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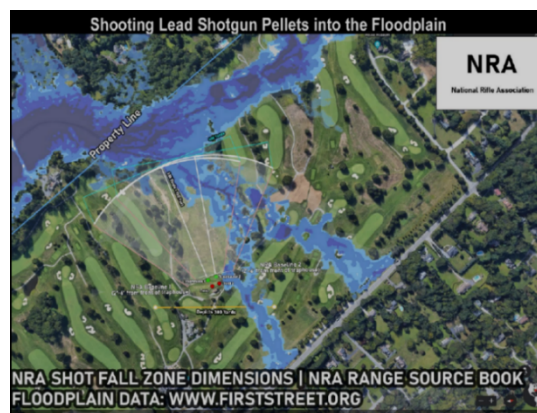
December 2, 2024

Gina Thomas, Esq. & Lisa Strobridge, P.G.  
Pennsylvania Department of Environmental Protection  
2 East Main St.  
Norristown, PA 19401

Dear Ms. Thomas and Ms. Strobridge:

I write on behalf of my clients—Protecting Our Streams & Environment, Inc., Save Our Lives & Environment, Inc., and Clean Air, Streams & Environment, Inc. (the “Environmental Organizations”)—three non-profit organizations that are deeply concerned about the potential for significant long-term lead contamination in the Pennsylvania waterways, endangering human health, wildlife, and the environment. The lead contamination risks at issue arise from the location selected for a trapshooting range at a 186.7-acre golf club named the Waynesborough Country Club in Paoli, Chester County, Pennsylvania (the “Golf Club” or the “Club”). The Club’s trapshooting program uses hazardous lead shot, and the trap range is precariously located in the middle of a downward-sloping floodplain crossed by a pond and a stream which feeds the environmentally sensitive Crum Creek Watershed—a source of groundwater and drinking water in Chester County and Delaware County that ultimately feeds the Springton Reservoir and Delaware River.

**Figure 1: Shooting Lead Pellets Downhill into the Floodplain<sup>1</sup>**



<sup>1</sup> Figure 1 reflects an image from Google Earth, overlaid with floodplain data from [www.firststreet.org](http://www.firststreet.org) and shotfall zones reflecting the National Rifle Association (“NRA”)’s guidance. A comparable image applying the Amateur Trapshooting Association (“ATA”)’s guidance is available in the Environmental Organizations’ Amici Br. at 2 (Aug. 23, 2024), attached hereto as Exhibit 1. *See also* Exhibit 1 at pp. 2, 8-11.

My clients respectfully urge the Department to examine the location of the Golf Club's trapshooting range in the floodplain and hopefully intervene to protect the future health and viability of the waters of the Commonwealth by preventing the Club from using that location for future trapshooting with lead contaminant. The Environmental Organizations and other Pennsylvania environmental organizations concerned with freshwater, such as CRC Watersheds Association, have been engaged in efforts to encourage the Club to relocate the trapshooting range to a safer location and to cease using lead shot given the long-term environmental risks caused by lead. My clients have also aimed to spread community awareness regarding the contamination risks posed by the Golf Club's trapshooting program.

The Golf Club is an affluent 800-member club, with golf, tennis, platform tennis, pickleball, swimming, and dining, among other activities, located on 186.7 acres in a residential area in Paoli, PA. In recent years, every Sunday for five months per year from November through March (21 to 22 weeks per season), the Golf Club has been hosting trapshooting for Club members and guests on its golf driving range, which doubles as a trapshooting range. The Club has widely acknowledged its preference for the use of lead shot versus environmentally safer alternatives, such as steel or bismuth. My clients understand that the Club uses Winchester Xtra-Lite, 12-gauge, no. 8, one-ounce lead shot, which contains approximately 400 lead pellets in each shot. During a typical Sunday afternoon trapshooting session, shooters actively shoot for approximately three hours of a four-hour shooting window, discharging at least 100 to 200 pounds of lead shot and often more.<sup>2</sup> According to the Golf Club's Annual Reports, during each season the Club typically hosts over 150 shooters, firing over 1,700 rounds of trap, which totals over 43,000 shots—depositing *more than 17 million lead pellets* into the surrounding area.<sup>3</sup> In active seasons, the volume of lead can easily range between 20 million and 30 million lead pellets or nearly 1.5 million lead pellets every Sunday.

