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CLARIFICATION OF DISCARDED AMMUNITION OF 0.50 CALIBER OR LESS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

November 3, 1994

SUBJECT: Classification of Discarded Ammunition of 0.50
Caliber or Less

FROM: Sonya Sasseville, Chief
Alternative Technology Section (5303W)
Office of Solid Waste

TO: David Neleigh, Chief
New Mexico/Federal Facilities Section (6H-PN)
Region VI

This is in response to your request of June 14, 1994 in which you ask for a clarification of EPA's policy regarding the disposal of munitions less than or equal to 0.50 caliber. EPA's policy was set forth in a June 2, 1988 memorandum on Classification of Discarded Class C Explosives.

In that June memorandum, EPA stated "To date, only those Class C explosives identified as off-specification small arms ball ammunition up to and including 0.50 caliber have been demonstrated not to be subject to the Subtitle C hazardous waste requirements." However, EPA did not intend to imply that small arms ball ammunition could not be regulated for reasons other than reactivity. The Agency has maintained that small arms ammunition intended for disposal, up to and including 0.50 caliber, is not reactive within the meaning of 40 CFR 261.23(a)(6). The sole fact that small caliber ball ammunition is not reactive does not necessarily exempt the waste from Subtitle C regulation. Non-reactive wastes exhibiting another hazardous waste characteristic would be regulated. For example, certain small caliber ammunition may fail the TCLP for lead. Generators of discarded small caliber ammunition must determine whether their waste exhibits any other hazardous waste characteristics identified in §261 Subpart C.

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Your memo also describes an instance where a waste is disposed of in a popping furnace "that does not fit the description of an incinerator and the munitions are less than or equal to 0.50 caliber, then this would not be regulated under Subtitle C ..." You are correct in that a device treating discarded ball munitions less than or equal to 0.50 caliber, would not be subject to Subtitle C regulations, unless the waste fails for another characteristic rendering it hazardous. However, please note that EPA classifies "popping furnaces" as incinerators because the process that occurs in the enclosed unit is controlled flame combustion, as discussed in the attached July 17, 1987 letter from Bruce Weddle to Jesse Cabellon.

If you have any questions, please contact Jeffrey Gaines at (703) 308-8655.

Attachment

cc:Permit Section Chiefs, Regions I-V, and VII-X
Subpart X Permit Writers' Workgroup
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