

PPC 9441.1992(02)

USE OF LEAD SHOT AT SHOOTING RANGES

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

January 15, 1992

Ward B. Stone
Associate Wildlife Pathologist
Wildlife Pathology Unit
Wildlife Resources Center
New York State Dept. of
Environmental Conservation
Delmar, New York 12054

Dear Mr. Stone:

Thank you for your letter of December 10, 1991 in which you expressed concern over the contamination problem resulting from the use of lead at shooting ranges and asked if the Agency's interpretation of RCRA control has changed.

As you pointed out, in a letter dated September 6, 1988 to the State of Indiana, this office stated that the deposition of lead at shooting ranges was within the normal and expected use pattern of the manufactured product and that the resultant contamination was not subject to the RCRA regulations. Since that time, we have not changed our opinion.

Notwithstanding the above, we believe that there are alternative approaches the ranges can take to reduce the possibility of lead contamination. These include installation of devices that can intercept and collect the shot and bullets for recycling, and substituting less hazardous materials (e.g., plastic and steel shot) for the lead shot.

If you have any questions regarding our interpretation or would like to discuss the issue further, please feel free to contact Chester Oszman of my staff at (202) 260-4499.

Sincerely,
Sylvia K. Lowrance
Director
Office of Solid Waste

cc: Chester Oszman, OSW

RO 13525

Attachment

New York State Department of Environmental Conservation
Wildlife Pathology Unit
Wildlife Resources Center
Delmar, New York 12054

December 10, 1991

Ms. Sylvia K. Lowrance
Director
Office of Solid Waste and
Emergency Response
U.S. Environ. Prot. Agency
Washington, D.C. 20460

Dear Ms. Lowrance:

I am inquiring if your opinion is still the same as in the attached letter to Jane Magee (9/6/88) on the contamination of shooting ranges with lead birdshot, lead bullet fragments, and lead bullets not constituting hazardous waste. Since the Federal Government has shown great interest in decreasing the U.S. population's exposure to lead, I thought that you may have re-examined this issue. The lead could be a threat, in some instances, to workers and users of shooting ranges. The lead contaminated soil and sediments can pose threats to the health of fish and wildlife, and a number of cases of birds dying from lead intoxication after ingesting lead shot from shooting ranges have been documented. In addition, shooting ranges can change to other land usages (e.g. lawns, schools, shopping areas, agriculture) where the lead would be more likely to intoxicate humans and/or domestic animals.

Whether the shooting of various lead missiles is analogous to pesticide applications (I think they are not analogous) does not negate the fact that shooting ranges can have severe lead contamination that needs to be remediated and hopefully prevented by installation of devices that can intercept and collect shot and bullets for recycling.

Sincerely,
Ward B. Stone
Associate Wildlife Pathologist

WBS:rd
cc: C. Kimble
L. Skinner

RO 13525

Attachment

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

September 6, 1988

Ms. Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management
Indiana Dept. of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46296-6915

Dear Jane:

This is in response to your letter on the applicability of Resource Conservation and Recovery Act (RCRA) regulations on shooting ranges. In your letter you indicated that the Indiana University in Bloomington has received a preliminary notice of intention 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 discharge incident to normal produce and is not considered a hazardous or solid waste activity falling under the jurisdiction of RCRA.

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) 392-4499.

Sylvia K. Lowrance

RO 13525

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