

## Annette Silva

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**From:** brock estes <brockestes@yahoo.com>  
**Sent:** Tuesday, January 05, 2016 4:52 PM  
**To:** Annette Silva  
**Cc:** brockestes@yahoo.com  
**Subject:** Appeal to Planning Comm Asphalt Plant Decision

Annette -

What I have done is to correct grammatical errors in Part 1 (which I turned in and you stamped yesterday) and then I have created a part 2 (which is new). Part 2 begins with a memorialization of our meeting of yesterday (01/04/16) and the discussion we had concerning my desire to add a "Part 2" addendum to "Part 1" (which I am doing today).

At the end of Part 2, I have placed five links, including links to two episodes described on Page 3 of Part 1 (hard copy). These will necessarily be out of order. One is a link to a video of a spill in Elk Grove in June 2015. The other is a link to a newspaper article about an incident that occurred in 2004 in Amador County.

I suggest printing this e-mailed version out in full (cut/paste starting at "Part 1"), stamping it and including it in a packet that staff will review over the next month or so.

I also have a suggestion, based on our discussion of yesterday.

As you may know, many citizens felt that this was done on the sly, because no one was noticed.

Yesterday, you referred to noticing residences within 300 feet of the quarry (which, because they are high on a hill, includes no one).

I suggest that since we are dealing with increased truck traffic on Silver Rapids Road, that any residence within 300 feet of the PROPOSED ROUTE (down Silver Rapids from the quarry to 26) be noticed, since they and their children will be affected by this proposed change in truck traffic.

- Brock

part 1

This is an appeal to the decision by the Planning Commission of December 10 and 17, 2015, proposing that the BOS allow Ford/CB to proceed with construction of a hot asphalt plant at the site of the Hogan Quarry without first requiring a Conditional Use Permit and an environmental report, overruling the recommendation of the county's chief environmental officer.

I reserve the right to add to this appeal before the matter is heard by the BOS.

I also reserve the right to file a separate action based on the initial stated deadline of 12/30/15, which did NOT allow the required amount of time and left me with the impression that I would be out of town at the deadline.

Subsequently, the deadline was adjusted to 01/04/16, which was correct, as it was the first business day after the 14 full days which the law requires be set aside for people who wish to appeal a decision.

Since I returned to find that I DID have time to file an appeal, I am doing so now, but it will logically be incomplete, the product of only a couple of hours of efforts.

Thus, I, Brock Estes, reserve the right to submit additional and supporting facts, law, and other documentation as soon as feasible after filing this appeal.

My appeal will initially focus on the Yorke Report and I request that an officer of that firm be present at the hearing to answer questions about the inconsistencies in his report.

I will be quoting from portions of the report which I believe Yorke ignored when drawing their conclusions. These will be their words, not mine.

As a basic overview, I would say that Yorke (seemingly deliberately) made this report far more complicated than it could have been.

There were also several factual errors, almost as though no one proofread the final document.

But my main charge is that Yorke (through no fault of their own) was presented with "facts" that in fact, are not "facts" at all (except by some strained and stretched logic in Ms. Kinderman's world).

Thus, the "conclusions" drawn by Yorke which led to almost everything being "zero" or "less than significant" are basically worthless, since they were based on facts not in evidence.

Here is the footnote from the bottom of Page 1 of the Yorke Report:

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1 Petroleum asphalt is a petroleum product that acts as the binder for HMA. HMA is a mixture of petroleum asphalt, sand, aggregate, and various additives. The term "asphalt" is used in this document to mean either petroleum asphalt or HMA.  
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Let's look at that second sentence:

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The term "asphalt" is used in this document to mean either petroleum asphalt or HMA.  
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WHY would the Yorke Report DO that?

I mean, HOW confusing can you make the report?

We have been calling the "petroleum asphalt" the "bitumen mix"...

Why not simply call it that?

Why call BOTH the liquid mixture AND the solid product by the SAME NAME?

