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Fwd: Fw: RE: resolution on the way

3 messages

Gay Nicholson <gaynicholson@gmail.com>
To: Peter Mantius <pmantius@gmail.com>

Tue, Sep 11, 2018 at 4:40 PM

from the region 7 DEC director:

----- Forwarded Message -----

From: Marko, Matthew J (DEC) <matthew.marko@dec.ny.gov>
To: steven smith <ss13081@yahoo.com>
Sent: Tuesday, September 11, 2018, 3:58:04 PM EDT
Subject: RE: resolution on the way

Mr. Smith,

Thank you for your email. Below is a synopsis of information gathered last week and compiled for distribution to you and other community members that have inquired.

The Lansing Rod and Gun Club (Club) has owned and operated a shooting range in the Town of Lansing for more than fifty years. Members typically shoot lead shot, which often falls in Salmon Creek and adjacent wetland located in the Cayuga Lake watershed. Citizens are understandably concerned with potential environmental impacts. DEC has received inquiries and complaints about activities at the Club. DEC has contacted the Environmental Protection Agency (EPA), Town officials, Bolton Point Municipal Water System (Bolton Point) officials and Club representatives. We have learned the following:

1) All agree that lead shot is present in the wetland. To address that, on or about October 1, 2016, EPA and the Club entered into an Administrative Consent Order which provided that if the Club did not halt all lead shooting activities, it would take steps to prevent lead shot from entering the creek and wetland. One possibility was use of a shot curtain. Another option was to re-orient the range on Club property. The Club is pursuing the second option.

Enforcement of this Order is still pending. The Club has requested that EPA extend the compliance deadlines set forth in the Order; it is still working with the Town on necessary local approvals.

2) In order to re-orient the range, the Club will need to build several small buildings, including a warming shed. The Town and Club agree that a Town building permit will be required. They disagree,

however, whether a Town special use permit is needed under the zoning law. Neither EPA nor DEC have any jurisdiction on this local land use dispute.

3) The Club has begun clearing some trees. If more than one acre of land is disturbed, the Club needs a storm water pollution prevention plan (SWPPP) and coverage under DEC's State Pollutant Discharge Elimination System (SPDES) Storm Water General Permit. The Town of Lansing is a regulated Municipal Separate Storm System (MS4). As a regulated MS4, Lansing has responsibility to ensure that the Club complies with the General Permit. DEC's water staff often works with local communities to offer technical assistance. Our staff has been in communication with the Town.

4) DEC did receive a complaint alleging that clearing activities were disturbing habitat of an endangered species—Henslow Sparrow. Staff investigated that complaint, and at the present time, there does not appear to be any violation.

5) Bolton Point drinking water facility serves residents of the Towns of Dryden, Ithaca and Lansing, and the Villages of Cayuga Heights and Lansing. Pursuant to EPA's Lead and Copper Rule (LCR), Bolton Point samples thirty locations every three years. The last tests conducted in 2017 did not show any violations. The LCR, however, is primarily designed to detect lead at the point of consumption, presumably by entering the system from old pipes and connections. Consequently, Bolton Point recently decided to test its water at the source for detectable levels of lead. Testing will start in the next two weeks, will be repeated every three months, and results will be published online. This will provide insight as to what lead may be detectable in the source water, prior to treatment and distribution through the piping network.

6) Although DEC Region 7 has not yet received a formal request, we have been told that the Town may ask DEC to conduct air, water, and soil sampling on site. This site is already subject to an EPA Order, and under the current conditions any decision to sample would only be made following consultation with the EPA.

DEC will continue to monitor the situation and communicate with all the stakeholders, including EPA. As appropriate, we will offer technical assistance. In light of EPA's pending Administrative Consent Order, DEC will not commence a separate enforcement proceeding. If the situation changes, we will of course consider all options. The situation over the last couple of weeks has been quite dynamic, and we appreciate the patience and cooperation of the community as our staff of technical, legal, and administrative experts continue their efforts.

Matthew J. Marko, P.E., BCEE, F.ASCE

Director, Region 7

New York State Department of Environmental Conservation