

ORDNANCE SYSTEMS INC.
Radford Army Ammunition Plant
4050 Pepper's Ferry Road
Radford Virginia 24141

March 2, 2015

Leslie Romanchik
Hazardous Waste Program Manager
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

**Subject: RFAAP Open Burning Ground Permit Application
Request for Permit Application Extension – Response to 60 Day Extension
Radford Army Ammunition Plant, Radford, Virginia
EPA ID#: VA1210020730**

Dear Ms. Romanchik:

BAE Systems has received Mr. Scott's grant of extension of 60 days to submit the Open Burning Ground (OBG) permit renewal application to June 29, 2015. We appreciate this extension; however, we would like you to reconsider the full extension in our original request to October 28, 2015. This extension request is based on the following:

Omnibus Requests

RFAAP has been preparing our OBG permit application following the application requirements promulgated in Title 40 Code of Federal Regulations Part 270. As the unit is regulated under Subpart X of Part 264 (Miscellaneous Units), no specific performance standards or unit specific permit requirements above those specified in Subpart B of Part 264 (General Facility Standards) and Part 270 Subpart B (Permit Application Requirements) are available for this unit. We have, therefore, based much of our application work to date on the prior Permit for this unit and the permit application prepared for our explosive waste incinerators (EWIs) and our post-closure care units. Work on this permit application began in late 2013.

On August 14, 2014, RFAAP received a Call-In Letter from the Virginia Department of Environmental Quality (DEQ) providing information on the due date for the permit renewal application and also specifying DEQ expectations for this permit. Included in this call-in letter were two requests made under the authority granted to DEQ by the Omnibus provision in Section 3005(c)(3) of the RCRA. This provision gives the Administrator both the authority and the responsibility to include additional terms and conditions in each RCRA permit as necessary to protect human health and the environment. Requirements enacted under this authority are not found in any promulgated list of RCRA permit application requirements, but instead are provided by the regulatory authority on a site-specific basis as warranted. The two requests included the request for completion of a new multipathway risk assessment and the request for completion of a detailed, technical assessment of alternatives to open burning.

The first of these requests, an updated multipathway risk assessment with the OBG permit application, is a multi-step process with various levels of DEQ review and approval. Therefore, a simple request to complete and submit a revised risk assessment with the permit application is very much an oversimplification of the process. During the initial permitting of the OBG, the total time required to complete the risk assessment from development of the protocol, DEQ review of the protocol, completion of the risk assessment, and DEQ review and approval of that assessment took 3 years. This was discussed with DEQ during a conference call on September 25, 2014. In that teleconference, both parties agreed that a multipathway risk assessment protocol should be provided with the permit application, not a completed risk assessment. This protocol would detail the methodologies and evaluations that the new risk assessment will entail, specify modeling and fate and transport assumptions, and contain extensive data on toxicity factors. DEQ also requested that RFAAP contact USEPA regarding implementation of a drone based emissions collection system for refinement of emission factors used in the risk assessment. We should also note that this emission study will need to be completed before the method of emission estimating can be specified in the protocol. While implementation of the air sampling is possible, use of data from it in the risk assessment is not predictable. Even though actual emissions data is preferred

over arguably conservative emission factors, we are not certain, even after our conversations with EPA on the ultimate success of the data collection effort or the usefulness of the data that will be collected. While we are well aware that DEQ required a risk assessment with the initial permit application, we were not planning on redoing the assessment with this renewal, as other EPA Regions are not requiring this reassessment of risk a requirement, especially since there have been no changes made to the process or the waste being treated from that process. Furthermore, no prior communication on this permit or the EWI permit had indicated that such an assessment would be required and the policy document provided with the call in letter (*Virginia Department of Environmental Quality-Hazardous Waste, Part B, Combustion Facility, RCRA, Permit Renewals-Requirements for Revised Risk Assessments dated February 2014*) was not previously available and is not readily identified as a permit requirement on your web page.

The second Omnibus-based request included in the call-in letter was the requirement for a detailed, technical assessment of available alternatives to open burning. The call-in letter provided very specific direction on what should be included in this report. Specifically, the report should provide:

- Documentation of why open burning of these waste materials is necessary;
- Research of alternative technologies and mechanisms available to reduce the impacts of open burning on the environment (*e.g.*, preventative soils remediation); and
- Identification of those technologies that are reasonable for consideration at the RFAAP.

In our September 25, 2014, conference call, further information was provided on this request. Additionally, DEQ agreed to provide a contact point for another facility that has significantly reduced their open burning. DEQ indicated that this other facility had conducted extensive research into alternatives and could provide RFAAP significant information on those that are available and the conclusions they reached regarding open burning. As of the writing of this letter, we have not yet received the contact point for information. However, we have begun the process of evaluating these alternatives and are finding many variables that affect the suitability of treatment methods for specific wastes and specific sites.