I read this report five times and I continually was asking myself, "WHICH are they talking about, the liquid or the solid?".

Let me give you an example:

On page 6, immediately below Table 1, reads this paragraph:

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The total quantity of hydrogen sulfide in a single truck is less than the screening threshold for either air district. So even if there was an unplanned release of a full truckload of petroleum asphalt within 25 meters of a receptor (house, school, etc.), and 100% of the hydrogen sulfide present in the asphalt was emitted during a single hour, the emissions still would not cause a significant adverse health impact.

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OK. At least they referred to "petroleum asphalt" in this case, so, this is an inward bound tanker truck and Yorke poses a hypothetical accident.

But when they say, "within 25 meters of a receptor", do they mean to suggest that there would not be a significant adverse health impact even if the distance from the truck was less than ONE meter?

That seems highly unlikely and I will later include a link to a video report of a June 2015 accident in Elk Grove (which is said to be the town where most of the petroleum asphalt will be trucked from), where a spill damaged five cars which were later determined to be total losses. So, a spill could destroy five cars but would have no significant adverse health impacts? (Video linked at end of this appeal)

Incidentally, in Table 1, "receptor distance" is listed as "rector distance" - sloppy, as is the assertion that the speed limit on Silver Rapids Road is 35 mph (it is actually 55mph)...

The next paragraph reads as follows:

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Please note that vehicular accidents involving the release of hazardous materials in transportation are infrequent. In a study published by the Battelle Institute, the accident frequency for trucks involved in the transportation of hazardous materials is reported to be 4.96414E-07 accidents/mile, and the frequency of a release of hazardous materials during an accident 30.91%<sup>4</sup>. Based on these values, and project transportation requirements of 2 trucks per day, 310 days per year, and a one-way distance traveled while loaded with petroleum asphalt of 30 miles, the probability of any accident is 0.018466 accidents per year, or 1 accident every 54 years. An accident involving a release of hazardous materials from the operation of the project would have a probability of occurring once every 175 years.

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So, by Yorke's own words, we ARE dealing with the transportation of a hazardous material. By that standard alone .035 should require an EIR. The code is clear. If the Environmental officer notes that hazardous materials will be used (or trucked in to be used) at the site, he must inform the Planning Director that an EIR is required.

That was done, but the Planning Commission decided to move the goalposts.

I will later include a report of a major spill of a truckload of the bitumen mix (asphalt petroleum) earlier this century not 20 miles from the quarry. So, I guess we are safe for the next 160 or so years, but these accidents DO happen - the only question is "will we risk discharging the load into the drinking water for a major city?" (Stockton). (Link to 2004 incident in Amador found at end of this appeal)

When Yorke says "30 miles", haven't we been told that the petroleum asphalt would come both from Richmond (100+ miles one way) and Elk Grove (closer to 50 miles than 30)?. Doesn't THAT alter the probability?

Now, if you go to the last word on Page 2 and continue through the first paragraph on Page 3, you see this:

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At the proposed operating level of two (2) additional truck trips per day within the County over the baseline facility operations, the transportation emissions from the proposed Project are negligible, and well below the significance thresholds established by the air districts in the state.

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Well, that might carry some weight IF the facts were true.

But the facts are NOT true.

I have seen Ms. Kinderman make this statement numerous times at the Planning Commission.

Pointedly, she never gives an actual number for baseline facility operations..

She obviously made this as a statement of fact to Yorke and (who also decline to attach a number to the "baseline number" of trucks), Yorke parrots this statement back to her on pages 2-3 and again later as a conclusion.

But it simply is not true.

Although I don't think Yorke knew that.

But WE all know that the number of trucks currently leaving the quarry with "rock" will CONTINUE at the same rate, to leave the quarry loaded with rock in 2016.

