

County approves San Rafael quarry permit

Nels Johnson, Marin Independent Journal, 9-29-10

Contentious debate over San Rafael Rock Quarry operations ended in compromise amid a round of applause Tuesday as mine operators reached accord with a neighborhood coalition in a settlement that was promptly approved by the Board of Supervisors.

The deal follows the outline of a county staff proposal limiting most work to weekdays from 7 a.m. to 8 p.m. while tightening barge loading hours.

The agreement "contains much that will benefit our community," said Bonnie Marmor, co-president of the Point San Pedro Road Coalition. "I am requesting the board approve the staff's recommendation."

"It feels somewhat dreamlike. É I never thought I'd see this day," said Aimi Dutra Krause, a member of the family that owns the quarry. "I'm really pleased about the common ground that's been found."

The dramatic settlement followed last-minute talks Tuesday that delayed a supervisors' meeting for an hour while parties fine-tuned permit language with lawyers.

Critical to the accord was a cutback in barge hours. Barges will be allowed to load up to 10 p.m. for several months during the winter, but loading will end at 9 p.m. on most occasions from April 1 to Oct. 31. Provisions allowing occasional exceptions will apply. Barge loading on Saturdays could extend to 10 p.m. for as much as half the year.

The plan tightens various operations of the controversial mining enterprise and the accord with the coalition means the group won't sue under provisions of the California Environmental Quality Act.

"Everybody's heard each others' concerns," said Supervisor Susan Adams. "I'm pleased where we are today. É There is a lot in here for the community."

Adams, who has wrestled with the quarry issue for eight years, sent a special salute to advocates on both sides of the debate, and to public works chief Farhad Mansourian and his staff, who played a pivotal role in negotiations.

Under the deal, truck trips in and out of the quarry will be limited to 250 daily and end at 5 p.m. Many other quarry operations would end at 8 p.m., although barge loading could continue to 10 p.m. during winter months, and beyond 9 p.m. as work required on occasion. The permit makes clear that operating limits would be suspended during public emergencies such as levee flood repair.

The plan calls for a special asphalt surface on Point San Pedro Road that muffles noise, and Mansourian said San Rafael will contribute \$500,000 to a county program repaving the road from San Rafael High School to McNears Beach Park. It sets 174 conditions that cap maximum annual production at 1,697,600 tons in any one year, limit noise, restrict blasting to 11:30 a.m. to 1:30 p.m. weekdays, and curb dust.

The permit plan establishes an inspection and monitoring program requiring the quarry to pay for consultants reviewing air quality, noise, seismic activity, biological issues, finances and marsh restoration. The quarry also

must pay for county staff time overseeing the operation to ensure compliance. Mansourian will have the ability to determine whether building a berm on the northwest section of the site has environmental merit.

The quarry has been operating since the 1870s, its history pocked in recent decades by permit violations, neighborhood protests, environmental alarm, litigation and court decrees. In 2004, Marin Superior Court Judge John Sutro criticized the Dutra Group, which acquired the business in 1986, for expanding mining operations without permits. At the same time, he said Dutra had the right to make a profit by mining the quarry bowl without regard to depth or duration.

Former supervisor Gary Giacomini, a lawyer for the quarry, said the new agreement essentially follows the broad outline of current operations, while imposing restrictions.

County officials assume the quarry operation will continue for another 17 years, but the permit does not require it to close then.

The Dutra Group wants to dig the quarry bowl or pit twice as deep as the 200 feet below sea level allowed by a 1982 permit zoning the area as residential commercial. When mining ceases, Dutra wants to cut a channel between the pit and the bay, create a 600-berth marina and develop 350 homes as well as office and commercial buildings.

An environmental impact analysis in 2008 indicated the operation generated gases and particulate matter having significant impacts on air quality, posing health risks.