



DEPARTMENT OF THE ARMY
HUNTSVILLE DIVISION, CORPS OF ENGINEERS
P. O. BOX 1600
HUNTSVILLE, ALABAMA 35807-4301

CF: BARRY PASSMORE
FILE - DOLLY SODS
3/23/95
MYT

REPLY TO
ATTENTION OF

CEHND-PM-OT (210-20b)

15 December 1994

MEMORANDUM FOR Commander, U.S. Army Engineer District,
Huntington, ATTN: CEORH-DL-M (Wayne Budrus),
502 8th Street, Huntington, WV 25701-2070

SUBJECT: Environmental Assessment

1. During our recent meeting in Elkins, Mr. Roland Belew stated that he would send a copy of an Environmental Assessment (EA). Enclosed is a copy of the Mission Trails Environmental Assessment from Dames & Moore that we hope will be helpful. Barry also requested an EA and a Memorandum of Agreement (MOA) to be used as a guide. I am sending the most current MOA available at this time. I will be sending a copy of the MOA we have with the Forest Service at a later date.

2. The point of contact for further information is Ms. Lynn Frow at commercial 205-955-1457 or DSN 645-1457.

FOR THE DIRECTOR OF PROGRAMS
AND PROJECT MANAGEMENT:

LAWSON S. LEE, P.E.
Chief, Ordnance and Technical
Programs

Encl

CF:
Commander, U.S. Army Engineer District, Potomac Ranger District,
ATTN: Ms. Nancy Feakes, HC 59, Box 240, Petersburg, WV 26847

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G03WV006504_02.04_0004



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THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT in the Office for Emergency Management, Executive Office of the President, is hereby granted a permit commencing May 1, 1945, but revocable at will be the Secretary of War, to use as a range for test firing of rockets and other projectiles a portion of the WEST VIRGINIA MANEUVER AREA MILITARY RESERVATION, West Virginia, located substantially as shown in red on Exhibit "A" attached hereto and made a part hereof.

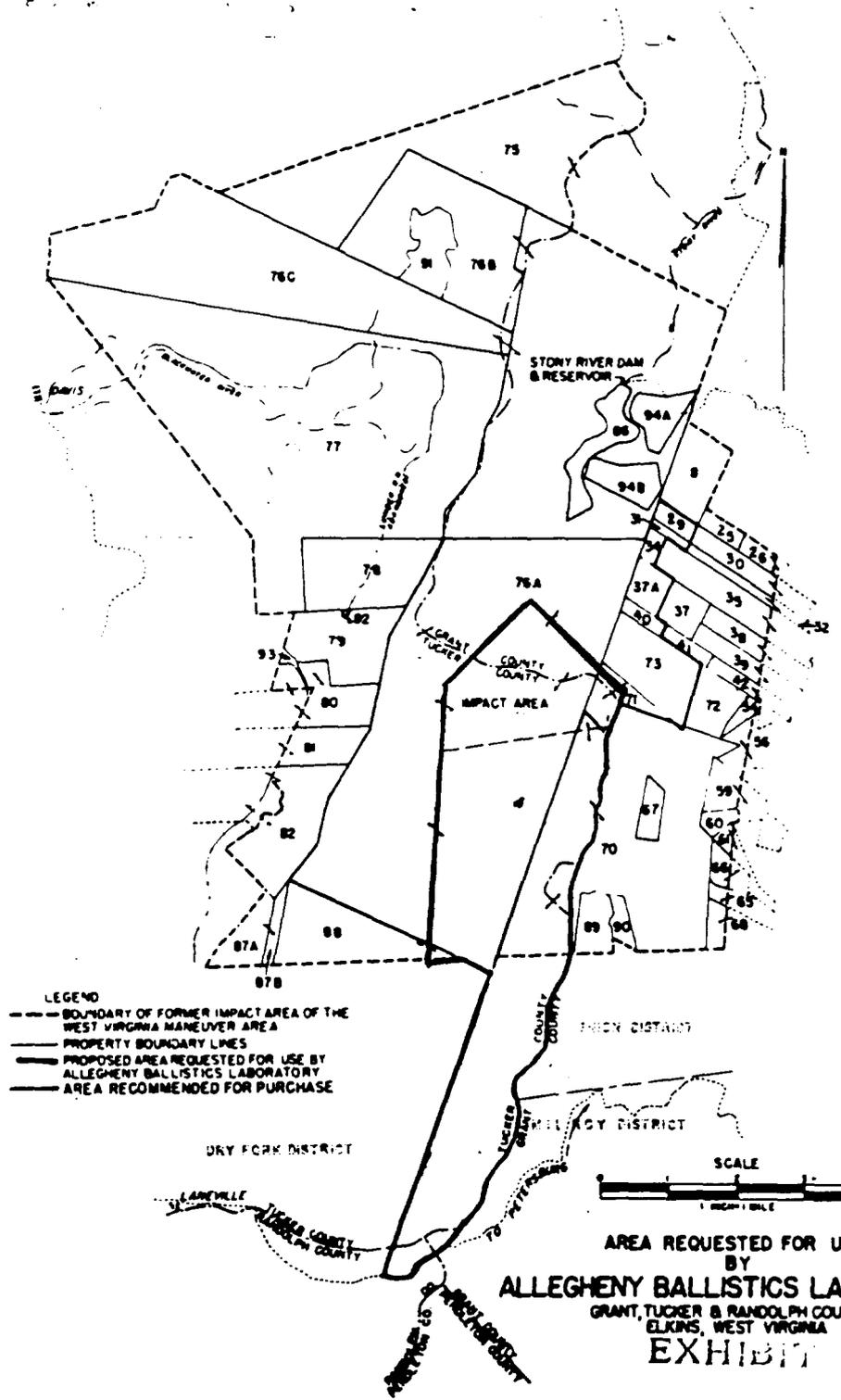
THIS PERMIT is granted subject to the following provisions and conditions:

