

## **Questions Asked & Answered at 2/28/19 Lehigh Public Informational Meeting**

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

<https://www.youtube.com/watch?v=KCUFFuLIHtc&feature=youtu.be>)

### **Bay Area Air Quality Management District:**

1. (24:40) It's my understanding that Lehigh is in the process of renewing what's called their 'Title V' permit with the Bay Area Quality Management District, sometimes called BAAQMD. Can you provide all of us with an update on the renewal process and explain what a Title V permit regulates?
2. (27:00) What does a Title V permit protect us against? If someone gets a Title V permit, we should be confident that what?
3. (28:17) Could you explain to us how District staff investigate a complaint? So if you get a complaint, or receive a complaint from the public, and I know you do, could you tell us what you do with that? How do you handle that? And also, could you give us some sense of just how frequently you are routinely investigating the facility for compliance with your regulations at the air quality district?
4. (33:10) Are there fines or penalties that are significant enough to make someone want to improve their behavior? And if so, would you tell us what they are, give us a rough idea?
5. (31:40) You mentioned the possibility of a "Notice of Violation" being issued. The question I get a lot from my constituents is: okay, so a notice of violation is issued, so what? What happens then? What are the consequences, if any, of having a notice of violation issued?

### **SF Regional Water Quality Control Board:**

6. (35:10) What is the current status of compliance with the Water Board's water quality permits? The permits are issued, they have various compliance obligations, so what's the current status of the compliance with the Water Board and water quality permits and could you share with the folks here how you ensure that there is ongoing compliance once the permits have been issued?
7. (37:18) What is your definition of "substantial" [penalties]?
8. (37:40) Are there currently any human health risks related to water quality associated with the site?

## **Questions Asked & Answered at 2/28/19 Lehigh Public Meeting, Cont.**

### **Santa Clara Valley Water District:**

9. (38:45) The folks in my district are often concerned about the possibility of contaminants like selenium getting into the ground water and then getting into the drinking water. If that's a concern people have, what would the Water District like them to know?
- 10.(39:38) I think that sometimes the overlapping jurisdiction between the Water District and the Regional Water Quality Control Board can be confusing for folks. Is there an easy way for the public to understand who to go to with which concerns?

### **County Planning:**

- 11.(40:37) The increased truck traffic recently on city streets has led to a significant uptick in the number of complaints received not only at the County but also with the city. Could you tell folks here your understanding of what led to that and how the County has responded, and perhaps equally important, what the next steps are going to be?
- 12.(44:50) Other than the truck issue, are there other things the County has been involved in recently at Lehigh that make sense to share with the community tonight?
- 13.(46:44) And we've had a number of questions off and on over the last year as to whether or not Lehigh has plans to proceed with a "new pit" on the site. What, if anything, can you tell us about that?

### **County Counsel:**

- 14.(49:09) Could you review briefly the disposition of the lawsuits around the 2011 and 2012 actions on vested rights and the Rec[lamation] plan? It might be helpful to briefly explain what these things are, why they matter, and what the argument was about, and then how did things turn out at the quarry.
- 15.(52:41) Could you explain to our constituents here the basis for the August Notice of Violation at Lehigh and the February Notice of Violation at Stevens Creek Quarry, and perhaps share with everybody as well some explanation of what happens if the directives and the Notice of Violation aren't complied with?

## **Questions Asked & Answered at 2/28/19 Lehigh Public Meeting, Cont.**

### **City of Cupertino:**

- 16.(55:21) Last year, Lehigh and the Stevens Creek Quarry began moving the materials between their two facilities on city streets, and as has been mentioned now a couple of times, we know that resulted in impacts to Cupertino residents that you heard about. Can you give us an overview of those impacts and how the City of Cupertino exercised its jurisdiction over city streets?
- 17.(59:10) Prior to the issue of the trucks using the city street, as we heard earlier there were improvements made to an internal PG & E access road on the site that connects the two facilities. As County staff shared, the County should have noticed a violation associated with the improvements on the Lehigh property, but I believe that there are portions of that road that are within the jurisdiction of the City of Cupertino, could you clarify that for us because I've had folks asking, wait a minute, is it in the County jurisdiction, the city jurisdiction, or how would you answer that?

### **County Environmental Health:**

- 18.(1:01:53) As I recall, last year when we met Lehigh had just changed out the fans in the cement plant exhaust system in the hopes that that would reduce noise impacts, and that was an issue that we've had some back-and-forth on over a period of time. Could you let us know what your ongoing monitoring program is telling us about how well that is working?
- 19.(1:03:17) How often do you inspect the Lehigh facility, and when you go, what are you looking for? What are you there to inspect, and are there any results you could share with us from your most recent inspections?

### **CA Fish and Wildlife:**

- 20.(1:07:27) My understanding is that the wildlife agencies have been weighing in on the recent creek restoration plans for Permanente Creek. Could you share with us what you think the public might like to know about where that effort stands and any concerns the state might have at this point with the restoration effort or other issues?

