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August 10, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Final Area-Wide Environmental Impact Report for
Massachusetts National Guard Properties at the
Massachusetts Military Reservation (MMR)
PROJECT MUNICIPALITY : Bourne, Falmouth, Mashpee, Sandwich
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 5834
PROJECT PROPONENT : **The Massachusetts National Guard (MANG)**
DATE NOTICED IN MONITOR : July 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) on the above project, which describes the Massachusetts National Guard (MANG) proposed changes in the Small Arms Range (SAR) Improvement Project at the Massachusetts Military Reservation (MMR). The MANG may proceed to state permitting for the Kilo and Juliet (K and J) ranges prior to completion of the Supplemental Environmental Impact Report (EIR) and in accordance with the requirements set forth in this Certificate.

The MANG submitted a NPC in September 2006 that described its plans to return to the use of lead-bullet ammunition at the MMR and included information on proposed bullet capture and containment systems, and other pollution prevention measures. The Secretary's Certificate on the NPC (November 9, 2006) required a Supplemental EIR to provide additional information on baseline conditions, alternatives and pollution prevention plans. The Certificate also allowed MANG to proceed to state permitting through the Massachusetts Environmental Management Commission (EMC) for the Tango and Echo ranges only (Phase I ranges). A STAPP Environmental Bullet Catcher system was proposed for Tango and a range of Best Management Practices (BMPs) for Echo. The STAPP system proposed for Tango, and associated monitoring and range management plans, represents best available technology for lead bullet capture and containment. As further detailed in the November 9, 2006 Certificate, it is appropriate to allow details of range-specific pollution prevention (P2) plans to be finalized in the future through



existing mechanisms¹ given that a successful environmental review process and management and oversight structure has already been established for the MMR. However, the November 9, 2006 Certificate also acknowledged that the lead fate and transport study, remedial investigations and SAR pollution prevention (P2) plan had not yet been completed, and should be addressed in a Supplemental EIR. This supplemental information is particularly relevant to Phase II and III ranges for which STAPP systems will not be used.

Given that the MANG proposes to use a STAPP bullet catcher and containment system on Juliet and Echo, as proposed for Tango, I am satisfied that outstanding issues relating to additional analysis and detailed range-management plans for these ranges can be addressed during the EMC permit process and in consultation with the SAR Working Group, prior to completion of the Supplemental EIR. As described in the NPC, plans for Echo range upgrades are now on hold.

In addition to installation of STAPP systems, proposed improvements for the Juliet and Kilo ranges include limited clearing of vegetation and construction of a range tower, pavilion and bleachers totaling approximately 2,000 square feet of structures per range. The project site is located within Priority Habitat for state-listed species. The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) indicates it has no concern regarding proposed activities within these habitats and supports use of the proposed bullet containment systems.

The proposed use of lead ammunition requires approval from the Commonwealth of Massachusetts Environmental Management Commission (EMC), which was established by Massachusetts General Law Chapter 47 of the Acts of 2002. Use of lead ammunition also requires United States Environmental Protection Agency (EPA) approval and Administrative Order amendments. In a letter to the MANG, dated June 23, 2007, the EMC granted a conditional Tango Range Plan approval, valid until December 31, 2008, that includes specific monitoring and reporting requirements relating to use of lead ammunition and the STAPP system. The Tango Range Plan was conditionally approved in accordance with the Chapter 47 Environmental Performance Standards as amended at the July 11, 2007 EMC meeting. As noted in the EMC comment letter, the amendment to the Environmental Performance Standards, which established a range plan approval process, was unanimously recommended by both the EMC's Science Advisory Council and Community Advisory Council. A Limited Authorization for Lead Ammunition Training was also granted by the EPA, as further detailed in a letter dated July 23, 2007 from EPA to the MANG, which authorizes a seventeen month pilot project (August 2007-December 2008) for use of lead ammunition on the Tango range under specified conditions.

