

3.2.8.1 Training in Use of a Product

The final Military Munitions Rule, in 40 CFR §266.202 (a)(1)(i), states that a military munition is not a solid waste when it is used for its intended purpose, including use in training military personnel in the proper and safe OB/OD destruction of unused propellant or other military munitions as may be

required on the battlefield, and the training of military explosives and munitions emergency response specialists (i.e., explosive ordnance disposal (EOD) or technical escort unit (TEU) personnel) in the proper and safe OB/OD destruction of munitions and explosives. Such destruction training is not a RCRA-regulated activity because the material is a product and not a “solid waste.” That is, the product is being used to train personnel in the proper and safe use of the product, as contrasted to destruction of an excess or waste product in the absence of training, which is a RCRA-regulated activity.

“Military” is defined in the final rule to include the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions. “Military munitions” is defined in the final rule to include all ammunition products and components made or used for national defense and security, including confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical warfare and riot control agents, smokes and incendiaries, 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 thereof. “Military munitions” do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. The term does include non-nuclear components of nuclear devices, managed under DOE’s nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

Training (as distinguished from waste disposal) may be evidenced by the existence and use of detailed protocols or training manuals for training military personnel in the handling and burning of unused propellant, the presence of military trainees, and documentation of the training activities (e.g., number of personnel trained, date and time of training,

OB/OD destruction of excess propellants or other munitions and explosives in the absence of training is not a use for its intended purpose, but rather, is treatment of a solid waste requiring a RCRA permit under Part 264, Subpart X, or interim status under Part 265, Subpart P.

The preamble to the Military Munitions Rule provides information on documentation U.S. EPA prefers to see to justify training events.

military personnel attendance lists, and the amount of propellant used in training).