

**Public Hearing re: Wendt's Propane Request June 4, 2007**

**7:00 p.m.**

Present: Sup. Newlin; Council Members Bax, Edwards, Johnson & Palmer; Tn. Atty. Leone; Highway Supt. Reiter; Fire Inspector Martin & Town Clerk Brandon, 2 press reps and 9 residents.

The Supervisor opened the public hearing at 7:00 p.m.

The Clerk was asked to read the notice of the public hearing.

**TOWN OF LEWISTON**  
**NOTICE OF PUBLIC HEARING**

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston will hold a public hearing at the Town Hall, 1375 Ridge Road, Lewiston, NY, on the 4<sup>th</sup> day of June, 2007, at 7:00 p.m., to consider a request from Ken Wendt's Propane Gas Service, Inc. to install three (3) 30,000-gallon propane storage tanks on property located at 5910 Ward Road in the Town of Lewiston. All persons in interest will be given an opportunity to be heard. Additional information and plans are on file in the office of the Town Clerk where they may be viewed during normal business hours.

By order of the Town Board

May 14, 2007

Carol J. Brandon

Town Clerk

The Supervisor invited anyone who wished to speak to come forward and asked if a representative from the applicant would give a brief summary of the project.

Kristin Gamble, Project Engineer for Advanced Design. I am here tonight with Paul Wendt and Gary Ferguson from Ken Wendt's Propane. We started this process last September/October and until now to iron out some issues with the Fire Safety Board, the Planning Board, the Environmental Commission and the SEQRA process. We have had hearings here with the Planning Board and also in Sanborn and we hope that this is the last step in the process to move forward with the approval and begin construction shortly. We are here to answer any questions and have a site plan for review.

Alexander Kravitz of 4999 Myers Hill Road, Sanborn. They had it in the paper that they were 5000 gallon tanks and to the average person this does not sink in. These are huge, huge tanks....three of them. If it is a 10' diameter tank it has to be 56' long. If it is 12' diameter, which is the biggest you can transport that would be 32' long. There is no full proof that these can't explode. The ones in the homes (600 gallons) have to be 20' away from the homes. I cannot see any purpose of it. At the local gas station (Smokin'Joe's) they have one tank and it is filled two or three times a day. There are no problems. I am against this because if one of these tanks ever goes and you can't tell me that the possibility that it could be safe. They have said that nuclear power is safe yet they had one in Russia that killed a lot of people. You can't tell me that they have safety factors etc because they don't. Something always happens. The applicant says they need more because they have a lot of customers. They could come on a daily basis. If one of those tanks should go it would be "goodbye" Sanborn. Please think very positive. It is not a necessary and if this person wants to have 3 more tanks this huge go out to the country. It is not safe. Thank you for hearing me.

Pat Martin, Fire Inspector. We have reviewed the project and realize it has a substantial addition to what is currently up there and recognizing that the fire chiefs and the bureau go together and working together with Mr. Wendt to provide some further safeguards in case a problem did develop. If we do have a problem we are trying with a plan that with some equipment that will help to control it and we are putting that together. Mr. Wendt seems to be on board with Thursday night. The town code covers the storage limits and it falls under the Fire Bureau authority. If we can't reach a conclusion there that one feels is relatively safe with, we have the final say on the actual increase from what he currently has. Hopefully everything is going to work out. We will have something more after Thursday's meeting. The

meeting is open to the public and will be held at the Sanborn Fire Co. hall. The members will be looking at the site at 7:00 p.m. and the meeting will follow.

Johnson asked if they get approval to put the tank(s) in, do they have to come back for another approval for filling the tank(s)?

Martin: This is one of the areas that is being governed by a couple of different boards and the last hurdle would be to get the final approval from the Fire Bureau. The town code requires that any change in the storage of propane that the limits of that storage is controlled by the Fire Bureau. Any change or increase would have to be granted and the fire chiefs don't appear to be satisfied or have this project...I think the granting to increase probably would be a little difficult to achieve.

Newlin said that part of your review process also concerns how you would take on a problem if something that is an accident would happen.

Palmer asked what is the safety record throughout the country with this type of facility. Have there been problems with any one?

Martin: The propane industry has taken upon itself to do a lot of increased safe guards in their process. Unfortunately, it is one of those instances like an airplane crash that when it happens it is pretty serious and there is a lot of damage. If you were to look at the number of installations throughout the country they appear safe. Sometimes things go wrong and people do something wrong. That is sort of why the fire companies are addressing the fact that if something does go wrong they want to be able to control it the best they can. There is no 100% guarantee that a catastrophe can't happen but we are trying to limit that chance.

Palmer: So overall the safety record for these types of facilities has been pretty good.

Martin: Yes, overall. But unfortunately you do get an incident and it is all over the newspapers etc.

Edwards: I have been involved with this process since 2/28...how long has our fire officials been involved with this?

Martin: This proposal was first brought about last year and it was discussed last year. There were some discussions between the developers and ourselves and it went into a holding pattern. It was brought back again this year and some things we had talked about previously with the developer he got together and took care of them. We asked him to do a fire safety analysis which is recommended under NFPA 58 which controls the storage of propane and that was accomplished. I would say that bringing it back is probably about the same time frame that you are looking at. We have met on several occasions and it seems to be a lengthy process but I think it is a lengthy process because it is a big impact. We have several boards that are involved in it such as the Planning Board, the Town Board and ourselves and to clear all those hurdles it is taking extra time.

