

**Community Advisory Council to the
Environmental Management Commission
Waquoit Bay National Estuarine Research Reserve
East Falmouth, Massachusetts
March 21, 2007
5:30 p.m.**

Meeting Minutes

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Agenda Item #1. Welcome and Review of Minutes

Community Advisory Council (CAC) Chair Larry Cole convened the meeting at 5:30 p.m., and the CAC members introduced themselves. The approval of the minutes from the October 25, 2006 CAC meeting was postponed until there is a quorum at the next meeting.

Agenda Item #2. Chairperson's Comments

Mr. Cole announced his intention to resign as CAC chair at the end of his 3-year term in the fall 2007. A new chairperson will need to be elected at that time.

Environmental Management Commission Staff Comments

Mr. Begley stated that over the past year the information produced by the Massachusetts National Guard and other organizations to evaluate lead ammunition has been very comprehensive. The EMC and other agencies are working on moving ahead with the process to consider removing some of the restrictions on lead ammunition.

Massachusetts National Guard Comments

Mr. Cowles, Massachusetts National Guard Environmental & Readiness Center (E&RC) director, said that the Upper Cape Regional Water Supply Cooperative's 5-year lease is due to expire in June 2007, and a renewal has been submitted through the Massachusetts Air and Army National Guards.

Mr. Cowles stated that at the last Upper Cape Water Supply Cooperative meeting on March 7, Dave Hill, from the Impact Area Groundwater Study Program (IAGWSP) gave an update on the program's investigation and remediation activities. Mr. Cowles reported that the Algonquin Gas Transmission Company will begin work by next week on the pipeline that will run through the northern part of the Massachusetts Military Reservation (MMR). The company met with E&RC staff members and Mr. Begley to finalize the arrangements of the project and ensure the provisions of the Massachusetts Executive Office of Environmental Affairs (EOEA) certificate are met. He said that the pipeline will support a Keyspan energy reliability program and consist of approximately 3.5 miles of 18 inch pipeline running from the Mirant power plant in Sandwich to Route 130.

Mr. Cowles stated that Camp Edwards' Natural Resources Program recently won the 2006 Secretary of the Army Award for large installation natural resources conservation for managing a globally-threatened habitat while supporting important training missions. An award ceremony will be held on April 20 and the Deputy Undersecretary of the Army for Environmental, Health, and Occupational Safety, Tad Davis, will present the award to Dr. Mike Ciaranca, Natural Resources Manager, and his staff.

Mr. Cowles stated that the *Integrated Natural Resource Management Plan* is under review at National Guard Bureau. The prescribed burn season will commence in April, weather permitting. Applicants for the summer field crew are being interviewed; the crew will consist of approximately seven people.

Mr. Cowles stated that the \$1 million congressional add-on put forth by Congressman William Delahunt approved \$1 million into the defense authorization bill for additional bullet traps at Camp Edwards has been dispersed to the Massachusetts National Guard. A statement of work is being developed for a proposal to install more bullet traps in the ranges. There is a request for funding for additional bullet traps.

Mr. Cowles thanked the CAC for reviewing the 2006 *State of the Reservation Report*. He said that the E&RC staff is working with Mr. Begley toward reducing the size of the annual report, eliminating repetitive information. The report is available on the E&RC's web site.

Mr. Cowles stated that the E&RC's community involvement staff have completed a small arms range information fact sheet. There is a new small arms range information page on the E&RC's web site. A public meeting was held on February 28 in conjunction with the E&RC, EMC, and the regulatory agencies on the process to reinstate small arms training using lead ammunition. The comments were very positive to return to firing lead ammunition with management controls. There is an upcoming 30-day

comment period on the proposal to modify the lead ammunition restriction in the Environmental Performance Standards (EPS) and the addition of a new small arms ranges EPS. He also noted that the Final *Environmental Assessment* is scheduled for internal review this spring.

Mr. Cowles stated that updates from the Base Commanders are being planned for the local Boards of Selectmen.

Mr. Cowles noted that a very successful community tour of the MMR was held in October 2006, and another tour is planned for June 2007. Mr. Cowles also noted that the Air National Guard and the Massachusetts Committee for Employer Support of the National Guard and Reserve (ESGR) will host a tour of the MMR on June 1.

Ms. Valiela asked what is the prognosis on the lease extension for the Upper Cape Regional Water Cooperative. Mr. Cowles replied that he feels confident that the Water Cooperative's 5-year lease will be renewed. Mr. Sullivan added that the renewal process is moving along with Army and Air Force.

