

Statement on Open Burning/Open Detonation

EPA Role

EPA has oversight authorities and regulations regarding the open burning of explosives, propellants, and munitions, primarily under the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund).

Whether and how the burning is addressed by these authorities depends on the specific circumstances. Some open burning or open detonation (OB/OD) is done as a routine waste management activity (e.g., for disposal of obsolete or off-spec munitions), while some OB/OD is done as part of a cleanup action.

Waste Management Activities

Generally, a RCRA permit (issued by EPA or by an authorized State) is required to open burn or open detonate (OB/OD) any explosives in the United States, including military munitions. OB/OD of explosives or munitions in an emergency situation is either exempt from RCRA permitting or may require an emergency permit (for time situations that are not time-critical and an immediate response is not needed). In both cases, contamination from the OB/OD may need to be cleaned up under RCRA.

A permit is not required when the OB/OD is part of range management at active ranges, to maintaining the range for product use (i.e., for training and testing), or when the OB is to train troops in safely burning excess propellants as may be required on the battlefield.

OB/OD units regulated under RCRA are required to either have interim status, or an operating permit, which may be implemented by EPA or authorized states. New units are not allowed to be built unless and until they receive a RCRA permit. RCRA permits contain detailed design and operating conditions to protect human health and the environment.

Cleanup Activities

Per CERCLA, a potential response to releases or threatened releases of hazardous substances that may endanger public health or the environment is evaluated against statutory criteria and selected based on many factors. OB/OD can be one of the remedies evaluated and selected at a site for munitions or explosives contamination.

A RCRA permit is not required for on-site OB/OD under CERCLA, but the OB/OD must comply with RCRA Applicable or Relevant and Appropriate Standard (ARARS) for remedial responses; however, removal responses are required to meet ARARS to the extent practicable based on the exigencies of the response.

There are a number of alternative technologies to open burning/open detonation, including incineration, thermal, chemical, and biological treatment. Which alternative is best in a given

situation depends on many factors, explosivity, chemical constituents, potential contaminants, quantity, throughput, residuals, and including how quickly action is needed

Munitions contamination at Camp Minden is unique in that the stability and quantities of the propellant pose an imminent and substantial endangerment that is being addressed as a time critical removal action under the Superfund program. As discussed above, a RCRA permit is not required, but the response must meet the RCRA ARARS to the extent practicable.

Environmental Risks

EPA is currently gathering and analyzing information on the open burning of explosives, under both the RCRA and CERCLA programs (54 of the Superfund cleanup sites were former OB/OD sites, 41 of these former military). This information indicates that historical open burning of explosives (in operation before RCRS's regulatory controls) has caused environmental contamination that required cleanup.