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CBP to pay \$3.7M for cleanup at former gun range

By Paulina Pineda

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Photo/Murphy Woodhouse

U.S. Customs and Border Patrol is paying more than \$3.7 million to clean up the former firing range off of Target Range Road.



Costly cleanup

CBP's remedial plan for its old target range will cost more than \$3.7 million. Here is an itemized breakdown:

- Site visits and project management: **\$29,304**
- Draft remedial action work plan: **\$24,450**
- Final remedial action work plan: **\$12,610**
- Excavation, stock piling, hauling, grading: **\$3,644,717**
- Confirmatory sampling and analysis of excavated area: **\$1,150**
- Data Validation: **\$5,735**
- Draft remedial action report: **\$25,598**
- Draft final remedial action report: **\$14,549**
- Final remedial action report: **\$8,521**

Total: \$3,766,634

Source: U.S. Customs and Border Protection

The federal government will spend more than \$3.7 million to clean up a former U.S. Border Patrol firing range in Nogales after an environmental study found large amounts of pollution in the soil.

A two-year study conducted between 2011 and 2013 on the half-acre site off Target Range Road found high levels of lead, antimony, arsenic and polyaromatic hydrocarbons (PAHs) in the soil “at concentrations above background or applicable regulatory limits.”

Cyndi Tuell, a volunteer with the Sierra Club's borderlands team, said the pollution is a predictable outcome of the activity.

“Target shooting on public land or for public servants like Border Patrol and police is causing a significant amount of contamination across the state, causing long-term health effects for the land and people visiting the land,” she said.

In a 67-page document posted to its website in November, U.S. Customs and Border Protection outlined the three-phase remediation plan, which includes excavating the contaminated soil, shipping it off to an appropriate landfill that handles hazardous waste, and backfilling and grading the site so that rain and runoff moves to an off-site drainage pathway.

According to the document, the action is “necessary to protect the public health or welfare of the environment from actual or threatened releases of hazardous substances into the environment.”

The plan was one of six possible options, all evaluated against the criteria developed by the Environmental Protection Agency. It and three other options were presented at a public hearing in December 2014. The other alternatives included: taking no action; grading the site utilizing existing site soils from the backstop berm and capping it off with clean soil; or stabilizing the soil by mixing it with a cement-based agent.

The final plan – nearly three times more costly than the next-most-expensive option – was chosen following a public comment period. It fully complies with all requirements, promises long-term effectiveness and had a “high” community acceptance, the study said.

Tuell, of the Sierra Club, said it's a hefty price for what is a fairly common procedure at shooting ranges.

“Cleanup at these types of privately owned sites is much easier to accomplish than in remote areas of public lands often used for target shooting where terrain and road condition make it more difficult and usually very expensive,” she said. “The extremely high cost of this cleanup tells you that there's something else here.”

Joe Barr of Mariposa Properties, who owns land adjacent to the shooting range, agreed that the cost seems excessive.

“There’s nothing here that’s pristine, it’s industrial land,” Barr said, adding later: “This is just mass grading work, which we do that all the time and it doesn’t cost anything close to (\$3.7 million).”

The study, conducted by the firm TerranearPMC for the Army Corps of Engineers, found that bullets and bullet fragments on the surface and subsurface were the primary source for contamination at the site. It also found that PAHs on the surface could be from plastic shotgun wadding and fragments of clay pigeon targets on the ground.

The study also found that the concentration of arsenic could possibly be attributed to sediments and soils from volcanic rock in the area and therefore wasn’t considered a contaminant of concern because “it has been demonstrated that the concentrations of arsenic in site soils are consistent with naturally occurring levels of arsenic for the area.”

“Old” shell fragments were also found at the site that weren’t related to the Border Patrol’s activities at the shooting range, but could possibly date back to the Camp Little U.S. Army base that operated in Nogales from 1910 to 1933, or even activity during a standoff between Mexican and U.S. troops in the mid-1910s.

Contaminants in the soil were found at a maximum depth of 42 inches and an estimated 6,900 cubic yards of soil will have to be excavated.

Soil samples will be collected at the start of the cleanup to make sure the remaining soil is below the regional soil screening level set by the EPA and the Arizona Department of Environmental Quality.

