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DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



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TO: Waste and Hazardous Materials Division Supervisors

FROM: George W. Bruchmann, Chief
Waste and Hazardous Materials Division 

SUBJECT: Best Management Practices at Active Shooting Ranges

This Operational Memo officially acknowledges and transmits the Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), agreement with the United States Environmental Protection Agency (USEPA) guidance on the use of Best Management Practices (BMPs) at active outdoor shooting ranges.

The USEPA has published a guidance document entitled *Best Management Practices for Lead at Outdoor Shooting Ranges*, EPA-902-B-01-001, revised March 2003¹. The WHMD is adopting the USEPA's BMPs and encouraging range operators to implement BMPs to reduce future environmental impacts. In order to implement the USEPA's BMPs under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the WHMD is relying upon the USEPA position taken pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA).

The USEPA published the RCRA Subtitle C Military Munitions Rule (MMR) in the Federal Register (62 Fed Register 6621). Though directly applicable only to federal facilities, the USEPA has taken the position that the MMR also reflects provisions applicable to nonmilitary ranges. Under the MMR, munitions used for their intended purpose are excluded from the definition of solid waste (federal definition) and, therefore, are not a hazardous waste. This includes training, research, development, recovery, collection, and on-range destruction of unexploded ordnance. The MMR considers range management to be a necessary part of the safe use of munitions for their intended purpose.

¹ This document is available from the USEPA, Division of Enforcement and Compliance Assistance, RCRA Compliance Branch, 290 Broadway, 22nd Floor, New York, New York 10007-1866, Telephone: (212) 637-4145. The document is also available for downloading at: <http://www.epa.gov/Region2/waste/leadshot/>.

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The BMPs describe a broad range of activities that help minimize environmental impact from the deposition of lead at shooting ranges. The WHMD concurs with the USEPA position that implementation of the BMPs may include periodic activities to separate lead and bullets from the soil and subsequent redeposition of the soil on the range and that these activities, done in accordance with the BMPs, do not result in the generation or disposal of hazardous wastes.

This policy concerns the operation and maintenance of active shooting ranges only. Parties pursuing remediation at closed or closing ranges should contact the WHMD to discuss hazardous waste regulatory requirements and contact the DEQ, Remediation and Redevelopment Division, to discuss closure and remediation in accordance with Part 201, Environmental Remediation, of the NREPA, as lead and other contaminants in the environment are subject to Part 201. In addition, this policy does not affect the requirements of ranges under other applicable environmental state and federal laws such as the Clean Water Act, 33 U.S.C. ss/1251 *et seq.* (1977).

Application of the BMPs does not preclude the need for remediation when a range is closed or abandoned or if the land use changes. Remediation may also be warranted for lead deposition that occurs, or has occurred, in sensitive areas such as in surface water bodies or wetlands or for lead that migrates or was deposited beyond range property regardless of whether the range has instituted the BMPs. Operation of a range in accordance with the BMPs does not relieve the range from liability for environmental damage. In addition, circumstances could exist that would compel interim measures or other response actions as necessary on-site to mitigate significant environmental damage, as opposed to waiting until closure.

If you have any questions regarding application of this Operational Memo, please contact Jack Schinderle, Hazardous Waste Management Unit, Hazardous Waste and Radiological Protection Section, at 517-373-8410.