## Questions Asked & Answered at 2/28/19 Lehigh Public Meeting, Cont.

### Public Questions – Water

- 21.(1:10:46) There are two water treatment facilities on Lehigh property. What percentage of pit water is treated at the upper elevation facility?
- 22.(1:11:12) How will water quality of Stevens Creek Reservoir and Stevens Creek be tested and for how long? How will we know if there's been an increase in mercury in Stevens Creek Reservoir as a result of some of the material transferred to Stevens Quarry?
- 23.(1:12:30) Lehigh is shipping materials to Stevens Creek Quarry. Are there water standards to monitor water quality since there is not a water control plant at Stevens Creek Quarry?
- 24.(1:13:35) Why are you waiting until May 2019 to require Stevens Creek Quarry to provide you with water tests of their dammed ponds?
- 25.(1:14:34) Are water quality samples evaluated even when people do not complain, and are the results available? Do you do trending analysis?
- 26.(1:16:16) Can you please create a webpage and email list for Stevens Creek Quarry as you have for Lehigh?
- 27.(1:16:55) There was selenium in Permanente Creek- is it still there?

### Public Questions – Air

- 28.(1:19:03) What is being done or can be done to reduce the impact of diesel particulate matter on Cupertino residents?
- 29.(1:21:28) Will the relaxation of EPA standards for coal fired power plant emissions result in increased emissions at Lehigh?
- 30.(1:22:13) You mentioned 80 violations/complaints. How many were determined to result in a notice of violation?
- 31.(1:23:07) How does one provide comments for the Title V permit with BAAQMD?
- 32.(1:23:30) Why is Lehigh allowed to operate their kiln on Spare the Air days?
- 33.(1:25:26) Every Sunday, a large cloud of black smoke rises from the Lehigh facility. My guess is that the effluent from Lehigh is measured as an average; the Sunday black smoke looks much more concentrated. Should I avoid outdoors activity on Sundays when contaminants appear to be far above average?
- 34.(1:26:25) Just concerned because in the early A.M. when I go outside the air smells like another planet?

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- 35.(1:26:53) When there is a complaint to the Bay Area Air Quality District, can the inspector go onto the property or can they be held at the guard station for an extended time?
- 36.(1:27:24) How is the Bay Area Air Quality Management District's Lehigh inspector paid for? Is it the taxpayers or Lehigh?

### Public Questions – County

- 37.(1:28:42) For planning, are there minutes from your twice yearly meetings with regulatory agencies and can they be made public?
- 38.(1:29:34) Expedite the permits to build the roads between the two quarries.
- 39.(1:30:27) We had an application at the County for a different road over the Lehigh property; what's the status of that?
- 40.(1:31:51) My understanding is that Lehigh actually withdrew its application for that third route. Ms. Pianca or Mr. Rossi, where are we in this process?
- 41.(1:32:57) Does that mean at this point there is no application pending for that third route?
- 42.(1:33:32) Please let the pavement road between Lehigh and Stevens Creek Quarry be open for their use.
- 43.(1:33:33) Some of the issues stem from interaction between Lehigh and Stevens Creek quarry. Stevens Creek Quarry has been operating without a use permit for 2 years. Can you tell us what the Board of Supervisors is planning with regard to this use permit and when you plan to take action?
- 44.(1:38:20) Why has the County not issued a completion note to Lehigh so Lehigh can commence restoring the Creek per the consent decree between Lehigh and the Sierra Club?
- 45.(1:39:52) Loved the prohibition of trucks on Stevens Creek/Foothill. One, can it be extended for 20 years? Two, if not, how about banning trucks from 7p.m. to 7a.m. and Saturday and Sunday? The trucks are the problem, and we don't understand why government can't seriously limit them.
- 46.(1:44:08) If Lehigh is sold or closed for environmental reasons, can the land be environmentally approved for residential development? Have any permits been applied for or issued to develop this land and the surrounding area for housing? Will the public be advised by the City of Cupertino if so?
- 47.(1:46:38) Could the County Board [of Supervisors] vote a new and different Vested Rights law or rule?

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- 48.(1:46:56) If politicians wanted, which body could ban the trucks on Stevens Creek/Foothill?
- 49.(1:48:08) Is there any prospect for the Board of Supervisors revisiting its 2011 Vested Rights decision?
- 50.(1:48:20) Why has Lehigh Cement not shifted to clean energy like other companies in California?
- 51.(1:48:51) Can you find a way to prevent the use of petroleum coke as fuel?
- 52.(1:50:01) It is hard for me to understand that with all the counsel Lehigh has, no one grasped that they may have been doing something inappropriate to allow the internal road use to proceed between operations. Compliance is so important, why was this overlooked by the Lehigh legal counsel?
- 53.(1:50:38) How does one confirm or verify that we will be notified for Title V public input?
- 54.(1:51:23) Though it still comes over the hill from Lehigh to our area, Monta Vista, the noise is definitely reduced but not completely eliminated. Using equipment to measure the noise levels is one thing; what neighbors experience is another. We do not really care what the noise meter is; we just do not want any noise from Lehigh.
- 55.(1:52:51) What is the approximate value of the Lehigh plant? Which government agency can perform an assessment?