

# Pro-asphalt plant letter rebuttal

## Letters to the Editor

The Valley Springs News, Friday August 7, 2015

### Editor:

On July 22, in his Letter to the Editor, David Aguilar argued for the ADDITION (caps mine) of a portable hot asphalt batch plant to the existent Hogan Rock Quarry. I'd like to take the contrary position by answering his comments:

- 1) "I think it will be good for the county and for local businesses"
- 2) "...does the property owner have the right to build and maintain his business within the confines of all county, state and federal laws and regulations?"
- 3) "This reminds me of folks buying a house near the airport, and then complaining of all the jets and traffic"
- 4) "Ultimately though, it will play out in the courts, as usual"

1) Mr. Aguilar presents no evidence to support his position. At a meeting of supporters (the few there were) July 28, only one person identified himself as a Valley Springs resident who worked at the quarry.

And no one wants to take his job away. Ford/Foothill harvests and sells rock. They will continue to do that. CB Asphalt, a Missouri company that has gotten some Caltrans contracts has offered Ford/Foothill a deal – we will buy all the rock you can harvest (they are capped at 300,000 tons annually) if you will let us put a hot batch plant on your property and make the asphalt there.

Why Ford took the deal with CB, I cannot imagine. The risk they run is large. Trucks (more than 10,000 round trips annually) will be passing each other on Silver Rapids Road every few minutes and if the truck containing the "mix" is forced off the road and overturns, the Calaveras River will be fouled.

The trucks leaving with the asphalt will stink. The gentleman from CB admitted that. Imagine living at the corner of Laurent and Silver Rapids, with your front door 10 feet from the roadway – if the trucks and the carcinogens don't get you, the smell certainly will.

CB proposes to use Paul Vaz Trucking, which is located just outside Stockton, in Acampo. Not likely to be any local jobs created on that end.

I suggested that they do like in Santa Rosa (they have two rock harvesting sites and a third, non-residential site where they mix at the batch plant) and put the batch plant out by the dump (which Ford is familiar with because they built it).

But it may be too late – although I favor a compromise, many residents are outraged that they are so easily taken for granted.

2) David, the code, as currently written, no longer contains the word “asphalt” (it USED to, but that was before the area across the street was zoned for housing). That portion of the code reads as follows (under “permitted uses”):

“Concrete mixing and batch plant, ready mix”

So, Mr. Aguilar, as a judge will most certainly rule, a hot asphalt plant is NOT “within the confines of the county regulation.”

Note the order of the words in the code, especially the words “ready mix.” I called the overseeing agency (Mine Safety and Health Administration) and they assured me that never have they heard the words “ready mix” associated with “asphalt”. Those words are associated with “concrete” only.

Had a hot asphalt plant been added to the site 40 or 50 years ago, that neighborhood would likely never have been built (as is the case at the George Reed plant in Clements).

3) The analogy is false because the code was changed when most residents bought their homes. A concrete batch plant (which does not import carcinogens for mixing) would be allowed at the site. A hot asphalt plant is not (despite Commissioner Tunno’s pretzel logic to the contrary). A developer sold homes to people who had no expectation that some 30 years later, the newest operator of the site would partner with a Missouri company to attempt to create a hot asphalt plant at the site. To put it in Mr. Aguilar’s terms, “there was no airport there when we bought – just a small private landing strip”.

4) David, we are in complete agreement. Care to join me in a wager on the outcome?

**Brock Estes**

Valley Springs