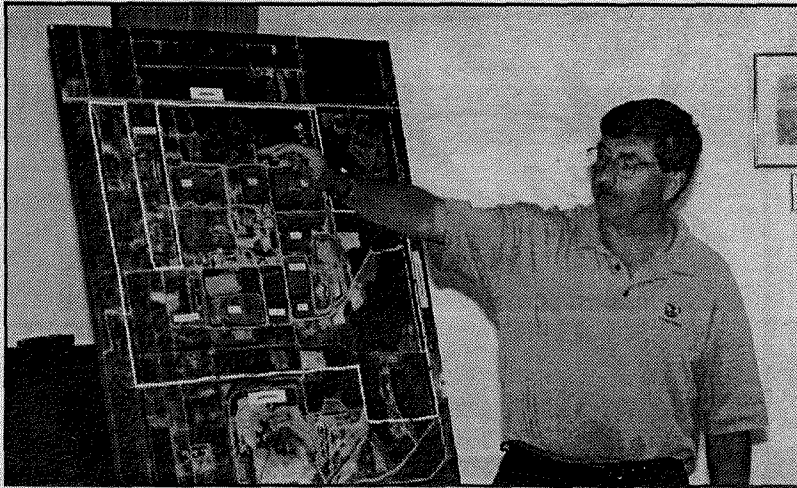


Zoning board tables CWM's proposal; sets hearing for Aug. 5



John Hino, permitting manager at CWM Chemical Services on Balmer Road, uses an aerial photograph to explain CWM's plans for a proposed excavation and drainage project on their property.

story and photo
by Larry Austin

The town of Porter Zoning Board of Appeals tabled a proposal from CWM Chemical Services on Thursday night for a special permit to upgrade the stormwater drainage system on its property.

The ZBA set a special meeting for Thursday, Aug. 5, at 5 p.m. in town hall to meet with the town's engineers as they review CWM's lengthy environmental impact statement. A town engineer was not present at Thursday's meeting, which lasted over three hours and drew approximately 25 residents, many opposed to the chemical waste company.

John Hino, permitting manager for CWM, made a presentation to the board outlining the company's plans. He said the state Department of Environmental Conservation recommends, but does not require, an upgrade to the facility's system in order to handle a "25-year storm," one with four inches of rain in a 24-hour period. Hino said after re-examination of statistics, the DEC wants an "extra measure of conservatism" in order to handle a larger storm.

The DEC and the state

Department of Health must approve the plan before work could begin.

To meet the higher standard, Hino said the facility on Balmer Road should upgrade two areas on the property. They plan to excavate an open field and re-grade low spots, and a main ditch needs sediment cleared. An estimated 20,000 cubic yards of dirt excavated would remain on-site, Hino said. Work done will carry an approximately \$500,000 cost to the company.

"It should make everything a lot
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Week at a Glance

Saturday

Free Summer Concert

New York Power Authority

Power Vista

Noon to 1 p.m.

Music courtesy of True Deliverance

Temple Ensemble

Monday

'New Beginnings for Widowed People' Gathering

A social club for widows and widowers

Lewiston Senior Center

4361 Lower River Road

7 p.m.

For a complete listing of area events,
visit NFP's Web site at
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Sentinel

July 31, 2004

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better than it currently is," Hino said of the work.

Stormwater at the site is collected in a retention pond and tested before being allowed offsite.

"Over the last 15 or 20 years, these ditches have filled in with normal silt, the same as any ditches do in agricultural areas or anywhere else in the town of Porter," Zoning Board Chairman William Tower said. "They are grown up with weeds and undergrowth, and it doesn't allow the water to drain to the retention pond anymore."

William Rolland of the group Residents for Responsible Government, opponents of CWM, said the CWM site was once used for "chemical and radiological activities, storage, and eventual burial and incineration," and as such, digging at the site should be

prohibited.

"The basis for this excavation permit request is totally flawed," Rolland said. "There are higher authority levels, such as the federal, state and county, which first must resolve the current and future degree to which CWM can continue to shovel dirt around."

Hino said radiological analysis of the soil with a Geiger Counter will take place throughout the excavation process, and if radiological nuclei are found, work will halt.

Richard J. Lippes of the Buffalo law firm of Allen and Lippes, attorneys representing RRG, called the board's action "premature" in light of a 1972 Department of Health letter that prohibits industrial, commercial, or residential uses at the site. The DOH order also prohibits excavation or displacement of soils there.

"My point is that if this board were to act while those orders are in effect, it would be acting in direct contravention of those orders," Lippes said.

Hino said the 1972 order was amended by a supplemental order in 1974. CWM has applied to the DEC and the New York State Department of Health as required seeking permits for the work to commence.

"Both of those orders combined allow this type of a project on the site as long as we submit a request to the Department of Health, they review it, and they approve that request with or without additional conditions, whatever they may feel is necessary," he said.

Several residents, both supporters and opponents of CWM, had a chance to speak at the meeting, which at times turned acrimonious. Skeeter Tower, a cousin of the chairman, noted the town board in the past has made "serious errors" and voted contrary to the wishes of the community on issues regarding CWM.

"From my perspective, DEC is not an advocate of this community. DEC works with Chemical Waste Management," she said. After hearing upon hearing, the DEC has not provided answers to the public on CWM matters, she added.

"You think it's for safety? I think

it's for expansion. They're getting ready for further growth in this area, for further capacity," she said of the project.

Michael McCabe of Lake Road, a former town councilman, said he favored granting the special permit. "CWM has been a good neighbor to the town of Porter," he said, noting the company's investment in state-of-the-art technology.

Jeff Baker, a Porter councilman in attendance at the meeting and a Porter Center Road resident, noted the isolated storm Tuesday in Sanborn that poured over four inches of rain in two-and-a-half hours and

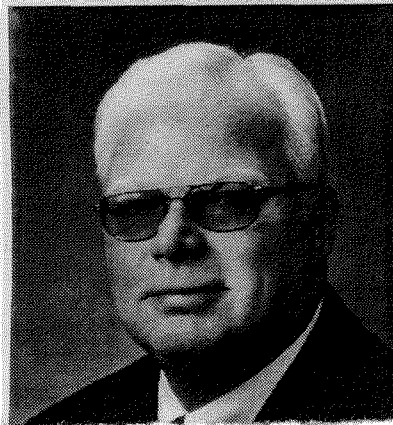
said he would feel safer if the project went forward.

"I want the factor of safety built in," ZBA member Peter T. Jeffrey said in support of the project.

Richard Sturges, general manager at CWM, said he thinks the Department of Health will approve the plan.

"But they're going to take a look at the technical requirements that they feel will be necessary in order to do the proper testing and monitoring of the area to begin with," he said. "And then during the operation, if we discover something, we bring them in and we deal with it at that time."


Nobles named chairman of Peach festival



Local support group meetings

•The North Tonawanda Depression Support Group - 6 p.m. every Monday and 6:30 p.m. Thursdays at De Graff Memorial Hospital - first floor conference room - 445 Tremont St., North Tonawanda. For more information contact The Mental Health Association at 433-3780.

•Lockport New Beginnings, Support Group for people recovering from alcohol or drug dependency - 7 p.m. every Thursday at The Dale Association, 33 Ontario St., Lockport. For more information contact C... at 431...




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