



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

CERTIFIED MAIL

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Article Number: 7006 2760 0000 8649 2296

RCRA



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Mr. Randy Doyle
Environmental Coordinator
Iowa Army Ammunition Plant
17571 Des Moines County Highway 79
Middletown, Iowa 52638-5000

RE: Emergency Permit for Treatment of M14 Propellant at the Iowa Army Ammunition Plant
17571 Des Moines County Highway 79,
Middletown, Iowa 52638-5000
EPA ID No. IA7213820445

Dear Mr. Doyle:

Enclosed with this letter is an Emergency Permit issued by the U.S. Environmental Protection Agency Region 7 pursuant to the Solid Waste Disposal Act (42 U.S.C. § 6901 *et seq.*, commonly known as the Resource Conservation and Recovery Act, or RCRA) and regulations promulgated thereunder. This Emergency Permit is issued to the U.S. Army and American Ordnance LLC for temporary authorization to increase the open burning rate and quantity described in the "Open Burning Subpart X Treatment in Pans" module of Iowa Army Ammunition Plant's existing RCRA Permit.

Under the current RCRA Permit, the open burning of munitions in metal pans is limited to a maximum of 140 pounds per hour. However, IAAP has notified the EPA that they must safely dispose of up to 60,000 pounds of M14 propellant determined by analysis to have a faulty stabilizer. Safety departments for the Permittees have determined the propellant is unsafe for future storage on-site and is also unsafe to transport off-site by truck for treatment at another location. This Emergency Permit is being issued to temporarily increase the burn rate to 1,500 pounds maximum per hour per burn pan, or 3,000 pounds per hour, in order to treat all the D003 hazardous materials. The duration of this temporary Permit shall not exceed 90 days. As required by the Emergency Permit, all wastes brought to the facility under this Permit must be removed and managed in accordance with all applicable regulations by the expiration date of the Permit.

Pursuant to 40 CFR § 270.61(b)(5), the EPA will publish a public notice of this emergency Permit in a local newspaper. The U.S. Army and American Ordnance, LLC. will be contacted prior to this public notice.

If you have any questions regarding this Emergency Permit or need additional information, please contact Ruby Crysler at (913) 551-7409 or by email at crysler.ruby@epa.gov.

Sincerely,

for Don Lininger, CHMM
Chief, RCRA Oversight, Authorization Grants
& PCB Branch
Land, Chemical & Redevelopment Division

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**EMERGENCY PERMIT
FOR A HAZARDOUS WASTE MANAGEMENT FACILITY**

Permittees: United States Army and American Ordnance LLC

Location of Permitted Facility: Iowa Army Ammunition Plant
17571 Des Moines County Highway 79,
Middletown, Iowa 52638-5000
EPA ID No. IA7213820445

Effective Date: March 2, 2020

Expiration Date: May 30, 2020

The U.S. Environmental Protection Agency (EPA) issues this Emergency Permit (Permit) to the United States Army and American Ordnance LLC (Permittees), to conduct open burning of M14 propellant at Iowa Army Ammunition Plant (IAAAP). This Emergency Permit is issued based on EPA's finding of an imminent and substantial endangerment to human health and the environment pursuant to the Solid Waste Disposal Act (42 U.S.C. § 6901 *et seq.*, commonly known as the Resource Conservation and Recovery Act, or RCRA) and regulations promulgated thereunder (codified in Title 40 of the Code of Federal Regulations at Section 270.61, 40 C.F.R. § 270.61).

IAAAP currently has a RCRA Permit that allows for the open burning of munitions that are unstable and of small explosive loaded munition items that are unsafe for continued storage and unsafe for transport off-site or for which no off-site treatment method exists. The Open Burn Area is located in the area of the Facility known as the "Demolition Area" and is indicated on Figure 2 in Permit Attachment I-1 of IAAAP's Permit. The burning of reactive waste occurs in two metal burn pans with dimensions of four feet width, 16 feet length and 18 inches' depth. Attached five-inch I-beams support the pans above the ground surface. Two-piece sloped aluminum lids are used to cover each pan in between open burning treatments. The Demolition Area is graded, spanning 100 feet in diameter.

