



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1

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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 9, 2000

Linda L. Baetz, Program Manager  
Hazardous and Medical Waste  
U. S. Army Center for Health Promotion and Preventive Medicine  
5158 Blackhawk Road  
Aberdeen Proving Ground, Maryland 21010-5422

Re: Hazardous Waste Status of Flameless Ration Heaters

Dear Ms. Baetz:

This letter is in response to your correspondence dated March 14, 2000 in which you request input regarding the Army's approach to the management and disposal of unused Flameless Ration Heaters (FRHs). In that correspondence you indicate that the Army does not define unused FRHs as hazardous waste under RCRA and therefore, would dispose of them in accordance with municipal waste disposal practices.

Based on our review of your letter we would not agree that the unused FRHs when disposed of are not hazardous waste. The US EPA has clarified its position that this material is a characteristic hazardous waste for reactivity in a letter dated May 20, 1999, from Robert Tonetti of the Office of Solid Waste to Peter Levigne at the Headquarters of the U.S. Army Soldier Systems Command. This is due, in part, to the fact that the unused heaters would no longer be used for their intended purpose and that the magnesium contained in the heaters reacts violently with water (40 CFR §261.23(a)(2)). Please note that the EPA New England states are all authorized to administer and enforce the base RCRA program in lieu of the federal program and, in particular, have regulatory authority regarding hazardous waste determinations. Therefore, the Army should consult with appropriate state personnel in each of the individual States regarding specific requirements for the disposal of FRHs in New England.

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Should you have any questions regarding the above, please contact Sharon Leitch in the Hazardous Waste Program Unit. She may be reached at (617)918-1647.

Sincerely,



Kevin McSweeney, Associate Director of Waste Policy  
Office of Ecosystem Protection

cc: Gary Gosbee, EPA Hazardous Waste Program  
Ken Rota, EPA RCRA Enforcement  
Jeff Fowley, EPA Office of Regional Council  
Jim Miller, MADEP  
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