DCN 7717

INDUSTRIAL JOINT CROSS SERVICE GROUP

August 12, 2005

MEMORANDUM FOR FRANK CIRILLO, DIRECTOR REVIEW AND ANALYSIS

Subject: Deseret Chemical Depot OSD BRAC Clearinghouse Tasker C0845X

The following is in response to your e-mail inquiry of July 25, 2005, where you asked the following:

QUESTION: *The letter from the Utah delegation requests the option to convert the chemical disposal facility at Deseret for the disposal of conventional munitions after completion of its chemical disposal mission. Was this option evaluated as part of the BRAC deliberations? If not, why not? If so, was there a COBRA run to explore this scenario? If yes, please furnish the COBRA run to the BRAC Commission Staff.*

RESPONSE:
The option to convert the Deseret chemical disposal into a conventional ammunition disposal facility was not evaluated as part of the IJSCG BRAC deliberations and there were no COBRA runs exploring this scenario. This was not explored because federal law requires destruction of facilities constructed to destroy lethal chemical agents, following completion of its mission. Another major reason for not considering the conversion was the fact that the facility cannot support demilitarization of conventional ammunition. The initial design of the facility was for low Net Explosive Weight (NEW) detonation and as built, cannot sustain repetitive high NEW detonations.

QUESTION: *For the incinerator at the Deseret Chemical Depot specifically, under what law, regulation, or agreement of any type, is the chemical disposal facility required to be dismantled/destroyed? Between which parties was this agreement made? Under those agreements, what specifically must be dismantled/destroyed at Deseret?*

RESPONSE:

- Federal Law 50 USC 1521, as amended by Public Law 106-65, Sec. 141(b)(1)(A), states that facilities constructed to destroy lethal chemical agents and munitions may not be used for other purposes and when the facility is no longer needed, it must be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.
- As with all demilitarization, there is adherence to laws, regulations, and agreement between the Department of the Army and the Governor of the state.
- Anything that comes in contact with the agents must be destroyed (i.e. buildings, equipment, soil, concrete, etc).

QUESTION: *What is the estimated cost to convert the Deseret Chemical Disposal Facility into a disposal activity for conventional munitions? How long would something like this conversion take? Would this be an Army bill? If not, who would pay for this conversion?*

RESPONSE:

- In 1991 Congress and the Department of the Army contracted with MITRE Corp to perform a study on alternative uses for incinerator facilities. The IJCSG does not have figures on the cost to convert the facility or knowledge of how long the process would take.
- Cost would be a DoD bill since the Army has responsibility for conventional munitions demilitarization for all of the military departments.

QUESTION: *What specific laws, regulations, or agreements of any type would need to change in order for the chemical disposal facility located on the Deseret Chemical Depot to be converted for the disposal of conventional munitions? Who would need to agree to any change to the current agreements for the conversion to the disposal of conventional munitions?*

RESPONSE:

- Laws, regulations, and agreements requiring changes:
  - Public Law 98 -407
  - Corresponding Army regulations (AR 200-1, 1-35 [a][6]
  - OSHA regulations
  - National Environmental Policy Act (NEPA)
  - Resource Conservation and Recovery Act (RCRA)
  - Clean Air Act (CAA)
  - Clean Water Act (CWA)
  - Toxic Substances Control Act (TSCA)
  - Hazardous Materials Transportation (HMTA)
- Agreements would be among the Department of the Army and the state of Utah

QUESTION: *What are the DoD and Army positions on the potential conversion of chemical disposal facilities for the new mission of the demilitarization of conventional munitions?*

RESPONSE: The DoD/Army position is destruction of the incinerators versus conversion to conventional ammunition demil capability. The reasons for destruction not conversion are:

- These facilities will never be free of toxic chemicals VX, GB, and all the mustard gases.
- The facility has four furnaces that were built to destroy chemical agents with limited energetic material
- Payback is limited because there is no reclamation capability. A major payback of demil, R3 (Resource, Recovery, and Recycling), was not designed into the facility.
- Cost to perform the conversion would be extraordinary. Cost-wise, it would be easier to chop and burn vice decontaminate and reuse. Costs will out-weigh the benefits.
- The memo from the state of Utah states that Congress would have seven years to prepare for this conversion. Time is not the major factor. Funding is the issue.

QUESTION: *What are the leading causes for the growing backlog of the demilitarization of conventional munitions?*

RESPONSE:

- Insufficient funding. Demilitarization funding is often used as an Army bill payer. This is why it is critical that DoD "fence" the demil funding identified to support the BRAC recommendations.
- Strict environmental compliance that continues to reduce the amount of Open Burn/Open Detonation a facility can perform. Closed demilitarization is at 82% and new technology is predominately closed demilitarization.

Should additional information be required, feel free to contact me at 703-560-4317 or e-mail jberry@gallows.vacoxmail.com

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