

# Hot plant nearly moves ahead without enviro study

By Nick Baptista | The Valley Springs News | Friday, August 14, 2015

A request to basically ignore earlier staff and Planning Commission decisions that proposed construction of an asphalt plant at the Hogan Quarry near Valley Springs should undergo further environmental review came within one vote of passage at Tuesday's meeting of the Calaveras County Board of Supervisors.

After a daylong board meeting that considered two appeals concerning the asphalt plant proposal, supervisors voted 4-1 to deny an appeal by Ford Construction and CB Asphalt. The two companies wanted the board to overturn a decision by then-Air Pollution Control Officer Brian Moss that environmental impacts of the proposed asphalt plant needed to be reviewed before an "Authority to Construct" order could be granted. Moss has since been promoted as the assistant county administrative officer.

The initial appeal went before the county Planning Commission and they supported Moss's decision.

Before Tuesday's final vote to back staff and the Planning Commission's earlier decisions and findings that an environmental review of the asphalt plant project was necessary, two supervisors floated a motion to uphold the appellant's request and forego any additional environmental review.

District 3 Supervisor Michael Oliveira made the motion, but before doing so asked District 1 Supervisor Cliff Edson whether he wanted to make the motion.

Edson, who minutes earlier said he would support the Ford Construction and CB Asphalt's appeal, backed down.

"I can't do that one after I found out more stuff," Edson said.

District 5 Supervisor Steve Kearney seconded Oliveira's motion. Kearney and Oliveira voted in favor, but Supervisors Edson, Debbie Ponte and Chris Wright voted no.

Wright then made a motion to deny the appeal, which was seconded by Ponte and the vote was 4-1 with Oliveira the only supervisor in opposition.

The vote marked the end to hours of testimony for and against placement of the plant within nearly a half-mile of a residential area.

Earlier in the day, the board voted 3-2 to deny an appeal by MyValleySprings.com. That appeal sought to overturn Planning Director Peter Maurer's decision asphalt plants are allowed without a conditional use permit in all of the county's industrial zones. The Planning Commission had also denied the MyValleySprings.com appeal.

Supervisors Edson, Kearney and Oliveira voted to deny the MyValleySprings.com appeal and it looked as though the 3-2 split would prevail in the second appeal hearing especially after Edson, the board's chairman, gave a lengthy reason why he was supporting Ford Construction and CB Asphalt's efforts to run an asphalt plant operation at the quarry located at 3650 Hogan Dam Road.

He cited an "Authority to Construct" issued by the county in 2007 and technological improvements the past 40 years that make asphalt plants "easier on the environment."

He said Ford and CB Asphalt could have done a better job working with the public.

There was a brief recess in the meeting after Supervisor Wright asked Ford and CB Asphalt whether they would consider entering into mediation instead of going through a potentially costly legal process.

It was within that time Edson changed course. He did not elaborate on his reasoning at the meeting.

Those speaking in opposition to the asphalt plant numbered nearly two dozen. They cited heavy truck traffic, highway safety, noxious smell once trucks leave the plant and possible leakage of petroleum products into the nearby Calaveras River as concerns.

The plant would have a negative impact on the quality of life in the neighborhood and possible depress home values and property tax revenue to the county, they said.

Ford, CB Asphalt staff and their attorney Bill Abbott said the asphalt plant would be up to the highest regulatory standards. Members of the Calaveras Taxpayers Association and Republican Party of Calaveras County supported the asphalt plant. The plant, they said, would create more jobs and generate more tax revenue for the county. They also cited private property rights as an issue.

Another appeal by Ford and CB Asphalt is working its way through the county and was before the Planning Commission on Thursday.