

ENVIRONMENTAL QUALITY

CHAPTER 30

WATER QUALITY

Sub-Chapter 3

Prohibited Compounds (Phosphorus)

Rule 17.30.301 Policy

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Sub-Chapter 3

Prohibited Compounds (Phosphorus)

17.30.301 POLICY (1) The provisions of this subchapter are adopted as a model rule which the department is required to adopt by 75-7-401, MCA. The model rule is designed to enable counties to protect water quality and aquatic ecosystems by reducing the amount of phosphorus entering natural lakes. (History: 75-7-401, MCA; IMP, 75-7-401, MCA; NEW, 1986 MAR p. 1464, Eff. 8/29/86; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.302 DEFINITIONS In this subchapter the following terms have the meanings indicated below:

(1) "Chemical water conditioner" means a water softening chemical or other substance containing phosphorus which is intended to treat water for use in machines for washing laundry.

(2) "Commercial establishment" means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, or commercial or charitable activity, including but not limited to laundries, hospitals, hotels, motels, and food or restaurant establishments.

(3) "Household cleaning product" means any product including but not limited to soaps and detergents, used for domestic or commercial cleaning purposes, including but not limited to the cleaning of fabrics, dishes, food utensils, and household and commercial premises. Household cleaning product does not mean foods, drugs, cosmetics, or personal care items such as toothpaste, shampoo, or hand soap.

(4) "Person" means any individual, proprietor of a commercial establishment, corporation, municipality, the state or any department, agency, or subdivision of the state, and any partnership, unincorporated association, or other legal entity.

(5) "Phosphorus" means elemental phosphorus.

(6) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleaning product formulation, and is present only as a consequence of manufacturing, and does not exceed 0.5% of the content of the product by weight expressed as elemental phosphorus. (History: 75-7-401, MCA; IMP, 75-7-401, MCA; NEW, 1986 MAR p. 1464, Eff. 8/29/86; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.303 PROHIBITIONS AND EXCEPTIONS (1) No household cleaning product may be distributed, sold, offered, or exposed for sale if it contains phosphorus in concentrations in excess of a trace quantity, except that no dishwashing detergent may be distributed, sold, offered, or exposed for sale if it contains phosphorus in excess of 8.7% by weight expressed as elemental phosphorus.

(2) No chemical water conditioner which contains more than 20% phosphorus by weight may be distributed, sold, offered, or exposed for sale.

(3) The following cleaning agents and other products containing phosphorus are exempt from the provisions of this rule:

(a) those used in food or beverage processing, or used by health care services and facilities;

(b) those used by commercial establishments, and those used for industrial processes or for cleaning food and beverage processing equipment, medical or surgical equipment, or dairy equipment; and

(c) those used for agricultural operations. (History: 75-7-401, MCA; IMP, 75-7-401, MCA; NEW, 1986 MAR p. 1464, Eff. 8/29/86; TRANS, from DHES, 1996 MAR p. 1499.)

Sub-Chapter 4 reserved