

Hot plant decision under fire

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MyValleySprings.com has submitted an appeal request to the Calaveras County Board of Supervisors concerning the county Planning Commission's Dec. 17 decision favorable to placing an asphalt plant at the Hogan Quarry.

The five-member planning panel on that date adopted a resolution granting an appeal from Ford Construction and CB Asphalt that, if it stands, avoids the proposal going through the conditional use permit process and further environmental review.

Sacramento-based attorney Andrew Grundman on Tuesday submitted a 29-page appeal request to the board's clerk on behalf of MyValleySprings.com President Joyce Techel.

The gist of Grundman's argument is the Planning Commission had no authority to supersede county Health Officer Dean Kelaita's recommendation the asphalt plant was subject to a conditional use permit review before being allowed to move forward.

"It is my determination at this time that the proposed asphalt plant at the Hogan Quarry, involves hazardous materials that have the potential for significant environmental and public health effects," Dr. Kelaita said in a Dec. 7 letter to the planning panel recommending a conditional use permit review of the project.

Grundman argues that once Dr. Kelaita made his decision based on health issues, the appeal was no longer a planning matter and should not have gone before the planning commission.

The attorney is also critical of Ford Construction and CB Asphalt's alleged failure to supply Dr. Kelaita with a complete list of hazardous materials that would be used or produced at the proposed asphalt plant.

Expanding use of the quarry to include production of asphalt has been a controversial topic since mid-2015. Neighbors have complained about the use of hazardous materials at the site, noxious odors, potential to contaminate the Calaveras River and likelihood of increased truck traffic through the neighborhoods. They would like the applicants to go through the conditional use permit process and give the county authority to mitigate any harmful impacts if the operation were approved.

Ford Construction and CB Asphalt have argued that further environmental review at the county level through the conditional use permit process is unnecessary because state and federal regulations already safeguard the public.