

Conservation groups to call for Coastal Commission to shut down Cemex sand mining plant

Jim Johnson, Monterey County Herald, 8-5-16

MONTEREY -- Frustrated by a lack of action, two local marine conservation groups are planning a rally at Wednesday's Coastal Commission meeting to call for speeding up efforts to shut down the Cemex sand mining plant operations in north Marina.

Save Our Shores and Surfrider Monterey have announced plans to host a rally at 9 a.m. Wednesday at the Hilton Santa Cruz in Scotts Valley where the commission is conducting its monthly session. The groups indicated they plan to have representatives speak out on the issue during public comment and also encouraged supporters to send written comments to the Coastal Commission.

The groups "are teaming up to support the commission's fight to end harmful erosion caused by the Cemex plant in Marina," a release issued Thursday read. "We are hosting a rally to encourage the commission to expedite their action in closing the illegal operation."

In a release, the groups noted the commission sent Cemex a notice of intent in mid-March, a precursor to an order seeking a halt to operations. It listed a number of alleged violations of the Coastal Act at the Lapis Road plant, which has been operating since the 1960s. It gave the company until April 6 to formally respond. However, the release noted commission staff has issued a series of extensions to Cemex's response deadline while discussions continue between commission staff and company representatives.

Commission spokeswoman Noaki Schwartz acknowledged there have been a series of extensions granted to Cemex in the matter and that talks between the parties are ongoing, but declined to comment further citing the nature of the enforcement case.

"(Extensions) are pretty typical in a case like this," Schwartz said. "There's a really long history and it's a complicated case. We would like to resolve the situation, though I can't comment on how."

In the commission's March notice to Cemex, acting executive director John Ainsworth indicated the commission intended to seek to shut down the plant unless the company agreed to do so itself. He warned the commission would levy penalties in an attempt to "remedy" ongoing violations resulting from what the commission alleged was unpermitted development that had occurred and continued to occur on the site, causing "continuing resource damage" along the Monterey Bay shoreline.

Ainsworth also expressed the hope the matter could be resolved through "consent orders" rather than unilateral enforcement.

At the time, Cemex indicated in a statement that it disagreed with the commission's assessment and believed its operation complied with the law.

The commission had been investigating the Cemex operations since 2010 and discussed the matter with Cemex representatives a couple of years ago, but the enforcement action apparently didn't begin until after a December commission session in Monterey when the Surfrider Foundation called for concluding the investigation