

Despite Objections, Lehigh Plan Amendment Moving Quickly *Selenium pollution, air pollution and dust were concerns raised by the public at a Santa Clara County Planning Department workshop that served as a warm-up to a public hearing on a draft EIR on Feb. 2.*

Pam Marino, Cupertino Patch, 1-28-12

A Lehigh Southwest Cement reclamation plan amendment is proceeding at a fast clip, but that's not slowing down quarry neighbors and activist groups that are continuing to question the environmental impacts of the cement plant and quarry, as was evident at a public workshop Thursday night.

Currently on the table is a draft environmental impact report (EIR) for the Lehigh Permanente Quarry Reclamation Plan Amendment. The Santa Clara County Planning Department held the workshop to educate residents on how to use the nearly 600-page report and make comments.

The workshop came just one week before the county Planning Commission conducts a public hearing, at 1:30 p.m., Thursday, Feb. 2, at the county headquarters, 70 W. Hedding St., San Jose. Planners encouraged residents to attend the meeting to voice oral comments, or submit written comments by Feb. 21.

County planners told the crowd of about 35 people in the Quinlan Community Center in Cupertino that they expect the EIR to be certified and the reclamation plan to be voted on by the Planning Commission as early as March 22.

The three-phase amendment to a reclamation plan approved by the county in 1985 details how the mining and cement company will reclaim 1,238 acres of land used for mining since the early 1930s over the next 20 years. The EIR details the environmental consequences resulting from reclamation activities.

Despite not being a meeting to capture official complaints and questions about the draft EIR, residents voiced complaints on Thursday that ranged from selenium pollution of Permanente Creek, to air pollution and dust from the quarry, cement kiln, and thousands of trucks that come and go annually.

Selenium Concerns

Selenium pollution was a major topic at the workshop, and in fact, planners said the county put into the draft EIR that the impact of selenium, as well as other negative impacts on the creek, must be addressed immediately upon the plan's approval.

Specifically, the report calls for removal of large limestone boulders from Permanente Creek on Lehigh property above Rancho San Antonio County Park because they could be adding to the discharge of selenium into the creek. In elevated levels selenium can harm fish, birds and other wildlife, and in high levels it can pose a risk to human life.

In December the Sierra Club filed suit against Lehigh under the Clean Water Act for elevated levels of selenium and other toxins flowing in Permanente Creek from the quarry to San Francisco Bay.

In Phase III of the reclamation process, possibly between the years 2026 to 2030, planners said the company would have to completely entomb the current 265-acre pit to prevent further selenium runoff. The reclamation

plan calls for backfilling the pit using overburdened material from the West Materials Storage Area, which faces Los Altos Hills.

Future Quarry Pit Exploration

Plans for a future quarry pit, however, are not in this reclamation plan. Lehigh officials removed it from an initial plan last year. However, county planners said Thursday that exploration and testing of the land on the southern side of Permanente Creek for a new pit was expected to exceed reclamation plan standards. That discovery led to a recommendation that exploration activities be included in the plan.

Expedited Process

While the wheels of bureaucracy in most cases appear to turn slowly, this time the process is moving faster, Principal Planner Rob Eastwood confirmed Thursday night. He told Patch that Lehigh agreed with the state Office of Mine Reclamation (OMR) to expedite the reclamation plan process.

In 2011 the OMR contended that both Lehigh and the county were taking too long to approve a reclamation plan amendment, which led to a decision to remove the company from a list of approved sellers to government agencies, called AB 3098. Lehigh in turn sued the Department of Conservation, which includes the OMR, claiming the decision was unfair. The case is pending, according to Santa Clara County Court records.

Eastwood added that previous work done by the county when Lehigh officials sought an earlier reclamation plan last year was collapsed into the current plan, simplifying the process.