Message

From: Hayden, Melva [Hayden.Melva@epa.gov]
Sent: 8/14/2018 3:38:21 PM
To: Paul, Thomas J. [tpaul@barclaydamon.com]
CC: Guster, Edward [Guster.Edward@epa.gov]; Thomas, Derval [Thomas.Derval@epa.gov]; Voo, Leonard [Voo.Leonard@epa.gov]; Sawyer, William [Sawyer.William@epa.gov]; Leja, Andrew J. [ALeja@barclaydamon.com]; Oropallo, Michael A. [MOropallo@barclaydamon.com]; Simon, Paul [Simon.Paul@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: Re: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]

Dear Messrs. Paul and Oropallo,

This is to acknowledge receipt of your email communication and thank you for your prompt response providing the estimated time frame you anticipate it will take for the Club to obtain the necessary building permit from the Town of Lansing.

I will pass this information on to my senior managers by way of this reply email communication. Please be advised that EPA senior managers have not yet formally responded to the Club's request for an extension of the deadlines in the Order until December 2018.

Please be further advised that my EPA senior managers are and remain extremely concerned about lead shot continuing to go into Salmon Creek and the wetlands from the Club's shooting activities. It is critical that the Club devise a plan to stop the lead shot from going into the Creek and wetlands while it moves forward with plans to relocate the shooting ranges. Thank you again.

Sincerely,

Melva J. Hayden

Melva J. Hayden, Esq.
Assistant Regional Counsel
Region 2 Title VI Coordinator
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290 Broadway - 16th Floor
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From: Paul, Thomas J. <tpaul@barclaydamon.com>
Sent: Tuesday, August 14, 2018 9:23 AM
To: Hayden, Melva
Cc: Guster, Edward; Thomas, Derval; Voo, Leonard; Sawyer, William; Leja, Andrew J.; Oropallo, Michael A.; Simon, Paul; Schaaf, Eric
Subject: RE: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]
Ms. Hayden,

Provided there are no further permitting hurdles imposed by the Town, the building permit should be issued within 2-4 weeks after the Town declares the application complete. It is surprising to us and the Club that the Town and public is not more supportive with this relocation that will prevent future shot being directed towards the creek or wetlands. We continue to appreciate EPA's recognition and support of the Club's efforts.
Tom

From: Hayden, Melva [mailto:Hayden.Melva@epa.gov]
Sent: Monday, August 13, 2018 12:47 PM
To: Paul, Thomas J.
Cc: Guster, Edward; Thomas, Derval; Voo, Leonard; Sawyer, William; Leja, Andrew J.; Oropallo, Michael A.; Simon, Paul; Schaaf, Eric
Subject: Re: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]

Dear Messrs. Paul and Oropallo, et al
This is to acknowledge receipt of Mr. Paul's email communication sent today in response to my email communications of August 3, and August 6, 2018.
Thank you for providing the information requested regarding specific permit(s) the Club needs to apply for in order to relocate the ranges, and for which the Club has requested an extension of the deadlines in the Order. What is the estimated time frame for the Club to obtain the building permit required to construct the warming hut?
I will share the information you provided with my EPA senior managers by way of this email. I await your response regarding the time frame for obtaining the required permit. Thank you again.
Sincerely,
Melva J. Hayden
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From: Paul, Thomas J. <tpaul@barclaydamon.com>
Sent: Monday, August 13, 2018 11:52 AM
To: Hayden, Melva
Cc: Guster, Edward; Thomas, Derval; Voo, Leonard; Hazen, Robert; Sawyer, William; Leja, Andrew J.; Oropallo, Michael A.
Subject: RE: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]

