Rhoda Fry, fryhouse @ Earthlink . net, May 15, 2019
Comments Title V Air Permit

Dear BAAQMD,

In spite of the Title V Air Permit exceeding the length of the United States Constitution, we believe that it is insufficient and recommend a re-write.

1. The permit appears to be quite convoluted, how could an inspector possibly be able to follow it?

2. Regarding truck traffic in/out of Lehigh Hanson: An objective of the Title V Permit is to reduce PM pollution from trucks. Yet only a few types of freight are mentioned, leaving a gaping hole in the permit. A truck carrying a ton of cement would pollute about the same as truck carrying a ton of chickens. Perhaps having a total cap on the number of trucks exceeding 28,000 lbs. gvwr would suffice.

3. Earlier versions of the permit allowed 70,000 cement loads per year and 1.6M pounds of cement. It seems that 16,000 cement trucks can hold 1.6M pound of cement. So where does the 70,000 cement trucks come from? How many trucks have there been historically? Please explain.
   Here are some figures:
   The double cement trucks hold about 2000 cu ft of material.
   Amount: 1 cubic foot (cu ft - ft3) of volume = 94.00 pounds (lb) in mass.
   Each cubic foot of cement is about 100 lbs of cement.
   Each double cement truck holds 200000 lbs of cement or 100 tons of cement.
   1600000 / 100 = makes 16,000 trucks per year
   Now, going back to these 70,000 trucks per year, assuming no work on weekends or 10 holidays (251 work days per year), we're looking at an average of 280 trucks per day or 35 trucks per hour, 8 hours a day. This seems unrealistic.

4. Now let's take a look at the types of trucks listed in the document:
   "Cement loads < 70,000 trucks/ rolling 12 month period"
   "410 Ammonia NH3 delivery trucks" (note, this is an increase of 310 ammonia trucks)
   "70,000 total cement and hydrated lime, Soda ash/ Sodium Bicarbonate trucks per year"
   "70,000 total cement and hydrated lime and powdered activated carbon trucks per year"

5. There are some materials that are imported by rail. The diesel emissions from rail transportation must be included.

6. Other truckloads of imported materials come to mind that are not listed in the air permit, petcoke, spent carbon, explosives, bauxite (by rail?), gypsum, and iron ore. And what about the storage of these materials?

7. While the materials to reduce air pollution are accounted for in truck trips, those that reduce water pollution are not. The water treatment process uses sodium hypochlorite (bleach); citric acid; anti-scalant; bio-reactor with a biological nutrient, that creates sulfides; and hydrogen peroxide. Waste of solid backwash, including metals and settled biological matter, is disposed offsite. With incremental increases in pollution controls, there have been incremental increases in imported and exported hazardous materials. Please make sure these are accounted for as to how they are transported and stored.

8. Another missing item is the potential for imported / exported rock and fill. Earlier this year, Lehigh Hanson exported mined materials in large quantities which created a dust bowl on Cupertino streets as the trucks circulated between Lehigh Hanson and Stevens Creek Quarry. The PM generated by this activity must be prohibited (I called it in, but when the inspector checked, there were no trucks). Additionally, while the Lehigh Reclamation Plan had anticipated moving 48 million tons of overburden from the WMSA to the pit, the Water Boards have noted that the WMSA contains materials from industrial uses and should only be moved if Lehigh can demonstrate no degradation in water quality. Consequently, Lehigh no longer plans to move this material and intends to import materials instead. If 48 million tons of overburden is required, that translates to about 3 million truck loads, as long as each truck carries the state maximum of 17 tons. This is not feasible. What is BAAQMD's position on moving piles with industrial waste?

9. Lehigh Hanson is presently planning an application for a new mine. The existing mine equipment must be accounted for along with concurrent activities at the current mine. Now it is more important that mining activities be accounted for in the permit from removing trees to blasting. We have made numerous requests about blasting over the years it is becoming even more important now. BAAQMD had incorrectly assumed previously in the statement of basis that there would be no dust from blasting because dust would stay in the pit. Photographic evidence shows otherwise. More importantly, a new pit would start at the surface.

