

The earth moved for homeowners near Biox plant

By **Eric McGuinness**
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The wrecking company's big backhoe lifted heavy slabs of concrete, one after another, then let them fall so they'd break into pieces small enough to fit in a truck.

The ground shook again and again, and so did the modest, frame houses on the other side of Oliver Street as the Hamilton Port Authority cleared a site for Biox Corporation's shiny, new biodiesel fuel refinery at the foot of Wentworth Street.

Al Lehman, 74, owns one of the 11 homes, shaken so badly pictures fell off the walls and nails popped out of his roof shingles. Three joists broke in the attic, water leaked in, cracks appeared in a couple of walls and his enclosed porch settled enough that the front door wouldn't open.

But the damage to his home and nine others has now been fixed, thanks to a deal in which the port authority and Biox agreed to split the cost of compensation negotiated by an insurance adjuster with each homeowner.

"We didn't get 100 per cent, but enough that everyone seems satisfied," Lehman said yesterday.

Amounts have not been released, but Brenda Johnson of Environment Hamilton, who sat in on some of the negotiations, said a couple of cracked walls were worth \$1,500 to \$2,000. Lehman said he accepted half the cost of reshingling his 15-year-old roof.

One homeowner, who has since sold and moved, was reportedly compensated for a reduced selling price. Two others did not respond to the offer.

City councillors, Citizens at City Hall and Environment Hamilton believe the deal resulted from council refusing to pay Biox a \$686,000 brownfields-cleanup grant until the claims were settled, but port authority CEO Keith Robson insists that had nothing to do with it.

"We were going to do it anyway," he said. "We had started discussions before it went to council and the money due to Biox is a separate issue. At the end, we are doing what we should. The rest was just grandstanding."

Johnson, who is also working with other north Hamilton neighbourhoods on behalf of Environment Hamilton and the Hamilton Community Foundation's anti-poverty programs, nevertheless applauds councillors Sam Merulla, Brian McHattie and Terry Whitehead for "stepping up to the plate" and pushing the issue.

Merulla said yesterday: "It worked out really well. It shows one, two or even three councillors can make a difference if their voice is strong and they pursue something strongly enough. We lost at committee, but won at council. "I also commend the port authority for taking our direction."

Biox CEO Tim Haig said: "I'm pleased it's finished and pleased homeowners in the area are more or less happy."

He said his company's \$30-million plant is past the commissioning stage, but not yet in full production. It's shut this week to replace equipment that was not meeting expectations.

Plans for the plant were announced in 2004 by the federal government, which provided an incentive grant. It was to open in September 2005 and be the first commercial-scale biodiesel plant in Canada, but the honour went instead to the Rothsay division of Maple Leaf Foods in Quebec that November.

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