

sewers, or other water systems as defined in the FWPCA (33 U.S.C. 1251 *et seq.*)

§650.124 Policies.

The Department of the Army will—

(a) Exercise positive management over the research, development, procurement, production, use, handling, storage and disposal of hazardous and toxic material. Priority will be given to instituting measures required to protect health or control pollution.

(b) Comply with environmental quality policies and procedures specified in this regulation and those standards established by the applicable Federal, State, interstate, or local authority for the control of hazardous and toxic materials and substances.

(c) Use nonhazardous or nontoxic materials to the extent practicable.

(d) Conserve resources and, to the extent practicable, dispose of hazardous and toxic materials and waste by re-processing, recycling, and/or re-using.

(e) Program and budget sufficient resources for the effective management and environmental control of pesticides, hazardous chemical stocks, pharmaceuticals, radioactive materials, explosives, and chemical agents in accordance with DA regulations and in consonance with any other applicable Federal, State, or local objectives.

(f) Conform with Federal regulations and guidelines respecting pesticides, promulgated pursuant to the provisions of FIFRA as amended, (§§ 650.126 through 650.129).

(g) Acquire and use only those pesticides registered with the Environmental Protection Agency (EPA) (§650.126(a)).

(h) Monitor for the residual effects of pesticides on military installations in furtherance of the National Pesticide Monitoring Program.

(i) Conform with applicable Federal regulations, standards, and guidelines promulgated and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011), Energy Reorganization Act of 1974, or by EPA on discharges of radioactivity. This restriction does not apply to emergency operations conducted by Explosive Ordnance Disposal or Technical Escort personnel (§§ 650.139, 650.140 and 650.141).

(j) Prohibit the disposal (by open dumping, water dumping, well injection, or open burning) of pesticides, hazardous chemical stocks, pharmaceutical stocks and drugs, radioactive materials, explosive ordnance, or chemical warfare agents directly into the air, water, or land environment in a manner hazardous to man or animals or if it will cause unreasonable adverse effects on the environment (§650.127(f)).

(k) Conform with Federal regulations and guidelines respecting dumping of material into ocean waters in accordance with the MPRSA and the FWPCA as amended.

(l) In the absence of published national standards, guidance on acceptable methods and maximum concentrations pertaining to the use, storage, discharge or disposal of hazardous and toxic substances are to be referred through Major command headquarters to the USA Health Services Command.

(m) Comply fully with the DOD Pest Management program.

§650.125 Responsibilities.

(a) Department of the Army Staff.

(1) The Inspector General and Auditor General will—(i) Exercise primary Army Staff responsibility for overall supervision of Army safety program activities as established by AR 385-10.

(ii) Provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Ensure that Required Operational Capability (ROC) documentation for new material involving potentially hazardous materials requires that safe and environmentally acceptable methods for storage and disposal of these materials be developed or included as part of procurement specifications.

(ii) Provide single DA contact point for all chemical warfare activities including demilitarization and disposal.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will ensure that all materiel developed by the Army is designed to minimize health and environmental hazards during research and development, production, testing, storage, use and disposal.

(4) The Chief of Engineers will—(i) Exercise primary Army Staff responsibility for coordinating guidance and promulgating environmental protection regulations concerning hazardous and toxic material management within the Army.

(ii) Provide technical instructions and guidance on the implementation of pest management programs.

(iii) Coordinate with The Surgeon General to establish Army criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(iv) Promote the reclamation, recycling, or safe disposal of excess and outdated chemicals, particularly the stocks of cancelled or excess pesticides and superseded chemicals.

(5) The Surgeon General will—(i) Establish health criteria and standards and monitor health and welfare aspects of the hazardous and toxic material management program.

(ii) Develop environmental toxicology data and recommend standards for safe storage, use, discharge and disposal of hazardous and toxic materials.

(iii) Provide technical instructions and guidance for the DA pest management programs in disease vector control, pesticide monitoring, health, safety, and the training of pesticide applicators.

(iv) Coordinate with the Chief of Engineers in establishing criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(6) The Judge Advocate General will provide guidance, as required, on interpretation of FIFRA, FEPCA, FWPCA, MPRSA, SWMA and other Federal, State, and local laws and regulations.

(b) Commanding General, US Army Materiel Development and Readiness Command (DARCOM) will—

(1) Establish training programs for logistical personnel involved in the production, testing, and storage of explosives and chemical munitions and for those handling radioactive materials, hazardous and toxic chemicals, and products.

(2) Conduct research and technological investigations in support of the hazardous and toxic materials pollution abatement efforts related to in-

dustrial facilities operated by DARCOM. This includes development of alternative less polluting industrial processes, development of industrial waste recycling systems, evolution of treatment processes and design criteria, and development of safe and profitable disposal methods.

