

January 17, 2021

Honorable Andrew M. Cuomo  
Governor of New York State  
The Capitol  
Albany, NY 12224

Re: Former Ithaca Gun Factory Brownfield Cleanup Program Site No. C755019, 121-125 Lake Street Ithaca, NY 14850

Greetings:

With all due respect, I write to provide comments regarding the profoundly inadequate and utterly unacceptable remediation plan proposed by your Departments of Environmental Conservation (DEC) and Health for the above-referenced abandoned factory site that was deemed to pose a "a significant threat to human health" on April 17, 2013.

See: [NYSDOH Letter Regarding Significant Threat Determination Former Ithaca Gun Factory](#)

According to DEC, "This decision is based on high concentrations of lead present in surface soil over nearly the entire site, and presence of chlorinated volatile organic compounds in groundwater on-site and migration of the contaminated groundwater off-site."

This action was taken 13 years after I wrote State and Federal environmental and health authorities circa July 2000 to document extraordinarily high levels of lead that constituted hazardous waste at the factory site as well as the adjoining Ithaca Falls and "Island" areas. I also revealed a wide spectrum of other toxic metals and organic chemicals emanating from those sites into nearby areas.

Lead at the factory site currently exceeds up to 475-fold the 400 parts per million concentration required to safeguard public health: [Former Ithaca Gun Site - Post Demolition Screening Results Map - Oct 2013](#)

I request that the proposed plan be rejected because it admittedly will not require lead and other toxic chemicals to be cleaned up in strict compliance with all State regulatory requirements at the factory site or a large adjoining neighborhood where hundreds of Ithacans reside directly on top of the contaminated groundwater plume that has migrated over at least a nine square block area.

I have repeatedly written to you during your entire tenure as Governor to document your administration's on-going failure to remediate these pollution hazards. Yet, your administration's failure to protect public health and the environment would be perpetuated by DEC's proposal.

Given DEC's two-decade failure to remediate Ithaca Gun, I find it incomprehensible that your administration now proposes to allow the owners and operators of the polluted factory site to leave extensive high-level toxic contamination in-place as they redevelop the site for multi-family housing.

This ill-considered plan must not be permitted for the same reason that DEC's proposal to bury contaminated Ithaca Gun Factory demolition debris on-site was rejected after the material was determined to constitute hazardous waste.

I similarly reject DEC's "restricted residential" soil clean up proposal. Instead, unrestricted residential soil remediation must be mandated.

The Ithaca Gun factory property was purchased with full knowledge of the widespread presence of toxic pollution. If you do not strictly enforce the law, your actions will perpetuate the site's hazards and prove you are unwilling to require developers to safeguard public health and the environment.

Worst of all, I find it ludicrous that your administration proposes to resolve massive groundwater contamination at the factory site and surrounding areas through "injection of emulsified vegetable oil into the groundwater." You cannot possibly be serious. Such a proposal is technically inadequate as well as insulting to the community because it does not require toxic groundwater contamination to be removed from the environment without any further delay.

Finally, stunningly high levels of lead are documented to have migrated from the factory site into the heavily trafficked Ithaca Falls Gorge Trail. As a result, millions of people have likely been exposed to hazardous pollutants by walking through this area in recent decades.

The proposed Ithaca Gun clean up could exacerbate this hazard by leaving toxic pollution in-place at the factory site. As you can see from the attached photos, flooding recently transported toxic contaminated soils from the Ithaca Falls Gorge Trail into Fall Creek, a tributary to Cayuga Lake. Erosion of the factory site is on-going each and every day and contributes pollution to Fall Creek.

I remind you that Cayuga Lake is a nationally recognized impaired waterbody that supplies drinking water to more than 30,000 local residents. Your administration has nevertheless failed to adopt a Total Maximum Daily Load watershed clean up plan mandated by the Clean Water Act since circa 2004.

In conclusion, I respectfully request that you institute maximum efforts to remediate Ithaca Gun at a time when your administration's inadequate public health protection programs are under the highest scrutiny.

If you decide not to require responsible parties to remove all of the toxic pollution at Ithaca Gun and Ithaca Falls as I requested more than 20 years ago, I assure you with

all due respect that I will not be alone in holding you accountable for failing to safeguard the health of New Yorkers in full compliance with state law.

I trust you will find my comments self-explanatory, but please do not hesitate to contact me if I can clarify my remarks or answer any questions regarding Ithaca Gun.

Yours very truly,

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