

Department of Defense Incineration Moratorium Report to Congress



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Office of the Assistant Secretary of Defense
for Energy, Installations, and Environment

The estimated cost of this report or study for the Department of Defense is approximately \$2,770 for the 2023 Fiscal Year. This includes \$250 in expenses and \$2,520 in DoD labor.
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I. INTRODUCTION

Section 343 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 (Public Law 117-81) directs the Secretary of Defense to report one year after the date of enactment, and annually thereafter for three years, on all incineration of covered materials containing per- and polyfluoroalkyl substances (PFAS) by the Department of Defense (DoD) during the year covered by the report. The FY 2022 NDAA was enacted into law on 27 December 2021. The Department provided an interim response to Congress on January 09, 2023 stating the report would be delivered by the end of March 2023.

This report responds to the first annual report and is submitted to the Administrator of the U.S. Environmental Protection Agency (EPA) and the Committees on Armed Services of the Senate and House of Representatives. This report covers the period from December 27, 2021, to December 26, 2022. Section 343 of the FY 2022 NDAA also required DoD to institute a temporary moratorium on the incineration of DoD materials containing PFAS 120 days after enactment of the NDAA, and until DoD issues guidance implementing the EPA interim guidance on the destruction and disposal of PFAS, and issues guidance implementing Section 330 of the FY 2020 NDAA. In accordance with these requirements, DoD implemented a temporary moratorium prohibiting the incineration of materials containing PFAS on April 26, 2022, and this prohibition remains in effect.

II. DOD INCINERATION OF COVERED MATERIALS

From December 27, 2021, to April 26, 2022, the DoD sent 7,667 pounds of covered materials for thermal treatment at hazardous waste incinerators that have both Resource Conservation and Recovery Act and Clean Air Act permits. The two facilities utilized by the Department during the reporting period were operated by Clean Harbors Aragonite LLC in Grantsville, Utah (EPA ID UTD981552177) and Heritage Thermal Services in East Liverpool, Ohio (EPA ID OHD980613541). Their permits required a minimum temperature in the kiln that ranged from 1695°F to 1824°F. At both facilities the kiln is followed by an afterburner/secondary combustion chamber to maximize organic destruction and minimize the formation of products of incomplete combustion. Their permits required a minimum temperature in the afterburner/secondary combustion chamber that ranged from 1710°F to 2026°F.

Because DoD has not yet issued the guidance required under Section 343, the temporary moratorium prohibiting the incineration of DoD materials containing PFAS remains in effect. DoD continues to evaluate existing and developing PFAS destruction and disposal technologies and monitor studies on those technologies' effectiveness and potential environmental effects. For example, DoD's Strategic Environmental Research and Development Program has ongoing projects to develop an improved understanding of the effectiveness and sustainability of thermal destruction technologies for treatment of PFAS-containing materials. DoD also anticipates that the EPA will be updating its PFAS disposal and destruction guidance by December 2023.

III. CONCLUSION

The DoD PFAS Task Force is coordinating and communicating with interagency stakeholders as it develops DoD PFAS disposal guidance that complies with Section 343 of the FY 22 NDAA and expects to lift the temporary moratorium prohibiting incineration upon its issuance. This guidance will be an important tool to expeditiously remove firefighting foam containing PFAS as the Department transitions to a fluorine-free firefighting agent as required by Section 322 of the FY 2020 NDAA. DoD continues to evaluate existing and developing PFAS destruction and disposal technologies, monitor studies on those technologies' effectiveness and potential environmental effects, and collaborate Administration-wide on best practices to protect the health of its service members, their families, the DoD civilian workforce, and the communities in which DoD serves.