(3) Ensure compliance with DA and other Federal regulations on the disposal of chemical agents and munitions (§§ 650.130–650.134 and §§ 650.139–650.141).

(4) Procure materials for Army use which will minimize health and environmental hazards during production, use, storage, and disposal.

(c) Commanding General, US Army Health Services Command will—

(1) Conduct training activities to ensure proficiency in the application, handling, storage, use, and disposal of pesticides to qualify pest control personnel for certification in accordance with the FIFRA 1972, as amended, and EPA guidelines.

(2) Provide personnel for conducting field investigations and special studies concerning hazardous and toxic materials and for recommending measures required to protect health and welfare and to comply with standards.

(3) Conduct the DA pesticide monitoring program in accordance with AR 40-5 to complement the National Pesticide Monitoring Program.

(d) Major Army commanders will—

(1) Establish a program for the control of hazardous and toxic materials management for the protection of the health and welfare of personnel and the natural environments.

(2) Program and budget for necessary resources required for hazardous and toxic materials management and pest management programs.

(3) Certify and recertify as necessary, personnel employed in pest control activities after determination that personnel have received adequate training from an authorized and qualified source and have demonstrated proficiency in the application, handling, storage, use and disposal of pesticides in accordance with FIFRA, as amended. Such certification should identify the specific areas in which personnel are fully qualified.

(e) Installation and activity commanders will—

(1) Supervise the procurement, use, storage, and disposal of hazardous and toxic materials and chemicals and initiate appropriate procedures to protect the health and welfare of personnel who are exposed to their use.

(2) Comply with the procedures on the handling, use, and storage of hazardous and toxic materials which are under development and will be published by the Department of the Army. In the absence of DA regulations, Army activities will cooperate with Federal, State, or local agencies in meeting their standards.

(3) Use nonhazardous and nontoxic materials in installation and activity operations and procedures, when practicable.

(4) Ensure that at least two personnel at each installation involved in the pest management programs and on application of pesticides are certified in accordance with EPA and DOD Directives, and AR 420-74 and AR 420-76 procedures.

(5) Maintain liaison and cooperate with representatives of Federal, State, and local authorities engaged in regional pest control operations and pollution control and abatement.

(6) Dispose of hazardous and toxic materials in accordance with EPA-approved and DA-approved procedures (§§ 650.126 through 650.138). Chemical warfare agents will be disposed of in accordance with detailed plans approved by DOD (§§ 650.138 through 650.141).

(7) Ensure that waste effluent discharges from radioactive isotope activities are in accordance with applicable rules, regulations, and requirements of the Nuclear Regulatory Commission (10 CFR part 20) and the policies and guidance of the Environmental Protection Agency as published in title 10 CFR.

(8) Program and budget for resources necessary to conduct an effective hazardous and toxic materials management program at each Army installation.

(9) Conduct an annual review and inspection of pest control shop to insure that a sound pest management program is established and followed, and

that prescribed procedures in the handling, use and disposal of pesticides and pesticide containers are being followed.

(10) Promote a positive integrated pest management program to minimize the excessive use of unneeded chemical pesticides.

PESTICIDE MANAGEMENT PROGRAM

§ 650.126 Implementing guidelines.

(a) DA will procure and use only those pesticides approved by and pursuant to FIFRA. Use of a pesticide other than those registered and approved for specific application in accordance with their labeling is illegal under FIFRA.

(b) Some pesticides are on the EPA list of toxic pollutants for which water effluent standards are being developed. The list includes, but is not limited to substances such as aldrin, dieldrin, cadmium and all cadmium compounds, cyanide and all cyanide compounds, DDD (TDE), DDE, DDT, endrin, mercury and all mercury compounds, toxaphene (chlorinated camphene) mirex, chlordane, heptachlor, and Kepone. If the registration of any pesticides has been suspended or finally cancelled by EPA, DA organizations will only use such pesticides in accordance with the EPA suspension or cancellation orders. MACOM professional pest management personnel, DAEN-FEB and DAEN-ZCE will be contacted for suspended or cancelled pesticide information.

(c) The concentration of pesticide residue contained in waste water discharges should not exceed the levels specified by the National Pollutant Discharge Elimination System (NPDES) permit issued to an installation.

(d) The storage, use, handling, and disposal of pesticides will conform to safety and health standards established by HQDA based on regulations published in the FEDERAL REGISTER and Code of Federal Regulations by EPA, HEW, DOT and other appropriate Federal agencies. Army publications that apply to the conduct of pest control activities are given in table 6-1. Disposal and repackaging guidelines are given in tables 6-3 and 6-4 of this subpart.