1. That the premises covered by this permit are embraced in leases from the Central Tie and Lumber Company, whose address is Petersburg, West Virginia, to the United States of America under Lease No. W 33-017-Eng-345 for the period beginning August 6, 1943, through June 30, 1944, and the West Virginia Central and Pittsburgh Railway Company and the Davis Coal and Coke Company, whose address is in care of H. A. Bruck, Real Estate and Tax Agency, Western Maryland Railway Company, Hillin Station, Baltimore 2, Maryland, to the United States of America under Lease No. W 33-017-Eng-1403, for the period beginning August 6, 1943, through June 30, 1944, both leases provided that, unless and until the Government shall give notice of termination in accordance with Provision 6 thereof, the lease shall remain in force thereafter from year to year without further notice; provided further that the lease shall in no event extend the period of occupancy of the premises beyond six (6) months after the date of termination of the unlimited National Emergency as declared by the President of the United States in Proclamation No. 2487, dated May 27, 1941, and a permit from the Department of Agriculture dated August 4, 1943, for such period as may be necessary, and this permit, subject to all the provisions and conditions of said leases and permit, shall be extended automatically until the termination or expiration of said leases and permit. It is understood that this permit shall be subject to all the provisions and conditions contained in said leases and permit.
2. That the permittee will make arrangements with the Forest Service, Department of Agriculture, for responsibility for forest fire protection on the national forest land in the Monongahela National Forest which is included in the area described herein.
3. That the permittee shall have the right to attach fixtures, and erect structures or signs, in or upon the premises, which fixtures and structures, or signs, so placed in, upon, or attached to the said premises shall be and remain the property of permittee and may be removed or otherwise disposed of by permittee.
4. That the permittee will give immediate notice to the Office, Chief of Engineers, at such time as it is determined the area is no longer to be used.
5. The privileges herein granted may be exercised by the permittee through its agencies or contractors, subject to the terms and conditions herein contained; provided, however, that the permittee is not relieved of its responsibilities and obligations under this

permit. Such agencies and contractors shall be required to warrant that as long as the premises are used and occupied by them, they will not include in any price charged the Government or any supplier of the Government for the work performed therein, any charges (including amortization and depreciation) for the premises herein granted, exclusive of costs of alterations, improvements, maintenance or other charges for which they may be obligated.

IN WITNESS WHEREOF I have hereunto set my hand by authority of the Secretary of War and under the direction of the Chief of Engineers this 8th day of September 1945.