The ADDITION is not just the 2 trucks per day coming inbound with the bitumen mix (petroleum asphalt) BUT the more than 12,000 ADDITIONAL trucks leaving the quarry with HMA annually.

And Yorke appears to be totally devoid of the understanding that this is a "boom or bust" type of (asphalt making) operation.

Thus, the Environmental Officer' report refers to "maximum weeks" (usually between late spring and early fall - mostly hot summer days when kids are out playing all day), whereas Yorke makes no mention of that.

I have no idea where Yorke got the information that the quarry operates 310 days per year. It may be a misprint (perhaps meant to say 210 days), but if Yorke was stating fact there, then the quarry would be operating at least one weekend day every week plus every single Monday through Friday all year long and we just know that is not true.

So, what you get is the Environmental Officer's description of 150 HMA outbound trucks per day in maximum good weather weeks and Yorke's insistence that the number is "less than 3 per hour, less than 20 trucks per day" (page 10/midpage of Yorke Report).

That is a HUGE difference and the BOS must decide whether to rely on facts supplied by the chief environmental officer or statements and conclusions produced by Yorke engineering, based on a misleading (at best) bit of information provided TO Yorke by Ms. Kinderman..

Page 11 of the Yorke Report begins by concluding Part B and reads as follows:

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Based on the infrequent exposure to the transport trucks (i.e., less than 3 per hour, on average), the brief duration of the exposure to asphalt fumes, and the expected dilution of the fumes due to the speed of the trucks and the distance from the roadways to receptor locations, the impact of odors during transport of asphalt to and from the facility are expected to be less than significant.

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Here we have another reference to "distance from the roadways to receptor locations".

But whereas the previous reference was to a hypothetical spill of the inbound bitumen mix (petroleum asphalt), THIS reference is clearly to outbound HMA truckloads, but the Yorke Report fails to say within WHAT distance (is it ALSO "25 meters"?) WOULD be "significant. As a matter of fact, I don't believe the authors of the Yorke Report have any idea at all HOW close to "receptor locations" those trucks would be passing - they are simply giving Ms. Kinderman the answer she wants to hear based on the incorrect information she provided them WITH.

So, if the BOS believes that the kids outside playing on a hot summer day would only be subjected to less than 3 HMA trucks per hour, then sure, you could conclude that "every twenty minutes" is indeed "infrequent exposure".

However, if the BOS concludes that throughout most of the summer, those kids outside playing would be exposed to ONE TRUCK EVERY FOUR MINUTES ALL DAY EVERY WEEKDAY (150 trucks X 20 tons = 3000 tons per day\* which makes one every four minutes), then you MUST ignore the "less than significant" conclusion from Yorke..

[\*3000 tons a day is the asphalt plant output according to the Applicant, CB Asphalt].

I believe I shall stop here and take this appeal to San Andreas. At a later time, shall supply supplemental information from the Yorke Report, beginning with "odors".

part 2:

This is the addendum to and conclusion to my appeal of the Planning Commission vote of December 10 and 17 regarding the commission's 4-1 vote that the plant needs no authority to construct and subsequent environmental impact report.

I met the deadline of 01/04/16 by a couple of hours and I want to begin by memorializing my conversation at the Office of the Board Secretary and the Planning Commission.

The Clerk of the BOS acknowledged that the appeal deadline had been extended from 12/30/15 to 01/04/16.

However, when I went over to the Planning Commission to turn in the paperwork (after paying \$100 to the Clerk), the conversation was somewhat disjointed.

Initially we (Janice Bassett was also present, filing her own appeal) spoke to a young man who said he was brand new so he went to get someone and returned with Annette Huse.

Annette was initially very friendly. She admitted that the appeal date had been "graciously extended" although she was not sure who in Administrative had done that. Initially, she said I could add to my submission by e-mail, since that would be more convenient (she gave me her business card).

Later, an older woman joined the conversation (she did not give her name). SHE said that she didn't know IF the Planning department would accept my additions and both women now tried to claim that they had no knowledge that the date HAD been "extended" - saying that this occurred in another department.

