DoD Manual 4715.26

DoD Military Munitions Rule (MR) Implementation Procedures

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Purpose: In accordance with the authority in DoD Directive (DoDD) 5134.01 and the requirements in DoDD 6055.09E, DoD Instruction (DoDI) 4715.06, and DoDI 5160.68, this issuance implements policy, assigns responsibilities, and provides procedures to direct effective and consistent compliance with the military MR in accordance with Part 266, Subpart M of Title 40, Code of Federal Regulations (CFR).

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the National Guard Bureau, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the "DoD Components").

(2) Military munitions and waste military munitions (WMM) in the United States and under the control of a DoD Component.

b. Does **not** apply to munition responses.

1.2. SUMMARY OF CHANGE 1. This change reassigns the office of primary responsibility for this issuance to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)).

The USD(AT&L):

a. Establishes policies, objectives, guidance, including requirements and priorities, and procedures; monitors compliance through periodic reviews; and coordinates with other federal agencies for compliance with the MR and this issuance.

b. Resolves disputes among the DoD Components, as required.

c. Through the Department of Defense Explosives Safety Board (DDESB), provides notice in the Federal Register of any changes to DoD 6055.09-M applicable to storage standards for WMM, and provides to the U.S. Environmental Protection Agency (EPA) a determination if any change to these storage standards is less protective.

d. Establishes DoD shipping controls for WMM, and provides to the EPA a determination of whether any amended shipping controls are less protective.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT (ASD(EI&E)).

Under the authority, direction, and control of the USD(AT&L), the ASD(EI&E) oversees implementation of this issuance and ensures that military munitions management policies and munitions logistics systems comply with the MR and this issuance.

2.3. DoD COMPONENT HEADS.

The DoD Component heads:

a. Plan, program, and budget resources required to comply with the MR; any applicable federal, State, interstate, and local requirements; and this issuance.

b. Provide adequate WMM treatment capabilities to support mission requirements, and coordinate with other DoD Components to achieve an efficient DoD-wide WMM treatment capacity.

c. Fully integrate compliance activities throughout all applicable functional communities (e.g., acquisition, test and evaluation, logistics, installations, environmental, safety, range management, legal) and with other DoD Components, as appropriate. This includes development and use of compliance evaluation and feedback programs.

d. Oversee DoD Component explosives safety management programs to ensure they remain compliant with the MR, DoD 6055.09-M, and this issuance.

e. Oversee DoD Component logistics and environmental programs to ensure they are consistent, to the extent practicable, with this issuance.

f. Appoint, in writing, designated disposition authorities (DDAs), as necessary, to meet mission requirements.

g. Support consistent MR compliance to the extent practicable and as permitted in applicable law or regulation, by:

(1) Ensuring all organizational levels (i.e., field, intermediate or regional commands, and headquarters) closely coordinate their munitions-related activities within a given State to resolve munitions management regulatory issues consistently.

(2) Directing regional environmental coordinators (RECs) to work closely with the States, collectively and individually, to facilitate uniform MR compliance procedures and conduct activities, as applicable, to maximize compliance with the MR and this issuance.

2.4. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in Paragraph 2.3., the Secretaries of the Military Departments:

a. Oversee their respective designated headquarters office(s), which serve as the point(s) of contact (POC(s)) for complying with the MR and this issuance (see Section 4).

b. Approve waivers and exemptions to DoD 6055.09-M standards for units storing WMM pursuant to Section 6901 *et seq*. of Title 42, United States Code (U.S.C.), also known as the "Resource Conservation and Recovery Act of 1976," as amended, and referred to in this issuance as RCRA. This authority, which may not be delegated below a Military Department's Assistant Secretary, should be delegated to the Assistant Secretary responsible for safety, environment, and installations.

2.5. SECRETARY OF THE ARMY. In addition to the responsibilities in Paragraphs 2.3. and 2.4., the Secretary of the Army, as the single manager for conventional ammunition (SMCA), appoints in writing the DoD-level DDA.

SECTION 3: PROCEDURES

3.1. INTRODUCTION.

a. General. This issuance applies to multiple functional areas (e.g., explosives safety, explosive ordnance disposal (EOD), logistics, environmental management). The MR defines special requirements for the management of WMM and establishes minimum standards for managing hazardous WMM in the United States. These requirements differ from the requirements for other hazardous waste categories managed in accordance with RCRA regulations.

(1) Determining WMM. Military munitions are WMM when they are a regulatory solid waste, as defined in the MR. Paragraphs 3.4. and 3.5. describe the conditions under which military munitions become WMM. Not all WMM are hazardous WMM, as defined in RCRA. DoD environmental managers should only declare WMM as hazardous WMM after carefully applying the applicable federal, State, interstate, or local waste management requirements.

(2) State Regulations. Pursuant to RCRA, the EPA may authorize a State or territory to administer and enforce the RCRA hazardous waste management program instead of the EPA. These authorized States may establish more stringent requirements than those within the MR. Accordingly, compliance requirements differ among States or territories. Installation or responsible activity commanders should contact, as appropriate, their environmental staff or counsel to determine compliance requirements applicable to their operations.

(3) Minimum Requirements. The criteria for determining when military munitions become solid waste and the DDA evaluation process established in this issuance apply to all DoD Components regardless of a State's or territory's adoption of the MR or other applicable WMM standards.

(4) Retrograde. The DoD Components engaged in the retrograde of military munitions into the United States must determine, in coordination with the appropriate DDA, whether such retrogrades must comply with the requirements found in Part 262 of Title 40, CFR.

(5) Munitions Responses. Although this issuance does not apply to munitions responses, parts or all of the MR may be used in analyzing and determining the management procedures to be used when conducting a munitions response pursuant to Sections 9601 through 9675 of Title 42, U.S.C., also known as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980." It may also be used to analyze DoD guidance to be considered for the conduct of a munitions response.

b. Principles.

(1) DoD Military Munitions Management.

(a) The DoD Components must properly handle and store military munitions:

1. Pursuant to DoD 6055.09-M standards to safely manage the potential for harm or other adverse effects on human health and the environment.

2. Pursuant to DoDM 5100.76 to ensure appropriate safeguards are applied to protect military munitions from loss, damage, misuse, and unauthorized access.

(b) The DoD Components must manage WMM pursuant to the MR, this issuance, and other applicable federal, State, interstate, and local requirements. If any such requirements conflict with DoD 6055.09-M standards related to explosives safety, the DoD Components must comply with DoD 6055.09-M standards. Until the conflict is resolved, the DoD Components must also continue to meet applicable State or local WMM requirements that do not affect explosives safety even if they are more stringent than the MR or this issuance. The installation or responsible activity commanders must consult with their chain of command and appropriate regulatory agencies for conflict resolution. The DoD Components will also notify the DDESB, via the chain of command, and the applicable REC of any such conflicts.

(c) The MR integrates the principles of environmental protection, munitions management, and explosives safety into a regulatory scheme for WMM management. To fully understand the MR and oversee compliance with WMM management requirements, environmental management, munitions management, and explosives safety personnel must communicate effectively and frequently.

(2) Implementation.

(a) DDA Disposition Process. The DoD Components must use the DDA disposition process in Paragraph 3.6. to minimize the generation of WMM through proactive resource recovery and recycling (R3) processes; support training and testing requirements, which may include the use of excess, obsolete, or unserviceable munitions; consider the use of foreign military sales for excess, obsolete, or unserviceable military munitions; and determine when military munitions become WMM.

(b) Appointment of DDAs. In accordance with DoDI 5160.68, the Secretary of the Army, as the DoD SMCA, will appoint the DoD DDA, and the DoD Components will appoint an appropriate number of DoD Component DDAs. All appointments must be in writing.

1. The DoD SMCA Field Operating Activity will appoint the DoD-level DDA with waste designation authority for the demilitarization account. The DoD DDA will coordinate actions as required with the DoD Component DDAs.

2. The DoD Components with munitions management responsibilities will appoint the number of DoD Component DDAs required. Each Military Service will appoint at least one DDA. The DoD Components will provide copies of these designations to the DoD DDA.

(c) Management. The DoD seeks to manage WMM in a consistent manner to the maximum extent possible. Consistent WMM management is particularly important within a given State or territory. As such, the DoD Components and RECs within a given State or territory should closely coordinate WMM management activities.

(d) Accountability. When directed by a DDA, the DoD Components must identify WMM by assigning supply condition code V to track WMM from the point of generation through final disposition.

(e) Explosives or Munitions Emergency Responses. To the extent possible, the DoD Components will provide EOD personnel in support of an explosives or munitions emergency when military authorities request such support. To the extent practicable and when it does not interfere with military duties, the DoD Components may provide EOD personnel in support of an explosives or munitions emergency when requested by authorized officials (e.g., civilian law enforcement, emergency response authorities) and in accordance with DoDI 3025.21. The MR exempts explosives or munitions emergency response specialists (e.g., EOD personnel) from full compliance with RCRA generator, transporter, and permitting requirements during an explosives or munitions emergency response. See Paragraph 3.9. for information about emergency responses.

(f) Training. The DoD Components must require personnel handling or managing WMM to be appropriately trained on the MR, this issuance, and other applicable federal, State, interstate, and local WMM management requirements (e.g., WMM transporters must be trained on applicable provisions of Chapter 204 of the Defense Transportation Regulation 4500.9-R, Part II).

(g) Environmental Compliance Evaluations and Inspections. DDESB explosives safety program evaluations and DoD Component explosives safety inspections, logistics management reviews, and environmental compliance evaluations may include assessments for compliance with this issuance. The EPA and States may also conduct separate inspections to assess compliance with applicable federal, State, interstate, and local requirements.

3.2. APPLICATION OF THE TERM MILITARY MUNITIONS.

a. Military Munitions Determination. To determine whether the MR regulates an item, the DoD Components must first consider whether the item is a military munition as defined in the Glossary.

b. Specific Application of the Term Military Munitions.

(1) Manufacturing; Research, Development, Test, and Evaluation (RDT&E); and Renovation. These processes sometimes result in certain items that fail to meet specifications (i.e., rejects) or in the generation of materials that are incidental to the process (i.e., residues).

(a) Military Munitions Rejected. When managed within the DoD's munitions management system, military munitions, including raw explosives, rejected during manufacturing, renovation, or RDT&E processes remain military munitions. Munitions manufactured for DoD or for which ownership was transferred from DoD to a contractor for renovation typically become military munitions when a DoD Component's representative accepts them by signing official documentation accepting ownership of the munitions. Contract provisions should identify the specific point at which a DoD Component accepts ownership and be reviewed to determine when rejects or residues from contractor operations will be managed as

military munitions. If contract provisions conflict with this procedure, the contract provisions will be followed to determine whether the rejects or residues will be managed as military munitions.

(b) Munitions Rejects or Residues That Are Not Military Munitions. Munitions rejects or residues that are produced incidental to manufacturing, RDT&E, or renovation processes are not military munitions. For example, wastewater or sludge derived from munitions production processes are not military munitions because their production is incidental to the production process and they are not intended to be used for national security or defense. Rejects or residues that are not military munitions must still be evaluated to determine if they are subject to federal, State, interstate, or local wastewater, solid waste, or hazardous waste management requirements.

(2) Foreign Munitions.

(a) As provided by international agreements with other nations or as authorized by appropriate authority, the DoD Components may conduct operations or research involving foreign munitions procured or otherwise acquired by a DoD Component. Foreign munitions acquired by DoD Components for national defense, intelligence, or other purposes are military munitions subject to the MR, this issuance, and other applicable federal, State, interstate, or local WMM management requirements.

(b) When authorized by appropriate authority or as part of a security cooperation program, DoD activities may also conduct operations (e.g., training or testing) with foreign forces located in the United States. Foreign munitions used by the foreign forces within the United States are not military munitions and may be subject to the requirements of Section 2692 of Title 10, U.S.C.

(c) The DoD Components conducting joint U.S. and foreign operations (e.g., live-fire training or testing) involving foreign-owned munitions must ensure that foreign-owned munitions are retrograded with the foreign units. Foreign military munitions remaining on DoD installations after the end of military operations will be managed as military munitions pending retrograde. Ownership of foreign munitions that will not be retrograded should be resolved in compliance with existing legal authorities by the DoD Component and the foreign force before the conclusion of the live-fire training or testing. The DoD Components possessing foreign munitions that are DoD munitions and subject to this issuance will request disposition instructions from the appropriate DDA for the specific munitions held. See Paragraph 3.6. for information about the WMM disposition process.