As noted in the comment letter from the EMC, the proposed changes in the NPC appear to be a reasonable direction for both the Upper Cape Water Supply Reserve and the MANG in terms of environmental protection and compatible military training. Comment letters from EMC and the Massachusetts Department of Environmental Protection (MassDEP) provide specific recommendations for Juliet and Kilo range investigations, monitoring, reporting and other issues, which must be implemented by MANG as further detailed in the agency comment letters and in

¹ While I believe it appropriate to use existing mechanisms to finalize range-specific plans in the future, I reserve the right to require future filings as necessary pursuant to the provisions of the MEPA regulations and the Special Review Procedure (SRP).

this Certificate.

Prior to EMC review of any range specific plans for the construction of bullet traps and any associated berms on the Juliet and Kilo ranges, the MANG must prepare a brief summary report of lessons learned to date on the current STAPP bullet trap system installed on the Tango range. The report must describe how the lessons and experiences from the Tango range might be applied to the design specifications, construction plans, and construction supervision of the proposed future bullet containment on Juliet and Kilo ranges. The report must also include the twelve areas of focus specified in the EMC comment letter. The MANG must present the report to the Small Arms Range (SAR) Working Group and Science Advisory Council and Community Advisory Council.

The MANG must work in consultation with the inter-agency SAR working group to develop a schedule to ensure that all necessary tasks are performed prior to the return to use of lead bullet ammunition at the Kilo and Juliet ranges, and on draft plan and report preparation. The SAR working group has been established to discuss range design, best management practices (BMPs), pollution prevention plans, community involvement opportunities, and the investigation and remediation of specific small arms ranges. The SAR working group includes the Massachusetts Department of Environmental Protection (MassDEP), the EPA, the MANG, the EMC, the MMR Environmental and Readiness Center (E&RC), and the Army Environmental Center (AEC).

In order to ensure maximum feasible environmental protection and adequate public involvement, the MANG must:

- Perform a soil and groundwater investigation and submit an investigation report to the SAR working group with a plan for any remediation that may be necessary at Juliet and Kilo Ranges;
- Design the STAPP bullet containment systems, pollution prevention and mitigation plans to:
 - maximize bullet recovery and recycling;
 - prevent or minimize bullet fragmentation and ricochets;
 - prevent or minimize leaching of range-associated metals and other contaminants to groundwater; and
 - incorporate close monitoring of range operations and the environment (to include soil, groundwater, and lysimeter pore monitoring, with action thresholds that will trigger operational or design changes as appropriate).
- Develop a final Pollution Prevention (P2) Plan for the Juliet and Kilo ranges, to be approved by the SAR working group and EMC;
- Complete range-specific design, operations, maintenance and monitoring plans for the Juliet and Kilo ranges, to be approved by the SAR working group and EMC. Range-specific plans should include details of measures to safeguard the environment within the Upper Cape Water Supply Reserve; and

- Develop a public involvement plan to adequately inform the public concerning the return to use of lead at Juliet and Kilo ranges, the pollution prevention plan, and other issues relating to project changes described in the NPC.

As noted in the MassDEP comment letter, the Camp Edwards Impact Area and Training Range is classified as a disposal site pursuant to M.G.L. Chapter 21E and 310 CMR 40.000, the Massachusetts Contingency Plan (MCP). The MANG must consult with MassDEP, and provide notification as necessary pursuant to the MCP, if any oil and/or hazardous materials that have not been previously reported to MassDEP are identified during project implementation.

Based on review of the NPC, comments received and consultation with relevant state agencies, I am satisfied that appropriate safeguards will be in place to ensure military training at Juliet and Kilo ranges will be conducted in a manner that is compatible with environmental protection. The MANG may proceed to the EMC permitting process for the Juliet and Kilo ranges. I expect additional information on baseline conditions, alternatives and pollution prevention plans for the small arms ranges in a Supplemental EIR as required by the Secretary's Certificate on the NPC (November 9, 2006). The EMC should forward a copy of its Section 61 Findings to the MEPA Office for the project record.

August 10, 2007



Ian A. Bowles, Secretary

Cc: Mark J. Begley, Environmental Officer, Environmental Management Commission

Comments Received:

7/31/07 Environmental Management Commission
7/31/07 Department of Environmental Protection, Southeast Regional Office
7/31/07 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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