

*File - Red
Fort Bliss*

DEPARTMENT OF THE ARMY
41st Ordnance Detachment (EOD)
Fort Bliss, Texas 79916-6803

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AFYB-BB

8 MAY 95

MEMORANDUM FOR New Mexico Environment Department - Hazardous & Radioactive Materials Bureau, Santa Fe, NM 87502. ATTN: Mr Marc Sides.

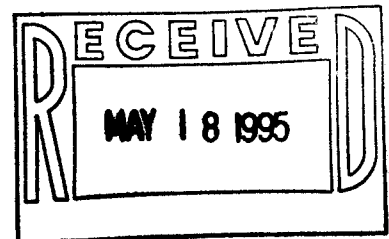
SUBJECT: Memorandum of Understanding Comments

Mr. Sides,

The comments that you sent regarding the enclosed memorandum, were faxed to my higher headquarters. However, they were never sent to the 52d Group Headquarters, because they were waiting for the originals which I had never mailed. This gives us a chance to review your comments based on our tele-conference. The comments proposed by your agency are enclosed. When we discussed comment #2, I believe you said that there is now someone on call 24 hours a day. I was wondering if you want to make that change. If you would please review your comments, and make any changes necessary I would appreciate it. I think our conversations have given us each a better insight as to where each agency stands. Please return these comments on your department letterhead. Would you please include a copy of the section referred to in your first comment? This would assist the Judge Advocate General's office in their review of the proposed changes. Additionally, please enter the necessary information on the last page of the MOU. I need to send the originals forward. I would like to hand carry these to my higher headquarters on 22 May 95, if at all possible. Thanks again for all of your cooperation in this endeavor.

D. A. Meinert

DEAN A. MEINERT
1LT, OD
Commanding



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) 52nd Ordnance Group (EOD), ("DA EOD") and the New Mexico Environment Office.

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.

RICHARD C. DAVIS
COL, OD
Commanding
52nd Ordnance Group (EOD)

_____ Date _____

For Civil Authorities (Specify)

_____ Date _____



For Environmental Protection Authorities: (Specify)

_____ Date _____

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~~ ^{and comply with} ~~subject to~~ ^{contained activities by the EOD} all applicable hazardous waste treatment, storage, or disposal regulations."

OK

if determined to be hazardous waste
at date of
to meet or
have
det
if

2. Section 6.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".