The older woman said, "We'll have to ask Peter" (if my additions could be included).

Let me state quite clearly for the record (as I said at the time) that the initial determination of an appeal deadline of 12/30/15 was NEVER correct by law.

Simply because the Planning Department was to be closed on 12/31/15 (and, of course, on New Years Day) does not mean you move the deadline UP - no, you move the appeal deadline BACK (to the next business day AFTER the 15 days have been reached (initially, I thought the time was 14 days but it appears that it is 15 days).

Even HAD the time been 14 days, the day of the vote is never counted, so, day 14 would have been 12/31/15 - when the Planning Department was closed. Day 15 was 01/01/16, also a non-business day.

So, the deadline should ALWAYS have been 01/04/16 and when Annette referred to "graciously extended", I made clear that there never should have HAD to be an extension, gracious or not.

Why is that important?

Like many people, I left for the holidays but before I did, I was told that the deadline was 12/30/15 (day 13).

Like many things in this process, I knew that was wrong, but just as I was not noticed initially about this proposed asphalt plant, I assumed I was getting jobbed again and would not have time to submit an appeal.

When I returned on 01/03/16 and found that the deadline had been extended to WHERE IT SHOULD HAVE ALWAYS BEEN (01/04/16), I had only a few hours to begin an appeal, which I will now conclude, confident that you will accept this addendum to my timely appeal or notify me that you are not going to do so in a manner timely enough that I can file a case in court challenging that decision.

When I ended Part 1 of this appeal, I suggested that I would next discuss "odors". Again, much of what I will excerpt are direct quotes from the Yorke Report, so, let us begin with Page 7, "Odors During Transport" (paragraph 1, sentence 2):

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Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

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Respiratory effects, nausea and vomiting sound like more than an "annoyance" to me, especially when the "person" is a "child" (or, "children") exposed to nauseating odors every four minutes, weekday after weekday, for months at a time (or, perhaps even 310 days a year if they now plan on working six day weeks).

Still on Page 7, in paragraph 2, sentence 2, the Yorke Report says this:

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People may have different reactions to the same odor.

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And I say, "Indeed they might". Just as some children might have an allergy to peanuts that makes it imperative that schools make sure that they are not exposed to their allergy, even though 95% of children might NOT be adversely affected, just one child on, say, the baseball team which practices most every summer day at the corner of Laurent and Silver Rapids, just one of those kids might "have a different reaction to the same odor" (say, nausea or vomiting). These are KIDS and they are more vulnerable than adults.

The first paragraph on Page 8 contains these sentences:

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Odor intensity depends on the concentration in the air. When an odor sample is progressively diluted, the odor concentration decreases.

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We have heard Shawn Simmons from CB Asphalt testify that the trucks (covered or not) are going to give off a strong odor.

Once again, this is where the BOS is going to have to decide whether or not to believe the Yorke Report's assurances that there will be less than 3 trucks per hour going by that practice field (based on flawed facts presented to them by Ms. Kinderman) OR whether to believe the Environmental Officer's assertion (based on facts provided by CB) that there will, on max weeks, usually in the summer paving season, be as many as 150

trucks per day. Again, if Yorke was correct, the concentration in the air would be diluted in the twenty minutes between shipments - if there is a truck every FOUR minutes, I doubt that the concentration would EVER be fully diluted.

Towards the bottom of Page 8, there is this:

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The presence of an odor impact is dependent on a number of variables including:

1. Nature of the odor source;
  2. Frequency of odor generation;
  3. Intensity of odor (concentration);
  4. Distance of odor source to sensitive receptors; 5. Wind direction (e.g., upwind or downwind); and 6. Sensitivity of the receptor.
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Let's be like the Giants, forget the odd and go for the even.

