

Group sues Madera County, Vulcan Materials Company to stop Austin Quarry

Mark Evan Smith, The Fresno Bee, 10-14-16

The Madera Oversight Coalition (MOC) contends Madera County and Vulcan Materials Company, owner of the controversial Austin Quarry at the corner of highways 41 and 145, failed to properly address “significant material and legal issues” when the site was approved and has filed a lawsuit that seeks to void its approval.

In the suit, filed Oct. 12, MOC claims numerous comments from the public, as well as “expert reports, testimony and documents” from hydrologists and others it hired, “show unequivocally that many of the premises, assumptions, and data” within the Austin Quarry’s Final Environmental Report (FEIR) are incorrect.

“Because of the FEIR’s numerous flaws, and other errors in the deliberation process, the county abused its discretion and violated (the California Environmental Quality Act)” when it approved the document, the suit reads.

The MOC, as well as members of the public who live in the Madera Ranchos near the quarry’s location, have long contended the quarry - a 671-acre site permitted to mine aggregate for 100 years - will decimate the area’s water supply, potentially cause chaos on the highways from additional trucks, and adversely impact air quality; all points reiterated in the suit.

“By certifying an EIR that is not supported by substantial evidence, and by approving the project, even though it was not adequately analyzed ... the county has placed (MOC) and its members at risk for their health and to their property,” the lawsuit reads. “In addition this matter raises issues of public rights and the enforcement of public duties. The public interest will suffer if the county does not properly perform its duties.”

Supporters of the quarry instead argue Vulcan Materials Company, the nation’s largest aggregate supplier based in Birmingham, Alabama, has made numerous changes to help alleviate the public’s concerns while providing jobs - some 15 to 40 throughout its lifespan - and additional funds to the county. Some of the changes include funding additional lanes on the highways, eliminating a proposed plant and recycling facility to lower greenhouse gas emissions, and ensuring no net loss in groundwater through well studies and other work.

Any aggregate from the Austin Quarry, or the nearby Madera Quarry on Road 208, another opponent of the project, will likely be used for thousands of incoming homes in the area surrounding Highway 41 and Avenue 12.

Madera County Counsel Regina Garza said outside attorneys are handling the case, and a response wasn’t available early Friday.

Patrick Mitchell of Mitchell Chadwick in Roseville, who has represented Vulcan Materials Company at previous hearings, was not immediately available for comment.

MOC’s attorneys included David Hale of Koczanowicz & Hale in Clovis, David Doyle of Doyle & Fortune in Fresno, and Lee Smith and Craig Tristao of Perkins, Mann & Everett also in Fresno.

The lawsuit was largely expected by officials from the county, Vulcan, and MOC after the quarry was approved.

This story will be updated. To read the full lawsuit, click on “MOC-vs-Madera-County-Vulcan” at the bottom of the page under related content.

A 100-year site

If the lawsuit fails, the Austin Quarry will operate as approved for a maximum 100 years, mining up to 2.5 million tons of aggregate annually. The county will receive a fee of 10 cents per ton for the first five years of operations, with increasing fee amounts every five years.

If the estimated 250 million tons of materials are exhausted before 100 years, the quarry operations will cease at that time, with reclamation work funded by Vulcan to restore the site for water and wildlife, completed within three years per federal law.

A 10-foot berm will be put in along Highway 145 to obstruct views of the 83-acre aggregate processing plant to the southwest corner of the 671-acre site. From Highway 41, rock outcroppings will obstruct the public’s view from the mining area. Vulcan also owns 2,000 acres to the west of the quarry for sound and sight buffers.

Vulcan staff estimate the Austin Quarry can begin operations in early 2018, barring any delays from legal proceedings.

Details: Vulcan Materials Company, (559) 474-3384, www.austinquarry.com. Madera Oversight Coalition, (559) 868-4400, www.noaustinquarry.org.