Mr. Begley stated that once a new commissioner for the Department of Fish and Game is appointed, dialogue will take place with the Water Cooperative for renewal of the lease.

Mr. Coles suggested that the local town employees be included in the ESGR appreciation day. Mr. Cowles recommended contacting Lt. Col. Patrick McNamara of the Air National Guard.

Agenda Item #3. Environmental Management Commission Presentation

Mr. Begley said that during the Small Arms Range Working Group public meeting held in February, the presenters received feedback that it would be useful to the public to have a graphic that shows how the various entities interrelate for the process to resume firing lead ammunition. Mr. Begley displayed a graphic and described the various regulatory entities working under different statutory authorities and the role of the EMC in the EPS process.

Mr. Begley stated that a pollution prevention overview plan has been finalized; however, site-specific pollution prevention plans will be written for each range.

Mr. Begley stated that over the past year and a half the IAGWSP has done a tremendous amount of work installing wells on the various ranges through the IAGWSP. He said that most results have shown that lead has not migrated into the groundwater.

Mr. Begley stated that the goal of the proposed adjustment to the original EPSs is to not reduce the standard of environmental protection. A small arms range (SAR) EPS may provide an additional protection of the Upper Cape Water Supply Reserve where it sets up a review process for the design, use, monitoring and maintenance of a range, not just banning one metal.

Mr. Begley stated that at the last EMC meeting on March 14 a vote was taken that a change in the EPS may be warranted. He suggested a 45-day comment period on the proposed change to the standards to modify the restriction on the use of lead ammunition in the general EPS and add a new EPS section, which will be published in the *Environmental Monitor* by April 11. He also said that any feedback that the CAC could give would be very beneficial.

Mr. Cole suggested having a CAC meeting after the 45-day comment period prior to the June EMC meeting. He said that the CAC will review the comments and make a recommendation to the EMC.

Ms. Valiela asked if the proposed change to the EPS would be published in the *Environmental Monitor* by April 11. Mr. Begley replied that the deadline is April 2 for the EPS change to be published in the *Environmental Monitor*.

Mr. Cole mentioned that copies of the very informative “Lead Assessment Study Fact Sheet,” are available.

Agenda Item # 4. Update on small arms ranges and Presentation and discussion on Environmental Performance Standard for Small Arms Ranges (19)

COL FitzPatrick, deputy director of the E&RC, gave an update on the training area improvements and the request to modify the lead ammunition restriction in the Environmental Performance Standards. He said that Camp Edwards is used for military training, local and regional usage. It is a joint use facility which consists of the MANG, Coast Guard, Air Guard, civilian first responders and law enforcement. Camp Edwards has a unique combination of training areas, facilities, ranges, and state-of-the-art simulators, he added.

COL FitzPatrick stated that the added use of small arms training at Camp Edwards is directly related to the combat readiness of our soldiers. He said that there is ongoing environmental protection for the ranges.

COL FitzPatrick stated that lead ammunition was suspended by US Environmental Protection Agency (EPA) Administrative Order in 1997. COL FitzPatrick stated that tungsten nylon was first fired at Camp Edwards in 1999. The EMC questioned the use of tungsten-nylon ammunition in 2003, and the Army Environmental Command (AEC) initiated the tungsten mobility study at Camp Edwards in 2005. In February 2006, the MANG combatant commanders, commissioned and non-commissioned officers who had been deployed overseas, met to review the types of training soldiers require for overseas combat. Since tungsten-nylon is not available for all weapons systems, the commanders recommended returning to lead ammunition. During the same time, the Command Group was initiated to discuss a multitude of environmental issues, top of which is the Guard’s request to resume firing lead. If managed properly, lead could be used in an environmentally protective way and would provide better training.

COL FitzPatrick stated the training improvements are an environmental approval process of regulatory requirements for the Final Environmental Impact Report (FEIR) Revision, and MEPA certificate for the Massachusetts National Guard (2001). The Massachusetts Army National Guard (MA ARNG) drafted a long-term small arms range pollution prevention plan (P2) and a notice of project changes (NPC) was filed to amend the FEIR and Section 61 findings with the Massachusetts Environmental Policy Act office (submitted September 15, 2006 with a certificate of acceptance November 2006). He said that a notice of availability of the NPC was published in the *Environmental Monitor* with a 42-day comment period. There was a public scoping meeting/site visit on October 23, 2006. He also said that the MA ARNG has requested concurrence from the EMC/CAC/SAC to modify *Chapter 47 of the Acts of 2002*, the Environmental Performance Standard prohibiting lead. Further, MA ARNG will continue to coordinate with EPA and MassDEP to modify Administrative Order 2.

