chemicals to protect the environment from this harmful chemical.

Therefore, the purpose of this local law is to prohibit the sale of sanitary waste holding tank additives which contain formaldehyde and similar chemicals.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“Bronopol” – bromo-nitropropane-diol.

“Dowicil” – 1-(3-chlorallyl)-3,4,7-triaza-1-azoniaadamantane chloride.

“Person” – any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or any other entity or business organization of any kind.

“Sanitary Waste Holding Tank” – a container on recreational vehicles or boats that is designed to hold wastewater until the container can be safely emptied via pumps.

“Sanitary Waste Holding Tank Additive” – any product intended to be added to a sanitary waste holding tank as a treatment, cleaner or deodorizer.

## **Section 3. Prohibitions.**

No person shall sell or offer for sale any sanitary waste holding tank additive containing formaldehyde, paraformaldehyde, bronopol, dowicil, glutaraldehyde, or para-dichlorobenzene in the County of Suffolk.

## **Section 4. Penalties.**

A. Violation of this law shall be punishable by a fine of up to \$500 for an initial violation, with subsequent violations punishable by a fine of up to \$1,000.

B. A civil fine shall only be assessed by the Commissioner of the Department of Health Services following a hearing at which an alleged violator has the opportunity to be heard.

## **Section 5. Enforcement.**

This law shall be enforced by the County Department of Health Services.

## **Section 6. Rules and Regulations.**

The Commissioner of the Department of Health Services is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

**Section 7. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 10. Effective Date.**

This law shall take effect ninety (90) days immediately subsequent to filing in the Office of the Secretary of State.

DATED: April 12, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 2, 2016

After a public hearing duly held on April 25, 2016  
Filed with the Secretary of State on May 24, 2016