#2 - frequency of odor generation:

Yorke has concluded that there is little risk based on less than 3 trucks per hour. I hope to ask them what their conclusion would be if it were FIFTEEN trucks per hour. That's a BIG difference

#4 distance of odor source to sensitive receptors:

I think we can agree that children ARE "sensitive receptors". Once again, Yorke says that "distance" is important WITHOUT indicating what a dangerous distance would BE. With nothing else to go on until I get to question the report's authors, I must assume that 25 meters is a "safe" distance from the odor source and less than that would be progressively less safe. That baseball team is NOT hypothetical (unlike the early hypothetical example of an accident involving a petroleum asphalt tanker truck). That baseball team is OUT THERE practicing all summer, and those batting cages are WAY closer to the loaded trucks driving by than 25 meters.

#6. Sensitivity of the receptor:

I have mentioned the baseball team. But there are MANY (more than 20) younger children who play on Harper and Laurent (way closer than 25 meters from Silver Rapids). That little girl who rides her bike INCESSANTLY (like a rat in a maze, from the dead end of Harper to the corner of Laurent/Sliver Rapids, back and forth, back and forth ENDLESSLY) is probably under 8 and there are a couple of younger girls who will likely be joining her. The middle schoolers with the go carts also ride to the corner of Silver Rapids - I hope they don't get all "experimental" and decide to expand their distance to INCLUDE Silver Rapids (and a loaded truck every four minutes) but you know about the decision-making of middle schoolers. Mary Greer's son must be around 10 and he is out there ALL DAY on his trampoline. The tramp is probably slightly more than 25 meters from Silver Rapids, but really, the area is a bowl ringed by high hills - there is nowhere else for the emissions to go but down into he lungs of these kids. Even the smokestack would have to be triple it's 37 foot height to "maybe" get the fugitive emissions out into open air.

On Page 9, the Yorke Report discusses the county's nuisance rule. Here is the first paragraph from Page 9:

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Calaveras County APCD does not have a rule that specifically addresses odors. Odor complaints are addressed through its' nuisance rule, Rule 205. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative or formulaic methodologies to determine if potential odors would have a significant adverse impact. Rather, projects must be assessed on a case-by-case basis.

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Here is the second paragraph on Page 9:

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Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc., warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

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"...residential areas", check. "...warrant the closest scrutiny", check. "...other land uses where people may congregate, such as recreational facilities, check (the ball team).

Let's highlight that last sentence again:

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Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

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"...significant impact", check.

once again, the key word is "frequently". Yorke hangs it's hat on "less than 3 trucks per hour, conveniently never mentioning maximum mixing weeks which occur during the hottest months of the year at a time when kids in the neighborhood are off school. I think 150 trucks of HMA a day for weeks on end qualifies as "frequently".

The last sentence of the first paragraph on "Discussion: (Page 9, paragraph 3) reads as follows:

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Asphalt fumes are generated during the heating of the mixture and may be emitted during transport of the asphalt to the job site.

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Here we see that Yorke is trying to give Ms. Kinderman what she wants. But even Shawn Simmons of CB said in testimony, "Oh yeah - it's gonna smell whether we cover the trucks or not" so WHAT THE HECK is this

"may" from the Yorke Report??? The trucks ARE going to emit fumes from the asphalt. There is no "MAY" about it.

The final paragraph on Page 9 carries over into the list of chemicals on Page 10 - here that is:

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The chemical composition of asphalt varies depending on the source of the crude oil, the type of asphalt being made, and the processes used to make it. In general, asphalt fumes are a mixture of several different types of compounds. These include:

    Volatile organic compounds (VOCs)  
§ Polycyclic aromatic hydrocarbons (PAHs) § Particulates § Sulfur § Nitrogen oxides § Carbon monoxide

Elevated levels may be found in the immediate vicinity of an operating asphalt plant or a paving project.

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Again, "may". Some of those chemicals are pretty scary - but there is no discussion about "levels" or "dangerous", just that there "may" be "elevated levels".