10. There are numerous polluted ponds onsite; how is BAAQMD accounting for the evaporation of chemicals and their impact on air?

11. With the advent of a proposed new mine, will BAAQMD be able to weigh in ahead of time, rather than make an attempt to regulate after.

12. We have seen numerous pollution events due to malfunctions at the plant that have caused pollution events. Enforcement doesn't appear to be happening in these instances. Yet the public is being polluted by these fairly regular mishaps. The regulation should be stronger so that the cement plan will make their cement plant more reliable.

13. Please also find attached a paper I wrote about air pollution from Lehigh Hanson. Why is it that we don't have any current data? Why is it that Lehigh Hanson has been regularly exceeding Chronic Trigger Levels for 17 toxic air pollutants? We see the pollutants going toward the ground (shown in the paper) – is BAAQMD doing modeling using actual dispersion models? Why is BAAQMD allowing the below to happen (April 25, 2019)?

Lehigh Hanson Cement Plant Air Pollution and its Cost to Human Health:
Particulate Matter 2.5 Costs Santa Clara County $3 Billion in Health Impacts

At the "State of the County" address on February 26, 2019, Board of Supervisors President Joe Simitian focused on health issues. He expressed concern about the high cost of health care and highlighted the contributions that the County has made in providing healthcare to its residents. Supervisor Simitian opened and closed his speech with a quotation from his grandfather, "Take care of your health. It's the most important thing." County residents have little direct control over the health impacts of air pollution. However, the County can choose to make a difference.

In 2011, the Bay Area Air Quality Management District (BAAQMD) did a study of $PM_{2.5}$, particulate matter emitted by diesel trucks and the burning petroleum coke (petcoke), among other sources. For Santa Clara County, BAAQMD estimated that the monetary valuation in health impacts of reducing current $PM_{2.5}$ concentrations to a clean background level was nearly $3 billion.[1] An investment in reducing $PM_{2.5}$ would also result in the reduction of other harmful air pollutants and an improvement in quality of life. This document summarizes the air pollution by the Lehigh Hanson Cement Plant and its Permanente Quarry, the threats to the health of Santa Clara County residents from this pollution and demands improved air quality regulation of this major California air polluter.

California and U.S. Cement Plants Reported to be Largest Polluters Worldwide

A February 2019 report by the Sierra Club, "California's Cement Industry, Failing the Climate Challenge," claims that:

- California and U.S. cement plants are the largest polluters worldwide.
- California is the second-largest cement-producing State in the U.S. after Texas.
- The largest consumers of coal and petcoke in California are cement plants
- California cement plants generate higher emissions per ton of cement than similar plants in China, India, and other major cement-producing regions.[2]

In 2018, to reduce greenhouse gases, India banned the use of petcoke for fuel in and around its capital city, New Delhi. This plan spread to the rest of the country until a powerful cement lobby in India restored the use of petcoke for cement plants. A rise in stock prices of India's cement companies followed.[3] Similarly, the California cement industry, with Lehigh's parent company HeidelbergCement Group of Germany owning 3 of the 8 cement plants in California, has continually endeavored to erode the State's cap-and-trade program, the extent to which there has been no cap on greenhouse gas emissions from cement plants. The California Air Resources Board (CARB) provides the lobbyist letters on its website.[4] Perhaps this is why California's cement industry is not yet a part of the transition to a low-carbon cement and concrete sector. HeidelbergCement Group, "one of the world's largest integrated manufacturers of building materials with leading market positions in aggregates, cement and ready-mixed concrete,"[5] boasts in its annual reports that "California has had a cap-and-trade programme for emission rights since November 2012...Our subsidiary Lehigh Hanson did not take part because the State of California allocated sufficient emission rights free of charge to the cement industry. We do not expect this to change in the short term." [6] While Lehigh Hanson claims their local product reduces the carbon footprint, they're actually ignoring global warming in favor of stockholder returns.

