

7-25-15 Hogan Asphalt Plant Meeting Notes

July 25, 2015

RE: Hogan Asphalt Plant

Organizer: Janice Bassett

Meeting Leader: Tom Infusino

Janice is a concerned citizen that lives in close proximity to the proposed asphalt plant.

Tom represents CAP/CPC (Community Action Project & Calaveras Planning Coalition) and has degrees in Environmental Planning from UC Davis and a Law degree from UOP. Link: <http://calaverascap.com/>

There were over 60 other concerned citizens at the meeting.

Project Statements from Ford "Applicant" Representatives:

- Hot mix plant, dry rock and hot petroleum binder
- Maximum capacity: 250,000 tons per year
- Trucks carry 25 tons per truck (equals 10000 loads per year)
 - 10000 loads = 20000 trips to haul in and out
 - Calculated at 10,000 that is an average of 27 trucks per day 365 days of the year on our roads
 - Actual traffic will vary by season and based on product demand.
- Will be quieter than existing quarry
- Bag house to reduce dust
- Stormwater permit is required
- Fish and Game have no issues with the asphalt plant
- No need for an environmental review
- Create 10 jobs and possibly more

Project review to date:

- Sometime before spring, Ford made inquiry to Planning Dept. regarding a proposed plant.
- April 28th, Kearny e-mailed concern about "stumbling blocks" and to move project forward a.s.a.p.
- April 30th, Planning Director Maurer's letter of determination: asphalt plant is OK in M2 zone, no use permit needed
- There was no prior debate at the Planning Commission
- There was no public notice
- Within the 15-day deadline, MyValleySprings.com and CCWD filed Appeals of the P.D. determination
- Stockton East Water district filed an appeal but it was denied because it was not sent within the 15 day requirement.
- CCWD settled it's appeal
- Applicant/ Ford filed Appeals of need for environmental/ CEQA review and hazardous/ CUP requirement
- 6/25/15 Planning commission hearing on the appeals
- 7/9/15 Planning commission meeting on the appeals
 - Air control officer noted CEQA review (California Environmental Quality Act) is needed
- Appeals are moving forward; new appeals have been filed
- First BOS Ford appeal meeting scheduled for 8-11-15 (date not confirmed)
- Second PC Ford appeal meeting scheduled for 8-13-15 (date not confirmed)

7-25-15 Hogan Asphalt Plant Meeting Notes

Steps to come:

- Appeals complete
 - Possible environmental outcomes:
 - 1) CEQA Exception or Exemption
 - 2) Negative declaration (may identify impacts and mitigation)
 - 3) EIR (Environmental Impact Report)
 - a. Could take up to 1 year to complete
 - b. Requires public input
 - c. Government response
 - d. Experts in air quality
 - e. Traffic implications
 - f. If there is an EIR there is 45 days to comment
 - i. Any comment during the 45 days and CEQA relevant, the county will have to respond in writing at the same level as specificity as the questions asked.
 - g. If there is a conditional use permit
 - i. Lists conditions to comply with, and empowers local code enforcement.
 - h. Possible litigation
 - i. Standing (live in area and are effected)
 - ii. Exhaust administrative remedies
 - iii. Private right of action
 1. Zoning
 2. CEQA

Arguments in support of the plant:

- Plant is regulated
- Jobs
- Respect the quarry's property rights
- Existing quarry use
- Need more business friendly attitude
- Taxes
- It's safe

Concerns that trigger environmental review and inspire opposition to the plant.

- Air pollution (area is in a bowl and will trap the pollution)
- Exposure to susceptible people "sensitive receptors"
 - **There were 55-60 people at the meeting and 22 people in attendance know someone within the area that has COPD or another respiratory disorder.** One person at the meeting had COPD and was on a respirator. Another's participants husband has COPD and lives very close to the quarry.
- Objectionable **odors**
- Health risk-**Toxic air containments**
- Contributes to **greenhouse gases**
- Contamination to **biological resources**
- Risk of **hazardous material releases caused by accidents**
 - Trucks travel over river each trip in and out

7-25-15 Hogan Asphalt Plant Meeting Notes

Arguments against the plant (continued):

- **Water quality** issues
 - Spill
 - Runoff
 - Deposition of air pollution on the landscape and waters.
- **Land use planning**
 - Lack of public **notice**
 - Zoning code **requires a Use Permit**
 - Flaws in this project have a **nexus to flaws in the 1996 General Plan**
 - General plan must be fixed prior to approval
 - All discretionary permits that may significantly impact the environment need CEQA review.
 - **Conflicts with residential uses**
- Truck transportation and **traffic concerns**
 - How many more trips than are happening today?
- Are additional **storm drain facilities needed?**
- Is additional **water needed?**
- What are the **cumulative effects** including past and foreseeable projects?
- Possible drop in property values (could offset any tax revenues from the plant). Careful fiscal evaluation needed before claiming tax revenue as an overriding consideration.