(3) Amnesty Program. If munitions or explosives recovered through an installation's amnesty program are determined to be military munitions, they will be managed in accordance with the MR, this issuance, and other applicable federal, State, interstate, or local WMM management requirements. If such munitions and explosives are determined not to be military munitions, they will be managed pursuant to applicable hazardous or solid waste requirements. In either case, DoD 6055.09-M standards will apply.

(4) Waste Chemical Munitions and Agents. The DoD manages waste chemical munitions and agents in accordance with the MR, this issuance, and other applicable federal, State, interstate, or local WMM management requirements. Guidelines and MR requirements for managing waste chemical munitions and agents, including recovered chemical warfare material, are:

(a) Storage. Waste chemical munitions and agents are WMM and must be stored or accumulated pursuant to DoD 6055.09-M. The MR requires that waste chemical munitions and agents that are characteristic or listed as hazardous waste in storage also meet the requirements of Parts 264 and 265 and Subparts I, J, DD, or EE of Title 40, CFR. The conditional exemption (CE) for storage is not authorized for waste chemical munitions and agents. However, CE storage is available for conventional explosive components after separation from chemical munitions.

(b) Transportation. Transport of waste chemical munitions and agents must comply with applicable provisions of Defense Transportation Regulation 4500.9-R and with DoD 6055.09-M. If transported off-site from the facility where they are stored or accumulated, the DoD Components must direct that applicable provisions of the hazardous waste transportation requirements of Part 263 of Title 40, CFR and applicable State or local WMM transportation requirements are satisfied. The CE for WMM transportation is not applicable to waste chemical munitions and agents transportation. However, CE transportation is available for conventional explosive components after separation from chemical munitions.

(c) Additional Requirements. Additional federal, State, interstate, or local requirements may also apply.

(5) Commercial Munitions and Explosives. Commercial munitions and explosives may or may not be military munitions. Regardless of whether or not these items are military munitions, if they are under DoD control (e.g., in DoD storage, recovered during an explosives or munitions emergency, turned in under an amnesty program, being shipped within the Defense Transportation System), or the DoD is the end user, management of these items must comply with DoDD 6055.09E, DoD 6055.09-M, DoDM 5100.76, and applicable federal, State, interstate, or local requirements.

(a) When acquired for use by the DoD Components for national defense and security purposes, commercial munitions and explosives become military munitions and are subject to DoD 6055.09-M, the MR, this issuance, and other applicable federal, State, interstate, or local WMM management requirements.

(b) Except when specifically authorized in accordance with Section 2692 of Title 10, U.S.C., DoD policy and Section 2692 of Title 10, U.S.C., prohibit DoD installations from storing, treating, or disposing of non-DoD owned munitions and explosives.

(c) The DoD Components occasionally temporarily store or dispose of unused commercial munitions or explosives that have been confiscated by federal, State, or local law enforcement agencies. Temporary storage may only be provided in limited circumstances in accordance with Section 2692 of Title 10, U.S.C. and applicable DoD Component policies.

When a DoD Component is requested to store such commercial munitions or explosives, it must require the agreement providing for such storage to address the management of these munitions for the entire period of DoD possession and clearly state that the requesting agency is responsible for final disposition of such munitions. Although these munitions and explosives are not military munitions, management of these items must be in accordance with DoD 6055.09-M, the MR, this issuance, and other applicable federal, State, interstate, or local WMM management requirements.

(6) Other Items That Are Not Military Munitions. Certain other items are excluded from the definition of military munitions. These include wholly inert items, nuclear components of nuclear weapons, and improvised explosive devices (IEDs). Devices designed to simulate IEDs that are fabricated and used by the DoD Components for training or other purposes may be determined to be a military munition and must be managed as such.

3.3. WHEN MILITARY MUNITIONS ARE NOT WMM.

a. General. Military munitions in the active inventory, war reserve stocks, and the Resource Recovery and Disposition Account used for training, used for RDT&E, destroyed on range as part of operational range clearance, or subjected to material recovery activities are not WMM and are not subject to federal, State, interstate, or local WMM management requirements.

b. Munitions Used for Their Intended Purpose.

(1) Training. The DoD Components' use of military munitions in the training of military personnel, including explosives or munitions emergency response specialists, is use of military munitions for their intended purpose. Military training that supports approved military training requirements, which may include training with unused and used military munitions, is not waste management and is not subject to federal, State, interstate, or local waste management requirements. Military training includes, but is not limited to:

(a) Propellant Destruction. During certain live-fire training, not all propellant charges or charge increments are used. The propellant charges or charge increments, however, are not WMM. Unused propellant or charge increments present explosive hazards and potential tactical threats during contingency operations or combat. Safe management and expeditious destruction of unused propellant or charge increments by open burning is an essential part of required training for military personnel and is not a waste management activity.

(b) Emergency Destruction and Combat Disposal. EOD personnel, ammunition technicians, and combat engineers require proficiency training in the emergency destruction of military munitions and in the combat disposal of captured enemy or unserviceable munitions accumulating in ammunition supply points (ASPs). The DoD Components may conduct this military training on EOD, test and evaluation, or military training ranges, or at open burning and open detonation (OB/OD) facilities having a hazardous waste permit or interim status pursuant to federal or State authority, provided such military training is conducted in accordance with applicable requirements. Such training activities are not waste management.

(2) Testing and Evaluation.

(a) Used military munitions recovered and transported off operational ranges for testing or evaluation are not WMM and are not subject to federal, State, interstate, or local waste management requirements until required testing or evaluation is complete and a decision is made that the military munitions cannot be repaired or reused.

(b) The use, recovery, collection, transport, and storage of military munitions for testing or evaluation (e.g., surveillance function testing, quality control, or assurance testing) constitute the use of military munitions for their intended purpose, and are not subject to federal, State, interstate, or local waste management requirements.

(3) Malfunctions and Misfires. Military munitions that malfunction or misfire are not WMM when taken off an operational range or site of use when the site of use is not an operational range (e.g., aircraft or ship) for evaluation, testing, or repair. Such munitions would become WMM if the military munitions cannot be repaired or reused. See Paragraphs 3.6.b. and 3.6.f. for information about WMM determinations within the DDA responsibility and misfires and hangfires.

(4) Range Clearance Activities on Operational Ranges.

(a) The DoD Components will follow the sustainable range management procedures in DoDI 3200.16 to direct the safe use of DoD operational ranges. Range clearance activities (e.g., destruction in place or collection and destruction elsewhere on the operational range) that are conducted to destroy military munitions that may pose an explosive hazard are not waste management.

(b) Pursuant to the MR, recovery, collection, and on-range destruction of military munitions (e.g., unexploded ordnance (UXO), munitions debris, and residue resulting from RDT&E operations) during range clearance activities on operational ranges are not solid waste or hazardous waste management. Flashing (e.g., burning or low-temperature volatilization), crushing, or shredding used military munitions during range clearance activities are not subject to federal, State, interstate, or local WMM management requirements. These activities may be subject to other applicable federal, State, interstate, or local requirements.

(5) Munitions Landing Off-range. The MR also provides that the prompt recovery of military munitions that landed off range as a result of use is not solid waste or hazardous waste management. However, when such munitions are not promptly rendered safe or retrieved, they become WMM.

(6) R3. Unused military munitions and their components being processed for R3 generally are not WMM subject to federal, State, interstate, or local waste management requirements. Disassembly or reconfiguration of military munitions to recover usable components or reconfigure them to a usable state are considered R3 and are not subject to federal, State, interstate, or local waste management requirements. Federal, State, interstate, or local requirements may apply to material and R3 activities considered as use constituting disposal as defined in Section 262.2(c)(1) of Title 40, CFR or burning for energy recovery as defined in Section 261.2(c)(2) of Title 40, CFR.

(7) Ranges That Are No Longer Operational Ranges. When an operational range is later determined to no longer be an operational range by the DoD, any remaining fired munitions or munitions debris do not become WMM. Former military ranges should not be identified as Solid Waste Management Units in installation hazardous waste permits, as these military munitions were used for their intended purpose. Military munitions on former ranges may be identified as WMM as part of the Military Munitions Response Program described in DoDM 4715.20.

3.4. WHEN UNUSED MILITARY MUNITIONS BECOME WMM.

a. General. Unused military munitions include those that have not been fired, dropped, launched, projected, placed, or otherwise used. Examples include military munitions that are:

(1) Stored in the active inventory or war reserve.

(2) Issued to a DoD Component unit but were not used and will be returned to storage.

(3) Unused military munitions only become WMM if they meet the conditions identified in Paragraph 3.4(b).

b. Conditions When Unused Military Munitions Become WMM. Unused military munitions are WMM when they are:

(1) Abandoned.

(a) Unused military munitions are considered abandoned when they are disposed of; burned; detonated, unless detonated as a consequence of intended use; incinerated; or treated before disposal. Examples include land filling or OB/OD for hazardous waste treatment and disposal. These conditions are factual determinations and are not dependent on a DDA's specific declaration that an unused military munition is a WMM. Buried military munitions become WMM at the time of burial. Burying military munitions as a means of disposal or to avoid proper turn-in procedures is strictly prohibited. Some military munitions are designed to be buried for their intended use (e.g., emplacement of mines). Such buried munitions are not WMM, and their burial is allowed unless buried for purposes of disposal. In addition, the covering of used or unused munitions with earth to control fragments and noise during authorized destruction by detonation is permitted. When the intent to dispose is not clearly evident, apply the criteria about recovering unused munitions in this paragraph.

(b) Unused military munitions that have been recovered when the intent to abandon is not clearly evident do not automatically become WMM. For example, a military munition left on an operational range is not automatically a WMM because there is no clear intent to dispose of it. The DoD Components will evaluate potentially abandoned military munitions further to determine whether the munition should be classified as WMM or returned to the DoD stockpile for management. Such recovered military munitions should be evaluated at the nearest appropriate DoD Component's installation ASP, if they are determined safe for transportation and storage; Paragraph 3.6 provides information on disposal. If the DoD Component's preliminary evaluation determines the unused military munitions are not safe to transport, they should be addressed as an explosives or munitions emergency as described in Paragraph 3.9.

(2) Removed From a Storage Unit for Disposal or Treatment Before Disposal (Otherwise Known as the Magazine Door Rule). Unused military munitions in storage that have not been declared WMM become WMM when removed from storage (i.e., when they exit the magazine door) for the purpose of disposal or treatment. This includes military munitions shipped to another installation for the purpose of disposal or treatment. Once removed from storage for disposal or treatment, the DoD Components must manage these military munitions as WMM. The Magazine Door Rule is not applicable to the storage of munitions pursuant to the MR's CE. Paragraphs 3.6. and 3.7. describe appropriate disposal methods.

(3) Damaged or Deteriorated. Military munitions that are damaged or deteriorated and cannot be made serviceable or recycled for other purposes are designated as WMM by a DDA. See Paragraph 3.6. for disposition information.

(a) Emergency Response. If damaged or deteriorated military munitions pose a potential explosive hazard, manage the munitions in accordance with explosives or munitions emergency response procedures in Paragraph 3.9.

(b) Urgent Notice of Ammunition Reclassification (NAR). Urgent NARs are those notices requiring treatment of specific military munitions within 60 days. Urgent NARs state that after 60 days the munitions present a safety hazard for handling, transportation, or continued storage. Military munitions identified on urgent NARs become WMM immediately when the NAR is issued.

(4) Designated as WMM by an Authorized Military Official (AMO). Within the DoD, DDAs are AMOs and have the authority to designate munitions material as WMM as stated in Paragraph 3.6.a.(1).

c. Not All WMM Are Hazardous Waste. Determining whether any waste (including WMM) is a hazardous waste should only be done by carefully applying the applicable federal, State, interstate, or local waste management requirements.

d. Reclassifying WMM. DDAs may reclassify unused military munitions previously designated as WMM under limited circumstances stated in Paragraph 3.6.e.(4).

