



State of New Mexico  
ENVIRONMENT DEPARTMENT  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-2850

FB 95  
ENTERED

Mark E. Weidler  
Secretary

Gary Johnson  
Governor

MEMORANDUM

**Date:** January 10, 1995  
**To:** Tracy Hughes, General Counsel  
**From:** *Marc Sides*  
Marc Sides, HRMB IPA  
**Through:** Barbara Hoditschek, Permit Program Manager  
Benito Garcia, Chief HRMB  
**Subject:** Proposed Memorandum of Understanding between the New Mexico Environment Department and the US Army Explosive Ordnance Disposal Unit located at Fort Bliss, Texas

Background The HRMB received the attached Memorandum of Understanding (MOU) which is proposed by the US Army to address roles and responsibilities regarding notification requirements during their emergency response operations involving explosives. The Army is pursuing MOUs with all States where Explosive Ordnance Disposal (EOD) Units are located. Jurisdiction of the 41st EOD Unit at Fort Bliss is 33 counties in Texas and the entire State of New Mexico. To date the States of North Dakota and Louisiana have signed and approved the MOU at the Director or Secretary level.

Legal Request The HRMB requests a legal review of the attached document for consideration of entering into the agreement with the U.S. Army. Attached are the HRMB comments on the proposed document.

Fort Bliss EOD Contact Lieutenant Minert (915) 568-8905

Attachments

COMMENTS

PROPOSED MEMORANDUM OF UNDERSTANDING

between the  
41ST EXPLOSIVE ORDNANCE DISPOSAL UNIT  
and the  
NEW MEXICO ENVIRONMENT DEPARTMENT

1. Section 2.a., last sentence

The sentence, "EOD emergency actions involving explosives materials and devices are not subject to RCRA", should be changed to, "EOD emergency actions involving explosives materials and devices will be conducted in accordance with the New Mexico Hazardous Waste Management Regulations 20 NMAC 4.1, Section 265.1.(c)(11). Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable hazardous waste treatment, storage, or disposal regulations."

2. Section ~~b~~.c.i.

The sentence, "Provide a telephone point-of-contact for emergency response calls (24 hours)" should be deleted. Add the sentence, "Provide regulatory assistance for complying with applicable hazardous waste management regulations".

~~Marc~~  
Marc - This looks okay  
to me. Sorry I  
took so long.  
Troy

DEPARTMENT OF THE ARMY  
41ST ORDNANCE DETACHMENT (EOD)  
52D ORDNANCE GROUP (EOD)  
FORT BLISS, TEXAS 79916-6803

MEMORANDUM OF UNDERSTANDING  
CONCERNING OFF-INSTALLATION  
EMERGENCY ACTIONS ON EXPLOSIVES

1. Parties: The parties of this Memorandum of Understanding (MOU) are the Department of Army (DA) Explosive Ordnance Disposal (EOD) unit located at building 3600, Fort Bliss, Texas ("DA EOD"), the \_\_\_\_\_, and the \_\_\_\_\_, environmental protection authorities.

2. Background:

a. DA EOD are specially trained personnel belonging to units with the military services. They are trained to handle all types of explosives, including improvised explosive devices. Other Federal agencies and civil authorities occasionally call upon DA EOD units for assistance with emergencies involving explosives. These situations call for immediate action to abate the safety threat by treatment in place or removal to a safe location. EOD emergency actions involving explosives materials and devices are not subject to regulation under RCRA.

b. Except for providing temporary storage or treatment of explosives in order to provide emergency life saving assistance to civilian authorities or to assist law enforcement agencies in accordance with established agreements between DOD and the head of the Federal agency concerned, DOD is prohibited by law (10 U.S.C. 2692) from using DOD installations for the storage or treatment of non-DOD owned hazardous materials.

3. Purpose: This MOU addresses roles and responsibilities of the parties regarding notification requirements during emergency response operations. The purposes of this MOU are to:

a. Minimize the risk to public safety from DA EOD emergency actions:

b. Maximize the speed and efficiency of any explosive treatment or retrieval operation; and

c. Establish a framework for mutual assistance and consultation among the parties with respect to DA EOD emergency actions.

4. Scope: This MOU applies to DA EOD emergency actions in the public sector.

5. Definitions:

a. Explosive emergencies are sudden and unexpected events involving explosives that present a safety hazard to the public.

b. DA EOD emergency actions are DA EOD responses taken to emergencies involving explosives.

c. DA EOD emergency actions in the public sector are responses to events outside military installations.

6. Roles and Responsibilities:

a. DA EOD Units.

i. Provide EOD support to other Federal agencies and civil authorities on a 24 hour basis, as requested.

ii. Provide a telephone point-of-contact for response service to civil authorities.

iii. Provide incident information necessary for satisfying emergency requirements to civil authorities, as requested.

b. Civil Authorities/Agencies Requesting Assistance.

i. Upon identification of the emergency, contact the cognizant environmental protection authority regarding emergency notification requirements.

ii. Complete any reports notifications required by the environmental protection authority. Request incident information from the responding EOD unit, as necessary to complete the required reports.

c. Environmental Protection Authorities.

i. Provide a telephone point-of-contact for emergency response calls (24 hours).

ii. Assist in expediting issuance of any emergency permits that may be required.



7. Duration/Amendment/Withdrawal: This MOU will remain in force and affect until amended or terminated by mutual agreement of the parties. Any party may withdraw from the MOU upon 60-days written notice to the other parties.

DEAN A. MEINERT  
1LT, OD  
Commanding  
41st Ordnance Detachment (EOD)

\_\_\_\_\_ Date \_\_\_\_\_

For Civil Authorities (Specify)

\_\_\_\_\_ Date \_\_\_\_\_

For Environmental Protection Authorities: (Specify)

\_\_\_\_\_ Date \_\_\_\_\_