

Opponents offer 3-phase plan to halt cement plant operations



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With a renewed five-year permit for Lehigh (formerly Kaiser) cement plant being considered, opponents of the pollutive facility in the Cupertino foothills are mounting a three-phase plan to halt operations.

The plant, south of Rancho San Antonio Open Space Preserve, has been operating since 1939, when Henry J. Kaiser opened it. The plant and quarry face increasing environmental challenges in the wake of tightening regulations and objections from surrounding residents, including those in Los Altos and Los Altos Hills.

Officials from Lehigh, a German-based company, have maintained compliance with regulations and emphasize, as previous owners have, that the 2,500-acre quarry means inexpensive cement for the Bay Area. In addition to the plant operating permit, Lehigh is working on a reclamation plan that would expand quarry mining of limestone.

Los Altos Hills resident Bill Almon is convinced local politicians and officials with the regulating Bay Area Air Quality Management District are not conducting enough oversight on Lehigh operations. Earlier this year, he formed the group, QuarryNo (QuarryNo.com), to get residents organized and active in their opposition.

Almon said Phase 1 of his plan involves his attending today's meeting of the air district's board of directors, along with newly elected Cupertino City Councilman Barry Chang, speaking under the public comment portion of the meeting.

"The public health and safety is the key here," Chang said.

Almon contends the cement plant and quarry are releasing mercury emissions and other hazardous materials at a level that imposes health risks on residents.

"I'm still waiting on a commitment from councilpersons in Los Altos and Los Altos Hills to join us," he said last week. "We will also have a support letter from Saratoga to read. Prior to the meeting, the Sierra Club, through its Earthjustice arm, will have called all 22 board members endorsing our message."

Phase 2 would include a formal request for a place on the agenda at the next board of directors' meeting, Dec. 2.

"That may or may not be accepted," Almon said. "In any event, we will attend the Dec. 2 board meeting and have a press conference based on being on the agenda or having been denied representation as neither Cupertino, Los Altos nor Los Altos Hills have board seats. Earthjustice will assist and participate in the press conference."

Brian Bateman, the air district's director of engineering overseeing the Lehigh permit process, said the board would not likely hold a public hearing on the Title V permit, which essentially rolls a multitude of conditions into one permit.

"The board doesn't get involved in that (approval)," Bateman said. "They don't have the authority. That authority lies with the air pollution control officer, our chief executive officer."

“We know the staff is preparing the final permit. We do not know when they might sneak it out, and that is why we are physically staying close,” Almon said. “We doubt they will ever respond to the hundreds of pages of formal comment we have submitted, as they believe it was only to allow for public venting.”

If phases 1 and 2 of Almon’s plan fail to elicit attention from the air district, he said he would proceed to Phase 3 – litigation.

To that end, he would work with Earthjustice to petition the U.S. Environmental Protection Agency on the basis that “the permit lacks sufficient periodic monitoring to assure compliance.”