3.5. WHEN USED MILITARY MUNITIONS BECOME WMM.

a. Conditions When Used Military Munitions Become WMM. Used munitions become WMM when they are:

(1) Transported Off an Operational Range or Site of Use. Used military munitions are WMM when they are transported off an operational range or from the site of use when the site of use is not an operational range (e.g., aircraft, ship) for reclamation, treatment, disposal, or for storage before reclamation, treatment, or disposal. However, used munitions transported off an operational range or from the site of use for evaluation, testing, or repair (e.g., misfire investigations) are not WMM, but may become WMM after the required evaluation, testing, or repair is completed if the munitions cannot be repaired or reused. If, during an explosives or munitions emergency response, EOD must transport a munition from an operational range or the

site of use to another location for safe destruction, the emergency response actions may be exempt from hazardous waste management requirements. During such an explosives or munitions emergency response, the provisions of Paragraph 3.9. apply.

(2) Recovered, Collected, and Then Disposed of by Burial. Used military munitions that the DoD Components recover and subsequently bury or place in a landfill, at any location, are WMM. Burial of used military munitions as a field-expedient means of disposal or to avoid normal turn-in procedures is strictly prohibited. However, the DoD Components may cover used or unused munitions with earth to control fragments and noise during authorized destruction by detonation.

(3) Used Munitions That Land Off an Operational Range. Military munitions that land off an operational range as a result of use become WMM if the DoD Components do not promptly render them safe or retrieve them in accordance with Paragraph 3.9.

(a) After being notified that a used military munition has landed off an operational range, the DoD Component will take immediate action to locate the military munition, if possible, and respond appropriately. The DoD Component must address imminent and substantial threats associated with any remaining material. Responses may include an explosives or munitions emergency response, including on-site destruction, on-site application of render-safe procedures, and recovery for immediate emergency destruction or temporary storage before evaluation or destruction.

(b) If the DoD Component does not promptly render safe or retrieve the military munition, it becomes WMM. In this event, the installation or activity responsible for managing the operational range will maintain a record of the off-range impact until the military munition is recovered or destroyed. If recovered, the DoD Components must manage the WMM in compliance with applicable laws and regulations. At a minimum, the record will include:

1. The date the military munition landed off an operational range and the date the installation or activity responsible for managing the operational range became aware that a military munition landed off an operational range.

2. The type and quantity of munitions that landed off an operational range.

3. The location of the munitions or, if the exact location is unknown, the area where the munitions are believed to be located.

4. The date and nature of the response actions taken.

5. The nature of any remaining threat, including an estimate of how long the threat will remain. Consider including an estimate of the exposed populations at risk and whether any provisions for providing security to the site are appropriate or practicable.

b. Not All WMM Are Hazardous Waste. Determining whether any waste (including WMM) is a hazardous waste requires careful application of the applicable federal, State, interstate, or local waste management requirements.

c. Managing Used Military Munitions. Used military munitions, including munitions debris, present difficult management challenges. Management procedures are:

(1) Basic Principles. As much as possible, limit the quantity of used munitions accumulated and amount of time they are retained. Do not commingle used military munitions and non-munition materials.

(2) Explosives Safety Standards. Until determined otherwise, used military munitions encountered outside DoD's munitions logistics management systems are considered as dangerous as UXO and should be managed as UXO until assessed by technically qualified personnel and either destroyed or determined not to pose an explosive hazard. The DoD Components will manage and process such munitions and related material (e.g., munitions debris, range-related debris) as material potentially presenting an explosive hazard in accordance with DoDI 4140.62.

(3) Scrap Metal Management. In addition to the explosives safety requirements cited in this section, management of scrap metal obtained from used military munitions must comply with DoDI 4140.62 and applicable federal, State, interstate, and local requirements. Scrap metal and processed scrap metal obtained from used military munitions that will be recycled are exempt or excluded from RCRA regulatory hazardous waste management requirements pursuant to Sections 261.6(a)(3)(ii) and 261.4(a)(13) of Title 40, CFR. State or local hazardous waste requirements may still apply.

(4) Demilitarization. The DoD Components must perform demilitarization of used military munitions pursuant to Volume 3 of DoD 4160.28-M and any applicable item-specific technical guidance (e.g., letters of instruction, technical orders, technical manuals, technical bulletins) issued by the responsible engineering proponent. Demilitarization activities do not constitute waste treatment.

(5) Specific Requirements. For used military munitions the DoD Components must follow the disposition procedures in DoD Manual 4160.21 and the demilitarization procedures in Volume 3 of DoD 4160.28-M.

(6) Experimental Munitions in RDT&E Operations. Consistent with military munitions life-cycle management, acquisition program executive offices, subordinate program managers, and test and evaluation managers should address disposition of experimental military munitions remaining after demonstrations, tests, or evaluations in test and evaluation plans. Early consultation with the appropriate DoD Component DDA will help determine disposition alternatives. These plans should include provisions for providing installation-level activities, applicable host installations, and range facilities with adequate data (e.g., chemical characterization of munitions constituents (MC)) to facilitate proper waste management. Provide this data early in the test planning process to enable local environmental compliance managers to support post-test WMM management. Host installations and responsible activities must require that any excess or remaining materials are not allowed to accumulate.

3.6. WMM DISPOSITION PROCESS.

a. General.

(1) The MR recognizes the DoD's authority to appoint AMOs to designate military munitions as WMM. Within DoD, DDAs are the AMOs. A list of the DoD Component DDAs is in Section 4. Other DDAs (e.g., a DDA for a specific program) may be assigned. The DoD Component DDAs can assist installations and responsible activities in determining the appropriate DDA if other than the DoD Component DDA.

(2) DDAs will support the beneficial use of excess, obsolete, and unserviceable military munitions to minimize WMM generation in accordance with the supply chain materiel management procedures in Volume 6 of DoD Manual 4140.01, demilitarization procedures in Volume 3 of DoD 4160.28-M, and the disposition procedures in DoD Manual 4160.21. The DDAs will use the process described in Paragraph 3.6. to evaluate military munitions excess to current requirements or otherwise no longer part of the active inventory for other uses, R3, or designation as WMM.

b. WMM Determinations Within DDA Responsibility. Military munitions within the DDA's management authority include:

(1) Unused military munitions that are excess to the DoD's needs.

(2) Unused military munitions that are obsolete and will not meet the DoD's needs.

(3) Unused recovered military munitions when the intent to abandon is not clearly evident. See Paragraph 3.4.b.(1) for abandoned munitions information.

(4) Unused munitions that are unserviceable or military munitions identified in an urgent NAR. Paragraph 3.4.b.(3) describes procedures for urgent NARs.

(5) Used military munitions (e.g., misfires) determined safe to transport off an operational range for repair, reuse, or additional evaluation (e.g., testing for RDT&E purposes, malfunction investigations, evaluation for possible repair or reuse) are not WMM, but may become WMM after the required evaluation is completed and the DDA determines final disposition. See Paragraph 3.6.f. for information of misfires and hangfires.

c. Evaluation Factors DDAs Must Consider When Determining Disposition. In conducting their evaluation, DDAs will consider:

(1) Safety. This includes packaging and transportation issues where the DoD possesses munitions that are not DoD hazard classified or in performance oriented packaging containers.

(2) Other Uses. Before directing demilitarization, DDAs will consider opportunities (e.g., foreign military sales, training, RDT&E) to beneficially use or reuse military munitions consistent with applicable federal, State, interstate, and local requirements and this issuance. Transfers outside of DoD control must comply with DoDIs 2030.08 and 2040.02, and U.S. export laws and regulations.

(3) R3. This includes whether excess, unserviceable, or obsolete military munitions can be processed through R3 before declaring them WMM. Some States authorized to administer and enforce RCRA consider some unused military munitions undergoing R3 to be WMM.

(4) Treatment and Disposal. This includes the availability and location of appropriate treatment and disposal facilities.

d. The DDA Disposition Process – General Procedures.

(1) Local Activity Request for Disposition. Installations and responsible activities will request disposition instructions from the appropriate DoD Component DDA for excess, obsolete, or unserviceable munitions. Coordinate these requests with the item manager, as appropriate. Disposition requests should include:

(a) A statement of other potential uses (e.g., training), if known, for the military munitions.

(b) If applicable, an explanation of the circumstances (e.g., urgent NAR received, military munitions recovered, military munitions damaged during training), including the date, under which the military munitions were classified as unserviceable or believed to be solid waste.

(c) If applicable, a statement regarding the regulatory status (e.g., CE storage, satellite or less than 90-day accumulation, or permitted or interim status storage) of the installation's WMM accumulation areas or storage facilities. See Paragraph 3.7.d. for evaluation criteria.

(d) A statement regarding the availability or non-availability of a RCRA-interim status or RCRA-permitted hazardous waste treatment facility on the installation.

(2) DDA Disposition Instructions. The DDAs will evaluate the military munitions disposition request and document the results of the evaluation. Paragraph 3.6.c. contains the evaluation factors. In addition, DDAs should:

(a) Maintain accountability of all disposition requests and provide the status of evaluations rendered for 3 years after the effective date of the evaluation.

(b) Provide disposition instructions as soon as possible, or when there are specific extenuating circumstances (e.g., catastrophic weather event), within 60 days upon receipt of requests. In the few situations where 60 days cannot be met, DDAs should provide rationale to requestors regarding the situation. Additionally, DDAs will provide status updates every 30 days (i.e., on day 60, 90, 120) until disposition is determined. The DoD Component DDAs will coordinate with the item manager or the DoD DDA, as required, when issuing munitions disposition instructions. Disposition options include transportation to a depot-level facility capable of performing R3 or for further evaluations; waste treatment; authorization for local training, if requested; or designation as WMM and direction to treat. In WMM designations, DDAs will notify installation environmental compliance managers of the disposition instructions.

(3) WMM Disposition Instructions. When declaring military munitions as WMM, DDAs will provide the DoD Component installation or responsible activity specific instructions for the timely transport of WMM to a DoD Component, SMCA Field Operating Agency, or commercial hazardous waste treatment facility. DDAs may also authorize local hazardous waste treatment if the local installation has a RCRA-permitted or interim status treatment facility. The instructions will include:

(a) Unique Accountability Identifier. The DDAs must provide directions to assign supply condition code V to WMM. Only a DDA can direct the assignment of this code except for the situations listed in Paragraph 3.6.i.

(b) Date Military Munitions Designated As WMM.

1. For military munitions that become WMM upon removal from storage for treatment, the disposition instructions will state that the military munitions become WMM on the date of their removal from storage for treatment (i.e., apply the Magazine Door Rule pursuant to Paragraph 3.4.b.(2)). Use DD Form 1348-1A, "Issue Release/Receipt Document," available at http://www.dtic.mil/whs/directives/forms/eforms/dd13481a.pdf or a similar DoD Component-authorized form to reclassify the military munitions to supply condition code V.

2. For damaged or deteriorated military munitions, the DDA designates the munitions as WMM on the date that they determine the munitions cannot be put into serviceable condition or cannot be recycled or used for other purposes.

3. For all other military munitions, the DDA determines when they are WMM.

(c) Treatment Instructions.

1. If military munitions are to be transported off-site for hazardous waste treatment, the DDA's disposition instructions will:

a. Designate the facility where the military munitions are to be transported for treatment.

b. Identify the date by which shipment must occur.

c. List the receiving installation's POC.

2. DDAs will only direct local hazardous waste treatment to installations having RCRA-permitted or interim status treatment facilities authorized to treat the WMM (e.g., an OB/OD hazardous waste treatment facility). If hazardous waste treatment in a RCRA-permitted or interim status facility cannot be conducted within the time directed by the DDA, the DoD Component installations or responsible activities may request an extension from the DDA and, when necessary, the appropriate regulatory authority pursuant to Section 262.34(b) of Title 40, CFR. See Paragraph 3.7.e.(1) for treatment instructions.

e. The DDA Disposition Process – Condition-Specific Procedures. Certain situations require additional condition-specific instructions:

(1) Damaged or Deteriorated Military Munitions. The DoD Component military munitions custodians must conduct a preliminary visual evaluation of damaged or deteriorated munitions or a more in-depth surveillance and report the conditions to the item manager, the inventory management official, or the DDA, as required by DoD Component-specific procedures. If the item manager or inventory management official determines the munitions cannot be returned to serviceable condition or used for another purpose, they must coordinate this determination with and request disposition instructions from the appropriate DDA. If the DoD Component munitions custodians find the military munitions pose a potential immediate explosive hazard, manage the munitions using explosives or munitions emergency response procedures described in Paragraph 3.9.

