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PEP – ENVIRONMENTAL COMPLIANCE MEMORANDUM NO. ECM06-2

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director
Office of Environmental Policy and Compliance

Subject: Emergency Responses (Explosives or Munitions Emergency Responses)
Conducted by Explosives Ordnance Disposal (EOD) Personnel

The requirements of this Environmental Compliance Memorandum (ECM) are issued by the Office of Environmental Policy and Compliance (OEPC) under the authority provided by 381 Departmental Manual Chapter 4.5B to convey instructions and guidance through its Environmental Manual Series. This ECM provides instructions and guidance relating to explosives or munitions emergency responses conducted by EOD personnel as outlined in the attached July 10, 2006, Munitions Response Committee white paper.

In the event of such an emergency, Bureaus will cooperate with both civil and military authorities to prevent and/or reduce risks to Bureau employees, contractors, and the public.

Attachment

Attachment to ECM06-2

White Paper

Emergency Responses (Explosives or Munitions Emergency Response) Conducted by Explosives Ordnance Disposal (EOD) Personnel¹

1. **Issue.** This white paper clarifies the understanding of the criteria for determining when and how the Department of Defense (DoD) will address concerns environmental regulators and safety officials² raise during an explosives or munitions emergency response,³ involving military munitions.⁴

2. **Background.**

2.1. Civil authorities are primarily responsible for rendering safe and disposing of improvised explosive devices (IED),⁵ nonmilitary commercial explosives, or similar dangerous articles reported or discovered off DoD installations.

2.2. Military munitions within DoD's munitions logistics management system are used and managed (e.g., stored, handled, transported and demilitarized) per Service-developed policies that comply with or exceed DoD's Explosives Safety Standards (DoD 6055.9-STD).⁶ These Standards provide appropriate safeguards to protect the public and property against injury, loss of life, and damage should an accident occur. Explosive Ordnance Disposal (EOD) personnel respond to internal DoD requests concerning situations presenting (or potentially presenting) explosive hazards (e.g., munitions in storage, munitions involved in accidents) that exceed the local personnel's authority or ability to address.

2.3. After decades of munitions-related activities required to maintain our military's readiness, military munitions (specifically, unexploded ordnance (UXO)⁷ and discarded military munitions (DMM)⁸) may be present to some degree at both active and former military installations. For a variety of reasons (e.g., munitions taken as souvenirs or otherwise removed without authority, intentionally or unintentionally, from training areas, storage locations, or other munitions-related operations), military munitions may also be encountered in other areas.

2.4. Responses to military munitions found both within and outside DoD's munitions logistic management system vary based on the severity of the hazards presented and the need for rapid response. Response options are addressed below. This white paper addresses explosives or munitions emergency responses. A separate white paper will address planned munitions responses, with a focus on time-critical removal actions (TCRA) undertaken under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.415(n)(2).

2.4.1. In the context of this paper, emergency responses (see 40 C.F.R 260.10) involves situations where military munitions create an actual or potential imminent threat to human health, including safety, or the environment,⁹ including property, and immediate action is needed to control, mitigate or eliminate the threat. EOD personnel respond to such situations as an explosives or munitions emergency.

2.4.2. EOD personnel do not conduct planned munitions responses¹⁰; however, they will respond to explosives or munitions emergencies that occur during planned responses. With the exception of paragraph 3.9, planned responses are not addressed by this white paper.

2.5. When military munitions are discovered outside DoD's munitions logistics management system or are involved in accidents while being transported in the public sector, authorized officials¹¹

may request DoD support of an explosives or munitions emergency response. For explosives¹² and chemical agent (CA) (see 3.7, below) safety¹³ reasons, munitions found in these situations should be considered extremely dangerous and should not be disturbed or moved until technically qualified personnel assess and determine the hazards presented.

2.5.1. EOD units do not respond to requests for support directly from private citizens or organizations. Private citizens and organizations must direct their requests to an authorized official (local law enforcement) who will in-turn report the incident and request assistance from the supporting EOD unit if appropriate.

