

Response to Representative Reynolds Questions from 13 January 2015

1. An Agreement of Consent for an open burn of explosive materials (Page 10; 8-b) was developed, signed, and implemented without notification by State or EPA to any local government or official here in Webster Parish/District 10. It was signed by the Pentagon, EPA, La Military Department, and LDEQ. Why was no notification provided, given that Camp Minden houses a local prison, effects local communities, and is relied on for response by local hazmat, fire, emergency, law enforcement, and medical response agencies?

EPA Response: The Administrative Settlement Agreement and Order on Consent For Removal Action became a public document upon signature by the parties on October 28. EPA issued a press release announcing the agreement on October 29. EPA's past costs incurred at the site were subject to a comment period and were published in the Federal Register for a 30-day public comment period. EPA explained the remedy at the November 13, 2014 meeting with elected officials and in the town hall meeting with the community.

2. Who drafted this Agreement of Consent that specifies the Statement of Work to utilize open burning for the M6 and the CBIs? (Page 10; 8-b)

EPA Response: The Administrative Settlement Agreement and Order on Consent For Removal Action was drafted by a team of technical and legal representatives each of the signatory agencies and legal representation from the U.S. Department of Justice.

3. The Agreement of Consent mentions approximately 320,000 pounds of an additional material to be specifically open burned, Clean Burning Igniters (CBIs). (Page 9; 8-a.) Why has there been no mention of this additional product to be disposed of in any of the previous briefings with the EPA? What is the stabilizer component of this particular CBI?

EPA Response: The largest amount of material, the 15.6 million pounds of M-6 propellant, has attracted the main attention. The safe removal and disposal of the CBIs is also covered in the Administrative Settlement Agreement and Order on Consent For Removal Action. We have always acknowledged the presence of other materials on the site.

4. Will the EPA be determining the methods used for implementation of the disposal or has this responsibility been assigned to another agency?

EPA Response: The methods are outlined in the Administrative Settlement Agreement and Order on Consent For Removal and included in the Louisiana National Guard Request for Proposals and based on methods that have been approved for use by a nationally recognized organization responsible for verification and publication of analytical methods. Louisiana National Guard is the awarding contract authority. EPA and LDEQ will review and approve or disapprove plans.

5. The test burn that I know of was conducted without notification to ANY local government, response agency, or officials. Why was that, when the EPA On Scene Coordinator and the Louisiana State Police both were managing the implementation of that test and were well aware of the parties who had requested notification?

EPA Response: This was a mistake and notifications should have occurred.

6. The test results presented at both the executive officials briefing and the public meeting in December are claimed to have used parameters for modeling based on the emissions of an incinerator or closed burn of M6. Is this true? If so, why was the data skewed for public presentation?

EPA Response: Modeling is based on U.S. Army Technical Center for Explosives Safety national emissions factors for explosives that are derived from both laboratory and in-the-field testing. The reference document is attached which describes the methodology and result.

7. The Agreement of Consent also makes mention in the Statement of Work that the disposal of numerous other hazardous materials will be encompassed in this project. Is this true? If so, please discuss now about those materials and the rough quantities that remain on the Site. Specifically, the explosives (Page 6; 4-d); but also please explain about the origin of the materials associated with the Super Critical Water Oxidation Unit. (Page 11; 8-p.)

EPA Response: The M-6 and CBIs are stored in a variety of deteriorating containers on the site. The Scope of Work requires that any waste generated in associated with the safe disposal of the M-6 and CBIs must also be properly characterized and disposed.

8. The Agreement of Consent discussed the requirement of “periodic assessment” of the explosive storage magazines and materials for the prioritization of removal. Does this mean that stability testing will now be implemented as a part of this project? (Page. 10; 8-e)

EPA Response: It is my understanding that the Louisiana National Guard will use the U.S. Army Technical Center for Explosives Safety Technical Assistance Report to make this determination.

9. I see on page 1 of the Agreement of Consent that the State has signed away its rights to contest anything in the Agreement. Is this true?

EPA Response: This doesn't apply to EPA.

10. A Governor's State of Emergency Declaration was filed in September of 2013 and kept in affect to date without notification to the Webster parish OHSEP Director, Webster Parish Police Jury or Webster Parish Sheriff. Can anyone here tell me why they were not notified?

EPA Response: This doesn't apply to EPA.

11. We have received overwhelming amounts of hard data to support the claim that open burning of these products in these quantities is entirely unsafe; yet we have been presented no

data by LDEQ or the EPA to support their claim that it is perfectly safe for the public and the environment. Why is that? Do you have this data to show us today?

EPA Response: The U.S. Army Technical Center for Explosives Safety has established emissions factors based on laboratory and in-the-field testing which are relied upon for the destruction of explosives. These nationally recognized factors are verified and published by the U.S. Department of Defense. The emission factors are included in the model and the model reference document is attached.

12. The EPA released a statement last Friday indicating that additional test burns would be conducted. It is our feeling that if the EPA had sufficient proof that open burning is safe, additional test burns would not be needed. And if additional testing is needed to prove safety, our area should not be your guinea pigs.

- Does the EPA need to conduct these test open burns to determine the safety of open burning of these products?
- Will these open burns be conducted on site at Camp Minden?
- Is there a laboratory setting to allow for safer testing?
- Will the EPA consider testing and documenting comparative results using incinerators or closed containment/detonation chambers?

EPA Response: The Louisiana National Guard Request for Proposal and Statement of Work require the contractor to conduct a series of test/trial burns at the actual site of the burning to determine the amount of M-6 that can be safely burned in each burn tray, to verify air modeling results and validate the design and deployment or air monitoring to assure that there will not be air quality impacts. These and all tests will be conducted in a protective manner.

13. The EPA's statement has indicated that their choice to use open burning was made based on the guidance from United States Department of Defense's Explosive Safety Board. It is my understanding the USDOD Explosive Safety Board lists open burning of propellants as a safe for small projects; and lists other disposal methods for use for larger projects. This is admittedly not at all a small project. Why were other cleaner, safer and equally expedient methods listed in this guidance not even considered?

EPA Response: Other options were considered and controlled open burning with burn trays was determined to be the safest and best solution available.

14. It is my understanding the DOD owns at least two large incinerator/closed burning chambers that are readied for 48-hour deployment with response teams for use in emergency disposal situations. If this is truly an emergency situation, then why hasn't the Army, deemed the Responsible Party, executed deployment of those assets onsite to Camp Minden?

EPA Response: DOD has not made available an alternative remedy.

15. Experts in the field have stated their concern that this Agreement of Consent, unusually specifying the disposal method in the Statement of Work, was not executed in accordance with the laws provided in CERCLA, NCP, and SARA Title III which provide for local and public input prior to determining the removal technologies chosen unless the requirements for Time Sensitive Removal Action are met. Further, it is their advisement that the time frame of two years since the identification of the problem has not constituted Time Sensitive Removal Action; and therefore an Agreement of Consent signed prior to local jurisdictional involvement for selection of disposal methods would be unlawful. Do you have any comments to make towards this argument?

EPA Response: Proposal and listing of the site to the National Priorities List of CERCLA can be lengthy process. CERCLA provides for Time Critical Removals under appropriate circumstances to assure that response actions can be undertaken in exigent circumstances, such as Camp Minden.