(2) Urgent NARs. Military munitions become hazardous WMM immediately upon issuance of an urgent NAR that requires treatment within 60 days and states that after 60 days, the munition is unsafe for storage, transportation, or handling and must be handled as an EOD emergency response (e.g., a military munitions item that fails stability testing).

(a) Item or inventory managers, quality assurance specialists (ammunition surveillance), or other qualified munitions personnel must coordinate urgent NAR development and issuance with the applicable DoD Component DDAs.

(b) The DoD Component installations and responsible activities must immediately request DDA disposition instructions after receiving an urgent NAR. Such WMM should be given highest priority for hazardous waste treatment or disposal in a RCRA-permitted or interim status facility.

(c) If hazardous waste treatment in a RCRA-permitted or interim status facility cannot be conducted within the time directed in the urgent NAR, or the WMM are deemed unsafe to transport, the DoD Component installation or responsible activity must manage the items using explosives or munitions emergency response procedures.

(d) If the urgent NAR affects military munitions onboard a vessel, direct the military munitions custodian to follow shipboard procedures, as described in applicable DoD Component regulations or instructions.

(3) Recovered Unused Munitions. When a DoD installation or responsible activity recovers unused military munitions, they must request disposition instructions from the applicable DoD Component DDA. The scenarios in Paragraphs 3.6.e.(3)(a) and (b) provide additional criteria for situations where recovered unused munitions are not being addressed as part of a munitions response.

(a) Munitions Recovered When Abandoned With Intent to Dispose. The DoD Components must manage unused military munitions that have been buried or abandoned with intent to dispose as WMM. Installations or activities will not treat or dispose of WMM without DDA disposition instructions, unless EOD personnel declare an explosives or munitions emergency and provisions of Paragraph 3.9. apply.

(b) Munitions Recovered When the Intent to Abandon is Not Clearly Evident. If preliminary evaluation determines that munitions are safe to transport and store, evaluate them at

the nearest DoD Component installation capable of making the evaluation. Qualified munitions custodians will determine the serviceability and condition of the munitions pursuant to applicable item-specific technical guidance. The DoD Component will manage the munitions using the disposition process described in Paragraph 3.6.d.

(4) Reclassified WMM. DDAs may reclassify or remove the WMM designation if the original WMM determination was made in error or reclassification is necessary to prevent economic waste or allow beneficial use of the munitions (e.g., military training). DDAs must coordinate closely with the users of the reclassified munitions, appropriate DoD environmental managers, and item managers so that the military munitions can be removed from applicable waste management systems and reclassified with the appropriate supply condition code. DDAs should document the facts and rationale for the reclassification decision when removing previous WMM designations.

(5) Non-military Munitions. The DoD Components occasionally temporarily store unused, non-military munitions pursuant to the limited circumstances allowed in Section 2692 of Title 10, U.S.C., and as referenced in Paragraph 3.2.b.(5)(c). As indicated in Paragraph 3.2.b.(5)(c), the agreement for such storage must clearly indicate that the requesting agency is responsible for the final disposition of such munitions.

f. Misfires and Hangfires.

(1) Misfires. The DoD Components must classify misfired military munitions with an appropriate condition code after their evaluation, repair, etc. Depending on the classification actions taken, the installation possessing the military munitions may have to request DDA disposition instructions. Misfired military munitions transported off an operational range for repair, reuse, or additional evaluation (e.g., malfunction investigations, failure analysis, testing for RDT&E purposes) are not WMM.

(2) Hangfires. The DoD Components will manage hangfires as explosives or munitions emergency responses and not require DDA involvement. Hangfires differ from misfires (in most weapon systems) because they may fully function after an initial delay. For missiles, an emergency response is required when the pre-firing sequence has been initiated, but the missile does not launch from the missile tube or launcher.

g. Experimental Military Munitions. The DoD Components will manage experimental military munitions and residues remaining after completion of RDT&E operations. Management responsibilities involve installation and responsible activity managers, RDT&E personnel, and DDAs.

(1) Installation-level Responsibilities. To effectively manage experimental military munitions residue and minimize uncharacterized WMM generation, the DoD Component installations or responsible activities must maintain any available characterization data and hazard classification documentation for all experimental military munitions remaining after completion of RDT&E operations. When requesting DDA disposition instructions for experimental military munitions, the DoD Component installations or responsible activities with RCRA-permitted or interim status facilities capable of treating or disposing of hazardous WMM

will identify any permit restrictions that may limit their capacity to treat particular hazardous WMM items (e.g., risk-based limits for metals).

(2) DDA Authority. For RDT&E operations, DDAs may issue a single, blanket, or wide-spectrum disposition instruction to installations to preclude the necessity for multiple disposition requests and instructions. If the disposition of WMM deemed to be hazardous entails treatment at local installations, RDT&E personnel (e.g., test and evaluation program managers) must coordinate with environmental management staff to assure the treatment will comply with applicable permit conditions. Additionally, installations must require that all items are accounted for and tracked until final disposition.

h. Production, Manufacturing, and Modification of Military Munitions Under Contract.

(1) The DoD Component contracting officers will require contractors to assume responsibility to manage waste that is generated under the contract during military munitions production, manufacturing, and modification processes on DoD installations in accordance with all applicable laws and regulations and the terms of the contract.

(2) DoD contractors are responsible for all determinations regarding waste and for managing waste that is generated under contract during military munitions production, manufacturing, and modification processes in compliance with applicable laws and regulations for waste management on property not under the accountability of a DoD Component.

(3) The DoD Components will not assume control of waste, including WMM, from contractors, although they may provide advice and technical assistance to the contractor upon request. Contracting officers or their technical representatives should contact the applicable DDA for advice on the most environmentally sound and safe disposition for WMM generated during munitions production, manufacturing, and modification processes.

(4) If a contract does not already impose these obligations on the contractor, the contracting officer may modify a contract to require the contractor to determine and implement the best practices for management of all waste, including WMM, and to reduce and limit waste to the maximum extent practicable. The contractor will retain responsibility for determining these best practices and for effectively managing their production waste.

i. WMM Determinations Outside DDA Responsibility. Although DDAs have no authority to make WMM determination decisions for situations outside their authority, they will provide assistance in assigning supply condition code V and in determining proper disposition of WMM, when appropriate. The situations are:

(1) Explosives or Munitions Emergency Responses. Explosives or munitions emergencies are the only situations in which unused military munitions can be addressed (destroyed) without prior DDA approval. Only EOD personnel or personnel specifically authorized by the Secretary of a Military Department or a delegated representative are authorized to respond to explosives or munitions emergencies. See Paragraph 3.9. for emergency procedures.

(2) Used Munitions Transported Off Operational Ranges. Used military munitions become WMM when a DoD Component transports them off an operational range or from another site of use (e.g., aircraft, ship) for reclamation, treatment, or disposal or for storage before reclamation, treatment, or disposal.

(3) Recovered Munitions. Used and unused military munitions that were abandoned are WMM and must be managed accordingly.

(4) Military Munitions That Land Off an Operational Range. Used military munitions that land off an operational range and are not promptly recovered or rendered safe become WMM. See Paragraph 3.5.a.(3) for information about munitions off an operational range.

(5) Rejects or Residues Generated Under Contract or at Contractor-Operated Facilities. Contracting officers or their technical representatives may solicit assistance from applicable DDAs to determine the most environmentally compliant and best disposition for waste generated during production, manufacturing, or modification of military munitions.

(a) All rejects or residues from contractor operations are the responsibility of the contractor, including waste management decisions. If a contractor is conducting operations involving military munitions on an installation under the accountability of a DoD Component, the DoD Component must require the contractor to comply with all requirements that pertain to military munitions on DoD property, including applicable standards in Title 40, CFR, DoD and DoD Component policies, and any other applicable laws and regulations.

(b) The DoD Components will not direct waste management activities by a contractor except to protect DoD property and compel compliance with DoD safety standards or applicable laws or regulations. If the contractor is not operating on DoD property, the DoD Components will not assume responsibility or issue directions related to the contractor's waste management activities, including those related to WMM.

3.7. WMM MANAGEMENT.

a. General.

(1) Determination of WMM As Hazardous. WMM is determined to be hazardous waste when it meets certain requirements specified in the RCRA hazardous waste management regulations or other applicable State, interstate, or local hazardous waste management requirements. A WMM that is hazardous waste must be managed in accordance with requirements in Sections 6921 through 6939 of Title 42, U.S.C., and other applicable State, interstate, or local hazardous waste management requirements.

(2) Inspection of DoD Facilities by Environmental Regulatory Authorities. The DoD Components will limit access to installations and activities managing WMM to appropriately trained and authorized personnel. Appropriately trained and authorized personnel are federal, State, and local environmental regulatory agency personnel who require access to determine whether WMM is being managed in accordance with RCRA hazardous waste management regulations and other applicable State, interstate, or local hazardous waste management

requirements, who have been briefed on explosives safety concerns, and who are otherwise cleared for access. DoD personnel trained in managing and handling military munitions will require that inspectors are properly briefed and escorted throughout the DoD facility.

b. Requirements for Generators of Hazardous WMM.

(1) General. Consistent with Subtitle C of RCRA, every installation and responsible activity is required to determine whether solid waste generated is a hazardous waste and how much hazardous waste is generated. Generator requirements apply when installations and responsible activities do not manage WMM under CE. Compliance requirements applicable to generators of hazardous WMM depend on the types and quantities of hazardous waste the installation or responsible activity produces in a calendar month. Monthly generation quantities determine the generator's size category. Installations and responsible activities should refer to Part 262 of Title 40, CFR and other applicable State, interstate, or local hazardous waste management requirements to determine their generator size category. Generator requirements do not apply to:

(a) WMM that are determined to be hazardous and are managed under the CE for transportation and storage.

(b) Munitions addressed by explosives or munitions emergency response specialists responding to explosives or munitions emergencies pursuant to Paragraph 3.9.

(2) Experimental Military Munitions. Installations and responsible activities must determine whether WMM generated from RDT&E activities is hazardous waste. Acquisition program executive offices, program managers, and test and evaluation managers will direct that applicable installations and responsible activities are provided timely, adequate data (e.g., chemical characterization of component constituents) to enable this determination.

c. Requirements for WMM Transporters.

(1) General. WMM transporters are:

(a) Not subject to RCRA requirements for explosives or munitions transportation necessary during an explosives or munitions emergency response. See Paragraph 3.9. for emergency procedures.

(b) Exempt from the requirement to use a hazardous waste manifest for transportation of hazardous waste and hazardous WMM within or along the border of an installation even if divided by a public or private right-of-way.

(c) Conditionally exempt from RCRA hazardous waste requirements pursuant to conditions established in Paragraph 3.7.c.(2).

(2) CE for Hazardous WMM Transportation. Pursuant to the MR, there is a CE for the transportation of unused and used WMM in non-authorized States and in those authorized States that have either implemented the MR or adopted the CE provision. The CE applies only when all States along a planned shipment route have either implemented the MR or adopted the

transportation CE in their own regulations. Although not required, installations and responsible activities should use CE if it is available and applicable to the transportation requirement. Should an installation elect not to use CE, it must comply with RCRA transporter requirements, including the use of EPA Form 8700.22, "Uniform Hazardous Waste Manifest," available at http://www.usa-federal-forms.com/info-pdf-uscg-forms/uscg-form-epa-8700-22.pdf.

(a) Subject to more stringent applicable State, interstate, or local requirements, CE from RCRA hazardous waste transportation requirements applies to WMM when:

1. WMM are not chemical agents or chemical munitions.

2. WMM are transported from a military-owned or -operated installation or activity to a military-owned or -operated treatment, storage, or disposal facility (TSDF) approved to receive off-site WMM. Shipments to a commercial facility are not eligible for CE.

3. WMM are transported using applicable shipping documents prescribed in the DoD and Department of Transportation shipping control systems.