/s/ ROBERT H. FABIAN
ROBERT H. FABIAN
Major, Corps of Engineers
Chief, Management and
Disposal Division
Real Estate



- LEGEND**
- BOUNDARY OF FORMER IMPACT AREA OF THE WEST VIRGINIA MANEUVER AREA
 - PROPERTY BOUNDARY LINES
 - PROPOSED AREA REQUESTED FOR USE BY ALLEGHENY BALLISTICS LABORATORY
 - AREA RECOMMENDED FOR PURCHASE



AREA REQUESTED FOR USE
BY
ALLEGHENY BALLISTICS LABORATORY
GRANT, TUCKER & RANDOLPH COUNTIES
ELKINS, WEST VIRGINIA
EXHIBIT A

MEMORANDUM OF AGREEMENT
BETWEEN
U.S. ARMY 52ND ORDNANCE GROUP (EOD)
AND
U.S. ARMY ENGINEER DIVISION, HUNTSVILLE

PREPARED: Debra K. Hendry DATE: 28 Sept 94
DEBRA HENDRY, ED-SY-A

REVIEWED: Jim Wilson DATE: 28 Sept 94
JIM WILSON, CHIEF, ED-SY-A

SUBMITTED: Robert Nore DATE: 9/28/94
BOB NORE, PM-MC

CONCURRED: David Douthat DATE: 9/28/94
DAVID DOUTHAT, CHIEF, PM-SO

Stan Lee DATE: 9/28/94
STAN LEE, CHIEF, PM-OT

Leo Carben DATE: 9/29/94
LEO CARBEN, CHIEF, PM

Ron Lein DATE: 9/29/94
RON LEIN, CHIEF, ED

Ed Carpenter DATE: 9/28/94
ED CARPENTER, CHIEF, RM

Jim Reynolds DATE: 9/23/94
JIM REYNOLDS, CHIEF, CT

Margaret Simmons DATE: 28 Sep 94
MARGARET SIMMONS, OC

MEMORANDUM OF AGREEMENT
BETWEEN
U.S. ARMY 52ND ORDNANCE GROUP (EOD)
AND
U.S. ARMY ENGINEER DIVISION, HUNTSVILLE (USAEDH)

1. PURPOSE. The purpose of this Memorandum of Agreement (MOA) is to establish mutually-agreed-upon terms and conditions between the U.S. Army 52nd Ordnance Group (EOD) and the U.S. Army Engineer Division, Huntsville (USAEDH) for the command responsibilities and support required for ordnance and explosive waste (OEW) environmental restoration activities at Formerly Used Defense Sites (FUDS), Base Realignment and Closure (BRAC) sites, and active DOD installations under the Installation Restoration Program (IRP).

2. SCOPE. This MOA applies to the Commander, 52nd Ordnance Group and the Commander, USAEDH, and their respective subordinate organizations. This MOA applies only to the relationship and responsibilities between 52nd Ordnance Group and USAEDH at FUDS, BRAC and IRP locations where suspected or known OEW exists.

3. DEFINITIONS.

a. Formerly Used Defense Sites (FUDS). Those properties previously owned, leased or otherwise possessed or used by the DOD for military purposes; now owned by private entities, native Americans or non-DOD governmental agencies. DOD no longer has control over these sites.

b. Site Visits. Trips taken to sites for the purpose of conducting preliminary assessments or archives searches, or to gather data for writing scopes of work or work plans. Government employees and contractors are not tasked or equipped at this point to dispose of found OEW, and are not allowed to conduct OEW activities during these site visits.

c. Site Investigations. Trips taken to sites for the purpose of confirming the presence of OEW or determining the extent of OEW contamination. Government employees and contractors would in most cases be tasked and equipped at this point to dispose of found OEW. Some site investigations involve geophysical mapping, with no intrusive work, and the contractor would not be equipped to dispose of OEW in this case.