[1] BAAQMD. "Health Impact Analysis of Fine Particulate Matter in the San Francisco Bay Area."September 2011, p 7, www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Research%20and%20Modeling/Cost%20analysis%20of%20fine%20particulate%20matter%20in%20the%20Bay%20Area.ashx

[2] Hasanbeigi, Ali and Cecilia Springer, "California's Cement Industry, Failing the Climate Challenge," February 2019, www.buyclean.org/media/2019/01/CA-Cement-benchmarking-report-Final-1.pdf

[3] Varadhan, Sudarshan, Abinaya Vijayaraghavan, "India allows conditional import of petcoke; cement shares rise," August 17, 2018. www.reuters.com/article/us-india-petcoke/india-allows-conditional-import-of-petcoke-cement-shares-rise-idUSKBN1L20X6

[4] State of California Environmental Protection Agency Air Resources Board, "Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms," www.arb.ca.gov/regact/2016/capandtrade16/ctfinsor.pdf

[5] HeidelbergCement Group website: www.heidelbergcement.com/en/pr-19-02-2019-board

[6] HeidelbergCement Group 2016 Annual Report, p 138: www.heidelbergcement.com/en/system/files_force/assets/document/heidelbergcement-annual-report-2016.pdf?download=1

Attorney General Comments about Lehigh Cement Plant Air Pollution and Others are Critical of County's Actions

The Office of Attorney General Jerry Brown requested in a November 2007 letter that the cement plant burn cleaner fuels and increase energy-efficiency to reduce its impact on global warming. The letter noted that the County failed to include greenhouse gas ("GHG") emissions and/or impacts on climate change in its Notice of Preparation of an EIR for the Permanente Quarry, which is used exclusively by the cement plant. The County had ignored the rule that public agencies must not approve projects unless they include feasible alternatives or mitigation measures that substantially reduce the significant environmental impacts of the project.[7] In February 2012, in spite of numerous meetings with the County and Lehigh, the Water Boards claimed in a 29-page letter that the County underestimated and under-identified environmental impacts in a Draft EIR for the Lehigh Permanente Quarry Reclamation Plan Amendment.[8] The subsequent EIR, which ignored the Water Board's concerns, was challenged by appeals from the Midpeninsula Regional Open Space District,[9] Quarry No,[10] BACE (Bay Area for a Clean Environment), [11] and a cursory appeal from Lehigh. The following provides highlights of these appeals which uncovered a myriad of deficiencies in the CEQA process:

- The Midpeninsula Regional Open Space District submitted a 106-page report, with air quality being one of its many concerns that affect visitors and employees. A striking example of the EIR's inadequacy pertained to soil contamination. The EIR had omitted critical data from an EPA Preliminary Assessment Report that had listed elevated levels of mercury, PCB's, cadmium, and selenium. The soil mercury levels ranged from 27-346 mg/kg while, by comparison, the median level measured 84 mg/kg at 37 sites at Almaden Quicksilver County Park. Cadmium measured 400 mg/kg whereas the Regional Screening Level for industrial soil is 0.74 mg/kg.
- Quarry No, represented by the late Bill Almon, revealed that the EIR listed incorrect toxicity levels. For example, the Mercury Acute REL trigger was listed as 1.9ug/cubic meter when it should have been 3 times lower at 0.6ug/cubic meter according to the Office of Environmental Health Hazard Assessment (OEHHA) standard. Similarly, the Nickel Acute REL trigger was listed as 6.0ug/cubic meter which is 30 times higher than the OEHHA standard of 0.2ug/cubic meter. Furthermore, the EIR had erroneously determined that Permanente Creek selenium pollution was unavoidable because of a grossly overstated cost of $63 million to clean the water, making water pollution remediation "infeasible." Nevertheless, the County Planning Commission and Board of Supervisors approved the EIR. Later citizen action led to water treatment through litigation by the Sierra Club, California Attorney General under Kamala Harris, EPA, and Department of Justice.
- In its 46-page submittal, BACE (Bay Area for a Clean Environment) claimed that the County had failed to adequately respond to comments on the DEIR, a CEQA violation, and included letters from Midpeninsula Regional Open Space District, West Valley Citizens Air Watch, Bill Almon from Quarry No, Los Altos Hills Vice-Mayor Gary Waldeck, Rhoda Fry, and Gary Latshaw Ph.D. Dr. Latshaw's letter described the economic benefits of requiring Lehigh to install better air pollution controls using BAAQMD's new and modified cement plant rule rather than applying the more lenient existing plant rule.

