

	OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: January 16, 2004 Revised Date: Reformatted Date: December 13, 2012	Subject: Best Management Practices at Active Shooting Ranges Division/Office and Program Names: OWMRP-Hazardous Waste Program		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
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A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

This officially acknowledges and transmits the DEQ, Office of Waste Management and Radiological Protection (OWMRP), agreement with the United States Environmental Protection Agency (USEPA) guidance on the use of Best Management Practices (BMPs) at active outdoor shooting ranges.

AUTHORITY:

Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

The federal Resource Conservation and Recovery Act of 1976 (RCRA).

POLICY:

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 OWMRP 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 of the NREPA, the OWMRP is relying upon the USEPA position taken pursuant to the RCRA.

The USEPA published the RCRA Subtitle C Military Munitions Rule (MMR) in the Federal Register (62 FR 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 and is available for downloading at:
http://www.epa.gov/lead/pubs/epa_bmp.pdf.

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POLICY AND PROCEDURE

Subject: Best Management Practices at Active Shooting
Ranges

Number: OWMRP-111-23

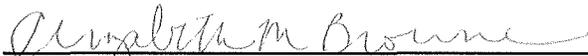
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The BMPs describe a broad range of activities that help minimize environmental impact from the deposition of lead at shooting ranges. The OWMRP concurs with the USEPA position that implementation of the BMPs may include periodic activities to separate 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 OWMRP 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.

OFFICE CHIEF APPROVAL:

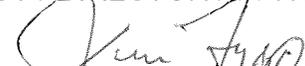


Elizabeth M. Browne, Chief
Office of Waste Management and Radiological Protection

12/13/12

Date

DEPUTY DIRECTOR APPROVAL:



Jim Sygo, Deputy Director

12/13/12

Date