Immediately follows this (still on Page 10):

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The proposed Project would require shipment of two truckloads of petroleum asphalt to the facility each day, and shipment of approximately 20 truckloads of HMA from the facility each day. Odorous asphalt fumes would be emitted from these transport vehicles.

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Well, at least NOW we have some honesty from Yorke. Let's just compare and contrast these two sentences, just one page apart (did ANYONE proofread this document?):

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Asphalt fumes are generated during the heating of the mixture and may be emitted during transport of the asphalt to the job site.(Page 9)

Odorous asphalt fumes would be emitted from these transport vehicles. (Page 10)

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And this is while continuing to insist that there would be only 20 trucks per day containing HMA, whereas the truth is more than seven TIMES that many, most of the summer.

The last sentence on Page 10 reads as follows:

In addition, because the trucks are heavy duty vehicles, travel down residential streets would be limited to specific paving projects, and not part of the normal commute route to and from the facility.

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This seems to be another case of Yorke not receiving correct information with which to prepare a report.

It looks like they don't understand that Silver Rapids IS a "residential street" and IS the normal commute route to and from the facility.

This may have emanated from the (undated) handout Ms. Kinderman provided to attendees at an evening meeting last summer. Among other inaccuracies, bullet point number five on Page 1 begins with this sentence:

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"Truck traffic will flow through the existing entrance/exit, and not by any residential areas"

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This statement is wrong, and Kindermann admitted this at the meeting, that she didn't proofread the handout. But it was never replaced by an amended version, so, the original continues to circulate.

If this unamended handout was provided to Yorke, I can see why they would come to the above conclusion - but it is a false conclusion based on faulty "facts".

I don't blame Yorke - they are in Southern California and can only work with what information is provided to them. But what I wonder is, "WHERE is the proofreading" (the sentence on Page 10 appeared immediately after the report stated as fact that the speed limit on Silver Rapids is 35mph).

Yorke concludes the "Discussion" at the top of page 11 with this conclusion:

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Based on the infrequent exposure to the transport trucks (i.e., less than 3 per hour, on average), the brief duration of the exposure to asphalt fumes, and the expected dilution of the fumes due to the speed of the trucks and the distance from the roadways to receptor locations, the impact of odors during transport of asphalt to and from the facility are expected to be less than significant.

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Here we are again.

"Infrequent exposure". (150 trucks per day?)

("less than 3 trucks per hour on average"). NO. WRONG NUMBER. WAAAAAY WRONG.

"the brief duration of the exposure to asphalt fumes" (a truck every 4 minutes ALL DAY)

"the distance from the roadways to receptor locations" (exactly WHAT distance?)

"less than significant" (flawed facts lead to flawed conclusions)

Now, page 11, paragraph 2, sentence 3:

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The number of outgoing trucks is not expected to change as a result of the HMA operation, since the delivery of HMA is not expected to increase truck traffic beyond what is already baseline activity at the facility.

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I think it is time to discuss "kinderspeak", that language that slick big-city attorneys try to pass off on perceived small town county supervisors.

Yorke has received this language, but they are actually SAYING it wrong (in their report).

Now, it MAY be that Yorke misinterpreted these flawed facts and somehow assumes that right now, Nick Jones/Ford sells aggregate to customers and in 2016, he intends to sell that same amount of rock to CB instead and the same number of trucks will go out of the gate, but in 2016 they will carry not rock, but HMA made with that rock...

But WE know that Nick intends to sell to BOTH his old customers AND CB, so, the number of HMA laden trucks (12,000+ annually) IS the "increase".

Here is why Yorke got it wrong. They left out the word "allowable" (which Ms. Kinderman always includes).

What Ms. Kinderman is TRYING to convince you of (is "con" the root word of "convince"?) is that Ford COULD be running those extra 12,000 trucks NOW but are not. But because they COULD, then the increase in truck trips is only the 2 per day containing petroleum asphalt over the ALLOWABLE BASELINE ACTIVITY at the facility.

