

# Auditor says range probe 'starting to fall into place'

By Tom Eldred

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DOVER — State Auditor Thomas R. Wagner Jr. says an investigation into the closed Delaware State Police firing range

near Smyrna is well under way and that a picture of what went wrong is beginning to emerge.

"I think it's all starting to fall into place," Mr. Wagner said Thursday. "I think we're beginning to put together what happened. We're gathering data so we can definitely say factually what happened."

Although a final report to the public could be months away, Mr. Wagner said his early analysis tends to agree with a retired state trooper interviewed by the Delaware State News who said design flaws were evident in the building from the start.

In March, state police closed the \$3.3 million indoor firing range, billed as state-of-the-art when it opened in 1998, because of serious environmental concerns after members of a class of recruits complained of nosebleeds, headaches and a "penny" taste in their mouths.

Three troopers who worked full-time at the facility before it

closed told audit investigators recently that they believe toxic contaminants and improper sound-proofing in the building impaired their health.

Mr. Wagner said interviews are ongoing and that as many as 45 to 50 people, including the architects of the facility, would be contacted for information.

He said interviews are scheduled with representatives of Smyrna-based JAED Corp. on Tuesday. JAED was awarded the architectural and engineering contract for the range by the state's Facilities Management division in the mid-1990s.

Although the firm had not designed an indoor shooting facility, JAED was selected and hired Clark Nexsen Inc., an experienced range designer that ranked second in the state's bid selection process, as a consultant.

"We've had a pretty decent feel from the Delaware State Police as to what happened and we've reviewed documentation from experts in the field," Mr. Wagner said.

"Everything I have read and been briefed on to this point would give the indication that the design would not work right from the start."

Bruce H. Peachey retired Feb. 1 as a state police master corporal after 22 years as a trooper. He worked full-time at the range from July 2002 until his retirement.

Mr. Peachey, 44, said design problems in the building were no secret from the beginning and

were discussed often by troopers assigned as full-time instructors at the facility.

"I heard that when they built the place that our guys had to do quite a lot of the work," he said.

"The HVAC never worked properly. Basically it's an air conditioning system, not an air handling system. There were a lot of building-related issues.

"There were a lot of roof leaks. We couldn't use three or four of the firing lanes when it rained heavily."

He credited retired Sgt. Richard Ashley, range supervisor from April 2002 to December 2003, with putting in extra effort.

"It seemed like every day there was something," Mr. Peachey said. "He did everything humanly possible to keep that place running. If it had been built correctly in the first place, we wouldn't have had those problems."

He said there was no standard operating procedure to assure operational success and that a decision to switch from lead to non-lead "frangible" bullets in 2001 caused irreconcilable problems with the range's bullet trap system.

"It's Facilities Management's building," Mr. Peachey said. "There should have been some kind of scheduled maintenance. There should have been a policy in place.

"We took a lot of pride in what we were doing. There was not a slob in the bunch. We were proud of the way we kept that building but there was a lot we had no con-

## Timeline of events

● **Late 1980s** — The state police want to create a new training facility, including a dormitory, academic building and cafeteria, vehicle maintenance shop, gymnasium complex, water training tank and indoor firing range.

● **Early 1990s** — The project is pared down for budgetary reasons to a new firing range.

● **Mid-1990s** — JAED Corp. of Smyrna is awarded the architectural/engineering contract for the new range. JAED has never designed a shooting range before and hires Virginia-based Clark Nexsen as a consultant.

● **August 1998** — Construction is completed.

● **November 1998** — Range staff identify problems with the air handling system. An environmental assessment determines airborne lead levels are above the OSHA standard in the firing area.

● **April 1999** — Another environmental assessment observes heavy accumulation of debris containing lead in the range's bullet recovery area. The facility is closed briefly for maintenance of the air handling system after tests show two troopers who work there have above-normal lead content in their blood. A \$35,000 study commissioned by the state Division of Facilities Manage-

ment recommends improvements estimated at about \$900,000 and \$1.3 million.

● **June 2000** — An instructor at the range who has reached a "critical level" of lead contamination is reassigned to another job at the facility.

● **January 2001** — The state police switch to using "non-toxic, frangible" ammunition at the range.

● **September 2003** — \$30,000 is spent to modify the bullet trap system because of sludge buildup caused by the frangible bullets. Specifications from a manufacturer indicate the frangible ammunition contains high amounts of copper, along with zinc and tin.

● **January 2004** — Some members of a recruit class at the range complain of nosebleeds, sore throats and irritated eyes after using the range. Some range officers complain of a "penny taste" in their mouths after working a shift there.

● **March 2004** — The state police order the range closed until further notice because of environmental problems. Possible solutions being evaluated include an analysis from one expert indicating a new air handling system must be installed at a cost of at least \$2.2 million.

Source: Delaware State Police

trol over."

Mr. Wagner said he wants to arrange a meeting soon with Sen. Robert L. Venables Sr., D-Laurel, and Rep. Roger P. Roy, R-Limestone Hills, co-chairmen of the legislative Bond Bill Committee, to provide an update on the investigation.

He said he also would invite state Budget Director Jennifer W. Davis as a representative for Gov. Ruth Ann Minner, as well as Controller General Russell T. Larson.

The Bond Bill Committee and Gov. Minner each asked Mr. Wagner's office to probe the range situation.

He said he would also try to give a more complete update to the full Bond Bill Committee before the legislative session ends June 30.

"I'm not sure if that would be in executive session or in public," Mr. Wagner said. "A lot would depend on what we can say factually hap-

pened, as opposed to what appears to be the case. I wouldn't want to do that part in public until we have the actual facts.

"The public will ultimately know what happened when we finish our final report, but that could be months from now."

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