

Duarte vows to continue to fight Azusa Rock Quarry mining plan, files appeal to legal defeat

Daniel Tedford, Los Angeles Newspaper Group, 6-16-11

DUARTE - The Duarte City Council voted unanimously Tuesday to appeal a judge's ruling in favor of Azusa and a mining plan in the Azusa Rock Quarry.

Duarte lost their original lawsuit that attempted to torpedo the amended Azusa Rock Quarry mining project. That lawsuit was based on Duarte officials' belief that an environmental report on the project was flawed, among other grievances.

"We thought the lawsuit had merit, thought the plan was not done properly with CEQA (the California Environmental Quality Act), and we are still extremely concerned about the impact this project will have on our community," Duarte Councilman John Fasana said.

Judge Thomas McKnew ruled in favor of Azusa on May 9 on all counts presented to the court, including claims that the environmental impact report was flawed and that Azusa violated open meeting laws in approving Vulcan Materials Azusa Rock Quarry mining plan, according to the judge's ruling.

Azusa councilman Keith Hanks said he is disappointed that Duarte decided to appeal, but is confident that his city would prevail in the future.

"I hope we are as successful on this go around as we were previously and I think I have every reason to expect that," Hanks said. "The judgement that was received in this last challenge was completely in our favor and based on that I don't see any real expectation that an appeal will change that."

Fasana said the initial defeat of the city's lawsuit gave the city some pause, but, ultimately, wasn't a deterrent in deciding to appeal.

"Obviously we would have preferred to prevail at that, so in that sense it does create reservations. We could lose," Fasana said. "There are different points of view and interpretations of law, which is why we are pursuing it to the next level."

Duarte's lawsuit was originally filed in August 2010 following a 4-1 approval of the mining plan by Azusa's council.

Duarte has until Aug. 8 of this year to submit their appeal to the California Appellate Court in Los Angeles.

Vulcan Materials Co.'s plan shifts its mining operations from 80 acres on the eastern end of its 270-acre property to 80 acres on its western end. The company has a permit to mine 190 acres of its land.

The plan includes environmental incentives, including a new technique that promises to reshape the hillsides post-mining in a more aesthetically pleasing manner. It also included added tax revenues for Azusa.

At the same time, the plan shifts mining operations closer to Duarte, where many residents were vocally opposed throughout the review process.

Officials with Vulcan said the appeal will stall operations until a decision is reached.

"I think it is unfortunate that the residents of Azusa continue to be denied the opportunity to receive the benefits they overwhelmingly voted for earlier this year," Vulcan spokeswoman Peg Casey said, referencing a referendum election where voters also approved the mining plan. "I am surprised (Duarte officials) have filed this suit after losing on every challenge they made and continue to spend taxpayer money to pursue this."