Ms. Hayden,
This e-mail is in response to your prior e-mails on August 3rd and August 6th in which you asked about the permits the Club is seeking for the relocation of the shooting ranges and the status of those permits. To reiterate, the Club remains committed to relocating the shooting ranges and has been working diligently to prepare the necessary application to the Town.
Based on pre-submittal correspondence with the Town of Lansing Codes Officer, the Club will need to submit a building permit application for the warming hut and the two trap houses associated with the relocation of the

ranges. The Club has nearly completed the application and recently received a sketch map prepared by a professional surveyor and a floor plan for the warming hut prepared by a professional architect. Upon completion and final review and approval of the application and plans, the Club will submit the application forthwith. Based upon our review of the necessary approvals, there does not appear to be a need to go to the Zoning Board of Appeals at this time.
The Club will continue to cooperate with the Town to obtain the necessary building permits and diligently move forward with the relocation of the shooting ranges.
Thank you again for your time and attention.
Tom

From: Hayden, Melva [mailto:Hayden.Melva@epa.gov]
Sent: Monday, August 06, 2018 11:19 AM
To: Oropallo, Michael A.
Cc: Paul, Thomas J.; Guster, Edward; Thomas, Derval; Voo, Leonard; Hazen, Robert; Sawyer, William; Leja, Andrew J.
Subject: Re: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]
Good Morning Mr. Oropallo, et al
This is to acknowledge receipt of your August 5, 2018 email communication sent in response to my August 3, 2018 email communication. In your email you confirmed that the Club did withdraw its SUP application previously filed with the Town Board's Planning Site Committee.
I trust that Mr. Leja will provide responses to EPA's other queries regarding what permits are required in order for the Club to move forward with its plan to relocate the ranges at the Site. If that is the case, I await his response.
Should you need to speak with me to further discuss this matter, please contact me at (212) 637-3230, or via email a hayden.melva@epa.gov.
Sincerely,
Melva J. Hayden
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From: Oropallo, Michael A. <MOropallo@barclaydamon.com>
Sent: Sunday, August 5, 2018 1:31:08 PM
To: Hayden, Melva
Cc: Paul, Thomas J.; Guster, Edward; Thomas, Derval; Voo, Leonard; Hazen, Robert; Sawyer, William; Leja, Andrew J.
Subject: RE: I/M/O Lansing Rod and Gun Club Docket No. RCRA-02-2016-7301 8/2/18 Call Follow-up [IWOV-Active.FID1716645]
Good Afternoon Ms. Hayden, et al,
Sorry to bother you on the weekend, but I am currently 30,000 feet in the air on business travel.

Thank you for your communication, and the opportunity to clarify the information you received from the folks identified.
To be clear, the Club *did* withdraw its SUP application because of its preexisting use, and after communications with the Town Planning Board and its legal counsel. *However, the Club* ***remains committed to relocating the shooting fields***, and has been diligently working on a set of plans for implementing the relocation. I have copied Andy Leja on this communication, as he has been working with the Club and to its commitment to the community and the environment as it has voluntarily done throughout this process.
Thank you again for your time and attention.

Michael A. Oropallo
Partner

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Barclay Damon is a full service, super-regional law firm with 275 attorneys in 11 offices located across New York and the Northeast.

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From: Hayden, Melva [mailto:Hayden.Melva@epa.gov]
Sent: Friday, August 03, 2018 2:42 PM
To: Oropallo, Michael A.
Cc: Paul, Thomas J.; 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 8/2/18 Call Follow-up
Dear Messrs. Oropallo and Paul, et al
I have been asked by EPA managers to send this email communication to follow up on issues raised on the 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 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 (Mr. Leja) 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.

Moreover, on May 24, 2018, you submitted a letter on behalf of the Club to EPA requesting an extension of the deadlines in the Order until December 2018. You 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. You further indicated the Town's Attorney indicated the appropriate legal path is through the Zoning Board of Appeals. Last, you indicated the Club is waiting for the Codes Officer to issue a formal opinion. Does this mean that the Club has filed an appeal with the Zoning Board of Appeals? Please explain.

EPA is seeking clarification between the permit information the TCEMC and Town representatives shared on the August 2, 2018 Call with EPA and the permit information you shared 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 justify that good cause exists for EPA granting the Club's request for an extension. EPA will also contact the Town's Attorney, Mr. Guy Krogh for further clarification. Thank you in advance.

Sincerely,

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