And here is why Ms. Kinderman assumes that you will buy this fallacy.

She thinks the BOS does not understand the difference between "annual truck trips" and "allowable truck trips".

Here is why she can say this without actually "lying":

Technically, I can not find ANY limit (in writing) to the number of truck trips Ford can run...

There IS a limit as to how much rock they can harvest (300,000 tons annually) but I don't see a limit on truck trips...

But those would be truck trips containing (non-hazardous) ROCK.

Nick Jones estimates that he is operating at 40% capacity.

That would mean 120,000 tons annually, 6000 annual truck trips (at 20 tons per trip).

In keeping with Yorke's assumption, at 310 days per year that would "average" slightly less than 20 trips per day".

But that is just to meet existing and continuing rock sales,

The INCREASE is 12,000+ annual trips to transport out 250,000 tons of asphalt.

It's NOT THE SAME as rock...

And it is an INCREASE.

If you AVERAGE the increase (and agree with "310 days of operation"), the INCREASE is just under 40 trips per day (plus the existing "less than 20").

If you look at "max weeks" and/or the number of working days is less than 310, then the increase is much higher.

But it is at LEAST a tripling of truck trips in 2016 over 2015.

yes, ms. kinderman? what's that you say? there is no increase to what is ALLOWED?

Technically, that might be correct - because I don't think there IS a written limit to annual number of truck trips, but I CERTAINLY know an "increase" when I see one... in this case, the proposal is to go from 6000 to 18,000+ trips annually. THAT is an increase.

But Yorke forgot to include "allowable"...

so THIS is an incorrect statement of fact by Yorke:

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The number of outgoing trucks is not expected to change as a result of the HMA operation, since the delivery of HMA is not expected to increase truck traffic beyond what is already baseline activity at the facility.  
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Ms. Kinderman will probably try to insist that they misspoke - that they MEANT "ALLOWABLE baseline activity at the facility" but I don't think you are buying 76 trombones for that big brass band she is selling.

I don't think we are quite the hicks she presumes us to be.

At least, I hope not.

On Page 3 of Part 1, I made mention of links to two recent events concerning "accidents" (spills).

Here is a link to the video of the slurry spill from June 2015 in Elk Grove:

<http://www.kcra.com/news/local-news/news-sacramento/big-rig-overturms-in-elk-grove-spills-oil-all-over-roadway/33680350>

And here is a link to a newspaper article from June 2004 in Amador County, dealing with an overturned (spilled) load of bitumen mix (petroleum asphalt) just one county away:

[http://www.lodinews.com/news/article\\_966adafd-fe0c-5f36-86ec-7a887ff3fe35.html](http://www.lodinews.com/news/article_966adafd-fe0c-5f36-86ec-7a887ff3fe35.html)

Do accidents happen? They do indeed:

<http://www.uniondemocrat.com/News/Local-News/Man-spills-trailer-load-of-gravel-on-Highway-4>

As I write this, on Tuesday morning after 8 straight hours of rain, I will link the Sac bee article on the first of several storms, but first, let me excerpt two paragraphs for you:

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At least two big rig crashes occurred as heavy rain fell before the sun came up. One rig crashed near Dillard Road on southbound Highway 99 about 1:15 a.m., causing the cab of the truck to burn. All lanes later were opened.

Another big rig crashed on Highway 50, east of Watt Avenue. All lanes have been opened.

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here is the link:

<http://www.sacbee.com/news/weather/article53080860.html#storylink=cpy>

This might seem to be obvious, but sometimes the obvious remains unseen or is SO obvious that no one mentions it, but here goes:

Large heavy trucks are prone to accident because they have a loooooong stopping distances due to weight of rig and load.

I know, obvious, right?

But why s that important?

Well, reread the article (linked above) from 2004.