2.5.2. The DoD Military Service that first becomes aware of an incident involving either military munitions or the munitions or explosives of another federal agency will, if necessary, take immediate action to prevent or limit damage or injury. Such actions include gathering information about the situation from local authorities, environmental regulators and safety officials, property owners and others, as appropriate.

2.6. EOD's primary mission, which supports the national security strategy, is to provide the capability to neutralize explosive hazards from EOD incidents¹⁴ that present a threat to operations, installations, personnel, or materiel. EOD performs this mission during major theater wars, military operations other than war, and homeland defense support operations. (See 2.4.2., above.)

2.7. DoD provides homeland defense EOD support to civil authorities within the United States.

2.7.1. Each Military Service is responsible for providing EOD support to those DoD installations for which they are responsible and for those military munitions in their possession.

2.7.2. Historically, Army EOD units have primarily been responsible for addressing EOD incidents on landmasses. However, continually increasing EOD mission requirements for combat-related operations have recently caused DoD to modify this policy. Currently, the closest DoD EOD unit available will respond, consistent with DoD policy¹⁵, to requests for support from civil authorities.

2.7.3. EOD assistance, in the form of planned EOD actions or advice, may be provided upon request from federal agencies or civil authorities at any level, after the Military Service that receives the request determines that such assistance is required or desirable in the interest of public safety.

2.8. Multiple military munitions found within a discrete location or repeat findings of military munitions within a discrete area or under similar circumstances may indicate a need for a planned munitions response. In such cases, DoD or the responding EOD unit may advise the requesting authority to contact the Joint Director of Military Support (JDOMS)¹⁶ or, if the area is known or suspected to be a Formerly Used Defense Site (FUDS), the US Army Corps of Engineers (USACE), for determinations of support.

3. Discussion.

3.1. The National Oil and Hazardous Substance Contingency Plan (NCP) provides that DoD will be the removal response authority with respect to incidents involving military munitions. DoD believes it is responsible for addressing the explosive hazards associated with military munitions, regardless of their location, and seeks to discharge its responsibility in a manner that limits harm to human health and the environment, while ensuring the safety of response personnel and the public. Generally, DoD does not

act independently or unilaterally when responding to an explosive or munitions emergency. Such emergencies call for pre-planning and close coordination with civil authorities. Coordination with local authorities and environmental regulators and safety officials, including familiarization training and establishment of ground rules for explosives or munitions emergency responses, before an explosives or munitions emergency arises will help minimize controversies that might arise during such responses.

3.2. The Department of Defense Explosive Safety Board (DDESB) is responsible for establishing explosives safety policy under authority delegated to it by the Secretary of Defense.

3.3. Environmental regulators and safety officials may have an independent authority and responsibility for, and/or the technical expertise to evaluate the public safety and environmental aspects of response actions, to include explosives or munitions emergency responses (see 4.1.3., below). Typically, EOD and environmental regulators and safety officials work closely to manage any potential adverse impacts on the scene. Because of this, situations that would require environmental regulators or safety officials to raise concerns about the potential impact of EOD's intended course of action to higher levels of DoD authority should be the exception, not the rule.

3.3.1. If during an explosives or munitions emergency response, environmental regulators and safety officials have serious concerns about the potential impact of EOD's proposed course of action on human health and the environment:

3.3.1.1. Where a delay in conducting response activities will not compromise safety or increase risks, DoD will ensure protective measures are implemented until a mutually agreeable solution is reached. By DoD policy, EOD personnel are not allowed to take any action inconsistent with approved EOD procedures or that would place them at added risk.

3.3.1.2. Environmental regulators and safety officials shall immediately elevate the concern to higher levels of DoD authority to achieve a mutually agreeable solution.¹⁷ Once an agreeable solution is attained, the appropriate DoD authority will coordinate EOD's support to resolve the emergency in a manner protective of human health and the environment, and that is consistent with EOD procedures.

