

Mr. Charles Fox, Jr.
Candia, New Hampshire 03034

Dear Mr. Fox:

This letter is in response to your letter of September 17, 1991, regarding the Kinnicaum Fish and Game Club on Palmer Road in Candia, New Hampshire. In your letter you relayed your concern with the Club's practice of shooting lead bullets into a mound of earth. You also indicated that the EPA should take some action at the Club to "clean up the present situation and make provisions for the future protection of the site from further pollution."

First, let me just take this opportunity to thank you for voicing your concerns. It is through concerned and conscientious citizens such as yourself that EPA is able to make great strides in achieving its environmental protection goals. However, the EPA has previously investigated the applicability of the Resource Conservation and Recovery Act (RCRA) regulations to shooting ranges. EPA has determined that the discharge of ball and sport ammunition at shooting ranges is not considered a hazardous waste or solid waste activity falling under the jurisdiction of RCRA.

In a letter dated September 6, 1988 from Sylvia K. Lowrance, the Director of the EPA Office of Solid Waste to Ms. Jane Magee the Assistant Commissioner for Indiana's Solid and Hazardous Waste Management, EPA addressed the issue of the applicability of RCRA to shooting ranges. In that letter, Ms. Lowrance stated EPA's position as follows:

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. 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.

EPA Region I appreciates your interest in this matter. If you have any questions or require any further information please contact Richard M. Filosa of the Waste Management Division at (617) 573-5777.

Sincerely,

Julie Belaga
Regional Administrator

bcc:Mary Jane O'Donnell, EPA-WMD
Richard M. Filosa, EPA-WMD