

# Questions Asked and for the Most Part Answered at 11/16/16 Lehigh Public Informational Meeting

(To watch the tape and hear the answers provided, go to:

<https://www.youtube.com/watch?v=snn59znKUzY>)

## Bay Area Air Quality Management District

1. The “new” stack has been operational for well over a year now. How would you describe the impact that has had on emissions? Is it what you expected? (:24)
2. Is air quality better than it was last year? (:28)
3. Since we last met, have there been changes to the regulatory structure that affect Lehigh and are there additional changes on the horizon that the public should be aware of? (:29)
4. Particulate matter continues to be an ongoing issue. In April 2016 the BAAQMD stated that a new general rule for particulate matter was to be developed this year. What is the status? How are the ridgetop stockpile and storage areas being managed to reduce fugitive dust? (1:30)
5. When will the dispersion models rely primarily on the air currents at the stack instead of at distant airports? (1:33)
6. Benzene is in the ore that Lehigh mines. It is also a carcinogen. When will Lehigh be required to measure and report benzene emissions? (1:33)
7. How many pounds of mercury are discharged from the Lehigh facility each year? (1:33)
8. Besides the 30 day rolling average max, why is there no daily max on emissions? (1:34)
9. Is HCL acid being monitored at the single stack? HCL acid vapor etches car windows etc. Has HCL acid vapor been reduced? (1:36)
10. Is there information available on the Lehigh impact to air quality on a city by city basis? How we do access that data? (1:37)
11. How can the plant be forced to use natural gas instead of waste oil? (1:39)
12. What fraction of particulates from Lehigh stacks lands on nearby neighbors’ cars? Is it more now than in the past? (1:40)

13. Do people have reason to be concerned about human health as a result of the emissions from the plant? (1:43)

**EPA:**

14. What is the USEPA's role in local environmental program enforcement? And what are your Agency priorities? (:32)

15. The EPA has been investigating a major violation at this facility back in the 1990's concerning modifications made to the plant without regulatory approval. Where is that investigation and when will this community see a judgement? (1:28)

**CA Fish and Wildlife:**

16. Recently, progress has been made recently regarding creek restoration efforts on Permanente Creek. What should the public know about where that stands? (:37)

17. There are concerns about impacts to wildlife (especially endangered species) due to pollution, like the high selenium levels still being measured in water that comes off the East Material Storage Area. What should we know about the work you and your federal counterparts are doing in this regard? (:38)

**SF Regional Water Quality Board:**

18. What is the status of Water Board enforcement efforts at Lehigh? Is there anything new since the last time we got together? (:44)

19. What is the status of the Water Board's regulatory efforts for selenium at Lehigh? How does it tie into some of the work the County has been involved in regarding run-off from the East Material Storage Area. (:47)

20. To the Regional Water District: Your routine testing of Permanente Creek showed elevated levels of selenium in the creek downstream of Lehigh. But it took a lawsuit by the Sierra Club at the urging of local residents to get major improvement in this creek. Why couldn't the District accomplish this, why did it take a lawsuit? (1:27)

21. The water flow in Permanente Creek varies greatly from week to week. How much control is the cement plant allowed to have on creek water? Where does all the water that the cement plant uses go? (1:49)
22. Water pollution continues to be an ongoing issue. The East Material Storage Area (EMSA) is a newly created source area of pollution. What is being done to control pollution from the EMSA? (1:50)

**Santa Clara Valley Water District:**

23. People are concerned about the possibility of contaminants like selenium getting into the groundwater and then getting into drinking water. What should members of the public with this set of concerns know? (:48)
24. Overlapping jurisdictions between the Water District and the Regional Board can be confusing. Is there an easy way for the public to understand who to go to with which concerns? (:50)
25. Why do you say that the Steven Creek Reservoir is within your pollution limits? Note: This water is outwater and goes down into the recharge pond and then into the aquifer and eventually is pulled up by the California Water Company and the San Jose Water Company. Lehigh also pollutes the Stevens Creek Quarry and Stevens Creek Reservoir (1:53)

**County Planning:**

26. The County is the lead agency when it comes to implementing the Surface Mining and Reclamation Act, what progress have we made over the past year in implementing the 2012 Reclamation Plan? (:52)
27. Folks in the community are anxious that the limestone in the existing quarry footprint will run out soon and the operators may want to continue operating. Can you explain what the County's process will be in the event Lehigh requests a "new pit"? (:56)
28. What impact will Lehigh Hansen's bankruptcy have on operations or mitigations to water, air and land reclamation? (1:17)

29. Can you encourage the Planning Department to assist the Sierra Club in implementing the Lehigh Sierra Club consent decree? (1:19)
30. Why has Santa Clara County not issued any financial penalties for violations of SMARA? (1:22)
31. Why not work to convert Lehigh land to housing? Isn't it too valuable for its current use? (1:23)
32. Sometimes there are bulldozers on the ridge top of the Lehigh quarry when hiking the PG& E trail at Rancho San Antonio Open Space Preserve. Is this expected? (1:25)
33. Does the County take the position that Lehigh's permit application must not or should not be submitted until the Endangered Species Act consultation process, or some other process, has been completed? (1:25)
34. Last year, someone asked about public reports from the bi-annual coordination meeting you host—are these reports being issued? (1:56)

**County Counsel:**

35. There have been a number of lawsuits filed over the past few years that are wending their way through the system. Can you give us a brief update on where they are? (:59)

**County Environmental Health:**

36. What has Environmental Health done over the past year regarding noise? How will Environmental Health stay on top of this issue as we move forward into 2017? (1:04)
37. You oversee the County's Hazardous Materials Program in the Department of Environmental Health. Can you explain to us in a little more depth than you did in the intro what this means with respect to Lehigh. When are you going to the site? What are you looking for when you visit? What happens if you can't find what you're looking for? (1:12)
38. Noise coming from the plant has escalated in the last year. We can hear it even through closed windows. What can be done to improve this situation? Sometimes it grinds on all night long. (1:08)

39. We don't wish for the plant to close, but would like them to be good neighbors and work with the community on issues of noise and air pollution (1:08)
40. The noise emitting from the quarry is loud enough to be heard in our home throughout the night, all hours. Wakes us up and keeps us awake. Is there anything being done about reducing hours between 11pm and 6am? (1:08)
41. When Lehigh violated noise levels, do they get fined? If not, what steps need to take place to impose fines, for example \$10,000 per violation? (1:08)
42. How will you continue to reduce/enforce noise mitigation from Lehigh? (1:09)
43. What's actually going to be done, and when, to make it quieter? (1:09)
44. Why isn't it a consequence of excessive noise and noise violations that operations cease during the hours when residents have a legal right to "quiet enjoyment"? ie 10pm-6am (1:44)
45. How often have you identified noise violations? Have the two readings that found violations taken place in the evening? Were there penalties? (1:45)
46. How bad/frequent do noise violations have to be before there are penalties? (1:46)
47. Who makes the judgement about whether or not to impose a fine for noise violations? If there are penalties, how is the size of the penalty determined? (1:47)
48. Is the County's noise ordinance more or less stringent than local ordinance in surrounding cities? (1:48)