Based on the shotfall zone guidelines prescribed by both the NRA and ATA, this lead is discharged directly downhill in the middle of a floodplain with a stream cutting across the range, leading into wetlands on adjoining residential properties. The stream is known locally and among some of the Golf Club's members as "Lead Shot Run," and it feeds into Waynesborough Run, Crum Creek, and the Crum Creek Watershed, and then on to the Springton Reservoir and ultimately the Delaware River. Given the use of lead in the current trap range location, the trapshooting program pollutes surrounding groundwater, surface water, wetlands, and soil, and it exposes local residents and wildlife to significant long-term health risks.

As depicted in Figure 1 above and Figures 2 and 3 below, the shooting range—including the trajectory of shotfall from the range—crosses Lead Shot Run and proceeds downhill through a floodplain which feeds into the Crum Creek Watershed and the Springton Reservoir, leading to the Delaware River.

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<sup>2</sup> See Exhibit 1 at 16.

<sup>3</sup> *Id.* at 16-17.

**Figure 2: Trapshooting Range and Stream Feeding the Crum Creek Watershed<sup>4</sup>**



**Figure 3: The Trapshooting Range Slopes Downhill in the Floodplain and Is Crossed by a Stream Known Locally as “Lead Shot Run”<sup>5</sup>**



The NRA and ATA shotfall zones also overlap with a pond, and the shotfall zones ultimately extend into a riparian buffer zone and wetlands along the border of the range. Lead particles and fragments from the ammunition are not only absorbed into the groundwater, but also swept into these aquatic fixtures,

<sup>4</sup> Figure 2 depicts a drone photograph of the Club.

<sup>5</sup> Figure 3 depicts a satellite image from, and elevation graph generated by, Google Earth Pro.

especially during periods of heavy rain or snow when the Club's trapshooting historically has been most active between November and the end of March.

The Golf Club is aware that its precarious range placement and use of hazardous lead shot have put the health of the neighboring community and environment at long-term risk. And although the Club has repeatedly refused to permit third-party lead testing of the groundwater, surface water, and soil on its property, the Club maintains that no one has yet proven lead contamination. Separately, since March of 2023, the Club has been involved in litigation with a group of local residents regarding the noise from the Club's trapshooting program. Even if the Club's conduct were to temporarily cease or the range were to be relocated as a result of this litigation, the Club's use of lead shot has and may continue to harm the local environment. In an effort to bring heightened attention to the environmental concerns associated with the Club's range location and use of lead shot, the Environmental Organizations submitted two separate *amicus curiae* ("friend of the court") briefs before the Chester County Court of Common Pleas. There, the Environmental Organizations urged the Court to consider not only the excessive noise but also the dangerous lead pollution risks associated with the Golf Club's trapshooting program.<sup>6</sup>

Moreover, since at least 2020, various members of the neighboring community have put the Golf Club and its counsel on notice of problems with its trapshooting program, the use of lead shot, and the risky trapshooting range location. In the fall of 2020, neighbors of the Golf Club contacted then-Club President Kim Koelle raising concerns about long-term health implications posed by the use of lead shot at the Golf Club, including risks to drinking water and harm to wildlife.<sup>7</sup> Their environmental concerns about lead in the water were reiterated in April 2021 in an open letter to Golf Club members.<sup>8</sup> In December 2022 and January and February 2023, the Golf Club was specifically advised that its trapshooting range is non-compliant with shotfall zone safety standards articulated by both the NRA and ATA.<sup>9</sup> And in August 2024, the Golf Club Board was notified by the CRC Watersheds Association that the proximity of its shooting range to Crum Creek and surrounding floodplains poses lead contamination risks to the Crum Creek Watershed. CRC Watersheds Association is a long-standing Pennsylvania nonprofit 501(c)(3) organization dating back over 50 years "with the mission to protect, conserve, and restore the natural resources" of the Chester, Ridley, and Crum Creek Watersheds.<sup>10</sup> Further, the Golf Club has been notified that the trapshooting range has been placed in the middle of one of the National Audubon Society's "Important Bird Areas."

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<sup>6</sup> See Exhibit 1; Environmental Organizations' Amici Br. (May 6, 2024), attached hereto as Exhibit 2.

<sup>7</sup> Exhibit 1 at 12.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

In their most recent *amicus* brief, the Environmental Organizations described the divergence between the Environmental Protection Agency (“EPA”)’s recommended best management practices for trapshooting ranges and the Golf Club’s practices.<sup>11</sup> Despite the problematic location of the trapshooting range in the floodplain and the use of lead shot, the Golf Club notes that it might (or could) use just *two* of several dozen EPA-recommended methods for reducing or eliminating lead contamination—possible vacuuming and limescale application. That said, the Club has provided no evidence to anyone that it performs even those two risk management methods with any consistency, let alone after each Sunday trapshooting session during which up to 1.5 million lead pellets are routinely shot into the floodplain feeding into the watershed.<sup>12</sup> Further, the Club adopts *none* of the EPA’s recommended practices to control and contain the lead pollutant particles nor to document and record the contamination levels in the surrounding groundwater, surface water, and soil.<sup>13</sup> This cavalier conduct, coupled with the failure to meaningfully engage with those who have expressed concerns over lead contamination, directing neighbors to communicate only with the Club’s legal counsel, suggest that the Club is indifferent to the health of its community and environment.

