

9441.1988(41)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

SEP 6 1988

Ms. Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management
Indiana Dept. of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Dear Jane:

This is in response to your letter on the applicability of Resource Conservation and Recovery Act (RCRA) regulations to shooting ranges. In your letter you indicated that the Indiana University in Bloomington has received a preliminary notice of intent to sue under RCRA, alleging that the university shooting ranges are hazardous waste landfills, fully subject to the requirement for an operating permit and all applicable facility standards.

The discharge of ball and sport ammunition at shooting ranges does not, in our opinion, constitute hazardous waste disposal. This is because we do not consider the rounds to be discarded, which is a necessary criterion to be met before a material can be considered a solid waste and, subsequently, a hazardous waste (see 40 CFR 261.3(a)). Rather, the shooting of bullets is within the normal and expected use pattern of the manufactured product. This interpretation extends to the expended cartridges and unexploded bullets that fall to the ground during the shooting exercise. The situation, in our mind, is analogous to the use of pesticides whereby the expected, normal use of a pesticide may result in some discharge to the soils. This is a discharge incident to normal product use and is not considered a hazardous or solid waste activity falling under the jurisdiction of RCRA.

RO 11368

- 2 -

If you have any questions regarding our interpretation or would like to discuss the issue further, please call Elizabeth Cotsworth (202) 382-3132 or Chet Oszman (202) 382-4499.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste

cc: Elizabeth Cotsworth
Matt Hale, OSW
Fred Chanania, OGC
Karl Bremer, Region 5
Chet Oszman, OSW