

units resemble the types of units regulated under Subpart CC, as described above.

3.2.8 Subpart EE -Military Munitions Rule

Section 107 of the Federal Facility Compliance Act of 1992 added a new subsection 3004(y) to RCRA, requiring EPA to issue regulations that identify when conventional and chemical military munitions become hazardous wastes subject to RCRA Subtitle C, and that provide for the safe storage and transportation of such waste. EPA published the final Military Munitions Rule on February 12, 1997 ([62 Federal Register 6622-6657](#)). This rule directly affects Subpart X OB/OD operations in three situations: (1) use of a product for its intended use, including the OD of bombs hitting the ground, the OD of explosives for mining or road clearing, and the training of military personnel in the OB/OD of military munitions, (2) the on-range OB/OD destruction of unexploded ordnance (UXO) during range clearance activities at active or inactive ranges, and (3) the OB/OD destruction of all munitions and explosives during an emergency response. In the first two situations the final rule specifies that these materials are not “solid waste,” and therefore the RCRA permitting standards do not apply. In the third case, regardless of whether the material is a “solid waste,” the final rule exempts the emergency OB/OD operations from RCRA permitting requirements. Except for the training of military personnel in the OB/OD destruction described in situation one, these situations apply to non-military munitions and explosives. For all other non-use OB/OD destruction of munitions or explosives, RCRA permitting or interim status is generally required. These situations are discussed in greater detail below.

The [Military Munitions Rule Fact Sheet](#) provides an overview of this regulation.

3.2.8.1 Training in Use of a Product

The final Military Munitions Rule, in 40 CFR §266.202 (a)(1)(i), states that a military munition is not a solid waste when it is used for its intended purpose, including use in training military personnel in the proper and safe OB/OD destruction of unused propellant or other military munitions as may be