UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 24, 2014

Ms. Kelly Finn
CMAGR LEIS Project Manager
NAVFAC Southwest
1220 Pacific Highway, Building 1 Central IPT
San Diego, CA 92132-5190

Subject: Final Legislative Environmental Impact Statement (FLEIS) for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California (CEQ # 20140017)

Dear Ms. Finn:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Legislative Environmental Impact Statement (DLEIS) and provided comments to the Navy on November 29, 2012. We rated the DLEIS as Environmental Concerns - Insufficient Information (EC-2) and expressed concerns regarding the potentially significant loading rates of munitions constituents (MCs) at most of the target sites at the Chocolate Mountain Aerial Gunnery Range (CMAGR), as predicted by the Range Environmental Vulnerability Assessment (REVA), and possible risks to offsite ecological receptors. We recommended that the REVA model conclusions be validated with environmental sampling to confirm that off-range migration of MCs is not occurring; we requested additional information regarding off-range receptors that could be exposed to MC's; and we recommended a qualitative assessment of the potential for off-range lead contamination.

Regarding validation of the REVA model, the Navy responded that "*if a REVA trigger value is exceeded and further investigation is deemed necessary, the results are compared to Department of Defense (DoD) Operational Range Assessment Screening Values, which represent a higher decision threshold than REVA trigger values*". The rest of the response outlines the procedure to be followed, but does not respond to our original comment regarding the appropriateness of environmental sampling to validate the REVA model and to ensure off-range contamination is not occurring. Instead, the FLEIS states that the REVA model was validated at Marine Corps Air Station (MCAS) Beaufort, South Carolina (p. 2-5). It is not clear how validation occurring in a different geographic location, with the different soil, vegetation and climate conditions of South Carolina, would provide validation for the specific REVA model conclusions for CMAGR.

CMAGR has been in use since World War II and the 2008 REVA was the first comprehensive report on MCs associated with CMAGR. Before the land withdrawal is renewed for 25 years, it is important to provide accurate information regarding off-base impacts to the decision-maker, in this case Congress, and to the Navy, who could possibly take over management and stewardship of BLM's portion of the range in addition to that portion owned by the Navy. While we understand that the REVA trigger values

are very conservative (the median of the method detection limits) and are not associated with any regulatory values, the REVA report indicates potentially significant loading rates at 27 of 52 sites and the values of MC's were many times greater than the REVA trigger values. For example, Table ES-2 of the REVA Executive Summary shows that in the case of the explosive RDX[1], the REVA model predicted concentrations at the range boundary to be 70 times greater than the trigger value for Loading Area 9N, and 56 times greater for Areas 1S-8S and 10S-15S. For TNT[2], the REVA model predicted 107 times greater concentrations than the trigger value for area 9N. Table ES-2 shows all but one loading area with predictions many times greater than the REVA trigger value for RDX and TNT. It is not clear what level of predicted MC concentration at the CMAGR would lead to a determination that further investigation is necessary. We also note that the FLEIS does not include a qualitative assessment of potential off-range lead contamination, as requested in EPA's formal comment letter on the DEIS, but instead refers to the REVA analysis that took place in Fall 2013. If this document is being included by reference to address the off-range lead contamination concerns, this should be more fully explained.

Regarding receptors, we appreciate the additional information in the FLEIS regarding potential exposure of desert tortoise to MCs, but no discussion regarding potential impacts to other off-range ecological receptors is included. The FLEIS states that toxicity thresholds outside the range boundary are several orders of magnitude above the estimated MC concentrations at the boundary, but these toxicity thresholds were not identified. Since RDX and TNT are identified as MC's which substantially exceed the trigger level at the boundary, toxicity threshold concentrations for these chemicals should be identified.

We recommend that the latest 2013 REVA model results be reviewed by the Navy, and if the model continues to predict MC contamination levels at the range boundary substantially above the REVA trigger values, that on-the-ground sampling occur to validate the model results. We also recommend that the 2013 REVA model results be included, along with the Final LEIS, in the application to Congress for the continued withdrawal and reservation of the range. In this way, Congress will be provided accurate information regarding current levels of MC contamination migrating off-base, if any, to inform their decision whether to renew the withdrawal of approximately 228,465 acres of public land for continued use as part of the CMAGR.

EPA appreciates the opportunity to review this FLEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

/s/ *Connell Dunning for*

Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: James Kenna, California State Director, Bureau of Land Management

[1] hexahydro-1,3,5-trinitro-1,3,5-triazine
[2] trinitrotoluene