3.3.2. When an issue is raised to higher levels for resolution:

3.3.2.1. Protective measures must be maintained to ensure explosives safety.

3.3.2.2. Site security should be maintained until the situation is resolved.

3.4. DoD has adopted the Military Munitions Rule's (40 CFR 260, et seq.) definitions for (a) explosives or munitions emergency response, and (b) explosives or munitions emergency response specialist.¹⁸ Although the Military Munitions Rule defines explosives or munitions emergency response specialists broadly, within DoD only EOD personnel will respond to military or civilian authority requests for support of an explosives or munitions emergency.

3.5. Level 1 Emergency Response (see 3.8.1., below) actions are exempt from RCRA permitting, DOT manifesting for movement to a safe disposal area, and other substantive requirements under 40 CFR §§264.1(g)(8), 265.1(c)(11) and 270.1(c)(3). However, Level 2 (see 3.8.2., below) Emergency Response actions may be subject to emergency permitting and other requirements. When, during an emergency response, applicable state law or an agreement requires, or the situation allows, the appropriate DoD activity (e.g., installation or district commander, environmental office) will consult with environmental

regulators and safety officials on the need for permits and fulfilling other requirements.

3.6. Due to the urgency in responding to emergencies, the procedures for evaluating, planning, implementing and terminating a response are abbreviated in comparison to planned responses (removal or remedial activities). The documentation is typically prepared after immediate threats have been abated and takes the form of after action (incident) reports¹⁹.

3.7. Explosives or munitions emergencies that involve or potentially involve chemical warfare materials present specific and complex challenges. Such challenges may include compliance with the Chemical Warfare Convention and Chapter 32 of title 50 United States Code. During such responses, safety, particularly with regard to the potential hazards associated with chemical agents, is the primary consideration in response planning. Whenever circumstances allow, without compromising safety, coordination with federal state and civilian authorities and with local emergency responders (e.g., ambulance, and other medical support), and community outreach will be priorities.

3.7.1. Once EOD determines that an explosives or munitions emergency involves a munition with an unknown liquid fill, or chemical munitions or other recovered chemical warfare material (RCWM), the need for support from and close coordination with other DoD agencies on the response action is mandatory. This is particularly true for the final disposition of RCWM. Such agencies include, but are not limited to the 20th Support Command (Chemical, Biological, Radiological, Nuclear and Explosives), the Program Manager for Non-Stockpile Chemical Material, and the Army Secretariat and OSD. In addition, the need for coordination and collaboration with state and federal authorities, to include environmental regulators and safety officials, on the response is necessary.

3.7.2. EOD's immediate responsibility is to ensure the protection of human health and the environment and that the recovered RCWM or munition with unknown liquid fill is properly over packed and secured, either at the location of discovery or at the closest military installation. Once these protective measures are in place and the supported activity or EOD makes required notifications, DoD will take those steps necessary to plan for required assessments and disposition of the RCWM involved.

3.8. EOD units are on call 24 hours a day every day to provide emergency response teams in support of military and public safety and/or law enforcement authorities at the federal, state, and municipal levels. EOD units (e.g., flights, companies, detachments) maintain a 24-hour phone watch to receive civil authority reports of a known or suspected discovery of munitions and explosives of concern (MEC)²⁰ (specifically UXO or DMM) in the public domain and other requests for EOD support.

3.9. DoD further characterizes explosives or munitions emergencies as either Level 1 or Level 2 emergency responses. These emergency responses can occur anywhere, to include at a munitions response site²¹. During planned munitions responses that may involve MEC, the munitions response Work Plan or Site Safety and Health Plan addresses how both explosives or munitions emergencies and TCRA will be addressed and coordinated with environmental regulators and safety officials. DoD assumes that requests from authorized officials to respond to a discovery of military munitions outside the DoD munitions logistics management system require an immediate response. Accordingly, dispatched EOD teams respond to all such requests as if a Level 1 emergency exists. (See 3.9.1.3.)