4. BACKGROUND.

a. The Army, Navy, Air Force and Marines all have their own EOD organizations, the missions of which are assigned in AR75-14. In general, the land mass is assigned to Army EOD, and waters (up to the high water mark) to the Navy EOD. Each service is responsible for EOD activities at their own installations. If an

Mr. Nore/jb/4968/B:MOUCOVER

11 OCT 1994

CEHND-PM-MC (385-16b)

MEMORANDUM FOR Commander, U.S. Army Headquarters 52nd Ordnance Group (EOD), Fort Gillem, GA 30050-5000

SUBJECT: Memorandum of Agreement (MOA) between U.S. Army 52nd Ordnance Group (EOD) and U.S. Army Engineer Division, Huntsville (USAEDH)

1. Subject MOA is enclosed for your signature. I am enthusiastic about this agreement, believing that it will help to clear up many of the misunderstandings that have occurred between your command and other Corps of Engineers offices. I fully intend to meet the responsibilities laid out for Huntsville Division.
2. Please return the signed original as soon as you can. It is important to relay this agreement quickly to the rest of the Corps so that everyone understands the rules. If you have any problems with the language, feel free to give me a call.

Encl

ROBERT D. BROWN III
COL, EN
Commanding

CF:

ED File
 ED Read
 PM-MC File/Read/Nore
 PM Read
 DE Chron File

DATE

30 Oct 94 DOUTHAT, PM-MC
~~30 Oct 94~~ ~~PM-MC~~
 10-3 75 CARDEN, PM
3 Oct 94 BYNUM, DA
5 Oct 94 see yellow L24 TALIANKO, DX
7 Oct 94 THORNTON, DC

EOD detachment cannot respond to an incident in its area of responsibility, it must contact its control team to coordinate with another service agency to effect a response. The control team is responsible for effecting the actual coordination with other services and for keeping higher headquarters informed. The 52nd Ordnance Group (EOD) is assigned to respond throughout the continental United States, Virgin Islands and Puerto Rico.

b. It is important to understand that EOD organizations are intended to respond to emergency incidents. They are not intended to operate as Corps ordnance contractors or as disposal contractors for OEW scrap. Their resources must be used wisely, as they have other important missions that must also be resourced.

5. GENERAL PROGRAM EXECUTION RESPONSIBILITIES.

a. The USACE is responsible for execution of all OEW activities at DERP-FUDS sites. USAEDH has been assigned as the Mandatory Center of Expertise and Design Center, with responsibilities for OEW from the site investigation through removal design. This responsibility was also assigned to USAEDH for the BRAC and IR sites, but BRAC and IR installations frequently seek assistance from other agencies to execute OEW investigations and removal actions.

b. The 52nd Ordnance Group (EOD) is responsible for the following missions in descending order of priority:

(1) Protection of the President and other VIPs.

(2) Training and support to the Department of Justice in support of counter nuclear terrorism.

(3) Emergency, 24-hour response to installations and civil authorities to evaluate, render safe, and remove chemical, nuclear, or conventional ordnance or improvised explosive devices that pose an immediate threat.

(4) Emergency response to transportation accidents involving DOD munitions.

(5) Support to training bases and range clearances.

(6) Support to clean-up of contaminated lands.

(7) Provide classes to civil and military authorities on explosive hazards.

c. The 52nd Group will be responsible for supporting the USACE during execution of DERP-FUDS, IRP and BRAC in the capacity of emergency 24-hour response (Item 3 above). Support for

clean-up of contaminated lands (Item 6 above) is not considered to be of an emergency nature. However, the 52nd Group does provide such support with prior coordination and as their higher priority missions allow.

6. SPECIFIC RESPONSIBILITIES.

a. USAEDH.

(1) Designate a single point of contact in CEHND-PM-SO responsible for coordinating and directing all USACE requests for EOD assistance in support of those activities.

(2) Prepare programmatic schedules and major project milestones. Provide schedules and updates to 52nd Group as soon as developed.

(3) Advise 52nd Group in writing of all site visits to sites with potential OEW as soon as the visits are scheduled.

(4) Coordinate with 52nd Group all investigations being conducted by USAEDH and by other USACE geographic Districts that may involve OEW response.

(5) Screen calls from USACE geographic Districts to forward only emergency requests to 52nd Group.

(6) Provide in-house or contract UXO support for all OEW intrusive site investigations and removal actions.