That truck driver did nothing wrong, everything right (unlike the guy who dumped his load of gravel - also linked above)..

So, a truck, in this case carrying bitumen mix to a hot asphalt plant in 2004, could do everything right and STILL dump his load.

Because when the woman in the pickup pulled out in front of him, he simply could not brake in time, because of weight.

As it turned out, a completely innocent and uninvolved (in the braking) motorist who just happened to be there in the opposite lane was hit by the braking truck and killed. That truck driver will have to live with the fact that he not only dumped his bitumen mix in an orchard (although fortunately, not a source of drinking water) but he also killed someone.

Yet it wasn't his fault at ALL.

My point being that big heavy trucks are "riskier" because they have a limited ability to brake quickly.

So we see big rig accidents in the rain and loads dumped totally due to the fault of others.

As I speak, the quarry has been in operation today (in the rain).

I have no way of knowing what they intend their work schedule to be if an asphalt plant goes in, but the Yorke report uses a very precise number (310) to describe the annual number of proposed work days.

Assuming that you have to at LEAST give people Sundays (52 of them) off, the quarry and asphalt plant would be in operation almost every other day of the year ( $310+52=362$  of 365).

That means that a large number of trucks will be driving on heavy rain days, with an increased chance of accident, including those carrying the bitumen mix

Yes, accidents DO happen and the heavier your vehicle, the more at risk of an accident you are.

I am going to conclude by linking a letter to the editor that I wrote to the Enterprise this past year.:

[http://www.calaverasenterprise.com/opinion/letters\\_to\\_editor/article\\_b761befa-5050-11e5-855a-0b7f6d98e1f9.html](http://www.calaverasenterprise.com/opinion/letters_to_editor/article_b761befa-5050-11e5-855a-0b7f6d98e1f9.html)

I do so because it is another example of Ms. Kinderman attempting to bamboozle the BOS.

If you will recall, Ms. Kinderman made the incorrect claim that the increased activity at the quarry (adding the hot asphalt component) would bring the county a \$1.8 million annual sales tax windfall (the correct figure is between \$120,000 and \$200,000).

My linked letter addresses her failure to understand how those taxes are distributed (being charitable - the uncharitable view would be "another attempt to mislead"), but my point here is that on one hand, she claims "increased activity bringing increased revenues" but on the other hand, she claims "no increase in truck activity" (over the "allowable baseline facility operations"), but in last summer's handout (previously referred to), Ms. Kinderman claims job creation to the tune of 300 new trucking jobs (Page 1, bullet point number 2).

You really CAN'T have it both ways.

This is a case of "risk versus reward". Ms. Kinderman inflates the "reward" and dismisses the "risk". I have sought here to place those two in their proper perspective. I was an early proponent of having the portable asphalt plant (which no longer appears to BE a "batch plant", as the county code requires) placed out by the dump and the rock trucked to that site for mixing. All of the bitumen mix (petroleum asphalt) and 25% of the rock (RAP) will be trucked in from elsewhere anyway, so, why not truck the other 75% of the aggregate out there also? I am not opposed to an asphalt plant in the county but please be smart here. We are responsible for preserving the quality of Stockton's water (and our own). The "risk" is a lawsuit if there is an accident. You wouldn't hold a fireworks celebration in the middle of a bone dry forest (you hold them over a body of water, duh) and you really don't want to place a plant that uses hazardous chemicals 800 feet above a major water source.

If you believe differently, you at LEAST have to allow a CEQA study and a Conditional Use Permit (CUP) so people can have the benefit of Conditions to protect Health, Safety, and Welfare. If that study (which is also required to focus on the issue of "displacement") concludes that there is no danger to the water supply and (just

as importantly) to the health of children playing outside on hot summer days with a constant flow of asphalt trucks passing by them, then parents will be reassured and not flee the county with their children. But if there is no EIR and CUP, then people will simply leave the area. The risk simply is not worth the reward.