3.9.1. Level 1 Emergency.

3.9.1.1. A Level 1 Emergency could occur anywhere. A Level 1 Emergency requires immediate response activities to eliminate or address the actual or potential imminent threat to life, property, health or the environment.²²

3.9.1.2. A Level 1 Emergency exists if a delay in response activities would compromise safety or increase the risks posed to life, property, health or the environment. (Note: A reasonable delay in EOD's completion of an explosives or munitions emergency response that is caused by necessary, unforeseen, or uncontrollable circumstances does not automatically terminate a Level 1 Emergency.) A Level 1 Emergency may exist if:

3.9.1.2.1. The risk associated with movement of the military munition involved is unknown or not acceptable; or

3.9.1.2.2. The risk associated with the military munition's temporary storage, or careful movement beyond a nearby, more isolated and protected location for immediate rendering-safe or destruction, is not acceptable.

3.9.1.3. The lead on-site EOD specialist will, with regard to any explosive or chemical agent (see 3.7.) hazard presented: (a) determine whether a Level 1 Emergency exists, and (b) when to terminate a Level 1 Emergency response, or reclassify it to a Level 2 response. Once the immediate hazards associated with military munitions are eliminated, the supported installation or activity may have to perform other actions to address the impact of the response action. (See 4.1.1.2., below.)

3.9.1.4. EOD-conducted response actions during a Level 1 Emergency could involve defuzing, detonation, or other actions to neutralize a munition "in-place," or careful, limited movement to a nearby, more isolated and protected location, including to an operational range used by or limited to EOD operations, to defuze, detonate, or otherwise abate the immediate threat. (See MRC White Paper - Destruction in Place (Blow-in-Place {BIP}))

3.9.1.5. Level 1 emergency response actions, where the response cannot be delayed without compromising safety or increasing the risks posed to life, property, health, or the environment, are exempt from RCRA permitting, DOT manifesting for movement to a safe disposal area, and other substantive requirements.

3.9.2. Level 2 Emergency.

3.9.2.1. A Level 2 Emergency also poses an actual or potential imminent threat to life, property, health or human health or the environment, but does not require immediate response activities to eliminate or address the actual or potential imminent threat. Level 2 Emergency response actions can generally be delayed for a reasonable period without adverse impact.

3.9.2.2. A Level 2 Emergency exists if the response actions can be delayed without compromising safety or increasing the risks posed to life, property, health, or the environment. A Level 2 Emergency may exist if:

3.9.2.2.1. The risk associated with movement and temporary storage of the military munition involved is acceptable; and

3.9.2.2.2. The military munition is positively identified, is safe for transport by explosives or munitions emergency response specialists, and 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).

3.9.2.3. The lead on-site qualified DoD explosives or munitions emergency response specialist will, with regard the explosive or chemical agent (see 3.7., above) hazard presented, determine: (1) whether a Level 2 Emergency exists; (2) when to terminate a Level 2 Emergency; and/or (3) when to re-classify a Level 2 Emergency (e.g., risks become unacceptable) to a Level 1 Emergency. Once the immediate hazards associated with military munitions are eliminated, the supported installation or activity may have to perform other actions to address the impact of the response action. (See 4.1.1.2., below.)

3.9.2.4. During a Level 2 Emergency, the supported installation's or agency's environmental office representatives are responsible for consulting with environmental regulators and safety officials to determine whether other regulatory requirements must be satisfied (e.g., a requirement to seek a RCRA emergency permit under section 40 CFR 270.61).

3.9.2.5. Responses to Level 2 emergencies may involve locations both on and off DoD installations and may be determined, conducted, and terminated by EOD personnel or, when specifically authorized by DoD, by other qualified explosives or munitions emergency response specialists. (See 2.2, above).