(7) Obtain the appropriate right-of-entry agreements, with provisions for on-site disposal, for sites under OEW investigation or removal action. Also, submit the necessary manifests for such actions when OEW will be transported off-site.

(8) For a USACE contract, UXO Safety Specialists shall determine if UXO is considered unsafe for USACE contractors to move.

(9) Provide personnel or coordinate with local authorities to secure UXO items until 52nd Group responds to the site. If overnight security is required after 52nd Group has responded, USAEDH will coordinate the support.

(10) Respond to news media and public inquiries concerning DERP-FUDS OEW disposal activities.

(11) Provide contractor or in-house support for excavation to the responding EOD unit if requested by 52nd Group.

(12) Provide site safety and health plans for OEW site investigations and removal actions to 52nd Group for information.

(13) Provide funding as required for EOD reimbursable expenses such as consumables, fuel, batteries, maintenance or replacement of damaged equipment, and personnel travel and per diem.

b. 52nd Ordnance Group (EOD)

(1) Designate a single point of contact responsible for coordinating and directing EOD activities and interfacing with USAEDH.

(2) Respond to all requests from USAEDH Safety Division for emergency render safe and disposal procedures, in accordance with OI 75-7 (Appendix A) and OI 75-9(Appendix B).

(3) The EOD Team Leader is in control of the area, consulting with the USAEDH on-site Safety Specialist regarding the need for render safe or disposal procedures. The USAEDH specialist must understand that the EOD Team Leader is in control of the emergency incident.

(4) Provide explosive ordnance reconnaissance and explosive safety training to selected Corps personnel.

(5) Serve as technical consultants or advisors to USAEDH.

7. COORDINATION.

a. Coordination between USAEDH and 52nd Group should commence as early in the life of a project as possible, starting with the sharing of programmatic workplans. As soon as field activity is scheduled, a written request will be sent by USAEDH to 52nd Group (EOD). 52nd Group (EOD) will assign an EOD Control Team (EODCT) to schedule resources to be available during the scheduled action. The EODCT will task an EOD unit to support USACE forces in the field as necessary.

b. If an emergency response is needed and the above coordination has been accomplished, the USAEDH UXO Safety Specialist may coordinate directly with the assigned EOD Unit.

c. If an emergency response is needed and previous coordination has not been accomplished, initial coordination must be with a local EOD unit in accordance with (1) and (2) below. USAEDH Safety Division will also contact 52nd Group (EOD), as a courtesy, to inform them of the request for emergency response. The unit must be called in one of the following ways:

(1) If the site is owned by a Federal, State or local government, the call must be made by an individual with authority to speak for the installation.

(2) If the site is privately owned, the call must be made by a local law enforcement official.

8. FUNDING. USAEDH will provide funding for EOD support by reimbursable order. Estimated EOD funding requirements will be provided to USAEDH based on the programmatic workplans. Emergency response funding will be provided on a case by case basis.

9. DURATION AND REVIEW.

a. This MOA becomes effective upon the date of signature of the later signature.

b. This MOA will be reviewed at the request of either party, but at least every year. Amendments to this agreement may be made at any time as a joint action of USAEDH and 52nd Ordnance Group (EOD).

RICHARD C. DAVIS
COL, OD
Commanding

DATE



ROBERT D. BROWN, III
COL, EN
Commanding

11 October 54

DATE

APPENDIX A

EOD Assistance to the US Army Corps of Engineer (USACE) OI 75-7



DEPARTMENT OF THE ARMY
HEADQUARTERS 52D ORDNANCE GROUP
(EXPLOSIVE ORDNANCE DISPOSAL)
FORT GILLEM, GEORGIA 30050-3000



AFYB-CDR

23 March 1994

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: EOD Assistance to the US Army Corps of Engineers
(USACE) OI 75-7

1. This memorandum provides guidance concerning support to USACE contractors; at Formerly Utilized Defense Sites (FUDS), involved with the Defense Environmental Restoration Program (DERP), performing work on active DOD installations, and Base Realignment and Closure sites when prior coordination and planning has not been accomplished with this headquarters.

