



County of Calaveras Department of Planning

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Date: April 21, 2016

To: Editor, Calaveras Enterprise

From: Peter Maurer, Planning Director
Jason Boetzer, Environmental Management Agency Director

Re: Hogan Quarry Asphalt Plant Environmental Review

The article in Tuesday's edition of the Enterprise regarding the proposed Hogan Quarry asphalt plant ("Full impact of asphalt plant to be examined", April 18, 2016) contained some inaccuracies that we would like to correct. First, and most importantly, the County has continually held that the air pollution permit, an Authority to Construct (ATC) is subject to the California Environmental Quality Act (CEQA) and a full-scope Environmental Impact Report (EIR) may be required for this project. Secondly, the Air Pollution Control District (APCD) became the lead agency when the Board determined that the project would not have to obtain a conditional use permit on February 9, 2016. The determination that the ATC was discretionary and therefore subject to CEQA was made by the Board on August 11, 2015.

The article implies that this is a change from the previous position of the County and APCD. We can understand that the issue is complex and confusing, given the number of appeals that were filed and heard by the Board, the different parts of state law and County code that apply to such a project, and the controversy surrounding the proposed plant. It was further complicated by the review under County Code Sec. 17.42.035, the Health Officer determination whether the type, method of use, or quantity of substances may have a significant environmental effect. But this is not a change in the requirements for CEQA review.

During some of the prior hearings before the Planning Commission and Board of Supervisors, there was much discussion about whether a conditional use permit (CUP) should be required and what the effects of that permit would have versus only requiring the ATC. Staff stated that the scope of the use permit was broader, and the findings different for approval, than what would be required for an ATC. The press and some members of the public must have misunderstood that to mean that the CEQA analysis was also limited. This is not the case, and in fact the likelihood of a full-scope EIR was communicated to the applicants as early as last August.

As to the lead agency, because appeals were still pending regarding the 035 determination, that could not be decided until all the appeals were exhausted and a decision made whether a CUP would be required. If the Board had granted the appeal, finding that a CUP was required, the County, through the Planning Department, would be the lead agency. If no CUP, then the APCD would be the lead agency. That decision was not made until the appeal hearing was concluded on February 9. The applicant was notified shortly thereafter that a full scope EIR would be required and that the APCD would be the lead agency.

In summary, there has been no change by County officials about the scope of environmental review. It was determined in August that the ATC is subject to CEQA, and that an EIR would be likely. The February decision by the Board that no CUP would be required only meant that the APCD would be the lead agency as far as CEQA is applied.