



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

March 4, 2011

Maria N. Raney, P.G.  
Remediation Program Manager  
Marine Corps Base Quantico  
Natural Resources & Environmental Affairs Branch  
3049 Bordelon Street  
Quantico, VA 22134-5001

Re: Marine Corps Base Quantico - EOD – Emergency Response Operations  
DEQ Guidance - RCRA Regulations - Emergency Response  
and Emergency Permits

Dear Ms. Raney:

The purpose of this correspondence is to provide the Department of Environmental Quality's (DEQ's) response to your recent request, dated March 2, 2011, for either a memorandum of understanding (MOU), a letter, or a memorandum for record (MFR) regarding emergency response operations associated with Explosives Ordnance Disposal (EOD) emergency actions or any emergency operations conducted in the Commonwealth of Virginia by the military's EOD specialists, etc. (As understood, this request was for the DEQ to provide clarification of applicable regulatory requirements under the RCRA Regulations and so to maximize the speed and efficiency of any emergency operations conducted by military EOD personnel, whether the request for assistance is from public, private, or military entities.)

The regulation of emergency response actions in the Commonwealth of Virginia is, in part, under the Virginia Hazardous Waste Management Regulations (VHWMR) under 9VAC-20-60, and as incorporated by reference, the RCRA Regulations. These above Regulations specify when an emergency action is subject to or not subject to (excluded from) the regulatory requirements of the RCRA permitting, emergency permit, generator, and transportation (manifest, etc.) requirements. (Other applicable regulatory requirements associated with an emergency may be under the Virginia Department of Emergency Management (VDEM), and we suggest you contact VDEM for related requirements and recommended protocols of this other agency. (See: <http://www.vdem.state.va.us/>.) )

Emergencies involving explosives, explosive material, and/or military munitions are subject to the RCRA Regulations and the exclusions specified in these Regulations under the following: 40 CFR § 270.1(c)(3), § 264.1(g)(8), § 265.1(c)(11), § 262.10(i), and § 263.10(e), or alternatively to the permitting requirements specified under 40 CFR § 270.61, Emergency Permits. In addition, the RCRA Regulations, under 40 CFR Part 266, Subpart M, Military Munitions, § 266.204, Standards Applicable to Emergency Responses, identifies the above noted regulatory citations, and identifies when military munitions become a solid waste, when a military munition is not a solid waste, and if these wastes are also hazardous under Part 266, Subpart M or under 40 CFR Part 261.

These above cited RCRA Regulations essentially specify the following with regard to an emergency response: During the immediate responses to emergencies involving military munitions, an explosive device, or other explosive material, as determined by an explosive or munitions emergency response specialist, and if conducted in accordance with the requirements of the RCRA Regulations, then the immediate response would not be subject to the RCRA (VHWMR) permitting, emergency permit, generator, and transportation (manifest, etc.) requirements. However, any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part (Part 270) for those activities. Hazardous Waste Manifest and Hazardous waste transportation requirements may be applicable after immediate treatment associated with the immediate response, if the material continues to have a hazardous waste characteristic or is considered a listed hazardous waste under the RCRA Regulations.

If an emergency response is not considered a time critical emergency response in accordance with the RCRA Regulations, then the DEQ needs to be contacted for an Emergency Permit for the storage, treatment, and/or transportation of the hazardous waste material.

To further assist you in understanding the applicable RCRA regulatory requirements associated with emergency responses and understanding the information requirements required for issuance of an Emergency Permit, I am providing electronic copies of three guidance documents as follows:

1. Emergency Permits – Virginia Hazardous Waste Management Regulations and the RCRA Regulations - Guidance Summary, dated 5/13/2010
2. Draft Waste Procedure No. 5, Hazardous Waste Emergency Permits, initially dated 10/13/2000, updated 01/25/2008, and 02/12/2010, which includes an Attachment with the 17 items of information required to issue the written Emergency Permit, and the Authorization from the Facility to the Newspaper to bill the applicant for the cost of the public notice.
3. The Permit Application – Boiler Plate Document, dated 2/13/2010, which is to be completed and submitted by the facility to enable the DEQ to issue the written Emergency Permit within 5 days. (Note that the 17 items in Item 2 should be provided within the Permit Application Boilerplate format, dated 2/13/2010. Use the list of 17

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items in the one attachment to cross check the completeness of the permit application before submittal to the DEQ.)

We hope this letter response meets your needs. If you should have any further questions regarding this matter, please contact Richard J. Criqui, Jr., C.P.S.S., Environmental Engineer Senior, at (804) 698-4013 or contact him by e-mail at [Richard.criqui@deq.state.va.us](mailto:Richard.criqui@deq.state.va.us).

Sincerely,



Leslie A. Romanchik  
Hazardous Waste Program Manager  
Office of Waste Permitting and Compliance

#### Enclosures

Cc: Central Hazardous Waste File, DEQ (w/attachments)  
Richard Criqui, DEQ, CO (w/attachments)  
Cynthia Houchens, DEQ, CO (w/o attachments)  
Lillie Ellerbe, EPA Region III (3LC50) (w/attachments)  
Richard Doucette, DEQ, NRO (w/attachments)  
Willard Keene, DEQ, SWRO (w/attachments)