

## Barkeyville battle is about the rule of law

Editor:

Your newspaper and others have reported the controversy surrounding the location of a large, coal-fired asphalt plant in the Barkeyville Industrial Park. Articles, photos and letters refer to the citizens who have petitioned government agencies in opposition to this development — but what really is at issue?

Is it “jobs versus the environment”? No, virtually everyone looks forward to expanded opportunities for meaningful, remunerative employment. Responsible growth doesn’t have to sacrifice the quality of air or water.

Is it necessary growth versus no-growth fanatics (as various members of the Oil Region Alliance have implied)? No, Barkeyville formed a planning commission 30 years ago and carefully drafted and refined a zoning ordinance that includes residential, business, commercial and industrial uses.

Is it the law? Yes, Barkeyville’s 1999 zoning ordinance allows industrial use but states: “It shall not emit any noxious, toxic or corrosive fumes or gases nor shall it emit any offensive odors.” It also states: “No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.”

The asphalt plant is expected to emit up to 212 tons of “criteria pollutants” per year and is required to obtain a permit from the Pennsylvania Department of Environmental Protection for this level of emissions.

The zoning permit is the

problem. It was issued on Dec. 31, 2006, by Gary Dovey who volunteered to be the zoning enforcement officer for Barkeyville while simultaneously working as an employee of the Oil Region Alliance.

The ORA owns and sells the land in Barkeyville Industrial Park. No review of the permit was made by Barkeyville’s Zoning and Hearing Board. No bonds for roads were set. Public comment was never sought. The permit was never publicly posted or publicized in any way. Were we deliberately kept unaware?

This is a question about due process and the rule of law. The citizens support the ordinance. The asphalt plant should not have been permitted. A zoning hearing must take place. This is the issue that the citizens want to be resolved.

— Mark DeWalt  
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