Confidential

TOWN of LANSING

"Home of Industry, Agriculture and Scenic Beauty"

PO Box 186
Lansing, NY 14882

September 10, 2018

Teri Phelps
NYS DEC - Region 7 Cortland Sub Office
Division of Environmental Permits
1285 Fisher Avenue, Cortland, NY 13045

RE: Lansing Rod and Gun Club Inc.
55 Salmon Creek Road, Lansing, New York, 14882

Dear Teri Phelps:

The Town of Lansing, Tompkins County, is the location of the non-profit Lansing Rod & Gun Club ("LRG"), located at 55 Salmon Creek Road, Lansing, New York 14882. LRG has for decades been shooting lead shot and lead bullets upon and over land, wetlands, riparian area, and Salmon Creek itself, a CT classified stream that is a major tributary to Cayuga Lake, an impaired waterbody from which many thousands of people draw drinking water. Salmon Creek literally crosses the Gun Club's property. Tons of lead are already known to exist on the site, and the US Environmental Protection Agency ("EPA") began RCRA enforcement proceedings, of which the Town believes the DEC is aware.

For your records is enclosed a copy of a signed EPA Consent Order. Its status is unknown, but the Town believes the deadlines have been missed, that LRG is out of compliance and has been for months.

Historically speaking, and in furtherance of its applications for a consent order to continue the operations on the site, LRG submitted special permitting and site plan applications to the Town. Whether arising due to concerns over a foreseeably potential positive declaration under SEQRA, potential denials of the special permit, the imposition of conditions, or whether merely due to pride or beliefs, LRG eventually asked whether the Town had any review or enforcement authority whatsoever, then answered its own question in the negative, and then withdrew all applications for review of the relocation of its three shooting ranges, claiming that as a pre-existing, non-conforming

use it had the right to do whatever it well and so pleased, and that the Town had no zoning or other review authority. The Town disagrees with this inaccurate, self-serving assessment.

Recently, the EPA asked for the Town to clarify confusing and contradictory statements made to EPA by LRG. A copy of the EPA inquiry and the Town's reply are also enclosed for your records. While the Town has always anticipated building permits to be filed—which would thereafter be reviewed thoughtfully and approved or denied by the appropriate body, all to be duly followed-up by the eventual filing of required applications for land use approvals—things recently heated up when LRG used the Labor Day weekend to start the process of tree-cutting and land clearing, purportedly or allegedly to begin the process of building their new shooting ranges. This is likely a segmented part of a larger project, approximately 2 acres have been disturbed, and LRG apparently has done this despite the lack of an updated EPA Consent Order and no reviews or approvals from the Town, and no stormwater plans or controls in place, and all within a stone's throw of Salmon Creek. Not even a clearing plan and basic SWPPP were submitted.

What the Town desires is DEC's assistance in evaluating the project proposal in terms of wetlands, soil, water, and air impacts, and to lend technical and other support to any reviews to be undertaken by the Town. While the Town does not take any position upon applications and plans not yet before it, the Town does find this situation and the deposition of lead, including a proposed second deposition site, to be problematic. Thus, any technical expertise on remediation or the prevention of lead migration and exposure would also be helpful.

Thank you for your consideration in respect of this request for review and assistance.

Town of Lansing

By: _____
Ed LaVigne, Town Supervisor

cc: Lansing Town Board Members
Guy K. Krogh, Esq., Thaler & Thaler, P.C., Town Attorney
Tom Ellis, Planning Board Chair
Hurf Sheldon, ZBA Chair
Lynn Day, Town Zoning and Code Enforcement Officer
Michael Long, Town Planner