Under IAAAP's existing RCRA Permit, the open burning of munitions in metal pans is limited to a maximum of 140 pounds per hour. However, IAAAP must safely dispose of up to 60,000 pounds of M14 propellant determined by analysis to have a faulty stabilizer. Currently, 12,650 pounds have tested faulty, but that amount is expected to rise after further testing. The Army has characterized this waste as Category D, and it is considered unstable. Safety departments for the Permittees have determined that the propellant is unsafe for future storage on-site and is also unsafe to transport off-site by truck for treatment at another location. This Emergency Permit is being issued to temporarily increase the burn rate to a maximum of 1,500 pounds per hour per burn pan (or 3,000 pounds per hour for both burn pans) in order to treat all the hazardous materials. The duration of this Emergency Permit shall not exceed 90 days.

This Emergency Permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 C.F.R. Parts 260 through 266, 268, 270, and 124, as specified in the Emergency Permit. Applicable regulations are those that are in effect on the date of issuance of the Emergency Permit, in accordance with 40 C.F.R. § 270.32(c).

To the extent possible and not inconsistent with the emergency situation, Permittees must comply with all applicable requirements 40 C.F.R. Parts 264, 266, and 270, and all terms and conditions of this Emergency Permit, which are as follows:

I. Standard Emergency Permit Conditions

- a. The waste code for the M14 Propellant is D003. Any management of hazardous waste not authorized in this Emergency Permit is prohibited.
- b. Compliance with this Emergency Permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA, except for self-implementing statutory or regulatory requirements of RCRA, or violations of RCRA, which occurred prior to the effective date of this Emergency Permit.
- c. **Duty to comply-** The Permittees must comply with all conditions of their RCRA Permit, except to the extent and for the duration noncompliance is authorized in this Emergency Permit (40 C.F.R. § 270.30). Any permit noncompliance, except under the terms of this Emergency Permit, constitutes a violation of federal law and is grounds for an enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- d. Compliance with the terms of this Permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. *et seq.*, commonly known as CERCLA); or (3) any other law providing for the protection of public health and/or the environment
- e. In the event of noncompliance with this Emergency Permit, the Permittees shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. The EPA may terminate this Emergency Permit at any time without process if it determines that termination is appropriate to protect human health and the environment.
- f. Any inaccuracies found in the submitted information may be grounds for the termination, revocation, reissuance, or modification of this Emergency Permit in accordance with 40 C.F.R. §§ 270.41-43 and for enforcement action. The Permittees must inform the EPA of any deviation from or changes in the information in the application which would affect the Permittees' ability to comply with the applicable regulations or permit conditions.
- g. **Permit actions-** This Emergency Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittees for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- h. **Property rights-** This Permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations.

- i. **Duty to provide information-** The Permittees shall furnish to the EPA within a reasonable time, any relevant information which the EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Emergency Permit, or to determine compliance with this Emergency Permit. The Permittees shall also furnish to the EPA, upon request, copies of records required to be kept by this Emergency Permit.
- j. **Inspection and entry-** The Permittees shall allow the EPA, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (1) Enter at reasonable times upon Permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Emergency Permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Emergency Permit;
 - (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Emergency Permit; and
 - (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.
- k. **Monitoring and records-**
 - (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (2) The Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Emergency Permit, the certification required by 40 C.F.R. § 264.73(b)(9), and records of all data used to complete the application for this Emergency Permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the EPA at any time.
- l. **Reporting requirements-**
 - (1) All applications, reports, or information submitted to the EPA shall be signed and certified.
 - (2) Planned changes- The Permittees shall give notice to the EPA as soon as possible of any planned physical alterations or additions to the permitted facility.
 - (3) Anticipated noncompliance- The Permittees shall give advance notice to the EPA of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.
 - (4) Transfers- This Emergency Permit is not transferable to any person except after notice to and approval by the EPA.