The CBP document posted in November and advertised to the public via public notice in the Dec. 1 Nogales International does not list a projected start date or time frame for completing the cleanup. It also does not name the entity or entities hired to perform the work.

Repeated efforts during the past week to reach Paul Enriquez, CBP’s environmental branch chief, or obtain a comment from another CBP official, were unsuccessful.

History of the range

The shooting range is located on private property owned by Paul Arbo and leased to CBP.

The Border Patrol began using the site as a shooting range after 1992 and stopped in mid-2010. CBP still leases the property and there are no plans to develop the land within the next five years, the study says.

A March 2009 study done on the La Loma Grande Property west of the shooting range and owned by Nohe Garcia, showed large quantities of bullet fragments on the northeast end of the site. Bullet fragments were also found in the wash and hillside and as far as 600 feet west of the range.

The environmental study, which was conducted for Santa Cruz County in case of future development on the site, prompted Barr and Garcia to reach out to Border Patrol in an effort to correct the problem. In May 2010, Barr sent CBP a letter outlining a mitigation plan that the government entity had to adhere to in order to continue using the shooting range.

“We recognize the need to qualify agents in order to achieve your mission. With that consideration we were receptive to a short term continuation of range use while CBP aggressively developed a plan to address the impacts of that facility,” the letter read.

However, Barr said, CBP never consented to the agreement and he told the agency to stop using the shooting range in June 2010.

“Eventually I told them they had to stop using it, citing some state law that says if you are depositing hazardous material on private property it’s a felony,” he said. “That’s not what I wanted, but after a year of trying to get their attention this is what it had to come down to.”

Barr said he also offered to relocate the shooting range to another property, suggesting an indoor range near the Border Patrol station on La Quinta Road, but CBP was not interested.

Garcia is now suing CBP, alleging that he can’t develop the land affected by the shooting range because of the environmental damage. Citing the ongoing lawsuit, Garcia declined to comment for this story.

However, Arbo, who owns the land leased to CBP, said he never had any problems with the agency or its activities at the shooting range, adding that agents cleaned up after themselves. Arbo has been called as a witness for the defense in Garcia’s suit.

“Most of the pollution took place in 1916 when we had thousands of soldiers out there,” Arbo said, referring to the U.S. Army post once located near Western Avenue and Anza Drive. “All this took place long before CBP ever came in here.”

Costly alternative

The Nogales Police Department uses a target range on private property off Patagonia Highway, said Det. Robert Fierros, a department spokesman.

Fierros said officers clean up after themselves and the site is maintained, adding that Public Works Department employees carry out a more thorough cleaning a couple of times a year.

Tuell said outdoor shooting ranges, especially those that are open to the public and not closely monitored, can be “incredibly harmful and harmful in the long-term.”

The only way to abate the risk, she said, is to not allow recreational shooting or to request that shooters use non-lead ammunition, which can significantly reduce or eliminate lead contamination. Non-lead ammunition, however, is much more costly, she added.

“The cost differences can be significant, but when you’re putting it in light of a \$3.7 million cleanup, perhaps it’s not that big a deal,” she said.

The risk of being exposed to contaminants found at the site, Tuell said, could be small, though a regular visitor could bring home contaminants, which could affect small children exposed to them, especially lead.

SIDEBAR: What the study found

An environmental study found high levels of contamination in several soil samples taken at the former Border Patrol firing range off Target Range Road. Here is what the study found:

- **Arsenic:** 60 out of 60 soil surface and subsurface samples contained concentrations of arsenic above the EPA residential soil screening level of 0.39 mg/kg. Arsenic concentrations ranged from 4.4 mg/kg to 22.8 mg/kg.

- **Lead:** 52 of the 60 surface and subsurface samples contained concentrations of lead above the EPA residential soil screening level of 400 mg/pg. Forty-eight of the 60 samples contained concentrations above the EPA industrial screening level of 800 mg/pg. The highest concentration of lead detected was 49,300 mg/kg.
- **Antimony:** 27 out of 60 soil samples contained concentrations above the EPA screening level of 31 mg/kg. The highest concentrations were detected in the west and southwest side of the firing range near the backstop berm.
- **Polynuclear Aromatic Hydrocarbons (PAH):** PAH compounds were detected in six of the nine soil samples and in one shallow “grab” soil sample.

Source: U.S. Customs and Border Protection

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