4. The transporter provides the appropriate federal or State environmental regulatory authority:

a. An oral notice, within 24 hours from the time the transporter becomes aware of either any loss or theft of the waste, or any failure to meet one of the conditions in Paragraphs 3.7.c.(2)(a)1. through 3.7.c.(2)(a)3. that may endanger health or the environment.

b. A written submission, within 5 days from the time the transporter becomes aware of any such incident that describes the circumstances of loss or theft of the waste, or failure to meet one of the conditions in Paragraphs 3.7.c.(2)(a)1. through 3.7.c.(2)(a)3.

5. The hazardous WMM are transported by either military personnel or commercial carriers who have signed a contractual agreement with the Surface Deployment and Distribution Command and who operate pursuant to the DoD and Department of Transportation shipping control systems.

6. A receiver does not receive the WMM shipped in accordance with the CE within 45 days after the day it was shipped and the owner or operator of the receiving facility reports this within 5 days to the EPA or the appropriate State agency (i.e., 50 days from the shipment date).

(b) Failure of the installation or responsible activity to comply with any of the conditions listed in Paragraph 3.7.c.(2)(a) will result in the immediate loss of CE. The loss of CE will subject the WMM to RCRA regulatory hazardous waste transportation requirements and could result in an enforcement action (e.g., fine or penalty from the date of the violation).

(c) When CE for WMM transportation is lost for any WMM shipment, the installation or responsible activity may, after meeting all requirements for CE, apply to the applicable federal, State, interstate, or local environmental regulatory authority for reinstatement of CE for the shipment.

1. The application should provide a satisfactory explanation of the violation's circumstances and demonstrate that the violation is not likely to recur.

2. The installation should send the application for reinstatement of CE for the WMM shipment by certified mail and retain proof of receipt by the regulatory agency.

3. The regulatory authority may reinstate CE for transport of the WMM or add additional requirements as a condition for reinstating the CE for the shipment.

4. If the regulatory authority does not act on the reinstatement application within 60 days of its receipt, then the installation should consider reinstatement, retroactive to the date of the application, granted.

5. The installation should inform the regulatory authority by letter that it did not receive a response to its application and that it considers CE to have been retroactively reinstated for the shipment.

6. The applicable federal, State, interstate, or local environmental regulatory authority may terminate the automatic reinstatement of CE for this shipment. This CE applies to specific WMM shipments and not to the shipping activity or unit; therefore, each shipment must meet the transportation CE conditions or lose CE status and all applicable hazardous waste transportation requirements until the transportation CE is reinstated for that shipment.

(3) WMM Transportation Requirements.

(a) On-site Transportation. Pursuant to the MR, EPA Form 8700.22 is not required for WMM transportation on a public or private right-of-way within or along the border of an installation.

(b) Off-site Transportation. Off-site transportation of WMM not shipped pursuant to CE must comply with all applicable federal, State, interstate, and local hazardous waste transportation requirements.

(c) Other Requirements. Military munitions will be transported with proper hazard classification as defined in Joint Technical Bulletin700-2/Naval Sea Systems Command Instruction 8020.8C/Air Force Technical Order 11A-1-47. Additionally, the transport of material documented as an explosive hazard (e.g., used military munitions) over public highways must comply with DoDI 4140.62.

d. Requirements for WMM Storage.

(1) General.

(a) Since the MR endorsed DoD explosives safety standards for WMM storage, all WMM must be stored in accordance with DoD 6055.09-M.

(b) Pursuant to the MR, installations and responsible activities may store hazardous WMM using either:

1. A CE from certain requirements for conventional (i.e., non-chemical) WMM (i.e., both unused and used munitions) stored pursuant to DoD 6055.09-M; or

2. A new unit standard established in Subpart EE and Parts 264 and 265 of Title 40, CFR of the MR for RCRA-permitted WMM storage. Other unit standards available before the issuing and publishing of the MR in Parts 264 and 265 of Title 40, CFR (e.g., Subpart I for containers, Subpart J for tanks, Subpart DD for containment buildings) may be used in lieu of Subpart EE if considered more appropriate.

(2) Requirements For Storage of Hazardous WMM Pursuant to CE. Subject to more stringent applicable State hazardous waste management requirements, WMM may be stored in accordance with CE requirements only when meeting these conditions:

(a) Administrative Requirements.

1. In authorized States, the State must allow CE WMM storage. For States not authorized to administer the federal RCRA program, the MR governs and CE is an option for storage of WMM.

2. The WMM that are stored under CE cannot be chemical agents or chemical munitions.

3. The CE storage must comply with DoD 6055.09-M (i.e., not under a waiver or exemption).

4. Within 90 days of the date the facility was first used to store WMM under CE, the installation or responsible activity commander must notify the applicable federal, State, interstate, or local regulatory authority of the location of any unit (i.e., facility) used to store WMM.

5. The installation or responsible activity must maintain written WMM inventory and inspection records. The DoD Components will determine the format of these inventory and inspection records. Installations and responsible activities must maintain these records for 3 years and make them available to federal, State, interstate, and local regulatory authorities when requested. The records will contain:

a. The WMM type by standard nomenclature, lot number, federal supply class, national inventory item number, DoD identification code, and materiel supply condition code.

b. The quantity of each WMM type.

c. The dates the military munitions, by type, were determined as WMM.

d. The last storage date, by type, for the WMM.

e. The storage location or locations (e.g., building number, storage pad, grid coordinates) used.

f. The disposition (e.g., destroyed, demilitarized, shipped) and date of action, by type, of the WMM.

g. When applicable, the facility name, address, and EPA identification number of sending and receiving sites for the WMM received from, or shipped to, off-site sources.

h. The dates and results of WMM inventories; inventories must be conducted at least annually.

i. The dates and the findings of inspections for compliance with the conditions of the CE; inspections (e.g., self-audits) must be conducted at least quarterly.

6. The installation or responsible activity must comply with the reporting requirements described in Paragraph 3.7.d.(2)(c).

7. All CE storage units will be subject to installation- or responsible activity-specific emergency response plans designed to provide safety, security, and environmental protection. Emergency response plans will be coordinated with the appropriate federal, State, interstate, and local emergency response authorities (e.g., law enforcement, fire departments, hospitals) and any established local emergency planning committees. State or local hazardous waste management and emergency planning and community right-to-know requirements may establish emergency response plan content requirements. At a minimum, installation plans will include:

a. Specific sections establishing emergency preparedness, contingency planning, and security procedures. All security provisions will limit CE storage access to trained and authorized personnel pursuant to Paragraph 3.7.a.(2).

b. Procedures for minimizing the possibility of an unauthorized and unpermitted or uncontrolled WMM detonation or release.

c. Procedures for promptly notifying emergency response and environmental regulatory agencies, the DoD Component's chain of command, and the public following an unauthorized, unpermitted, or uncontrolled detonation or release.

d. Procedures in accordance with Sections 11001 through 11050 of Title 42, U.S.C., also known as the "Emergency Planning and Community Right-to-Know Act" and referred to in this issuance as the EPCRA, and other State or local emergency planning and community right-to-know requirements to the extent permitted by law and pursuant to DoD and the DoD Component EPCRA implementing policies.

(b) Design and Operational Requirements. The installation or responsible activity will:

1. Establish and implement procedures for preventing WMM loss or theft.

2. Oversee that all CE WMM storage is in accordance, without waiver or exemption, with applicable requirements in DoD 6055.09-M. The installation or responsible activity must also maintain a DDESB-approved explosives safety site plan and identify each CE storage unit within it. Those portions of an explosives safety site plan addressing CE storage units will be made available to the appropriate federal, State, interstate, and local emergency response and environmental regulatory agencies, upon request.

3. Physically separate (e.g., on a separate pallet or shelf) the WMM from non-WMM.

4. Clearly identify the WMM. Identifying WMM separation areas (e.g., shelf, pallet, storage unit) will meet this requirement. It is unnecessary to unpack WMM to label each box or round.

5. Manage WMM to minimize the possibility of an unauthorized and unpermitted or uncontrolled WMM detonation or release that may endanger human health or the environment.

6. Oversee that all storage sites of WMM containing liquid (e.g., liquid propellant) have secondary containment and vapor detection systems to promptly collect and detect WMM releases. Original military munitions shipping or storage containers are considered secondary containment for non-leaking WMM.

7. Close units permanently taken out of service as a munitions storage unit or permanently ceasing use as a unit to store CE waste in accordance with DoD 6055.09-M.

(c) Reporting Requirements for CE Storage. In addition to applicable federal and State, interstate, or local hazardous waste management reporting requirements, installations and responsible activities will notify the DDESB via the applicable DoD Component's chain of command, the appropriate federal and State, interstate, or local regulatory authorities, and any established local emergency planning committee:

1. By telephone or, in the case of the DDESB, electronically by e-mail message or facsimile within 24 hours after an installation or responsible activity becomes aware of any unpermitted or uncontrolled WMM detonation or reportable release from any CE storage unit that may endanger human health or the environment.

2. In writing, only if the initial report was by telephone, within 5 days from the time the installation or responsible activity becomes aware of any unpermitted or uncontrolled detonation or reportable release from any CE storage unit that may endanger human health or the environment. Follow-up reports to the DoD Component and the DDESB are required only when pertinent information not previously reported becomes known. Such reports, including a report of investigation, will comply with applicable reporting requirements of DoDI 3025.21.

(d) Loss of CE Storage Authority. The DoD Components and federal, State, interstate, or local regulatory authorities may prohibit or withdraw CE storage authority from installations and responsible activities. Installations and responsible activities will report in a timely manner the loss of CE storage authority to the DDESB via the applicable DoD

Component chain of command. The DDESB, upon discovering one or more conditions warranting loss of CE storage authority that are previously unknown to the installation or responsible activity, will report those conditions to the installation or responsible activity's commander. If CE storage authority is lost, such installations or responsible activities must comply with other applicable federal, State, interstate, and local regulatory hazardous waste storage requirements.

(e) Applications for CE Storage Reinstatement. Installations or responsible activities seeking CE storage reinstatement may do so when State or local CE storage requirements allow reinstatement and their WMM storage meets all CE storage requirements. Installations and responsible activities should mail CE storage reinstatement applications to the applicable regulatory authority via certified mail, return receipt requested. Applications for CE storage reinstatement must:

1. Comply with federal, State, interstate, and local CE storage requirements.

2. Explain the circumstances of the violation.

3. Describe actions taken to restore CE storage compliance, to protect human safety, health, and the environment, and to make violations unlikely to recur.

(f) Receiving CE Storage Reinstatement. If CE storage reinstatement is authorized and found to be appropriate, it may be reinstated. Additional CE storage requirements might be imposed by the applicable regulatory authority as part of the reinstatement. When State regulatory authority permits automatic CE storage reinstatement consistent with the MR, and the applicable environmental regulatory authority does not act on the reinstatement application within 60 days of its receipt, then the requesting installation or activity may consider reinstatement retroactive to the date of the application granted. When this occurs, installations and responsible activities should inform the regulatory authority in writing that they consider their CE storage retroactively reinstated. A regulatory authority may terminate an installation or activity's CE storage reinstatement if it subsequently finds reinstatement to be inappropriate.

(3) Requirements for Storing Hazardous WMM Pursuant to RCRA Subtitle C. When WMM cannot be stored pursuant to CE (e.g., an authorized State does not allow CE or the installation has lost the ability to store under CE), WMM storage must comply with applicable DoD 6055.09-M and RCRA requirements. In authorized States, State laws and regulations establish the requirements; DoD 6055.09-M standards also apply.

(a) Installations and responsible activities may accumulate WMM without a hazardous waste storage facility permit provided the requirements of Section 262.34 of Title 40, CFR or applicable State hazardous waste accumulation requirements are met.

(b) Installations and responsible activities accumulating hazardous WMM for more than 90 days must transport the WMM to a RCRA-permitted or interim status storage facility authorized to store the WMM before the 90-day accumulation period expires. These permitted or interim status storage facilities must comply with all applicable provisions of Parts 264 and 265 and Subparts A through H of Title 40, CFR and one of the available specific unit standards (i.e., Subparts EE, DD, or I of Title 40, CFR; or comparable regulations issued and published by

authorized States). Subpart EE of Title 40, CFR unit standard will generally be the most appropriate for DoD RCRA-permitted storage units. DoD 6055.09-M standards also apply to RCRA-permitted storage units. Although DoD 6055.09-M allows waivers or exemptions for RCRA-permitted storage units, the Military Department's Assistant Secretary responsible for safety, environment, and installations must approve all such waivers and exemptions, both existing and new. This authority may not be delegated.