2. EOD Detachments will respond to requests from a USACE representative as an EOD incident per AR 75-15 during contractor operations when:

a. Approval from EODCT has been received.

b. RSP actions when required on munitions that cannot be disposed of in place.

c. Unknown ordnance is uncovered for which the contractor does not have the references, institutional knowledge, or is outside the scope of the contract.

d. Suspected chemical munitions are discovered.

3. Based upon this guidance and USACE/DOD/contractor contracts, Detachment Commanders;

a. Will provide:

(1) Their respective EODCT notification of a request from a USACE representative.

(2) Case by case RSP actions on munition(s) (IF required, as determined by the responding Team Leader).

(3) Case by case EOD support if the incident is beyond the experience or available references of the contractor.

(4) Historical or institutional knowledge if familiar with the area.

(5) Unclassified technical, safety, munition condition, and/or associated hazard information.

(6) Immediate response to suspected chemical munitions.

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SUBJECT: EOD Assistance to the US Army Corps of Engineers
(SUACE), OI 75-7

b. Will not provide:

- (1) Support to contractors without prior approval from the detachment's respective EODCT.
- (2) Any type of range clearances.
- (3) Routine disposal of munitions.
- (4) Bulk explosives.
- (5) Surface and/or sub-surface searches of any type.
- (6) Classified information to the contractor.
- (7) Routine transportation of munitions.
- (8) Packaging and/or containers for shipment/storage.
- (9) Verification that a range/area is clear of munitions.
- (10) Any procedures without local/state federal EPA approval.
- (11) Quality Assurance (QA)/Quality Control (QC) verification of the contractor's work.
- (12) Storage for the contractor.
- (13) Guards for individual munitions or sites.

4. After approval from the detachment's EODCT, team leaders will treat the request as an EOD incident. The team leader will report to the senior USACE representative on site, perform procedures within established guidelines, then release the incident site back to the representative.

5. If the team leader feels that he/she is tasked for any other purpose than the guidelines set in this memorandum or questions arise surrounding USACE contracts or contractors, detachments will notify their EODCT who will notify this headquarters.

6. This headquarters will be the final approving authority on exceptions, requests, deviations, and situations not covered in this memorandum.



RICHARD C. DAVIS
COL, OD
Commanding

DISTRIBUTION:

A

CF:

US Army Corps of Engineers, CEHND-ED-SY, Huntsville, AL
35807-4301

APPENDIX B

EPA Guidance for EOD Incident Response OI 75-9



DEPARTMENT OF THE ARMY
HEADQUARTERS 52D ORDNANCE GROUP
(EXPLOSIVE ORDNANCE DISPOSAL)
FORT GILLEM, GEORGIA 30050-5000



AFYB-CDR

7 March 1994

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: EPA Guidance for EOD Incident Response OI 75-9

1. References:

- a. Public Law 102-386, 6 October 1992, Subject: Federal Facility Compliance Act
- b. 42 USC 6901, 1981, Subject: Resource Conservation and Recovery Act (RCRA), as amended
- c. 40 CFR Parts 190 to 299, 1 July 1993, Subject: Protection of the Environment
- d. 49 CFR parts 100 to 199, Subject: Transportation
- e. AR 75-15, 1 Nov 78, Subject: Responsibilities and Procedures For Explosive Ordnance Disposal, 1 November 1978
- f. 52nd Ord Grp OI 75-2, 17 January 1993, Incident Response Guidelines, 17 January 1992
- g. Letter, HQDA, DASA(ESOH), 1 November 1993, Subject: Application of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Requirements to Conventional Explosive Ordnance Operations - Interim Policy and Guidance

2. This policy clarifies HQDA guidance for compliance with Environmental Protection Agency (EPA) and Department of Transportation (DOT) requirements.

3. Safety is the most important consideration in Explosive Ordnance Disposal (EOD) incident response.

4. The following is excerpted from reference 1g.

- a. EOD personnel conduct emergency response operations to protect life and property and to return military conventional explosive ordnance discovered off-installation to DOD control. EOD emergency response actions include on and off-site treatment and the transportation to the extent necessary to abate the immediate threat. For example, if conventional explosive ordnance is discovered at a civilian site, EOD personnel would provide support to civil

AFYB-CDR

SUBJECT: EPA Guidance for EOD Incident Response OI 75-9

authorities off-installation and also to on-installation authorities if the conventional explosive ordnance is returned to a DOD facility.

b. EOD emergency response actions required to abate an immediate safety threat to personnel or property are specifically excluded from the treatment, storage, and disposal facility standards and permitting requirements of the RCRA regulations (40 CFR 264.1(g) (8), 40 CFR 265.1 (c) (11), and 40 CFR 270.1 (c) (3)).