COL FitzPatrick stated the lead assessment study reviewed and evaluated the existing information on lead mobility and assessed the recent small arms range investigation by the Impact Area Groundwater Study

Program (IAGWSP), during which additional groundwater monitoring wells were installed. He noted that only one well had a low-level detection of lead. The conclusions were that lead has not threatened the groundwater and geochemistry of the soil serves to retard lead migration and slow mobility. The small arms range P2 plan will utilize the best management practices to contain, maintain, and monitor activities. Each range specific P2 plan must be approved by environmental regulatory agencies and implemented prior to a range being operational for firing lead. The STAPP bullet trap system, which was installed June 2005 on Tango Range, will be the best management practice for that range.

COL FitzPatrick stated that the next steps include filing a Supplemental *Environmental Impact Report* and a Final *Environmental Assessment*, which is scheduled to be released in spring 2006 for internal review, completing range specific P2 plans, petitioning the EPA to amend the Administrative Order, and finalizing the new EPS.

Ms. Fenn asked if there are specific proposals to handle propellants on each range. COL FitzPatrick replied that the regulators are reviewing which methods and techniques will best capture the propellants at the small arms ranges.

Mr. LaFarge asked how far the propellant spreads when fired. COL FitzPatrick replied that the distance is approximately 10 to 15 feet depending on the wind.

Mr. Cowles stated that problems at the firing ranges are worldwide. Mr. Begley replied that research is being conducted in the U.S. and other countries and there are specific system trials in the U.S. that would ultimately be utilized in other parts of the world.

Ms. Valiela asked what is the chemistry in nitroglycerin. Mr. Begley replied that it contains carbon, hydrogen, nitrogen and oxygen, but he is not sure of the exact chemical structure; however, the chemistry was not too different from some fertilizers. Ms. Valiela recommended reviewing the totality of the activity.

Mr. Cole asked if in reference to the statement in the presentation “blank ammunition for small arms may be used in areas outside of the ranges, as appropriate” are there any places that blanks are used in large quantities that propellant would be a concern. COL FitzPatrick replied that he did not feel that there was, but is being addressed from a solid waste aspect. Contaminants that are showing up are being investigated by the IAGWSP.

Ms. McConnell asked what type of propellant is used in tungsten. COL FitzPatrick replied that it is the same type of propellant that is used in lead.

Ms. Valiela stated that a letter to the editor in the March 7 *Cape Cod Times* asked how has lead lost its toxicity—this has to be answered in layman’s terms with common sense replies.

Mr. Cole stated that the issue needs to be addressed; however, it is not a question if lead has lost its toxicity as lead is going to be contained when fired, and tungsten has not been proven toxic yet.

Mr. LaFarge said that the question of how lead will be contained when fired is what needs to be addressed.

Ms. McConnell said that the public needs to know the different approaches to lead containment that are available now that weren't in the past. She said if those are used that use need to be justified in layman's terms, with out being defensive and with public health in mind.

Mr. Cole stated that lead is being managed on private ranges. Mr. Begley replied that differs at various ranges, but work is progressing towards better management. He said the National Rifle Association supports better management because of the potential to lose ranges.

COL FitzPatrick stated the proposed change to the Environmental Performance Standard modifying the restriction on the use of lead ammunition and new Small Arms Ranges Environmental Performance Standard 30 day public comment period will be posted in the *Environmental Monitor*.

Mr. Begley stated lead-bullet ammunition is prohibited from all training areas except in accordance with EPS 19, other applicable EPSs, and a range specific operations and maintenance (O&M) plan approved by the EMC. He said that pollution prevention with bullet recovery and recycling summarizes what needs to be communicated with the public.

Mr. Cole asked if what will be published in the *Environmental Monitor*, EPS 19 will include the front page on the Draft. COL FitzPatrick replied that both EPS 19 and the Draft page will be included in the *Environmental Monitor*. Mr. Begley confirmed that the introduction and the EPS 19 would be published in the *Environmental Monitor*.