(4) Additional Requirements for Storing Hazardous WMM. The DoD Components will forward the DDESB a copy of DoD implementing regulations governing WMM storage. In the event federal, State, interstate, or local hazardous waste management requirements conflict with the explosives safety criteria of DoD 6055.09-M or DoD Component explosives safety regulations, the affected DoD Component will attempt to resolve the conflict. If explosives safety conflicts remain, the DoD Component will notify the DDESB via their chain of command. The DDESB will assist the DoD Component in resolving such conflicts.

(5) Munitions Storage Unit Closure Procedures.

(a) General.

1. The DoD Components will comply with DoD 6055.09-M standards to confirm that storage units that will no longer be used to store CE WMM do not pose a threat to human health or the environment consistent with the planned use of the storage unit and of the property. These requirements apply at all storage units that have used a CE for storage of WMM. Installations and responsible activities must also follow any applicable State CE storage closure requirements.

2. Before implementing procedures to close a storage unit used to store CE WMM, installations and responsible activities will review all explosives or munitions emergency response records and all MC release records within or from the CE storage units to be closed. This review will determine whether alternative CE storage unit closure procedures (e.g., a munitions response or other cleanup such as corrective action) are necessary.

3. Subject to more stringent applicable State requirements, installations and responsible activities will notify appropriate federal or State regulatory authorities, in writing, at least 45 days before closing CE storage units. Installations and responsible activities will also begin the closure of CE storage units within 180 days after deciding to permanently close a CE storage unit. In accordance with applicable federal or State RCRA requirements, manage and dispose of any hazardous wastes generated during closure activities.

(b) Alternative CE Storage Unit Closure Procedures. Installations and responsible activities will follow any State applicable alternative environmental storage unit closure requirements. Alternative CE storage unit closure procedures may also be appropriate:

1. When anticipated future use of the property indicates that other closure procedures will be required to decontaminate the property to protect human health consistent with the anticipated future use.

2. When a unit that stored WMM under CE is permanently taken out of service for the storage of WMM, but is to continue in service for the storage of non-WMM. Installations and responsible activities will confirm that WMM and residues are removed.

(c) RCRA-permitted and Interim Status Storage Facility Closure. Installations and responsible activities closing RCRA-permitted or interim status hazardous WMM storage units will comply with DoD 6055.09-M closure standards and applicable permit, closure plan, and post-closure plan terms and conditions and the closure and post-closure requirements in Part 264 and Subpart G of Title 40, CFR (for RCRA-permitted units) or Part 265 and Subpart G of Title 40, CFR (for interim status units), or comply with applicable State hazardous waste storage facility closure requirements.

e. Treatment of Hazardous WMM.

(1) Except in cases of munitions responses or Level 1 responses to explosives or munitions emergencies, installations and responsible activities will only treat hazardous WMM at facilities with appropriate RCRA permits, including emergency permits or interim status. Such treatment will comply with permit conditions and applicable federal or State RCRA regulations. If the hazardous WMM is deemed unsafe to transport and a RCRA-permitted or interim status site is not located on the installation, the installation environmental office must consult with the federal or authorized State regulatory authority regarding the appropriate course of action, including the possibility of obtaining an emergency permit for treatment pursuant to Paragraph 3.9.b.(2).

(2) Installations and responsible activities will maintain records for all hazardous WMM treatment operations to comply with applicable federal or State RCRA regulations or facility permits.

(3) Installation or responsible activity environmental managers should consult, if needed, with applicable regulatory agencies to determine specific requirements for treatment of munitions and disposal of treated residuals pursuant to Part 268 of Title 40, CFR.

f. Receiving Hazardous WMM Generated Off-site. Installations with TSDFs may accept DoD-owned hazardous WMM generated from off-site DoD military installations if consistent with TSDF requirements.

(1) Installations and responsible activities with TSDFs may accept hazardous WMM from DoD-owned/DoD contractor-operated facilities for treatment or storage, as allowed in accordance with the limited conditions provided in Sections 2692(b)(5) or (9) of Title 10, U.S.C.

(2) In all cases, the TSDF must have a RCRA permit or interim status permit application that allows the TSDF to receive the specific hazardous WMM under consideration to be received and stored or disposed at the TSDF from off-site generators.

(3) Except as allowed in Section 2692 of Title 10, U.S.C., and the TSDF permit or application, no other hazardous WMM from any off-site generator may be received and stored or treated at a DoD installation or facility.

(4) Additionally, no WMM may be accepted at an installation or responsible activity without prior coordination with and disposition instructions from the responsible DDA.

3.8. OPERATIONAL RANGE ACTIVITIES.

a. General.

(1) The DoD Components must practice sustainable range management at operational ranges pursuant to DoDI 3200.16. The DoD Components' compliance with the MR and this issuance supports sustainable range management by minimizing potential explosive hazards and harmful environmental impacts and by promoting R3.

(2) The MR exempts several munitions-related activities occurring on operational ranges from compliance with RCRA's management requirements. These exempted activities include training of military personnel in the safe and effective employment of munitions, testing and evaluation of weapons and weapons systems, EOD training and operations, and most other operational range support activities (e.g., range clearance, deployment of targets).

b. Range Clearance. Pursuant to the MR, range clearance conducted on operational ranges is exempt from RCRA regulation. The DoD Components will conduct range clearance activities to maintain or enhance operational safety or to prevent the accumulation of material (e.g., UXO, munitions debris, range-related debris) on ranges that could impair or preclude the safe or continued use of the range for its intended purpose. Range clearance will be conducted in accordance with DoDI 3200.16.

c. Munitions Removed from Operational Ranges Potentially Subject to RCRA.

(1) Repair, Reuse, and Evaluation. Used munitions removed from an operational range for repair, reuse, or evaluation (e.g., malfunctioning munitions, experimental munitions used in tests) may become WMM upon a determination that they cannot be repaired or reused, or upon completion of evaluations.

(2) Reclamation, Treatment, or Disposal. Used munitions taken off operational ranges to allow for subsequent reclamation, treatment, or disposal will be managed as WMM; see Paragraph 3.5. for conditions. The storage and transportation of any WMM determined to be hazardous and any reclamation, treatment, or disposal activities will comply with applicable federal or State RCRA requirements and DoD 6055.09-M standards. If, during an explosives or munitions emergency response, EOD personnel must transport munitions from an operational range or the site of use to another location for destruction, the provisions of Paragraph 3.9. apply.

(3) Buried Munitions.

(a) Buried unused or used military munitions that were abandoned with intent to dispose on operational ranges are WMM at the time of burial. Military munitions buried before 1980, when RCRA regulations were first promulgated, are not subject to the RCRA solid and hazardous waste management requirements unless and until excavated at which time they must be managed as waste.

(b) Military munitions buried as a result of their intended use (e.g., emplacement of mines or impacts from training or testing operations) are not WMM and may be excavated during range clearance activities.

(c) Burial of used or unused military munitions as a field-expedient means of disposal or to avoid normal turn-in procedures is strictly prohibited. However, covering used or unused munitions with earth for the purpose of controlling fragments and noise during authorized destruction by detonation is allowed in accordance with DoD 6055.09-M.

(4) Used Munitions That Land Off-range. Military munitions that land off-range become WMM if they are not promptly rendered safe or retrieved. The DoD Components will monitor range use to identify any such incident and direct that such munitions are promptly recovered or rendered safe.

3.9. RESPONSES TO EXPLOSIVES OR MUNITIONS EMERGENCIES.

a. Munitions Encountered at Locations Associated with DoD Activities. The lead on-site explosives or munitions emergency response specialist will declare an explosives or munitions emergency upon arrival at the site and evaluation of the circumstances. In the DoD, explosives or munitions emergencies are further described as Level 1 or Level 2 emergencies. The identification of Level 1 or Level 2 response activities is a matter of DoD policy and does not reflect a regulatory distinction.

(1) Level 1. The lead on-site explosives or munitions emergency response specialist determines whether an emergency (explosives or munitions emergency) is a Level 1 emergency that requires immediate response activities in its current location to address an actual or potential imminent threat to human health (including safety) or the environment (including property).

(a) Responses to Level 1 emergencies are exempt from federal hazardous waste management generator, transporter, and permitting requirements and may involve locations both on and off DoD installations.

(b) The only explosives or munitions emergency response specialists who may declare, conduct, or terminate Level 1 emergency responses for DoD are EOD personnel. See Section 4 for a list of DoD EOD POCs.

(c) Level 1 emergencies exist if military munitions:

1. Endanger military operations;

2. Are not properly secured or under DoD control; or

3. Are potentially explosive or harmful and create an imminent threat to military operations, human health (including safety), or the environment (including property).

(d) The distinction between Level 1 and Level 2 emergencies is based on the lead on-site explosives or munitions emergency response specialist's determination as to whether the

munitions may be moved. The passage of time that is necessary to make arrangements to complete the emergency response actions or coordinate with appropriate officials will not change a Level 1 explosives or munitions emergency to a Level 2. The military munitions involved in an explosives or munitions emergency may be temporarily secured or moved to a more secure location (e.g., temporary safe storage pending its destruction) without impacting the Level 1 emergency.

(2) Level 2. Level 2 emergencies also pose an imminent and substantial endangerment to human health or the environment; however, the required response may involve moving or temporary storage of the munitions. EOD personnel will determine if an explosive or munitions emergency exists and whether it should be managed as a Level 2 or Level 1 emergency. Although EOD personnel may conduct Level 2 emergencies, such emergencies are often managed by other explosives or munitions emergency response specialists. If time permits, the explosives or munitions emergency response specialists should consult with the applicable installation's environmental and legal offices to determine if an emergency permit should be sought. EOD personnel may declare a Level 2 emergency if:

(a) The risk associated with movement and temporary storage of the explosives or munitions involved is acceptable such that the explosive or munition:

1. Is positively identified.

2. Is safe for transport by an explosives or munitions response specialist.

3. Can be stored temporarily within DoD's munitions logistic management system pending appropriate response action (e.g., on-site destruction or movement to an appropriate destruction facility).

(b) The response actions can be temporarily delayed. However, a reasonable delay in EOD's completion of explosives or munitions emergency response actions does not in and of itself terminate the emergency. The period of delay may trigger the need for a permit if the delay will allow for determination of the need for a permit, negotiation of its terms, and compliance with all procedural requirements established in the permit, including regulatory approvals. Time for coordination with or notice to a regulator is not an indicator that the situation is not an emergency or that a permit is required. Factors to be considered in determining whether a delay is appropriate include whether the munitions involved:

1. Present an imminent threat of explosion or other harm;

2. Are in a condition (e.g., munitions exposed to unknown environments, munitions not properly packaged in accordance with munitions drawings for storage) that would increase the potential risk to EOD or DoD personnel, critical assets, or the public; or

3. Are located where the potential risks of an explosion can be controlled or contained (e.g., at an uninhabited location on a DoD installation).

(3) Emergencies at Planned Munitions Response Sites (MRSs). Because MRSs are generally well characterized (i.e., both the types of munitions-related activities that occurred at

the site and the type of munitions most likely present are well understood) before beginning a munitions response, explosives or munitions emergencies will not normally occur during planned responses undertaken pursuant to Paragraph 3.1.a.(5).

(a) However, there may be exceptions (e.g., an encounter with a munition with an unknown liquid fill, an encounter with an unexpected munition, an unexpected encounter during munitions response actions where intrusive or ground disturbing activities were not planned, an encounter with a munition that cannot be safely addressed at the MRS) that will require an explosives or munitions emergency response.

(b) The DoD Components will develop a munitions response work plan or site safety and health plan describing how explosives or munitions emergencies will be addressed and coordinated with EOD, environmental regulators, and safety officials. Additionally, the DoD Components will oversee that DDESB-required explosives safety submissions (e.g., a quantity distance safety submission that is an Explosives Site Plan) and applicable plans are revised and approved, as required, when conditions change.

(c) If an explosives or munitions emergency occurs during a munitions response at an MRS, the munitions response manager will implement the procedures outlined in the work plan or site safety and health plan to confirm that necessary explosives or munitions emergency response actions are completed.

