

CITY OF NOGALES



VIA EMAIL: david.s.clark@usace.army.mil

March 9, 2018

David S. Clark
U.S. Army Corps of Engineers
Fort Worth District
819 Taylor Street, Room 3A12
Fort Worth, TX 76102

Re: Former U.S. Border Patrol Firing Range, Nogales, Arizona

Dear Mr. Clark:

Please accept this letter as further public comment by the City of Nogales regarding the proposed clean-up effort to remediate the lead, antimony and polynuclear aromatic hydrocarbons (PAH) contaminants identified at the Former U.S. Border Patrol Firing Range, located within the corporate limits of Nogales, Arizona. To date, the focus of all remediation plans has been unduly limited to the 1/2 acre site of the former firing range, yet the Army Corps of Engineers appears to acknowledge that soil contamination likely exists outside of this 1/2 acre site.

Figure 3 of the Final Decision Document dated August, 2015 indicates that the heaviest concentrations of lead, antimony and PAH's are located in the extreme southwest quadrant of the site investigated. Thus, a reasonable inference strongly suggests that a complete investigation of the actual location of all contaminants of concern (CoC) has not yet been fully documented, as such concentrations could continue outside of the quadrants investigated.

Moreover, the answer to comments previously submitted by Joe Barr, at Appendix B pp. 50-51 of the Decision Document, states that "the project work scope was changed in the field during the Remedial Investigation, because of the discovery of Munitions Debris." It further states "At that time, the Remedial Investigation team was instructed by Formerly Used Defense Site Personnel to change work scope and not continue investigation outside" of the former firing range's boundaries.

The Formerly Used Defense Sites program is managed by USACE. Thus, the statement quoted above indicates that USACE decided to limit the scope of the investigation, which cannot be deemed complete without properly exploring the extent of CoC's located on adjacent properties. Its sole justification was that Munitions Debris was discovered. What exactly was discovered, and where? USACE's website indicates that this program's jurisdiction is based on munitions expended prior to 1986, yet the Border Patrol began operation of this firing range in 1992. Was there another federal agency that used this property for other defense-

related activity? If not, the applicability of the Formerly Used Defense Site program to this site seems questionable.

The bottom line is that the residents and property owners of the City of Nogales have not been given a satisfactory explanation as to why the scope of the clean up investigation has been unreasonably narrowed by the USACE.

The City therefore requests that the USACE reconsider the scope of investigation, and that prior to expending considerable funds to clean up the former firing range (estimated to be approximately \$3.7 million), that it conduct a full and adequate study to locate excessive concentrations of CoC's on adjacent properties as well. The alternative would appear to piece-meal the clean up effort, first for the CoCs located within the boundary of the former firing range, then later to study, identify and select an appropriate remedial action on the adjacent properties. That hardly appears to be the optimum approach to remedying the entirety of the contamination caused by the Border Patrol's use of the property as a firing range.

The City looks forward to hearing from USACE with respect to the concerns expressed in this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank Felix", with a stylized flourish at the end.

Dr. Frank Felix
City Manager

cc: Mayor and Council