



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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December 11, 2020

Army National Guard  
Impact Area Groundwater Study Program  
ATTN: Mr. Shawn Cody, Program Manager  
PB 0516 West Outer Road  
Camp Edwards, MA 02542

RE: **BOURNE- BWSC**  
Release Tracking Number 4-0015031  
Joint Base Cape Cod (JBCC), **Immediate**  
**Response Action Plan for the Disposal of**  
**RCRA Solid Waste Munitions Using a**  
**Buried Explosive Module Structure,**  
Conditional Approval

Dear Mr. Cody:

The Massachusetts Department of Environmental Protection (MassDEP) is currently regulating releases of oil and/or hazardous material (OHM) pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E) and the Massachusetts Contingency Plan (310 CMR 40.000, the MCP) at Camp Edwards, located on Joint Base Cape Cod in Bourne, Massachusetts (the Site). MassDEP has assigned Release Tracking Number (RTN) 4-0015031 to the Site.

On December 5, 2020, MassDEP received a document entitled "**Immediate Response Action (IRA) Plan for the Disposal of RCRA Solid Waste Munitions Using a Buried Explosive Module (BEM) Structure**" (the IRA Plan) dated December 3, 2020. The IRA Plan was prepared by the Army National Guard Impact Area Groundwater Study Program (IAGWSP) on behalf of the National Guard Bureau, the Department of the Army and the Massachusetts Army National Guard. The IRA Plan describes the IAGWSP proposal to use the BEM structure on Camp Edwards within the Central Impact Area (CIA) at JBCC to dispose of military munitions, including unexploded ordnance (UXO), which have been historically disposed of or buried on the Camp Edwards Training Ranges and CIA.

The BEM structure has been authorized and approved by the Department of Defense (DoD) and the DoD Explosive Safety Board (DDESB) for disposing of military munitions that were used for their intended purpose, however, the BEM structure has not been specifically authorized for use as a Resource Conservation and Recovery Act (RCRA) Miscellaneous Unit for destroying *solid waste* military munitions at JBCC, i.e., those munitions items that have been disposed of or buried where such disposal or burial is not the result of intended use. MassDEP has primary responsibility for implementing the RCRA hazardous waste program (including Subpart X – (40 CFR part 264) Miscellaneous Hazardous Waste Units). Accordingly, MassDEP has determined that a permit under RCRA Subpart X (40 CFR part 264) and the Massachusetts Hazardous Waste Regulations is not necessary for the destruction of the solid waste military munitions in the BEM structure at Camp Edwards by virtue of the exemption in 310 CMR 30.104(2)(q), Wastes Subject to Exemption from 310 CMR 30.000. Instead, MassDEP has determined

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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that the destruction of the solid waste military munitions in the BEM structure at Camp Edwards will be regulated under the MCP due to uncertainties regarding the munitions' composition and safety concerns with the storage and handling pose an immediate threat to human health and to the environment. The solid waste military munitions items are not safe to move outside of Camp Edwards, pose an immediate hazard to public health and safety and therefore need to be destroyed at Camp Edwards in the BEM structure.

**MassDEP hereby approves the IRA Plan subject to the following conditions:**

1. Notice shall be provided to MassDEP at least 72 hours prior to mobilizing and demobilizing from the Site to perform the activities described in the IRA Plan. It has been communicated to MassDEP by the Army National Guard IAGWSP that the destruction of the solid waste military munitions subject to the IRA Plan will be scheduled as soon as approval from MassDEP has been obtained and that the munitions items will be destroyed in the BEM structure by no later than the end of December 2020. However, if there is a delay in the destruction of these munitions items past the end of December 2020, notice thereof shall be provided to MassDEP. Notice shall be provided electronically to [leonard.pinaud@mass.gov](mailto:leonard.pinaud@mass.gov).
2. Pursuant to 310 CMR 40.0414(6)(c): Scope and Types of Immediate Response Actions; and 310 CMR 40.0018: Health and Safety Procedures, monitoring activities shall be instituted, if necessary, to assess for and protect the public from exposure to contaminants during the performance of the activities described in the IRA Plan.
3. IRA Status Reports shall be submitted to MassDEP pursuant to 310 CMR 40.0425. IRA Status Reports shall be submitted electronically via eDEP.
4. In accordance with 310 CMR 40.0427, an Immediate Response Action Completion Report shall be submitted electronically via eDEP within sixty (60) days of completion of all assessment, containment and/or removal actions conducted as part of the Immediate Response Action.
5. Consistent with 310 CMR 40.0428(1), Public Involvement Activities shall be conducted in accordance with 310 CMR 40.1400 through 40.1406. Public Involvement Activities relevant to IRA Plan may include, without limitation, those activities set forth at 310 CMR 40.1403(3) (b), (c), and (f), (5) and (9).

The Army National Guard IAGWSP is authorized to proceed with implementation of the IRA Plan subject to the conditions set forth herein. MassDEP reserves all rights to take any civil, criminal, or administrative enforcement action pursuant to any available legal authority, including the right to seek injunctive relief; the recovery of money expended or to be expended (plus interest); monetary penalties; criminal sanctions; and/or punitive damages regarding any violation of Chapter 21E and the MCP, or any actual or potential threat to human health, safety, public welfare or the environment, or any release of hazardous substances on, at, in, or near the Site. Nothing in this letter shall preclude MassDEP from taking any additional enforcement actions, including the issuance of Orders and/or additional actions, as MassDEP may deem necessary, or from requiring the Army National Guard IAGWSP to perform additional activities pursuant to any other applicable law.

Please incorporate this letter into the Administrative Record for the Impact Area Groundwater Study Program. Written or verbal communication regarding this Site shall be sent to my attention at the

letterhead address, via email at [leonard.pinaud@mass.gov](mailto:leonard.pinaud@mass.gov) or at 508-946-2871. Please reference Release Tracking Number 4-0015031 in any written correspondence regarding the Site.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Pinaud', enclosed within a circular scribble.

Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

P/lp

Ec: Upper Cape Boards of Selectmen  
Upper Cape Boards of Health  
JBCC Cleanup Team  
MassDEP Boston/Southeast Region

Jane Dolan, USEPA R1

Gerard Martin, Deputy Regional Director, BWSC SERO  
Seth Pickering, Deputy Regional Director, BAW SERO  
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