(4) Emergencies at Other Locations. Munitions may be encountered at locations not associated with DoD activities (e.g., inadvertent recovery of sea-disposed munitions during maritime activities that are unknowingly brought into the public domain) or that may be associated with DoD activities, but are on property over which DoD does not have authority or the ability to address safely on-site (e.g., dredging or beach replenishment activities that result in the inadvertent recovery and placement of munitions on a beach). When the circumstances dictate, a DoD Component activity (e.g., the U.S. Army Corps of Engineers) may be directed to support an investigation or other planned response activities at such locations in the interest of public safety. However, planned investigations do not negate the need for EOD support of an explosives or munition emergency. For information on DoD support to federal, State, Indian tribal, and local civilian law enforcement agencies, see DoDI 3025.21 and Part 182 of Title 32, CFR.

b. Response Procedures for Level 1 and Level 2 Emergencies.

(1) Responses to Level 1 Emergencies.

(a) For a request for support of an explosives or munitions emergency, EOD assumes that a Level 1 emergency exists.

(b) Upon arrival, the lead on-site EOD team leader will determine if an explosives or munitions emergency exists and direct immediate response actions necessary to control or eliminate imminent threats to human health (including safety) or the environment (including property) are taken. Such immediate actions may include transporting the item posing the explosive hazard to an appropriate location for defuzing, detonation, or the application of render-safe procedures as determined by the EOD team leader using emergency response guidelines.

(c) When required by extenuating circumstances (e.g., adverse weather, nightfall, other safety considerations), the response may be delayed until the necessary actions can be completed safely. The lead on-site EOD specialist will advise the appropriate on-scene civil authorities of required protective measures to guarantee the site remains safe and secure during such delays. Document all delays on the EOD incident report. A reasonable delay in EOD's completion of response actions does not terminate the explosives or munitions emergency.

(d) The lead on-site EOD specialist will declare when a Level 1 emergency is over or if the situation should be handled as a Level 2 emergency.

(e) Level 1 emergencies may provide an opportunity for training to maintain EOD proficiency. Such training does not indicate termination of the emergency.

(2) Responses to Level 2 Emergencies.

(a) Responses to Level 2 emergencies may be subject to federal, State, interstate, and local hazardous waste management requirements (e.g., emergency permits).

1. A regulator may orally issue an emergency permit to an installation or responsible authority to treat, store, or dispose of hazardous waste; the regulator must issue a written emergency permit within 5 days pursuant to Section 270.61 of Title 40, CFR.

2. The explosives or munitions emergency response specialists, including EOD personnel, if conducting a Level 2 emergency, should coordinate with the installation's environmental office.

3. The installation's environmental office must consult with the installation legal office on whether emergency permitting is required.

4. When an off-installation explosives or munitions emergency response involving only non-military munitions or explosives is performed at the request of a civilian authority, the civilian authority is responsible for obtaining required permits, if any, and performing other regulatory compliance activities in accordance with DoDI 3025.21.

(b) The installation's environmental office or authorized official will provide information to the applicable civilian official when pursuing an emergency permit.

1. Type of explosives or munitions involved, if known.

2. Manner and location (e.g., permitted sites) of proposed treatment, storage, or disposal.

3. Manner in which the explosives or munitions will be transported to another site, if required.

(c) The installation will request that the regulator expressly waive in the permit any requirements pertaining to hazardous waste manifest, transportation, TSDF standards, interim

status standards, and other procedural requirements that would otherwise be applicable to RCRA-permitted hazardous waste activities.

(d) Level 2 emergencies may provide an opportunity for training to maintain proficiency for EOD and other DoD Component personnel. Such training does not indicate that the explosives or munitions emergency has been terminated nor does it impact decisions regarding the potential need for obtaining emergency permits.

c. Environmental Cleanups After Termination of an Explosives or Munitions Emergency. Potential environmental effects from the open detonation of a military munition can ordinarily be mitigated after any immediate explosive hazards are removed without exposing response personnel or members of the public to increased risk.

(1) EOD personnel and other DoD explosives or munitions emergency response specialists are not responsible for environmental response actions (e.g., the removal of environmental contamination, including residual MC), including munitions response actions which may be requested after an explosives or munitions emergency response.

(2) Environmental response actions (e.g., munitions response actions) involving military munitions that are conducted by other DoD entities, or in some cases by non-DoD entities, are outside the scope of this issuance.

d. Record Keeping. Pursuant to the MR, the responding unit must keep explosives or munitions emergency records for at least 3 years. Subject to more stringent State, interstate, and local requirements, records will include:

(1) Date, time, and location of response.

(2) Names and grades of responding individuals.

(3) Type, description, and quantity of the explosives or munitions addressed.

(4) Disposition of the explosives or munitions, as applicable, including the date, time, explanation of any delays, and extenuating or unique circumstances addressed.

(5) A copy of the emergency permit, if issued, and all related documents.

e. Coordinating Response Actions with Civil Authorities.

(1) Selecting Response Alternatives. DoD explosives or munitions emergency response specialists will select the most appropriate alternative that minimizes explosive or chemical agent hazards to DoD personnel, the public, and critical facilities.

(a) When determining a course of action, DoD explosives or munitions emergency response specialists will evaluate the emergency (e.g., location, exposure of people, proximity to critical facilities, type of explosive or munition, fuzing involved), research applicable technical publications for recommended or required actions, and then select and implement the most appropriate action.

(b) To the extent allowed by DoDI 3025.21 and Part 182 of Title 32, CFR, they will also address other potential adverse impacts such as timing, noise, security, and other environmental impacts and work closely with local authorities (e.g., fire, law enforcement to request evacuation assistance) to manage potential impacts while conducting explosives or munitions emergency response actions.

(2) Coordination With the Civilian On-scene Authorities During Explosives or Munitions Emergencies at Non-DoD Sites.

(a) Environmental regulators and safety officials may have an independent authority and responsibility for and the technical expertise to evaluate the public safety, health, and environmental aspects of response actions, including explosives or munitions emergency responses.

1. Typically, EOD specialists and environmental regulators and safety officials work closely to manage any potential adverse impacts on the scene. Because of this, situations that would prompt the civilian on-scene official in operational control to raise concerns about the potential impact of DoD's intended response actions should be the exception, not the rule.

2. The civil authority's incident command system provides an example of how such coordination can be implemented for major incidents. The incident command system is a standardized on-scene incident management concept designed specifically to allow responders to adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

(b) The DoD EOD team leader or senior explosives or munitions emergency response specialists will closely coordinate response actions with the civilian on-scene official (e.g., police, fire department personnel) supporting the explosives or munitions explosives emergency or, when designated, the incident commander (IC) or federal on-scene coordinator exercising operational control of the situation. The goal of this coordination is to manage and minimize potential adverse impacts from the DoD's intended course of action.

(c) If the civilian on-scene official or IC has serious concerns about the potential impact of the DoD's intended course of action and asks the DoD to halt its operations, the DoD EOD team leader or senior explosives or munitions emergency response specialist will advise the official of protective measures necessary to guarantee the site remains safe and secure.

1. Once DoD halts operations, DoD will revert to an advisory role.

2. If stopping DoD operations conflicts with DoD explosives safety standards or EOD procedures, the DoD EOD team leader or senior explosives or munitions emergency response specialist will advise their chain of command of the situation.

3. Applicable senior DoD Component officials may choose to contact the civilian on-scene official or IC or a higher civilian authority regarding the situation. DoD operations may resume when conflicts have been resolved.

(d) DoD personnel will take no action on non-federal lands without the express permission of the landowner or, if another agency is exercising its authority to direct that action on the site notwithstanding the views of the landowner, the agency that is exercising that authority. DoD personnel will avoid any action that can be interpreted as a taking of private or non-federal government property. If DoD personnel believe that they must take action over the landowner's objections and without the authorization of another agency exercising its legal authority to order the action, the DoD personnel will first elevate the issue to the ASD(EI&E) for review.

f. DoD Sites Used for Explosives or Munitions Emergency Responses. Using areas known to meet applicable EOD explosives safety criteria or DoD ammunition and explosive safety standards (e.g., a RCRA-permitted DoD OB/OD site area that allows such use), or the use of an area on a DoD operational range during the conduct of response activities to explosives or munitions emergencies helps guarantee that render-safe procedures for munitions involved will not endanger the public or private property.

(1) The lead on-site EOD team leader or senior explosives or munitions emergency response specialist at the site determines if it is appropriate to remove and transport munitions to a more suitable location (e.g., an authorized DoD site, operational range, alternate suitable civilian site) to support safe disposition (e.g., detonation, destruction using contained detonation technology).

(2) A RCRA operating permit is not required for DoD sites that explosives or munitions emergency response specialists use for destruction or render-safe procedures of munitions recovered during an explosives or munitions emergency response.

g. Evaluations After Termination of Emergencies. When an explosives or munitions emergency response specialist evaluates an emergency situation and terminates the emergency (i.e., Level 1 or Level 2 are declared over), any military munitions that remain must be:

(1) Evaluated by qualified personnel (e.g., quality assurance specialists (ammunition surveillance)) for return to the active inventory, pursuant to Paragraph 3.4.

(2) Managed through the DDA military munitions disposition process, if applicable, pursuant to Paragraph 3.6.

(3) Managed through the host installation environmental office or other responsible organization, if applicable.

h. EOD Liaison With Military, Civil, and Other Non-DoD Authorities. The DoD may provide EOD assistance when requested by military or civilian authorities within the limits of DoDI 3025.21 and Title 32, CFR that govern such assistance, including the provision of funding to the DoD Component in some circumstances.

(1) EOD units will establish and maintain liaison with military installations, regional offices of other appropriate federal agencies, and civil authorities to disseminate information on the unit's current capabilities and contact procedures.

(2) EOD units should be aware of and inform non-DoD entities, when required, of the provisions of Section 2692 of Title 10, U.S.C. These provisions generally prohibit storage, treatment, or disposal of non-DoD owned toxic or hazardous material on DoD installations, except in accordance with certain circumstances. Significant circumstances include temporary storage or disposal of explosives in order to:

(a) Protect the public or to assist federal, State, or local law enforcement agencies in storing or disposing of explosives when no alternative solution is available, if such storage or disposal is made in accordance with an agreement between the Secretary of Defense and the head of the federal, State, or local agency concerned.

(b) Provide emergency lifesaving assistance to civil authorities.

i. Training. In addition to the DoD Component-mandated explosives training, DoD explosives or munitions emergency response specialists should receive occupational safety training equivalent to the hazardous materials requirements of Section 1910.120 of Title 29, CFR.

(1) Active-duty DoD EOD personnel, including members of the Reserve components, are as fully and equally trained as a hazardous materials specialist comparable to Section 1910.120 of Title 29, CFR.

(2) The DoD is not subject to the requirements of Executive Order 12196 for active-duty and civilian employee personnel; however, the DoD and the DoD Components have employee occupational safety and health programs pursuant to Executive Order 12196 that are generally equal to the requirements of Section 1910.120 of Title 29, CFR.

(3) The Hazardous Waste Operations and Emergency Response hazardous material specialist training equivalency for active-duty personnel is obtained and maintained through successful completion of basic EOD training sponsored by the Navy EOD School and proficiency training at their unit of assignment, respectively. Installations, units, and responsible activities will maintain certificates of training or similar documentation for personnel completing basic EOD and proficiency training to allow timely production of historical training records, if requested by regulatory authorities.

(4) Installations, units, and responsible activities will maintain training records consistent with DoD Component-specific requirements. Copies of the individual training records should accompany personnel transferred to other installations.

SECTION 4: POCS

4.1. MILITARY SERVICE HEADQUARTERS POCS. The applicable offices may be contacted for assistance with MR compliance issues.

a. Army. Deputy Chief of Staff G4, Supply Directorate, Munitions Division.

b. Navy. Office of the Chief of Naval Operations; Director, Logistics Programs and Business Operations (N41); and Director, Energy and Environmental Readiness (N45).

c. Marine Corps. Headquarters, Marine Corps Installations and Logistics, and Marine Corps Systems Command, Program Manager for Ammunition.

d. Air Force. Deputy Chief of Staff for Logistics, Engineering and Force Protection, Headquarters Air Force A4: A4L Directorate of Logistics (Munitions Division) and A4C Directorate of Civil Engineers (Environmental and Readiness/EOD).

