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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 33@ Best Management Practices for Perchlorate Materials

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Article 1@ General

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Section 67384.11@ Pollution Prevention Best Management Practices for Perchlorate Materials

67384.11 Pollution Prevention Best Management Practices for Perchlorate Materials

(a)

On or before January 1, 2008 and every 5 years thereafter, a business that uses perchlorate-containing fertilizers, road safety flares, commercial explosives, or commercial blasting agents, in an amount greater than 500 pounds in any month, shall: (1) Review the use of these perchlorate-containing products to determine if a non-perchlorate-containing alternative is available and equivalent; and (2) Review and implement as appropriate pollution prevention measures to prevent releases of perchlorate. Fertilizers that are substances allowed by the United States Department of Food and Agriculture pursuant to the Organic Foods Production Act of 1990, are exempt from this subsection. Other fertilizers that are perchlorate materials solely because the source of the perchlorate is from an allowed substance pursuant to the Organic Foods Production Act are also exempt from this subsection.

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Department of Food and Agriculture pursuant to the Organic Foods Production Act of 1990, are exempt from this subsection. Other fertilizers that are perchlorate materials solely because the source of the perchlorate is from an allowed substance pursuant to the Organic Foods Production Act are also exempt from this subsection.

(b)

On or before January 1, 2008, a business that uses dangerous fireworks in amounts greater than 4,000 pounds net explosive weight, or conducts public display of fireworks in amounts greater than 4,000 pounds net explosive weight, or uses solid rocket motors, in amounts greater than 8,000 pounds gross weight, at the same location, in a calendar year, except as specified in subsection (c), shall submit to the Department the following data regarding the Area of Interest:

(1) Perchlorate analytical results of existing storm water monitoring, in the Area of Interest, mandated by a storm water permit authorized by the SWRCB or an applicable RWQCB that requires monitoring for perchlorate; or (2) Existing environmental monitoring of the Area of Interest for perchlorate in the soil and/or water.

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(2)

Existing environmental monitoring of the Area of Interest for perchlorate in the soil and/or water.

(c)

A business subject to subsection (b) above is exempt from the data submittal of subsection (b)(1) and (b)(2), if the perchlorate-contaminated media in the Area of

Interest is exempted under section 67384.2(b)(2).