

Decision on hot plant delayed a month

By Nick Baptista/ The Valley Springs News/ August 19, 2015

Whether expanding a Valley Springs area quarry to include a hot-asphalt plant deserves additional environmental review continues to be a hot potato issue for county government.

The latest appeal stemming from Ford Construction and CB Asphalt's desire to run an asphalt producing operation out of the Hogan Quarry located at 3650 Hogan Dam Road went before the Calaveras County Planning Commission on Thursday and after several hours of public comments, testimony and discussion among staff and commissioners, it was decided to delay any decision on the matter for a month.

Thursday's delay came after the county Board of Supervisors met Tuesday and decided on a pair of appeals, one of which would require Ford Construction and CB Asphalt to go through a review before an "Authority to Construct" order could be granted by the county.

Thursday's appeal challenged a decision by former Environmental Management Agency Director Brian Moss that hazardous materials used in the hot plant's operation could affect the environment and a subsequent decision by county Planning Director Peter Maurer that the EMA director's determination triggered the need for the applicants to go through the conditional use permit process.

Moss has since been promoted as the assistant county administrative officer and was replaced as EMA director by Jason Boetzer.

Planning commissioners questioned whether county code was clear and gave Moss the authority to make such a decision and whether he had enough information to make his determination.

In addition, there were questions whether federal and state regulations already cover the hazardous waste concerns and the county's actions were only being redundant.

District 4 Commissioner Kelly Wooster said the scope of Moss's decision should have been limited to only the new use at the quarry site, the mixing of asphalt, and District 5 Commissioner David Tunno agreed.

Tunno said it would be "a big deal" to the applicant if the county continued on the path making a conditional use permit necessary before the plant could operate on the already-zoned industrial property.

Moss's determination "should be very complete" because it triggers a year of tremendous work and a large amount of money for an environmental study, Tunno said, and he was not convinced the process had been as thorough as necessary.

Moss and Boetzer said they would appreciate having more information on the proposal and Planning Director Maurer suggested the continuation.

If planning commissioners felt Moss had not properly applied the law, such a continuation at the planning panel's direction could give the Environmental Management Agency time to take another look at the project, the opportunity to receive more information and complete the review, Maurer said.

The planning panel took a short recess so county counsel could discuss the continuation with the applicant's attorney.

Commissioners then continued the meeting to Sept. 10.