4.2. DDA POCS. The applicable DDAs may be contacted for assistance with WMM disposition issues.

a. DoD Level.

U.S. Army Joint Munitions Command (ATTN: AMSJM-LID)
1 Rock Island Arsenal
Rock Island, IL 61299-6000

b. Army.

U.S. Army Joint Munitions Command (ATTN: AMSJM-LID)
1 Rock Island Arsenal
Rock Island, IL 61299-6000

c. Navy.

Naval Supply Systems Command
Global Logistics Support-Ammunition
AMMO (Code 4512DPM)
5450 Carlisle Pike, P.O. Box 2011
Mechanicsburg, PA 17055-0735

d. Marine Corps.

Commander, Marine Corps Systems Command (Code 204)
PM Ammo (Code 204)
2200 Lester Street
Quantico, VA 22134

e. Air Force.

AFLCMC/EBH, Munitions Division
6043 Elm Lane, Building 1246
Hill AFB, UT 84056-5819

4.3. EOD POCS. The applicable offices may be contacted for assistance in complying with this issuance.

a. Army. EOD Staff Officer and Chief, Military Support Division, Directorate of Military Support, (Headquarters Department of the Army, G3, ATTN: DAMO-ODS).

b. Navy. Branch Head, Explosive Ordnance Disposal/Naval Coastal Warfare/Anti-Terrorism/Force Protection, Expeditionary Warfare Division (Office of the Chief of Naval Operations N957).

c. Marine Corps. EOD Staff Officer, Headquarters, U.S. Marine Corps (Code LPE).

d. Air Force. Air Force Civil Engineer Center, Readiness Directorate, Explosive Ordnance Disposal Branch (AFCEC/CXD).

GLOSSARY

G.1. ACRONYMS.

AMO	authorized military official
ASD(EI&E)	Assistant Secretary of Defense for Energy, Installations, and Environment
ASP	ammunition supply point
CE	conditional exemption
CFR	Code of Federal Regulations
DDA	designated disposition authority
DDESB	Department of Defense Explosives Safety Board
DoDD	DoD directive
DoDI	DoD instruction
EOD	explosive ordnance disposal
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
IC	incident commander
IED	improvised explosive device
MC	munitions constituents
MR	munitions rule
MRS	munitions response site
NAR	notice of ammunition reclassification
OB/OD	open burning/open detonation
POC	point of contact
R3	resource, recovery, and recycling
RCRA	Resource Conservation and Recovery Act
RDT&E	research, development, test, and evaluation
REC	regional environmental coordinator
SMCA	single manager for conventional ammunition
TSDF	treatment, storage, or disposal facility
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
UXO	unexploded ordnance

WMM	waste military munitions

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purposes of this issuance.

abandoned. Defined in Section 266.202 of Title 40, CFR.

active inventory. The supply of chemical and conventional military munitions that are available for issue and use for combat, training, demonstrations, or RDT&E.

amnesty program. A Service-based program intended to direct the maximum recovery of military munitions outside the normal logistics system. It is not intended to bypass normal supply issue and turn-in procedures. It is established and implemented so that an individual is not intimidated or prevented from freely turning in munitions that are no longer in the munitions management logistics system.

AMO. Pursuant to the MR, a DoD representative with the express written authority to designate munitions as a waste. Within the DoD, DDAs are AMOs.

ASP. An area designated to receive, store, issue, and manage military munitions.

authorized State. Pursuant to Section 6926 of Title 42, U.S.C., the EPA may authorize a State or U.S. territory instead of the federal government to administer and enforce RCRA. Regulations that a State or U.S. territory adopts have to be at least as protective as, but may be more protective than, the federal regulations. Thus, compliance requirements may vary from State to State or U.S. territory.

CE. Pursuant to Section 266.203 of Title 40, CFR, an exemption from the regulatory definition of hazardous waste, and, therefore, from compliance with specific environmental regulatory requirements pertaining to the storage and transport of hazardous waste. This exemption is conditional in that compliance with certain criteria and requirements set forth in Section 266.205, Subpart M of Title 40, CFR must be met.

chemical agent or chemical munition. An agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings; does not include riot control agents, chemical herbicides, smoke, and other obscuration materials.

DDA. The DoD representative designated as the AMO; an appointed Service representative or representatives; and the DoD SMCA appointed representative, responsible for evaluating and managing excess, unserviceable, and obsolete munitions for safety, other uses, R3 possibilities, and treatment.

demilitarization. The act of destroying the military offensive or defensive advantages inherent in certain types of equipment or material. The term includes mutilation, dumping at sea (when that is an authorized activity), scrapping, melting, burning, or alteration designed to prevent the further use of this equipment and material for its originally intended military or lethal purpose

and applies equally to material in unserviceable or serviceable condition that has been screened through an inventory control point and declared excess or foreign excess.

disposal. Defined in Section 260.10 of Title 40, CFR.

emergency permit. A permit issued for a specific time and specific place. An emergency permit includes emergency temporary permits, temporary permits, oral permits, or temporary permits issued by a State environmental regulatory agency or the EPA.

EOD personnel. Defined in Volume 8 of DoD 6055.09-M.

EOD unit. Personnel with special training and equipment who render explosive ordnance safe (e.g., bombs, mines, projectiles, booby traps), make intelligence reports on such ordnance, and supervise its safe removal.

experimental military munitions. Experimental munitions are military munitions not meeting the criteria required for identification by national stock number, DoD identification code, or in the case of the Navy, a Navy ammunition logistic code.

explosive hazard. Defined in Volume 8 of DoD 6055.09-M.

explosives or munitions emergency. Defined in Section 260.10 of Title 40, CFR.

explosives or munitions emergency response. Defined in Section 260.10 of Title 40, CFR.

explosives or munitions emergency response specialist. Defined in Section 260.10 of Title 40, CFR.

generator (of hazardous waste). Any person whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to applicable hazardous waste regulations.

hangfire. A malfunction that causes an undesired delay in the functioning of a firing system (e.g., to be slow in the explosion of a charge after its primer has been discharged). Hangfires in missiles are events in which the pre-firing sequence has been initiated, but the missile does not launch from the missile tube. Hangfires differ from misfires because they may fully function after an initial delay.

hazardous waste. Defined in Section 261.3 of Title 40, CFR.

IED. A device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and designed to destroy, incapacitate, harass, or distract. These non-standard devices may incorporate military or non-military components.

material potentially presenting an explosive hazard. Defined in DoDI 4140.62.

MC. Defined in Section 2710(e)(3) of Title 10, U.S.C.

military. Defined in Section 266.201 of Title 40, CFR.

military munitions. Defined in Section 101(e)(4) of Title 10, U.S.C.

misfire. Failure to fire or explode properly. Failure of a primer or the propelling charge of a round or projectile to function in whole or part. A missile misfire is an event where no pre-fire event occurs.

MR. A regulation issued by the EPA in consultation with the DoD and the States that identifies when conventional and chemical military munitions become solid waste subject to RCRA and that provide for the safe storage and transportation of such waste. The MR is codified at Part 266, Subpart M of Title 40, CFR.

munitions debris. Defined in Volume 8 of DoD 6055.09-M.

munitions response. Defined in Volume 8 of DoD 6055.09-M.

munitions storage unit. Any facility used for the storage of military munitions. This includes, but is not limited to, earth-covered magazines, igloos, above-ground magazines, and open-air storage areas.

OB/OD. An open-air combustion process by which excess, unserviceable, and obsolete munitions are destroyed to eliminate their inherent explosives safety hazards. OB does not control combustion air to maintain adequate temperature for efficient combustion, contain the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, or control emission of the gaseous combustion products. DoD OB units are permitted as miscellaneous units in the EPA's RCRA environmental permitting process. OD is an open-air process used for the treatment of unserviceable, obsolete, or waste munitions whereby an explosive donor charge initiates the munitions to be detonated. Although surface detonations can be performed under certain circumstances, most munitions are treated in 4- to 6-foot-deep pits for safety purposes. Most OD sites are permitted as miscellaneous units as part of the RCRA permitting process. The DoD's units are generally permitted as combined OB/OD facilities.

operational range. Defined in Section 101(e)(3) of Title 10, U.S.C.

R3. A DoD initiative to demilitarize military munitions using methods other than OB/OD. This initiative includes reuse or sale as is (e.g., foreign military sales), conversion to a commercial product for sale or industrial use, or disassembly or modification and partial or whole use for a military application.

range clearance. Defined in DoDI 3200.16.

range-related debris. Defined in Volume 8 of DoD 6055.09-M.

REC. A senior military officer or DoD civilian assigned to one of ten EPA regions responsible for the dissemination of information and coordination of environmental matters and public affairs within their respective region while fully adhering to the military chain of command.

reclamation. The process of recovering a usable product.

recycle. To employ a component of an end item as an ingredient or feedstock to produce a product, or to process an end-item to recover a usable product.

retrograde. The process for the movement of non-unit equipment and materiel from a forward location to a reset (e.g., replenishment, repair, or recapitalization) program or to another directed area of operations to replenish unit stocks, or to satisfy stock requirements. It more generally means returning munitions to the United States from overseas.

reuse. A method used by the DoD, other government agencies, or approved contractors that returns material for reuse.

scrap metal. Bits and pieces of metal parts or metal pieces that may be combined together with bolts or soldering that, when worn or unnecessary, can be recycled.

processed scrap metal. Scrap metal that has been manually or physically altered either to separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted) and fines, drosses, and related materials that have been collected.

SMCA. The Army, as designated by the Secretary of Defense. The objectives and responsibilities of the SMCA are in DoDI 5160.68.

solid waste. Defined in Section 261.2 of Title 40, CFR.

supply condition code V. The code assigned to unserviceable WMM under the authority of a DoD or DoD Component DDA.

treatment. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste to neutralize such waste, to recover energy or material resources from the waste, or to render such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

United States. Defined in Section 9601(27) of Title 42, U.S.C.

UXO. Defined in Section 101(e)(5) of Title 10, U.S.C.

wholly inert. Munitions or munitions components that are incapable of containing or have never contained energetics or chemical agents (e.g., unloaded projectile bodies, rotating bands, lifting plugs, bomb lugs). Once a munitions component is used in military munitions, it is no longer considered to be wholly inert.

WMM. A military munition that is identified as solid waste or hazardous waste.

REFERENCES

Code of Federal Regulations, Title 29, Section 1910.120

Code of Federal Regulations, Title 32

Code of Federal Regulations, Title 40

Defense Transportation Regulation 4500.9-R, Part II, "Cargo Movement," May 2014, as amended

Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018

DoD 4160.28-M, Volume 3, "Defense Demilitarization: Procedural Guidance," June 7, 2011

DoD 6055.09-M, "DoD Ammunition and Explosives Safety Standards," February 29, 2008, as amended

DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended

DoD Directive 6055.09E, "Explosives Safety Management (ESM)," November 18, 2016

DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSCs) for Transfers of DoD Personal Property to Parties Outside DoD Control," February 19, 2015

DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," March 27, 2014

DoD Instruction 3025.21, "Defense Support of Civilian Law Enforcement Agencies," February 27, 2013

DoD Instruction 3200.16, "Operational Range Clearance (ORC)," April 21, 2015

DoD Instruction 4140.62, "Material Potentially Presenting an Explosive Hazard (MPPEH)," August 20, 2015

DoD Instruction 4715.06, "Environmental Compliance in the United States," May 4, 2015

DoD Instruction 5160.68, "Single Manager for Conventional Ammunition (SMCA): Responsibilities of the SMCA, the Military Services, and United States Special Operations Command (USSOCOM)," December 29, 2008

DoD Manual 4140.01, Volume 6, "DoD Supply Chain Materiel Management Procedures: Materiel Returns, Retention, and Disposition," February 10, 2014, as amended

DoD Manual 4160.21, "Defense Materiel Disposition," October 22, 2015

DoD Manual 4715.20, "Defense Environmental Restoration Program (DERP) Management," March 9, 2012

DoD Manual 5100.76, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E)," April 17, 2012

Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980, as amended

Joint Technical Bulletin 700-2, Naval Sea Systems Command Instruction 8020.8C, Air Force Technical Order 11A-1-47, "Department of Defense Ammunition and Explosives Hazard Classification Procedures," July 30, 2012

United States Code, Title 10
United States Code, Title 42