Edwards asked Ms. Gamble if she felt confident that all the engineering and safe guards are going to be met on Thursday with this meeting. I would think that engineering should be done now.

K. Gamble: The nature of what they are doing is at their expertise. We are there to assist and provide what they need. We started the process last year and there were some questions asked last year that we did not have the immediate answers. They were dictated to me from the fire safety analysis. We had to investigate the water supply. Those kinds of things are the engineering things that we looked into and we took care of them by providing the information. Thursday night is the fine tuning of what exactly this specific site needs for the specific fire department to deal with and what they will need to do for them to be comfortable with the site. It is really not an engineering issue...it is what equipment do they have now and what equipment

do they need. Also, what areas of expertise do they have, training and customizing the site and the additional tank installation to what the current fire company and Fire Bureau had. Working with them is an ongoing process and they have the final say and they will have to give us their blessing.

Johnson: Will the applicant be there Thursday night?

K. Gamble stated the applicant will be there. This is kind of hand to hand thing...they have to tell us what they need and we have to be able to respond.

Bax said that some of the constituents concerns are that if there is one explosion or one problem on the site that would mean that the whole entire place would go up. I would imagine that there are fail safe measures built into that.

K. Gamble: Absolutely. I am going to divert to Mr. Wendt to talk about some of the fail safe measures.

Bax said I know that propane obviously is very explosive under compressed situations even more so ...we have heard a lot about the project, the planning etc.

K. Gamble: One of things that I want to make sure is said here is that there are little things that happen that are not catastrophic. There are little fail safe measures and the things that are absolutely under control and monitored that can happen long before something becomes catastrophic. The number of facilities around the country and its' percentages of incidents of these events that we hear about....we have a better chance of being in a car accident by a long shot.

Paul Wendt: Regarding your safety measures, we already have emergency safety valves (ESP) installed and are checked daily as we fill trucks and documented. We are already 2010 compliant the way my plant is built. If we are blessed to get this additional storage then we will be actually 2017 compliance with all safety standards and process. We are already 2010 compliance and I was that in 1998. 2017 is the year that everybody has to comply. This is all the safety measures that we have up till this time. I have talked to Mr. Martin that I will retrofit my entire plan to meet those specs which is 10 years hence from here.

Bax asked where the safety valves are in the line.

P. Wendt: Right now we are in the line going filling all my trucks and where my transport hooks up to fill my tanks. After this if we get this granted we will be retrofit to every inch and a half opening in the tank itself. An inch and a half and larger opening is all we use on our tanks. It is actually 2 inch or larger. Any failure would be checked at the tank so you would have no release of product whatsoever. They are a positive/off system.

Johnson: Is there any inspections that go on at a regular basis like.... just the Fire Bureau here?

P. Wendt said his insurance company inspects them yearly.

Martin said it is done roughly every month by the town.

Bax asked what their record has been like.

Martin: Minor problems. Nothing to indicate there is a problem with the way their operation is run. The new code is updated every 3-4 years. The installation is governed under a separate document from the National Fire Inspectors Assoc. and is updated by propane professionals every 4 years.

P. Wendt said the facility has been in existence since 1977 at this site. We have never had a problem.

Leone: I recalled that there is going to be a copy of your insurance binder that will be provided to the town. Has that been done?

P. Wendt: I don't know that right now and when you were asking for it....I can get it and I will have a copy sent to you tomorrow.

Leone: I know that our town code is kind of old on that subject but the top concerns of being surrounded by a levee or reinforced concrete retaining wall.....

P. Wendt said we are a flammable vapor so you do not want to contain it...you want to disperse it and with dispersing you disperse all of your problems.

Leone: I know that this code.....

P. Wendt said that was the only code that the Town of Lewiston has and everything that we have to abide by. We had to go up and above that to show how we built it.

Leone said that the town code covers flammable materials and then it goes on to say that any that are over 25,000 gallons be equipped with foam fire extinguishing equipment or other systems approved by the Town Bldg. Inspector. The next section deals with the fire prevention and it kind of gives the final say to our Fire Prevention Bureau.

Martin: Chapter 10 basically talks about flammable materials and also about the construction of the tanks. 95% of the time what we are talking about is gasoline or diesel storage tanks and a lot of what Chapter 10 is that particular issue. When you get into the issue of propane it is slightly different.

Leone said I understand, but I just wanted to make sure of that..... that this issue was covered. I know that Chapter 10 was enacted quite a while ago so I wanted to make sure.

Johnson said we are updating our code now and the new information will be in there.

K. Gamble: It is good that the things that we brought out in the beginning that we were following in Chapter 10.... but there were certain components of it and we did check with Pat Martin.

Leone said the code is not wrong but it does not necessarily have the detail as to standard storage of propane. As far as we are concerned, you are applying under the proper chapter because as I said it is a flammable material.

Newlin: Mr. Martin has said the Fire Board has the final approval in the town. However, we do have some expertise when it comes to review of this.

Bax asked that this be put on the "to do" list by the clerk as possibly an addendum to the Chapter 10 laws by addressing the propane matter and incorporate the good things that Mr. Wendt has found out. This way we could share this with anybody else doing a similar expansion.

**Bax MOVED to close the Public Hearing. Seconded by Johnson and carried 5-0.**

Time: 7:25 p.m.

Respectfully Submitted and Transcribed by:

Carol J. Brandon  
Town Clerk