5. An EOD incident is an emergency, on or off a military installation, when explosive ordnance is not safely stored or secured and can cause immediate injury to personnel, damage to valuable property, or impact a unit's operational readiness. Because of the nature of EOD work, a request for EOD assistance (military or civilian authority) is an emergency. Levels of EOD emergencies and permitting requirements are as follows.

a. Imminent Threat: Immediate action is required; no time to obtain emergency permits or manifests. Transport and disposal are exempt from permit and manifest requirements. Examples are Improvised Explosive Devices (IEDs) or sensitive fuzed munitions in inhabited areas, or other incidents where an immediate risk of detonation exists. Transport ordnance for short distances if it cannot be treated on site.

b. Threat: Rapid action is required; only time to obtain oral emergency permits/manifests from officials. Examples are fuzed munitions unexpectedly found close to inhabited areas, transportation networks, or storage facilities. Transport ordnance for short distances if it cannot be treated on site.

c. Extended Threat: Deliberate action is required; time to obtain written emergency permits/manifests from officials. Examples are unfuzed munitions found in open areas or from excavations in areas known to contain explosive ordnance.

6. It is our mission to remove as safely and expeditiously as possible explosive ordnance from the public sector. When an EOD Team responds to a call for assistance, the requesting agency, in conjunction with the EOD Team Leader, must determine if an imminent and substantial threat of detonation exists. If an imminent and substantial threat of detonation does not exist, the requesting agency must determine what level of emergency permitting and manifesting are required and obtain them. Ideally, the civil authority will take the lead in contacting EPA officials. If the civil authority cannot or will not contact the appropriate environmental agencies, the EOD Team Leader should assume this responsibility for imminent threat and threat situations. The EOD Team Leader will record, on a DA Form 3265R, EOD Incident Report, the level of emergency, the parties involved, and the permits obtained.

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SUBJECT: EPA Guidance for EOD Incident Response OI 75-9

7. Whenever possible a team should dispose of the ordnance at the incident site. If the area cannot withstand a high order detonation because the Net Explosive Weight (NEW) exceeds a sufficient safety zone, the EOD Team Leader will transport the ordnance to the nearest appropriate Safe Disposal Area (SDA). This is not necessarily the installation SDA. Local areas that meet NEW standards can be used.

a. When the ordnance poses an imminent and substantial threat as described in para 5a., no manifest or permit is required.

b. When the ordnance poses a threat as described in para 5b., an oral emergency manifest and permit is required.

c. When the ordnance poses an extended threat described in para 5c., a written emergency manifest and permit is required.

The above guidance also applies when ordnance is transported to an unpermitted military installation.

8. Ordnance may be held for reasons other than treatment/disposal.

a. When directed by appropriate law enforcement officials to store ordnance as evidence or for judicial proceedings. Ordnance is not hazardous waste in these situations until released for disposal.

b. When directed by Commander, 52nd Ord Grp (EOD). This directive will include whether ordnance is to be treated as hazardous waste.

9. Enclosed is a decision matrix for EPA EOD incident response. If in doubt, consult reference 1g or contact your next higher headquarters.

10. The key to our success will be your ability to work with state regulators. The FORSCOM Staff in conjunction with the FORSCOM SJA and FORSCOM Environmental Engineers will begin to complete Memorandums of Understanding with civil and EPA authorities concerning EOD emergency support. I expect all EOD soldiers to be well versed in EPA regulations and how they may affect to our mission. Make sure you keep the chain of command informed.