The Environmental Organizations believe that the Golf Club’s conduct—specifically (a) the current trapshooting range location and (b) the use of lead—is prohibited by the Clean Streams Law. The Pennsylvania Clean Streams Law was implemented to “prevent further pollution of the waters of the Commonwealth” and “reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania.” 35 Pa. Stat. § 691.4(3). Consistent with this policy, it is “unlawful for any person . . . to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property . . . into any waters of the Commonwealth, any substance of any kind or character resulting in pollution.” *Id.* § 691.401. Due to the location of its range, the Golf Club is directly discharging hazardous lead into the waterways of the Commonwealth, including local streams, tributaries, and watersheds. The Club’s actions therefore threaten the surrounding waterways and environment.

Accordingly, the Environmental Organizations respectfully urge the Department to take immediate action to address the long-term lead pollution risks caused by the location of the Golf Club’s trapshooting program and the use of lead shot. The Golf Club’s conduct falls within the purview of the Department to ensure the protection of the Commonwealth’s waterways. In fact, the Department has authority to investigate and order the abatement of deleterious conduct with lead shot harming the waters of the Commonwealth. To date, even with ample and repeated notice of these issues for several years from various constituents, the Golf Club has refused to alter its trapshooting program’s range location or to take any steps

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<sup>11</sup> See U.S. Environmental Protection Agency, *Best Management Practices for Lead at Outdoor Shooting Ranges*, at III-1, III-4 (June 2005), <https://bit.ly/4b3d4gl> (“EPA BMPs”); see also Exhibit 1 at 4-6, 14.

<sup>12</sup> Exhibit 1 at pp. 12-15.

<sup>13</sup> *Id.* at 14.

to protect the surrounding environment by ceasing to use hazardous lead shot or by permitting independent, third-party testing for lead contamination of groundwater, surface water, or soil on the Club's property.

The Department should therefore require the Golf Club to cease and desist its trapshooting program to prevent continuing and future environmental damage with hazardous lead shot. Given the pollution risks already caused by the Golf Club's trapshooting program, the Golf Club should also be required to undertake remedial measures to restore the range and surrounding ecosystem to its condition before the trapshooting program began.

**Figure 4: Satellite View of Waynesborough Country Club Property<sup>14</sup>**



In the alternative to the trapshooting program's termination, the Golf Club should be required to adopt the following protective measures:

1. Relocate the Golf Club's trapshooting range to an area (a) outside of the floodplain with (b) no streams, ponds, riparian buffer, or wetlands within the recommended shotfall zones for trapshooting as defined and prescribed by the NRA and ATA. With 186.7 acres of space, the Golf Club has ample options to locate the trapshooting range elsewhere on the property.
2. Implement best management practices in the manner advised by the EPA to mitigate lead pollution, including using non-toxic ammunition alternatives such as steel or bismuth.

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<sup>14</sup> Figure 4 is of a satellite view of the Club, UPI 55-4-2, from ChescoViews, available at <https://arcweb.chesco.org/CV4/>.

3. Contract independent third-party firms to conduct an annual environmental assessment to determine the extent of lead contamination on and downstream from the Club's property, including testing of groundwater, surface water, and soil.
4. Undertake remediation efforts to clean up existing lead contamination in the environment, both on the Golf Club's property and downstream from the property, including removing debris such as lead pellets and golf balls that are swept downstream during storms.
5. Maintain adequate environmental insurance coverage via its carrier, The Cincinnati Insurance Companies, including coverage for future environmental remediation costs, as needed, and environmental remediation downstream from the Golf Club.

The Environmental Organizations trust that the Department will recognize the urgency of this issue and take the necessary steps to protect our environment and public health. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael H. McGinley".

Michael H. McGinley

cc: Sachin Shankar, P.E., Pa. Dept. of Environ. Protection, Southeast Region  
Andrew Sinclair, Pa. Dept. of Environ. Protection, Southeast Region  
David Wolfinger, Pa. Dept. of Environ. Protection, Southeast Region