4. MRC Recommendations.

4.1. All parties²³ recognize that:

4.1.1. All military munitions found outside DoD's munitions logistics management system should be considered extremely dangerous, until assessed and determined otherwise by an explosives or munitions emergency response specialist.

4.1.1.1. Such munitions should not be moved or disturbed until the responding EOD unit (or civilian bomb squad) assesses the actual conditions and hazards presented. First responders should, upon discovery of such munitions, implement appropriate evacuation procedures in the threatened area.

4.1.1.2. When determining a course of action during an explosives or munitions emergency, EOD personnel evaluate the situation (the location, exposure of people, proximity to critical facilities, type of munition and fuzing involved), research EOD technical publications (the Joint Service Technical Manual 60 Series on Explosive Ordnance Disposal Procedures) for recommended or required actions, and then select and implement the most appropriate action given the situation. During this evaluation, EOD personnel shall consider information offered by, and as appropriate, seek information from local authorities, environmental regulators and safety officials, property owners and others. To the extent allowed, they will also address other potential adverse impacts (e.g., timing, noise, security, and environmental impacts).

4.1.2. EOD responses to requests for support of an explosives or munitions emergency response are characterized as Level 1 Emergency responses until the lead on-site military EOD specialist determines otherwise.

4.1.3. Although environmental regulators and safety officials may have an independent authority and responsibility for, and/or the technical expertise to evaluate to evaluate the public safety and environmental aspects of response actions, they generally defer to the explosives safety risk management decisions of DoD personnel responding to an explosives or munitions emergency.

4.1.4. If during an explosives or munitions emergency response, environmental regulators and safety officials have serious concerns about the potential impact of EOD's proposed course of action on human health and the environment:

4.1.4.1. Where a delay in conducting response activities will not compromise safety or increase risks, DoD will ensure protective measures are implemented until a mutually agreeable solution is reached. By DoD policy, EOD personnel are not allowed to take any action inconsistent with approved EOD procedures or that would place them at added risk.

4.1.4.2. Environmental regulators and safety officials shall immediately elevate the concern to higher levels of DoD authority to achieve a mutually agreeable solution.²⁴ Once an agreeable solution is attained, the appropriate DoD authority will coordinate EOD's support to resolve the emergency in a manner protective of human health and the environment,²⁵ and that is consistent with EOD procedures.

4.1.4.3. When an issue is raised to higher levels for resolution:

4.1.4.3.1. Protective measures must be maintained to ensure explosives safety.

4.1.4.3.2. Site security should be maintained until the situation is resolved.

4.2. All parties will ensure diligence in their requests for EOD support. Situations that involve military munitions and require a munitions response (planned removal or remedial action) rather than an explosives or munitions emergency response should be referred to JDOMS or, if known or suspected to be a FUDS, to USACE, as appropriate.

5. Roles and Responsibilities.

5.1. DoD will:

5.1.1. Work with environmental regulators and safety officials to achieve a mutually agreeable solution to explosives and munitions emergencies in a manner that does not compromise safety or increase the risks posed to life, property, health or the environment to addresses serious concerns about a proposed course of action and is protective of human health, to include the safety of explosives or munitions emergency response personnel, and the environment. (See 3.9.)

5.1.2. Ensure EOD capabilities and contact procedures are made known through liaison with civilian authorities (e.g., law enforcement, environmental regulators and safety officials) within the unit's area of responsibility.

5.1.3. Continue to provide explosives or munitions emergency response support when requested by authorized civil authorities.

5.1.4. Work with environmental regulators and safety officials to develop protocols that would be acceptable nation-wide for advising and, when required, consulting with federal state and local elected, regulatory and safety officials on managing potential adverse impacts of explosives or munitions emergency response actions.

5.1.5. Provide, upon request from environmental regulators and safety officials, a copy of applicable EOD incident reports.

5.2. States, tribes, other federal land managers, and EPA will work with DoD to:

5.2.1. Educate the regulatory community and other stakeholders about the potential hazards associated with encountering military munitions²⁶ and about DoD's explosives or munitions emergency response procedures.