(5) 24-hour reporting-

(i) The Permittees shall report any noncompliance which may endanger human health or the environment orally within 24 hours from the time Permittees become aware of the circumstances, including:

(a) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; or

(b) Any information of a release or discharge of hazardous waste or of a fire or explosion from the facility which could threaten the environment or human health outside the facility.

(ii) A written submission shall also be provided within five days of the time the Permittees become aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The EPA may waive the five-day written notice requirement in favor of a written report within fifteen days.

(6) Other information- Where the Permittees become aware that they failed to submit any relevant facts in its emergency permit application, or submitted incorrect information in a permit application or in any report to the EPA, they shall promptly submit such facts or information.

II. Special Emergency Permit Conditions

The Permittees must comply with the following special conditions:

- a. The Permittees shall follow all Facility-established or newly-established SOPs for handling and management of explosive materials being treated at the Open Burn Unit. This includes personnel training and safety requirements.
- b. Open burning shall not be conducted during any of the adverse meteorological conditions identified in Permit Condition V.F.5 of their current RCRA Permit.
- c. The Permittees shall take all necessary precautions to prevent accidental ignition or reaction of ignitable and/or reactive waste.
- d. The Permittees shall not store, handle or otherwise manage incompatible waste together at the Open Burn Area at the Demolition Area grounds.
- e. The open burning pans shall not be loaded with more than 1,500 pounds of propellant per pan. Each pan shall be filled and ignited separately, and the burning of each pan shall be conducted independently.
- f. By the expiration date of this Emergency Permit, all of the M14 propellant must be treated at the permitted facility. The maximum quantity of waste that can be treated under this Permit is

60,000 pounds. If additional waste must be treated, IAAAP shall apply for a new emergency permit.

- g. In order to eliminate any danger, the pans shall not be reloaded until the on-site Safety Officer determines they are cooled enough to be reused.
- h. After the open burning is performed, the immediate area must be inspected for the presence of waste residues. Any waste residues discovered will be removed and properly managed as hazardous waste or destroyed, on site, by the Explosive Ordnance Disposal (EOD) team.
- i. The Permittees shall immediately carry out the provisions of the Contingency Plan (Permit Attachment III-5) in the Permittees' RCRA Permit if there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. Any activation of the contingency plan requires prompt notification to the EPA.
- j. Release detection monitoring shall be conducted upon approval of the Open Burn Release Detection Monitoring work plan, as required by Permit Condition V.H.1 of the current RCRA Permit.

III. Required Submittals

- a. Following treatment of all hazardous wastes, Permittees must conduct a documented inspection of the open burning pans, with photos. The Permittees shall submit a final report that includes a summary of the inspection's findings and EOD's report of the treatment and any other pertinent information to the EPA within 14 days of the inspection. During the course of open burning operations, any damage to the pans must be reported to the EPA immediately.
- b. **Submissions to EPA-** Submissions required by this Permit shall be sent to:

Ruby Crysler
RCRA Oversight, Authorization Grants &
PCB Branch
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7409

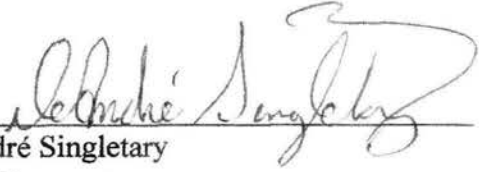
IV. Contacts

The Permittees contacts for this Permit are:

Mr. Randy Doyle
Iowa Army Ammunition Plant
Environmental Coordinator
17571 Des Moines County Highway 79
Middletown, Iowa 52638-5000
(319) 753-7103

Mr. Bill Hilger
American Ordnance LLC
EHS Director
17571 Des Moines County Highway 79
Middletown, Iowa 52638-5000
(319) 753-7992

This Emergency Permit is effective as of **March 2**, 2020 and will expire on **May 30**, 2020, unless terminated pursuant to 40 C.F.R. § 270.61(b)(4).



DeAndré Singletary
Director
Land, Chemical & Redevelopment Division

3/2/2020
Date