



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

March 30, 2010

Incorporating Change 1, October 21, 2010

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Directive-type Memorandum (DTM) 09-032 – Use of Open-air Burn Pits in Contingency Operations

References: See Attachment 1

Purpose. This DTM:

- In accordance with section 317 of Public Law 111-84 (Reference (a)) and the authority in DoD Directive 5134.01 (Reference (b)), establishes policy to prohibit the disposal of covered waste in open-air burn pits during contingency operations except when no alternative disposal method is feasible.
- Further defines “covered waste.”
- Is effective immediately; it shall be incorporated into DoD Instruction (DoDI) 4715.5 (Reference (c)) ~~within 180 days~~. *This DTM shall expire effective March 30, 2011.*

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

Definitions. See Glossary.

Policy. It is DoD policy to:

- Protect DoD personnel from accidental death, injury, occupational illness, and threats to health.

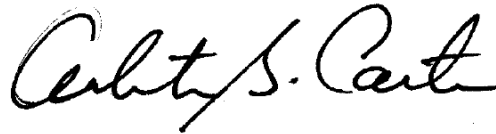
- Prohibit the disposal of covered waste in open-air burn pits during contingency operations except when no alternative disposal method is feasible as determined in accordance with the procedures in this DTM.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Information Requirements. The determinations that no alternative disposal method is feasible referred to in Attachment 3 have been assigned RCS DD-AT&L(AR)2411 in accordance with DoD 8910.1-M (Reference (d)).

Releasability. UNLIMITED. This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.



Ashton B. Carter
Under Secretary of Defense
for Acquisition, Technology, and Logistics

Attachments:
As stated

DISTRIBUTION:
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ATTACHMENT 1

REFERENCES

- (a) Section 317 of Public Law 111-84, “National Defense Authorization Act for Fiscal Year 2010,” October 28, 2009
- (b) DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)),” December 9, 2005
- (c) DoD Instruction 4715.5, “Management of Environmental Compliance at Overseas Installations,” April 22, 1996
- (d) DoD 8910.1-M, “Department of Defense Procedures for Management of Information Requirements,” June 30, 1998
- (e) DoD 6055.09-STD, “DoD Ammunition and Explosives Safety Standards,” February 29, 2008
- (f) Section 101(a)(13) of title 10, United States Code
- (g) Sections 6903(5) and 6992a(a)(1)-(10) of title 42, United States Code (also known as sections 1004(5) and 11002(a)(1)-(10) of “The Solid Waste Disposal Act”)
- (h) DoD Instruction 6055.05, “Occupational and Environmental Health (OEH),” November 11, 2008
- (i) Section 136a of title 7, United States Code (also known as section 3 of “The Federal Insecticide, Fungicide, and Rodenticide Act”)

ATTACHMENT 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall:

a. Oversee implementation of this DTM.

b. After reviewing for completeness, submit to the Committees on Armed Services of the Senate and House of Representatives notices of Commander of Combatant Command determinations that no alternative disposal method for covered waste is feasible. Notification shall be made not later than 30 calendar days after the Combatant Commander makes the determination.

c. After reviewing for completeness, submit to the Committees on Armed Services of the Senate and House of Representatives a justification for subsequent 180-day periods during which covered waste is disposed of in the open-air burn pit covered by the original notice.

2. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall implement this DTM and develop Component procedures to submit timely determination requests to the Commanders of the Combatant Commands.

3. COMMANDERS OF THE COMBATANT COMMANDS. The Commanders of the Combatant Commands:

a. Are hereby delegated the authority and responsibility of the Secretary of Defense pursuant to Reference (a) to determine situations or circumstances under which no alternative disposal method for covered waste is feasible.

b. Shall:

(1) Implement this policy.

(2) Forward determinations to the USD(AT&L) for required Congressional notification to arrive within 15 calendar days of making the determination.

(3) For each subsequent 180-day period during which covered waste is disposed of in the open-air burn pit covered by the original notice, provide a justification

for continued operation for each such 180-day period thereafter until the determination is no longer necessary under the requirements of this DTM.

