

Neighbors and groups challenge quarry plans



Bruce Barton, Los Altos Town Crier, 10-8-09

As personnel at the Lehigh Southwest Cement Company continue operations on two fronts – renewing the permit to operate the cement plant and establishing a reclamation plan to expand mining in the Cupertino quarry – nearby residents and environmentalists are mounting opposition.

Residents against quarry and cement plant operations expressed their reservations to members of the Bay Area Air Quality Management District during a Sept. 17 meeting in Cupertino when district officials invited comments on renewing the permit to operate the plant. Lehigh mines limestone and manufactures cement at the site.

Santa Clara County officials held a public hearing in June on Lehigh's quarry reclamation plan. The 25-year plan, now undergoing a geologic study, includes provisions for some land repair but also includes quarry expansion and the excavation of a second hole.

Approximately 30-35 speakers stated their cases, citing a range of pollution issues and health concerns that have dogged the quarry for decades.

Los Altos Hills resident Bill Almon, who founded quarryno.com after finding residue on his cars, said his group had photographic proof of quarry residue. He said the cement plant permit is based on an old statute that prohibits emission of particles on adjacent properties.

In addition to the neighboring residents, environmental groups and the federal government are monitoring Lehigh operations. EarthJustice, the litigation arm of the Sierra Club, prompted the U.S. Environmental Protection Agency to adopt stricter regulations regarding mercury emissions. Almon said the quarry, which recorded nearly 250 pounds of mercury emissions in 2006, would have to conform to new EPA standards next year that limit emissions to 40 pounds annually.

The new mercury standard will challenge Lehigh. Tim Mattes, Lehigh's director of environmental affairs for North America, said the majority of mercury emissions come from limestone mining, not cement manufacturing, which makes them more difficult to control. He said Lehigh officials are working on solutions to conform by next year.

Concurrently, EPA officials are investigating a possible connection between quarry emissions and the autism rate of students at nearby Stevens Creek Elementary School. Dr. Raymond Palmer of the University of Texas published a study last year linking autism cases to mercury emissions.

"Everyone keeps looking for the knockout blow," Almon said. "Officials are slow and deliberate. ... I don't see how a quarry and cement plant can continue to operate next to a residential area. The issue for us is that if we remain silent, then (that's seen as) no problem. We can't continue to do that."

Ryan Bateman, director of engineering for the air quality district, said the district is reviewing comments made at the Sept. 17 meeting and written comments received by Oct. 1. Despite the feedback, the chances of a permit renewal being rejected are slim, Bateman indicated.

"The scope of authority for an air district in not renewing a permit is very limited," he said. "That has not ever happened, based on my experience."

In addition, Bateman said there is no time limit on when the renewal permit can be issued, and that the existing permit remains in effect until the new permit is issued, up to five years.

The required permit is under Title V of the 1990 Clean Air Act Amendments and under the air district's own regulations for major facilities. The Title V permit is a compilation of all local, state and federal air-quality requirements, including emissions limits and standards, monitoring, record keeping and reporting.

Mattes said the air district conducted "health-risk assessment" tests twice in 2008, with the second test involving more stringent standards. Lehigh fell "below the action level" on each test, he said, indicating that tests showed no health risks.

Lehigh officials maintain they've complied with all environmental regulations and that cement mining and production is among the most heavily regulated industries in the world. They add that their Cupertino presence means relatively inexpensive cement for Santa Clara County and the Bay Area at large. Importing cement from other areas would not only be far more expensive, but would have a negative impact on the environment, officials said.

The quarry and cement plant have been operating since 1939, when Henry J. Kaiser opened operations. A British firm, Hanson Permanente Cement, took over in 1987, followed by Lehigh, run by a German company, Lehigh Heidelberg Cement Group, in 2007.