

LETTERS

Open letter to the Town of Porter Zoning Board of Appeals

by Vincent Agnello
President
Residents for Responsible
Government

The upcoming Aug. 5, 5 p.m., public hearing to permit Chemical Waste Management to excavate soil has critical implications to the residents of the area. The town's Zoning Board scheduled a second public hearing after its surprising move to vote itself as the "lead agency." As such the town has taken on substantial liability by accepting the task to complete the environmental impact statements. This is the first time since the town signed the Community Host Agreement in the early 1990s that it had agreed to take lead agency role on an issue dealing with CWM. The reason was always due to the conflict of interest caused by the community host agreement. So why is this not a conflict? Who will act to protect the citizens of this town? Can the board seriously

consider the ramifications of the project without violating the Community Host Agreement?

On July 22, the residents of the town appealed to you to turn down the CWM's request for a Special Permit and to wait until the New York state Department of Health determines the risks of excavation on the CWM site. The recent request by CWM for a release of the Department of Health Order was rejected. That Department of Health Order is real. The danger to the public is real.

This year, the Army Corp of Engineers discovered radiological contamination on CWM's site. These findings of radiological contamination of the soil by the ACOE on the CWM site as well as the bordering NFSS site are real and seriously undermine the credibility of the Department of Energy certifications of cleanup of the entire LOOW site. Let the Health Department complete its investiga-

tion of this problem *before* taking any action. Send the message that you care about the community and its residents.

Your duty under the zoning law is to protect the health, safety and welfare of the public. In issuing the permit without adequate local technical expertise, are we protecting the public? Do not abdicate your responsibility of safety of this community and do not send the wrong message to the Health Department. Instead, send a clear message to CWM and the Health Department: "Safety First."

CWM admitted at the hearing "This project is not required by CWM." Let the DEC testify at your hearing as to the specifics. Since this project is *not* a mandate from the DEC, is this in reality CWM's first step at developing a second landfill on the site? The public spoke loud and clear at the DEC Hearing in May. Stop the

toxic assault on this community.

The board indicated that it has only 60 days to act. CWM gave no assurances that the property is clean, because they don't know. Can the board seriously consider the environmental impact of this project without knowing exactly what is in the soil? Can the board get the input of environmental experts regarding the true impact of the project within this short time frame?

The only proper action is to vote "no" to this proposal at this time.

The second hearing, regarding CWM's application, will be at 5 p.m. on Thursday, Aug. 5, at the Porter Town Hall.

•Residents for Responsible Government can be reached via mail at P.O. box 262, Youngstown, NY 14174-0262.

(Editor's Note: For more on this issue, see Larry Austin's cover story "Zoning Board tables CWM's proposal; sets hearing for Aug. 5.")