

Guy Krogh

From: Hayden, Melva <Hayden.Melva@epa.gov>
Sent: Friday, August 3, 2018 7:34 PM
To: Guy Krogh
Cc: Guster, Edward; Thomas, Derval; Voo, Leonard; Hazen, Robert; Sawyer, William
Subject: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 Follow-up on August 2, 2018 Conference Call

Dear Attorney Krogh,

I have been asked by EPA managers to send this email communication to follow up on issues raised on the August 2, 2018 conference Call EPA Region 2's Regional Administrator, Peter Lopez, and staff held with Mr. Brian Eden, Chair of the Tompkins County Environmental Management Council (TCEMC), Joseph Wetmore, Member of the Lansing Town Board, and Hillary Lambert, Steward of the Cayuga Lake Watershed Network, to discuss their concerns about the Lansing Rod and Gun Club 2016 Administrative Order on Consent (AOC or Order), the Club's shooting activities using lead shot, and EPA granting the Club's extension, and preventing negative impacts to the surrounding tributaries and communities ecosystem.

Mr. Wetmore indicated that the Club had unilaterally withdrawn its special use permit (SUP) application due to the Club attorney's assertion that the Club does not need a SUP because it has been in existence before the SUP legislation was enacted. Therefore, the Club contends its use of the Site is grandfathered in because the Club's use has not changed since its 1955 existence at the Site, and will not change with the relocation of the shooting ranges. The Town's representatives dispute the Club's assertion.

EPA is in receipt of a July 2, 2018 email communication and attached letter from the one of the Club's Attorneys, Mr. Andrew Leja, you submitted advising EPA that the Club had unilaterally withdrawn its SUP application. You indicated further in your July 2, 2018 communication that there are currently no permit applications for the Lansing Rod and Gun Club before the Town of Lansing for review.

However, Mr. Michael Oropallo, the lead Attorney for the Club, submitted a letter to EPA dated May 24, 2018 requesting an extension of the deadlines in the 2016 Order until December 2018. Attorney Oropallo indicated that, due to the flooding in fall of 2017 that made the shot curtain installation no longer feasible, good cause existed for an extension to allow time for the Club to obtain the necessary local permits, and reconfigure the ranges.




Attorney Oropallo further indicated that you, the Town's Attorney, indicated the appropriate legal path is through the Zoning Board of Appeals. Moreover, Attorney Oropallo indicated the Club is waiting for the Codes Officer to issue a formal opinion, which seems to suggest that the Club has appealed to the Town's Zoning Board of Appeals. EPA has also contacted Attorney Oropallo asking him to explain and clarify what is meant by this statement.

EPA is seeking clarification between the permit information the TCEMC and Town representatives shared on the August 2, 2018 Call with EPA, the July 2, 2018 email communication you submitted regarding the Club's permit information, or lack thereof, and the permit information Attorney Oropallo provided in the May 24, 2018 extension request letter.

At your earliest opportunity, please clarify and advise EPA what permit(s) the Club needs to apply for in order to relocate the shooting ranges at the Site in Lansing Township. Thank you in advance.

Sincerely,

Attorney Melva J. Hayden

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