5.2.2. Assist DoD in identifying situations that may require a munitions response instead of, or in addition to, an explosives or munitions emergency response.

5.2.3. Work with DoD to achieve a mutually agreeable solution to explosives and munitions emergencies in a manner that does not compromise safety or increase the risks posed to life, property, health or the environment to address serious concerns about a proposed course of action and is protective of human health, to include the safety of explosives or munitions emergency response personnel, and the environment. (See 3.9.)

5.2.4. Work with DoD to develop protocols that would be acceptable nation-wide for advising and, when required, consulting with federal state and local elected, environmental regulators and safety officials on managing potential adverse impacts of explosives or munitions emergency response actions.

5.3. Civilian Emergency Response and Law Enforcement Personnel:

5.3.1. Are responsible for rendering safe and disposing of IED, nonmilitary commercial explosives, or similar dangerous articles reported or discovered off DoD installations.

5.3.2. Will normally be responsible for or requested to:

5.3.2.1. Request DoD assistance, in the form of EOD actions and/or advice, when a determination has been made that such assistance is required or desirable in the interest of public safety.

5.3.2.2. Immediately notify, as required within their area of responsibility, requisite local environmental regulators and safety officials of their requests to DoD for assistance with an explosives or munitions emergency.

5.3.2.3. Assist EOD, when required, in gaining access to the property on which the munition is located and locating the munitions.

5.3.2.4. Establish and maintain appropriate safety zone security during emergency response situations and activities.

1 Explosive Ordnance Disposal (EOD) Personnel. Military personnel who have graduated from the Naval School, Explosive Ordnance Disposal; are assigned to a military unit with a Service-defined EOD mission; and meet Service and assigned unit requirements to perform EOD duties. EOD personnel have received specialized training to address explosive and certain chemical agent (CA) hazards during both peacetime and wartime. EOD personnel are trained and equipped to perform Render Safe Procedures (RSP) on nuclear, biological, chemical, and conventional munitions, and on improvised explosive devices.

2 Environmental regulators and safety officials include, but may not be limited to environmental regulators; environmental coordinators or hazardous material coordinators; law enforcement officers; and safety personnel. These officials may be from the U.S. Environmental Protection Agency (USEPA), American Indians and Alaska Natives tribes; Federal Land Managers, and/or the States. When appropriate, public health officials of various agencies may also be involved.

3 Explosives or Munitions Emergency Response. All immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions, and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities. (Military Munitions Rule, 40 CFR 260.10)

4 Military Munitions. See 10 U.S.C. 101(e)(4)(A) through (C), which generally provide that military munitions means: All ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives, and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of the above.

The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, other than non-nuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

5 Improvised Explosive Devices (IED). A device placed or fabricated in an improvised manner that incorporates destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass, or distract. An IED may incorporate military munitions, but are normally devised from non-military components.

6 See <http://www.ddesb.pentagon.mil>.

7 Unexploded Ordnance (UXO). See 10 U.S.C. 101(e)(5), which generally provides that UXO means: Military munitions that (A) have been primed, fuzed, armed, or otherwise prepared for action; (B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and (C) remain unexploded either by malfunction, design, or any other cause.

8 Discarded Military Munitions (DMM). See 10 U.S.C. 2710(e)(2), which provides that DMM means: Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations.

9 DoD's position is that potential environmental effects of responses involving the disposition of a military munition can ordinarily be mitigated after the immediate hazard is removed without exposing response personnel to increased risk.

10 A planned response complies with applicable or relevant and appropriate requirements and can be conducted as a removal or remedial action.

a. Removal action (see definitions at 42 U.S.C. 9601(23).)

(1) Removal actions are planned responses that are generally quicker to implement than remedial actions.

(2) DoD conducts these planned munitions responses as either time critical removal or non-time critical removal actions.