Overlaps Between the EWI Permit and the OBG permit

An application for renewal of the EWI RCRA permit on April 3, 2012 was submitted by the previous operating contractor. From the date of submittal until October 2014 RFAAP received no feedback on this permit application despite several inquiries to the status of the initial completeness review. Facing a significant amount of work on the renewal of the OBG permit renewal application, BAE Systems began development of the OBG application in late 2013 despite having no feedback on the items included with the EWI permit application. We delayed start on this application until late 2013 anticipating such feedback, as many elements of the two applications have considerable overlap. These include:

- Facility location data;
- Waste analysis plan;
- Flood Proofing and Protection plan;
- Personnel Training plan;
- Contingency plan;
- Closure plan; and
- Security plan.

In fact, several of these programs, including the training plan and security plan should have little if any differences between the permit applications. The others will exercise similar practices and procedures however the detailed context of the material may differ.

On October 7, 2014, we received an initial Notice of Deficiency (NOD) for the EWI permit application. In that NOD letter, DEQ determined that many portions of these overlapping plans and programs would require significant modification. Of the 79 individual notations provided in the NOD, approximately 50 raise issues that will overlap or impact elements of the OBG permit application. Recognizing that we were nearly a year into development of this application at the time we received this letter, these issues present serious problems with a large portion of the application that has already been developed and will require an extensive rework.

Military Munitions Rule

In review of the modifications made to the EWI permit and the NODs issued on it, DEQ and RFAAP have now entered into discussion on the MMR, how it is applied at RFAAP, and the requirements that each party believes are or are not effective as a result of it. In February of 2015 Mr. Scott sent another request concerning information relative to the MMR at RFAAP and has requested a conference call to discuss the responses and issues further. A resolution on this issue must be reached before the waste analysis plan can be finalized. If the final resolution on this matter reflects a significant change in treatment of these materials to date, significant changes will need to be made to waste management and manifesting procedures and will require coordination with US Army and facility management.

Explanation of Timeline Requested

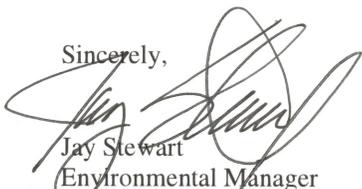
In conclusion, due to a combination of unexpected requests for the OBG permit application, significant overlap in EWI permit materials and delayed response on that application, and disagreement over applicability of the MMR, we now find ourselves working two massive permit renewals simultaneously both with similar goals and many overlapping requirements. Ideally, we would like to resolve all of the overlapping issues on the EWI permit application before we submit the OBG permit application. The following provides a detailed breakdown of the basis for the six month extension we are requesting:

- DEQ indicated during a meeting in Richmond, Virginia, in January 2015, that they expect final resolution of all EWI NODs in principle by March 2015. At that time, we expect to have a complete and clear understanding of the application requirements for the OBG permit application. Our request to extend the application deadline for the OBG to the current expiration date reflects a continued delay in application progress until that date.
- Assuming we do have resolution on the overlapping issues by March 2015, an extension until October 2015 allows us 7 months to satisfy the permit application requirements for the OBG permit application.
- At the time at which we received our permit call-in letter, we were 9 months from submittal of that application. This call-in letter added two substantive requirements that we were not previously planning on including with our application.
- When we received the NOD letter for the EWI permit application, which revealed significant issues with the OBG materials prepared at that time, we were 7 months from submittal of the OBG permit application. The additional 4 months we are requesting from the current June submittal deadline merely allows us to "pick up where we left off" from a scheduling standpoint (giving us 7 months to complete the application from the time that final resolution on the expectations is reached).

BAE Systems appreciates your understanding of our concerns and the desire to assist Mr. Scott as best we can to ensure he has proper documentation and is not having to duplicate effort between the two renewal applications. Based on these extra requests and the sections in the EWI permit reapplication that are similar to the RFAAP operations now in question, we respectively request the full six-month extension to October 28, 2015.

If you have any questions or concerns, please contact me or Mr. Matt Alberts at 540/639-8722 (matt.alberts@baesystems.com).

Sincerely,



Jay Stewart
Environmental Manager
BAE Systems, Ordnance Systems Inc.

Enclosure

c: Russ McAvoy, VDEQ-CO

Coordination:



J. McKenna

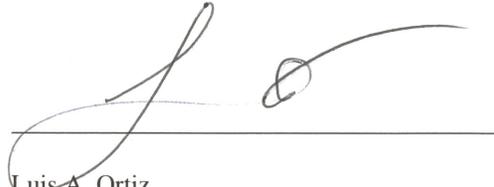
bc: J. Stewart, BAE Staff
J. McKenna, Government Staff
Matt Alberts, BAE Staff
Michele Gehring, Coterie Environmental
Env. File

Concerning the following:

*Permit Application Extension Request
Open Burning Grounds
Radford Army Ammunition Plant, Radford, Virginia
EPA ID#: VA1210020730*

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

SIGNATURE:



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