

Barkeyville residents eye restraining order

► **The petition asks the court to temporarily stop construction on the asphalt plant.**

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A hearing set for Friday morning will determine if construction will stop — temporarily at least — on a proposed asphalt plant in the Barkeyville Industrial Park.

Residents Carol and Bill Coursen, Randy and Susie Martin and Joe Jenkins have filed a petition for a restraining order against Glenn O. Hawbaker, Inc. — a State College-based business in the process of building the 25-plus-acre facility along Stevenson Road in Barkeyville Borough. The petition asks the court to stop construction on the asphalt plant until a hearing before the Barkeyville Borough zoning appeal board is completed.

The petitioners requested a zon-

ing appeal hearing in February challenging the legality of the zoning permit granted to Hawbaker from former Barkeyville Borough zoning officer Gary Dovey. The group says Dovey, an Oil Region Alliance of Business, Industry and Tourism employee, had an inherent conflict of interest in granting the zoning permit because the ORA was charged with selling the properties in the industrial park.

According to the petition, the asphalt plant will emit noxious and harmful gases that could cause cancer and pollute the local air and waterways, and is in direct violation of the borough zoning ordinance. The petition includes portions of the zoning ordinance that forbid “any noxious toxic or corrosive fumes or gases no shall it emit any offensive odors.”

Although the 30-day appeal period to contest the zoning permit elapsed Jan. 31, the group argue

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that the public was not made aware of the permit until Feb. 6. A zoning appeal was filed Feb. 21, but no hearing has been set.

The petition includes a letter from Barkeyville borough solicitor Raymond Bogaty informing the group that the appeal period has ended and no borough official would stay the Hawbaker development.

The petition asks the court to grant a restraining order and stop all development on the project un-

til an appeal hearing is heard.

A visiting judge, William F. Morgan, president judge of the 37th Judicial District, will decide if the restraining order will be granted.

Since the public caught wind of the proposed plant, a group of about 100 citizens has banded together to keep the coal-burning facility out of their community.

About 50 residents appeared at the borough council meeting, mostly in favor of repealing Hawbaker's zoning permit, and more than 120 people on both sides of the argument showed up for a Department of Environmental Protection input hearing on the grant-

ing of an air quality permit for the facility.

The project's building plan limits the plant to 560,000 tons of asphalt per year and would combust natural gas, fuel oils, reprocessed oils, biodiesel, coal and any combination of the fuels. The plant would emit 8.96 tons of volatile organic compounds, 28 tons of nitrogen oxides and 37.8 tons of carbon monoxide per year.

People from outside Barkeyville have argued that Barkeyville residents' concerns were unfounded and that they were casting a negative light on the area, potentially hurting future business growth in the oil region.