Mr. Cole stated that what needs to be reached is existing standards with respect to contamination that is permitted. He said that he understands that bullet capture is at a reasonable cost, and asked what measurement by a lysimeter would be a cause to take action. COL FitzPatrick replied that questions that would be asked is the STAPP system working properly, capture cannot be guaranteed at 100 %.

Ms. Cole asked if there were any comments on the Draft EPS for Small Arms Ranges and EPS 19 Small Arms Ranges (SARS) Performance Standards.

Mr. Begley suggested including in the *Environmental Monitor* the change in the EPS 19 and EPS 1-18.

Ms. McConnell asked if there is a limit of information for the *Environmental Monitor* and that it is important to have the full content about the EPSs included.

Ms. Fenn stated that it is important to see what changes have occurred to the EPSs.

Mr. Cole stated that the suggestion is that the existing 18 EPSs be included in the *Environmental Monitor* in addition to EPS 19 and the General Performance Standard.

Mr. Cole asked with respect to EPS 19.8 and how effective the BMPs are if range controls regulations are not known. COL FitzPatrick replied that there is a requirement to have an approved range specific plan that is approved by the EMC and EPA with a 1-year review period with approved BMPs.

Mr. Cole asked if there is an existing range control checklist for Tango and Echo ranges. COL FitzPatrick replied that a checklist is presently being developed for Tango Range, which is being reviewed by the regulatory agencies. He said that the comments could be forwarded to the CAC members.

Ms. Fenn stated that the heart of the EPSs is the operations and maintenance (O&M) plan for the different ranges, which is a challenge. She said that each individual range plan would need to be very site specific and may not be compatible for all the ranges. COL FitzPatrick replied that Sierra Range is the most critical range for training soldiers and will be a challenge to determine the BMPs.

Mr. Begley stated that other options and designs are being reviewed for the ranges.

Mr. Cowles stated that when reviewing the EPSs can metrics be applied to determine whether they are being met should be kept in mind to determine a quantifiable value for the EPSs. He said that there is a redundancy for the EPSs 19.1-9, which have some similarities. COL FitzPatrick replied that a value for the EPSs may be different for each range.

Ms. Valiela stated that clearer and simpler would be better; there is a need to be more concise, such as EPS 19.8.

Ms. McConnell asked if the examples that Mr. Cowles proposes are for modification to the EPSs. Mr. Cowles suggested the CAC review and make recommendations regarding the EPSs.

Mr. Begley stated that the Draft of the Environmental Performance Standard for Small Arms Ranges will be submitted, as is, into the *Environmental Monitor*.

Mr. Cole stated that the CAC will review the content and submit comments on the Draft. The quantification or measurable issue regarding frequency that monitoring will be done is not quantification in terms of measurement. He said that it is compliance, but are you aiming at a percentage of recovery of what is fired into the environment. How does the percentage relate to a potential threat. He asked can you model the potential reading in the groundwater if it ever reaches there from a surface reading from a lysimeter or a quantity from the soil.

COL FitzPatrick replied that when reviewing the modeling it would take 300 to 1,000 years before the lead would reach the aquifer. He said that the plan is for now on the lead would never be allowed to migrate into the ground and the intent is to capture 90% of the rounds of ammunition. Mr. Cole asked why 90% and not 95%. COL FitzPatrick replied that 90% is a realistic range of intent to capture and is currently being analyzed.

Mr. Begley replied that there are a number of lysimeters monitoring the soil and validating or invalidating the conceptual site model and how to minimize what is going into the environment.

COL FitzPatrick stated that the IAGWSP is continuing their investigation of the ranges.

Mr. LaFarge said that the percentage of the lead capture is the question.

Mr. Cole stated that what constitutes harm is the question and what is quantifiable and measurable; if the lead is captured at 95% will that be sufficient.

Mr. LaFarge asked what if there are more lead detections in the ground before the return to lead firing.

Mr. Cole stated that with the BMPs if there is any lead detection, there will be improvements to reduce any more detection. The standard is that there is the technology installed on each range and the O&M practices are working along with the technology to meet the standard.

Mr. Begley stated that there is a technology combination and monitoring at the ranges being reviewed.

COL FitzPatrick stated that as the techniques are in place with the intent to reduce the risk and threat of any more detection.

Agenda Item #5. Other Business/Public Comment

There was no other business or public comment.

Agenda Item #6. Schedule/Adjourn

The next CAC meeting was not scheduled. The meeting adjourned at 7:10 p.m.