Comments and questions:

- Has anyone contacted Erin Brockovich? Marissa Peters
- What is the hot petroleum process...how is asphalt made. It is mixed, boiled, what? - Bonnie Newman
 - EIR report will answer these questions
- Who gets the jobs – will the jobs be union, local or are there even 10 local people qualified in VS to get these jobs Marcia Jry
- Road repair – who is responsible for the repair that will be needed with all this truck traffic?
- Why don't we let business in that aren't so controversial? Robert Wise
- CCWD filed an appeal and withdrew?
 - CCWD agreed to address its issues at the Regional Water Quality Control Board.
- What county and cities have fought and won these types of plants and could we borrow their resource and/or plan?
 - Cool (Plant not built)
 - Lone (Amador County in litigation and subject to referendum)
 - Petaluma (plant was approved)
- The quarry is already staging, storing and assembling asphalt equipment and worked for Fish and Game) - Richard Enderlein (biologist)
 - This is outside of the permit use
 - What you can do –
 - File a complaint
 - Code Compliance Unit Form available at the Calaveras County Website
 - Link: <http://building.calaverasgov.us/CodeCompliance.aspx>
 - Phone numbers: 209-754-6326 and fax 209-754-6328
 - If you take your completed form directly to the planning dept. make sure they date stamp it.
 - If your complaint is ignored you can possibly go to court

7-25-15 Hogan Asphalt Plant Meeting Notes

Comments and questions (continued):

- Resource site: Calaverascap.com
- Other places to write a complaint about concerns:
 - Fish and game at e-mail r2info@wildlife.ca.gov
 - Important verbiage to use in this complaint “This is a wild trout river”
 - Pacific SW Region –Region 8
 - 916-414-6464 or local in Lodi 209-334-2968
 - Key words to use in complaint “Anadromous Fish” (these are steelhead & salmon)
 - Keep bugging both of these resources for action
- 1961 “permit’ – there is no use permit; mining “use” is Grandfathered in
 - Asphalt and storage of asphalt equipment is not part of the Grandfathered use
- What is allowed under the M2 designation?
 - Zoning for industrial is M1 for light Industrial and M2 for heavy industrial
 - “Concrete batch plant” is allowed; Petrochemical plant is not allowed without a use permit
- Is Asphalt Concrete?
 - Yes, according to Peter Maurer of the planning commission; Building code says No.
 - Planning commission agreed with Maurer; others disagree.
- Reminder from Marti Crane to be sure to give e-mail contacts
- 250,000 tons equals 20,000 trips on Silver Rapids back and forth; to make “asphalt concrete”, asphalt oil binds together with rock instead of cement
- Are road suitable to haul 500 degree asphalt? Fred Granucci
 - Fred drove asphalt trucks and also was called on asphalt accidents.....they were always the worst calls he got , a hazardous material.
- Hours of operations sounds like they will turn out to be 24/7.
- How the asphalt is kept hot to 250-450 degrees? Diesel? Will it be heated at the quarry? John Lutz
Will such emissions be considered cumulatively?
- Do they spray the bed of trucks with a release agent? They used to.
- Do you have to disclose the asphalt plant when you are selling your home. Chuck Rogesky
 - Yes, disclosure is required.
- What radius is the smell?
- A realtor at the planning commission said that there would be a drop in property values.
- Someone’s son works for an asphalt plant that also used ground up tires (smell is really bad).
 - Will Ford be using this?
- On the Caltrans website, CB Asphalt was awarded bids that include hot asphalt and rubberized hot asphalt that will be sourced from the Foothill Material (Hogan Quarry) site.
 - CB has disclosed existing Caltrans contracts and hopes to get the Wagon trail job.
- Air pollution depends on the source material of the binders (what is the material that will be used)?
- Ford’s Brian Holloway will be having a community meeting in the same location on Tuesday, 7-28-15 from 6 to 8:30 pm
- Groups for the plant:
 - Ford Construction, Lodi – e-mail admin@ford-construction.com
 - Calaveras County Republican Party – e-mail calaverasrepublicans@gmail.com
 - Calaveras Taxpayer Association – e-mail alsegalla@mindspring.com

7-25-15 Hogan Asphalt Plant Meeting Notes

Comments and questions (continued):

- Most people who want this plant do not live in the area
- Feels like our rights were violated without getting any community input?
- Is the pit lined?
 - Will they monitor the ground water?
 - Some residents on Hogan Dam road are on well water
 - Farmers and local residents downhill are on well water
 - Farmers also water from the Calaveras River
- The BOS will need to act like judges and are obligated to keep an open mind
 - Kearny was for the asphalt plant in an e-mail and approve the project
 - Edson is publicly in favor
 - Both will now have to claim neutrality
- Power and authority are different. Some have the power to make decisions, that doesn't mean they have the authority.
- Tell the county your concerns.
- Appellate process:
 - Appeal – Issues are heard
 - Join appeal or a group appealing
- Look up zoning maps for Asphalt plants (M1 and M2)
 - County zoning maps are online
 - General plan maps
 - Where do the BOS live and where are M1 or M2 zone?
 - Would they want this plant in their neighborhood “everybody’s back yard”
 - Use other M1 and M2 areas as alternative suggestions for an asphalt plant.
- Janice Bassett e-mail: Janicesgreatgifts@hotmail.com
- Meeting end

Ongoing Discussions

Clay Clapp continued his explanation of the history of the plant that he began at the Planning Commission. Mr. Clapp indicated that the quarry was started to provide material for construction of Hogan Dam. After completion of the dam and inundation of the road, there was no way to access the quarry. It shut down from 1965-1978. It resumed operations under Tiechert and later Ford. It was expanded beyond the original “pot hole” under a temporary emergency permit from FEMA to address flood control issues sometime around 1999-2000. Mr. Clapp questioned whether the “grandfather” clause covers a nonconforming use when it discontinues, when it expands beyond its original footprint, and when it includes additional uses.