AFYB-CDR

SUBJECT: EPA Guidance for EOD Incident Response OI 75-9

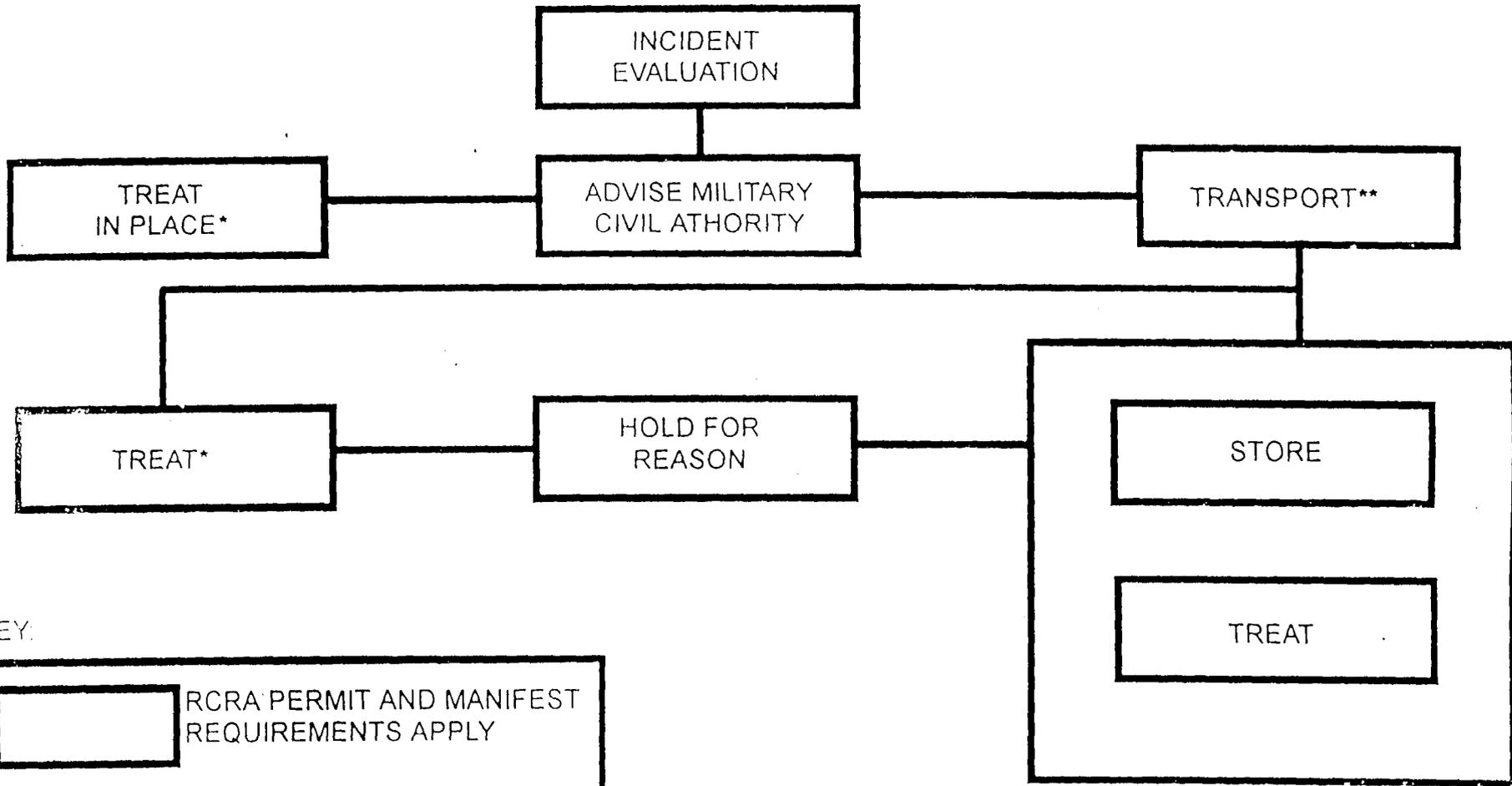
11. Defusing Danger.

Encl
as


RICHARD C. DAVIS
COL, OD
Commanding

DISTRIBUTION: A

52ND ORD GRP (EOD) DECISION MATRIX EPA EOD INCIDENT RESPONSE OPERATIONS



KEY:

	RCRA PERMIT AND MANIFEST REQUIREMENTS APPLY
*	RCRA EMERGENCY PROVISIONS APPLY
**	RCRA EMERGENCY PROVISIONS MAY APPLY