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**SB-317 Hazardous waste: waste facilities: prohibited chemicals.** (2019-2020)

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**Senate Bill No. 317**

**CHAPTER 367**

An act to add Section 25210.2 to the Health and Safety Code, relating to hazardous waste.

[ Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 317, Caballero. Hazardous waste: waste facilities: prohibited chemicals.

The hazardous waste control laws prohibit the use of a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel and prohibit the sale of a nonbiodegradable toxic chemical in a container that indicates that the chemical could be used in a chemical toilet, a waste facility of a recreational vehicle, or a waste facility of a vessel. Existing law requires the Department of Toxic Substances Control to develop and adopt regulations to define nonbiodegradable toxic chemicals and limitations on the sale of those chemicals. A violation of the hazardous waste control laws is a crime.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal agencies with authority over water quality. Under the act, persons discharging waste are required to file with the appropriate regional board a report of the discharge and the discharge is subject to waste discharge requirements prescribed by that regional board.

This bill would prohibit the sale or distribution in commerce of a product that contains any of specified chemicals or chemical compounds in a container that indicates that the product is suitable for use in a holding tank or other portion of a waste facility of a recreational vehicle, and would prohibit the use of a product that contains any of those same chemicals or chemical compounds in a holding tank or other portion of a waste facility of a recreational vehicle or of a campground chemical toilet that discharges to one of specified kinds of waste systems. The bill would require an owner or operator of a recreational vehicle park or campground that utilizes one of those kinds of waste systems to dispose of recreational vehicle wastewater to post a specified notice in a conspicuous location. The bill would provide that enforcement of these requirements is contingent on an appropriation by the Legislature for that purpose. The bill would require an owner or operator to certify compliance with the requirement to post that notice as part of any waste discharge requirement or as a condition of a waiver of a waste discharge requirement. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. The bill would require the state board, to the extent that funding is made available, to investigate methods to detect and quantify concentrations of chemical toilet deodorants, including those same chemicals and chemical compounds, in one of those same kinds of waste systems, as provided. The bill would make these provisions operative on January 1, 2022.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 25210.2 is added to the Health and Safety Code, to read:

**25210.2.** (a) It is unlawful to sell or distribute in commerce a product that contains bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene in a container that indicates that the product is suitable for use in a holding tank or other portion of a waste facility of a recreational vehicle.

(b) It is unlawful to use a product that contains bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene in a holding tank or other portion of a waste facility of a recreational vehicle or of a campground chemical toilet that discharges to a septic system, onsite wastewater treatment system, or subsurface disposal system.

(c) To the extent that funding is made available, the State Water Resources Control Board shall investigate methods to detect and quantify concentrations of chemical toilet deodorants, including bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene, in a septic system, onsite wastewater treatment system, or subsurface disposal system that may inhibit biological treatment processes or result in degradation of groundwater quality.

(d) (1) An owner or operator of a recreational vehicle park or campground that utilizes a septic system, onsite wastewater treatment system, or subsurface disposal system to dispose of recreational vehicle wastewater shall post in a conspicuous location a notice stating the following:

“The State of California prohibits the use of products in RV holding tanks, including deodorizers, that contain bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene. These chemicals can inhibit biological activity in onsite wastewater treatment systems and threaten groundwater and drinking water wells, and are strictly forbidden.

Please use bacteria- or enzyme-based products.”

(2) The State Water Resources Control Board or a regional water quality control board shall require an owner or operator described in paragraph (1) to certify compliance with paragraph (1) as part of any waste discharge requirement, or as a condition of a waiver of a waste discharge requirement, issued pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(e) Enforcement of subdivisions (a), (b), and (d) is contingent upon an appropriation by the Legislature for purposes of enforcing those requirements.

(f) This section shall become operative on January 1, 2022.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.