ATTACHMENT 3

PROCEDURES

1. GENERAL. Open-air burn pits are currently used and are likely to continue to be used, under certain circumstances, as a necessary method to destroy and reduce the volume of solid waste during contingency operations. Generally, open-air burn pits should be a short-term solution during contingency operations where no other alternative is feasible. For the longer term, incinerators, engineered landfills, or other safer accepted solid waste management practices shall be used whenever feasible. When used, open-air burn pits shall be operated in a manner that prevents or minimizes risks to human health and safety of DoD personnel and, where possible, harm to the environment.

2. MINIMUM REQUIREMENTS

a. The operational commander shall develop and approve a solid waste management plan for the contingency operation. The use of open-air burn pits shall not be allowed unless included within this plan. This plan must also address the disposal of any covered wastes. This plan shall be reviewed and revised annually, at a minimum.

b. The plan shall ensure that open-air burn pits are:

(1) Located to prevent or minimize exposures to personnel in living, dining, and work areas.

(2) Operated in a safe and secure manner for those disposing of the wastes.

(3) Located where the burning or presence of garbage will not pose an unsafe attraction to birds or other wildlife into or across the path of aircraft in the air or on the ground, or in any way impact the ability of air traffic controllers to maintain eye contact with aircraft in the local traffic pattern.

(4) Inspected regularly for compliance with this DTM.

(5) Monitored for effective operations by qualified engineering personnel and for unacceptable exposures by qualified occupational and environmental health personnel.

(6) Properly closed with locations documented.

(7) Not used for burning covered waste unless properly prepared determinations have been submitted.

c. Plastics (except insignificant amounts) are prohibited from disposal in open-air burn pits.

d. In no case are munitions and explosives to be disposed of in any burn pits with any other wastes even if those burn pits are allowed under this policy; DoD guidance on the destruction of munitions and explosives is contained in DoD 6055.09-STD (Reference (e)).

e. Activities that do not meet the definition of open-air burn pits should strive to meet the intent of this DTM.

f. At locations where covered waste is being burned because no alternative is feasible (see subparagraph 2.b.(7)) or the installation does not meet the definition of open-air burn pits (see paragraph 2.e.), Commanders of the Combatant Commands shall issue specific engineering and medical guidance for these locations that maximize protection of human health and safety.

3. DETERMINATIONS THAT NO ALTERNATIVE DISPOSAL METHOD FOR DISPOSAL OF COVERED WASTES IS FEASIBLE. Commanders of the Combatant Commands shall:

a. Make determinations when there are situations or circumstances under which no alternative disposal method for disposal of covered waste is feasible. Determination packages shall include a health risk assessment.

b. Forward such determinations to the USD(AT&L) to arrive within 15 calendar days of making the determination.

c. Provide justification for continued operation to the USD(AT&L) every 180 calendar days thereafter until the determination is no longer necessary under the requirements of this DTM.

GLOSSARY

DEFINITIONS

These terms and their definitions are for the purpose of this DTM.

contingency operation. Defined in section 101(a)(13) of title 10, United States Code (U.S.C.) (Reference (f)).

covered waste

Hazardous waste, as defined in section 6903(5) of title 42, U.S.C. (section 1004(5) of the Solid Waste Disposal Act) (Reference (g))

Medical waste, as defined in section 6992a(a)(1)-(10) (section 11002(a)(1)-(10) of the Solid Waste Disposal Act) of Reference (g)

Tires

Treated wood

Batteries

Compressed gas cylinders unless empty with valves removed

Fuel containers unless completely evacuated of contents

Aerosol cans

Polychlorinated biphenyls

Petroleum, oils, and lubricants products (other than waste fuel for initial combustion)

Asbestos

Mercury

Foam tent material

Any item containing any of the above items

insignificant amount. A small amount of plastic remaining after a good faith effort to remove or recover plastic materials from the solid waste stream.

open-air burn pit. An area, not containing an incinerator or other equipment designed for burning of solid waste, designated for the purpose of disposing of solid waste by burning in the outdoor air at an installation with more than 100 attached or assigned personnel and that is in place longer than 90 days.

qualified occupational and environmental health personnel. Defined in DoDI 6055.05 (Reference (h)).

treated wood. Wood that has been treated with a chemical preservative (typically arsenic, copper, chromium, borate, or petroleum-based chemical compounds) for the purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood, and the chemical preservative is registered pursuant to section 136a of title 7, U.S.C. (section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act) (Reference (i)).

unacceptable exposure. Defined in Reference (h).