

## Asphalt: DiPizio says concerns addressed in DEC draft permit

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"I disagree with the Niagara County Board. And all my experts and my expert reports disagree," she said.

Among her main points of contention since public backlash against the plant began was that the Town of Niagara already has an asphalt plant – Lafarge Niagara on Quarry Road. Additionally, she pointed out 11 total asphalt facilities are in operation across Western New York.

"I'd be doing the exact same thing that everyone else is currently doing today. No different. If what I'm doing is so bad, then why aren't they shutting down the other 11?" DiPizio said. Elsewhere she stated bluntly: "I feel like AL asphalt is being discriminated against and I don't know why."

Among the board's concerns were fugitive emissions of potential volatile organic compounds (VOCs), including benzene.

DiPizio said those concerns were addressed in the DEC draft permit.

"The equipment itself and the operation had a draft permit from the DEC, so that was an indication of emission control pursuant to the New York State DEC guidelines. They wouldn't have issued (the permit) if the plant was going to emit VOCs at a level that would be harmful," she said.

DiPizio attempted to quell concerns about the fugitive emission points – points where dust and fine particulates escape the filtering process – during the meeting: "It's why they took eight months to approve us. The DEC has gone through all of the intricate ques-

tions of our equipment and has calculated all of those emissions points and determined that any of those will be within or below any standards necessary."

"Once the material is produced ... you actually emit more from the back of the paver as you're paving routes, which are being done right in front of houses."

On Wednesday she added, "Neighborhoods don't have to evacuate (when roads are being paved). And what about the workers behind (the trucks)? They don't have to wear special equipment. My father walked behind a paver for 30 years."

Garrow also questioned fire safety. He cited "literature" that shows a number of asphalt plant fires and explosions over the years. He also expressed concern that the road, two 12-foot lanes, would impede fire department vehicles from getting to the site in the event of a fire. He chided a lack of firefighting foam and a lack of fire hydrants on-site.

DiPizio noted the roadway was the size of a regular two-lane road and also said the state doesn't require firefighting foam on site. She did admit she was unsure of whether the site had hydrants. DiPizio went on to explain the system has automatic shutoffs at various points in case of fire and said she was unaware of explosions at asphalt facilities, particularly in Western New York.

At the time of publication, the Tribune/Sentinel couldn't ascertain the number of asphalt plant explosions in the U.S., but did find a number of examples online where explosions did occur at as-

phalt facilities. However, it cannot say with certainty how similar the facilities are to the proposed AL Asphalt facility or whether the causes of those blasts could occur here.

For example, in 2017, after the Mohawk Asphalt Emulsions plant in Schenectady (the closest explosion the Tribune could find in recent years) experienced two explosions in less than a year, the company indicated the cause was linked to a kerosene solution that was also produced on site.

The Niagara County Planning Board also questioned whether the proposed site was actually zoned to produce asphalt. Members said the Town of Niagara zoning code lists the SIC codes for 31 allowable uses. Asphalt – SIC code 2951 – is not listed. DiPizio said the company had not been aware of that when it submitted plans to the town, nor was it told about the issue when that municipal board approved the project.

In April, Town of Niagara Supervisor Lee Wallace said the plan was approved based on the site's H1 (heavy industrial) zoning, meaning the project was not expected to require variances.

Amid the pushback, DiPizio said she is open to other possible locations that might not invoke public backlash. During the meeting, she said the company was considering 3535 Hyde Park Blvd., as a possible alternative location and had approached Niagara University about its position. She said the university's attorneys did not like that plan either.

"Everybody's agreeing that we need asphalt. Everybody's agreeing that it can be made prudently and within the New York State DEC guidelines. ... But everybody's saying this isn't the right site," DiPizio said. "... So I guess the question is, 'Where can we go?'"

DiPizio said she hoped someone from the town or county would propose alternative sites,

but so far they have not.

"Why won't they have a discussion with me and say, 'OK, Roseanne. We've changed our mind on this location, but we've looked at other locations within the town and you can put your plant up here' – wherever that is," she said. "You would think they would help me to find an answer to this problem. I'm talking about a legal operation, not an illegal operation. I'm talking about something we need. I'm talking about a WBE (woman-owned business enterprise) operation, which is supposed to be helped. We'd be the only WBE (asphalt company) in New York state. ..."

"There's got to be somewhere else where I can go talk to somebody, buy that piece of property, and put it up. The silence and being basically ignored is perplexing to me. I'm not hollering and screaming. I appreciate that they no longer like this location. So, let's just find another one together. And I get nothing."