(3) When military munitions are to be addressed under a removal action, DoD entities (e.g., US Army Corps of Engineers, US Navy Facility Engineers) conduct a munitions response as a removal action. EOD personnel are not responsible for and do not conduct planned munitions responses.

b. Remedial action (see definition at 42 U.S.C. 9601(24).) When military munitions are to be addressed under a remedial action, DoD activities conduct a munitions response as a remedial action, EOD personnel are not responsible for and do not conduct planned munitions responses.

11 Authorized officials include: DoD officials that become aware of military munitions requiring an EOD response; federal, tribal, state, and local law enforcement officers; and elected federal, tribal, state, and local government officials; public safety officials; and other federal officials (for example prison wardens, VA hospital chiefs, postmasters, federal land managers, etc.).

12 Explosives Safety. A condition where operational capability and readiness, people, property, and the environment are protected from the unacceptable effects or risks of potential mishaps involving military munitions.

13 Chemical Agent (CA) Safety. A condition where operational capability and readiness, people, property, and the environment are protected from the unacceptable effects or risks of a mishap involving chemical warfare material (CWM).

14 EOD Incident. The suspected or detected presence of unexploded ordnance (UXO), a damaged or discarded military munition, improvised explosive devices (IED), or chemical-biological-radiological-nuclear and high yield explosives that constitutes a hazard to friendly operations, installations, personnel, or material. Not included are the accidental arming or other conditions that develop during the manufacture of high explosive or nuclear material, technical service assembly operations, or the laying of mines and demolition charges. (Note: Such situations will be neutralized by qualified personnel of the organization performing the manufacturing, assembling, or placement of mines and demolition charges; however, such organization may request assistance from EOD units.)

15 DoDD 3025.1, Defense Support of Civil Authorities.

16 The Joint Director of Military Support (JDOMS) coordinates military support to civilian authorities.

17 Mutual Agreement is defined as "a meeting of the minds on a specific subject, and a manifestation of intent of the parties to do or refrain from doing some specific act or acts." Inherent in any mutual agreement or collaborative process are the acknowledgement of each member's role in the process and their differing views of their authorities. The mutual agreement process will provide a means of resolving differences without denying the parties an opportunity to exercise their respective authorities should mutual agreement fail to be achieved.

18 Explosives or Munitions Emergency Response Specialist: Individuals trained in conventional or chemical munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include DoD explosive ordnance disposal (EOD) technicians, technical escort unit (TEU) personnel, DoD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses. (40 CFR §260.10)

19 Under 40 CFR §264.1(g)(8)(iv), the responding military emergency response specialists' unit must retain records for 3 years identifying the dates of the response, the responsible persons within the unit involved, the type and description of material addressed, and its disposition.

20 Munitions and Explosives of Concern (MEC). This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks means: (A) Unexploded ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

21 Munitions Response Site (MRS). A discrete location within an MRA that is known to require a munitions response.

22 DoD's position is that potential environmental effects of responses involving the disposition of a military munition can ordinarily be mitigated after the immediate hazard is removed without exposing response personnel to increased risk.

23 All parties include those organizations (i.e., the Department of Defense (DoD), the U.S. Environmental Protection Agency (USEPA), American Indians and Alaska Natives, the Federal Land Managers, and the States) that participate on or support the actions of the Munitions Response Committee.

24 Mutual Agreement is defined as "a meeting of the minds on a specific subject, and a manifestation of intent of the parties to do or refrain from doing some specific act or acts." Inherent in any mutual agreement or collaborative process are the acknowledgement of each member's role in the process and their differing views of their authorities. The mutual agreement process will provide a means of resolving differences without denying the parties an opportunity to exercise their respective authorities should mutual agreement fail to be achieved.

25 DoD's position is that potential environmental effects of responses involving the disposition of a military munition can be mitigated, if necessary, after the immediate hazard is removed without exposing response personnel to increased risk.

26 See DoD's UXO safety website at:<http://www.denix.osd.mil/UXOSafety>."