

(2) If the waste-derived residue is compared with normal residue under paragraph (b)(1) of this section:

(i) The levels of constituents in appendix VIII, part 261, that are present in normal residues; and

(ii) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

[50 FR 666, Jan. 4, 1985, as amended at 56 FR 42516, Aug. 27, 1991; 57 FR 38566, Aug. 25, 1992; 58 FR 59602, Nov. 9, 1993; 64 FR 53076, Sept. 30, 1999; 70 FR 34588, June 14, 2005]

**Subparts I–L [Reserved]**

**Subpart M—Military Munitions**

SOURCE: 62 FR 6654, Feb. 12, 1997, unless otherwise noted.

**§ 266.200 Applicability.**

(a) The regulations in this subpart identify when military munitions become a solid waste, and, if these wastes are also hazardous under this subpart or 40 CFR part 261, the management standards that apply to these wastes.

(b) Unless otherwise specified in this subpart, all applicable requirements in 40 CFR parts 260 through 270 apply to waste military munitions.

**§ 266.201 Definitions.**

In addition to the definitions in 40 CFR 260.10, the following definitions apply to this subpart:

*Active range* means a military range that is currently in service and is being regularly used for range activities.

*Chemical agents and munitions* are defined as in 50 U.S.C. section 1521(j)(1).

*Director* is as defined in 40 CFR 270.2.

*Explosives or munitions emergency response specialist* is as defined in 40 CFR 260.10.

*Explosives or munitions emergency* is as defined in 40 CFR 260.10.

*Explosives or munitions emergency response* is as defined in 40 CFR 260.10.

*Inactive range* means a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not

been put to a new use that is incompatible with range activities.

*Military* means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

*Military munitions* is as defined in 40 CFR 260.10.

*Military range* means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

*Unexploded ordnance (UXO)* means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

**§ 266.202 Definition of solid waste.**

(a) A military munition is not a solid waste when:

(1) Used for its intended purpose, including:

(i) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions); or

(ii) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

(iii) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, “use for intended purpose” does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.