Since the county's decision, DiPizio said the current proposal is in "limbo" as it will have to go before the Town of Niagara once again. However, she said the company still intends to pursue the town in some capacity. She noted again that the DEC's findings show the facility would not pose adverse environmental or health risks, per state regulations.

She also said the company is still pursuing the Town of Hamburg, an earlier proposal that ended similarly with pushback from the surrounding community. DiPizio said the company is still in the process of completing an Environmental Impact Statement that was deemed required by the Hamburg Planning Board in 2019.

"It was a question on whether or not we wanted to continue working on that (in Hamburg) and fight a battle or get to work. We tried to get to work. We found another location (in the Town of Niagara). We were approved last June. We got the DEC permit going. We were excited we were going to get to work. We did not see this coming," DiPizio said. "We'd be almost done erecting the plant by now. ..."

"I just want to go to work. I just want to make asphalt. A product. A necessary product that everyone likes to drive on. A necessary product that the New York State DOT and all the municipalities used to pave their roads. I just want to go to work."

## Memorial Day events

### •Lewiston

On Saturday, May 29, members of the American Red Cross Service to the Armed Forces volunteer committee will gather at 10:30 a.m. at Riverdale Cemetery to clean up and plant flowers surrounding veterans gravesites purchased by the former Niagara Falls chapter in 1919.

With 82 sites total, the graves in section four of the cemetery surround an American Red Cross monument and were purchased for unclaimed war veterans of World War I.

The committee is a group of volunteers helping to support members of the military, veterans and families.

### •North Tonawanda

On Sunday, May 30, the United Veterans' Council of the Tonawandas will hold a service on the Renaissance Bridge. Traffic to the bridge will be closed from 11:30 a.m. to 12:45 p.m. The service will run from noon until 12:30. Masks and social distancing will be in effect.

There will not be a parade this year due to lack of marching units and very few people along the parade route. The group hopes to see the parade return next year.

### •Town of Niagara

The Town of Niagara Lions and Lioness Clubs will host their annual ceremony at the newly constructed memorial in Veterans Memorial Community Park, 7000 Lockport Road. It will begin at 11 a.m. Resident and trumpet musician Joe Pasquantino will perform "The Star Spangled Banner" and taps. Pastor Ron Maines of the Forestview Church of God will provide opening and closing prayers.

Memorial wreaths will be placed next to the monument by the presidents of the Lions and Lioness Clubs as well as Girl Scout troops 70055, 70030 and 70047. Boy Scout Troop 841 will provide the color guard. Mackenzie Gilmore will perform "God Bless America." Boy Scout Gabriello Casilio will lead all in reciting the Pledge of Allegiance. The guest speaker is resident Michael Martino, a U.S. Air Force veteran.

Following the ceremony, attendees are invited to view the World War II service cloth sewn in 1945 by 14 town women. It contains the names of 148 men and two women from the town who served in WWII.

### •Town of Wheatfield

The town will hold a celebration at its veterans memorial behind Town Hall at 11 a.m. Supervisor Don MacSwan will sell copies of his book "Doc," authored by his son, Shawn MacSwan, for \$10. All proceeds will go to the Wheatfield Veterans Memorial Committee, which spearheaded the relocation and renovation of the town's memorial.

### •Old Fort Niagara/Youngstown

VFW Lake Ontario Post 313 in Youngstown will hold ceremonies at 11 a.m., Monday, May 31, at the Old Fort Niagara Cemetery (War of 1812 Cemetery) at Fort Niagara State Park.

The multifaceted program will feature a number of activities: welcoming remarks by Post Cmdr. Ed Jackson; performances of "O Canada" and "The Star Spangled Banner" by Lew Custode; prayers by Chaplain Gerald Tubinis, followed by remarks from Jackson; a wreath-laying ceremony by post and auxiliary members followed by in-memoriam recognition of recently passed; a performance of "Amazing Grace" by Kate Myers; a reading of the Gettysburg address by Judge Advocate Kurt Mieth; a performance of "The Battle Hymn of the Republic" by Bill Siddall; remarks and a wreath-laying by Town of Porter Supervisor John "Duffy" Johnston and Village of Youngstown Trustee Mark Fox; taps by Custode; a performance of "America the Beautiful" by Siddall; and closing remarks by Jackson.

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**Oct. 7 NEW** - Lucy Tour - Museum/Nat. Comedy Ctr/Lunch

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