All appellants concluded that the economic benefit statements made by Lehigh Hanson were unsubstantiated and that the limestone quarry, which has its own unique challenges with unusually high levels of mercury and selenium, and the cement plant are inextricably connected. These letters, all from credible sources, demonstrate Santa Clara County's lax oversight of the CEQA process and chronic failures to address the health concerns of its constituents.

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[7] Connolly, Mark (for Attorney General Jerry Brown). "Hanson Quarry Reclamation Plan -- File Number: 2250-13-66-07P-07EIR." ag.ca.gov/globalwarming/pdf/comments_Hanson_Quarry.pdf

[8] Water Boards. "Comments on the Draft Environmental Impact Report for the Lehigh Permanente Quarry Reclamation Plan Amendment." February 21, 2012. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/Lehigh/10-15-13/5MiscDocuments/2-21-2012LettertoSantaClaraCountyPlanningOffice.pdf

[9] Shaffner, Sheryl (general counsel Midpeninsula Regional Open Space District). "Appeal of Permanente Quarry Reclamation Plan Amendment and of Environmental Impact Report Certification." June 22, 2012. www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_BOS_20120626_Appeal_MROSD.pdf

[10] Almon, Bill (Quarry No). " Appeal of the Decision of the Planning Commission to the Board of Supervisors Regarding the Permanente Quarry Reclamation Plan and Assoc. Envir. Impact Report." June 22, 2012. www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_BOS_20120626_Appeal_QuarryNo.pdf

[11] BACE (Bay Area for a Clean Environment). "Appeal to the Board of Supervisors the Decision by the Planning Commission Regarding the Permanente Quarry RPA and EIR." June 19, 2012. www.sccgov.org/sites/dpd/DocsForms/Documents/PCArchive/PC_20120626_Appeal_BACE.pdf

Greenhouse Gas Polluters: Lehigh Number One in Santa Clara County

The Lehigh cement plant is the number one stationary source of greenhouse gas emissions in Santa Clara County and ranks number 10 out of 200 sources in the Bay Area as of the most recent available BAAQMD report from 2015, "Bay Area Emissions Inventory Summary Report: Greenhouse Gases:"[12]

2014 Top Ten Greenhouse Gas Polluters in the Bay Area		
Company	**City**	**CO_2 Equivalent Emissions (Metric Tons per year)**
Shell Martinez	Martinez	4,466,533
Chevron Products	Richmond	4,373,627
Tesoro Refining	Martinez	3,030,360
Valero Refining Company	Benicia	2,186,096
Delta Energy Center	Pittsburg	1,507,351
Phillips 66 Company	Rodeo	1,445,947
Los Medanos Energy Center	Pittsburg	1,124,087
Air Liquide Large Industries US LP	Rodeo	1,102,879
Gateway Generating Station	Antioch	1,030,585
Lehigh	Cupertino	843,948

Greenhouse Gas (GHG) Criteria Air Pollutants: Lehigh Top Emitter in Santa Clara County

Lehigh ranks first or second in Santa Clara County for the six GHG Criteria Air Pollutants tracked by BAAQMD: Particulate Matter 10 (PM_{10}), Particulate Matter 2.5 ($PM_{2.5}$), Reactive Organic Gases (ROG), Nitrogen Oxides (NOx), Sulfur Dioxide (SO_2), and Carbon Monoxide (CO) according to the most recent BAAQMD report from 2014, "Bay Area Emissions Inventory Summary Report: Criteria Air Pollutants." Below are listed the two top emitters for each criteria air pollutant extracted from the document's table, which is dated 2011.[13]

Pollutant	**#1 Polluter**	**tons/year**	**#2 Polluter**	**tons/year**
PM_{10}	Owens Corning	0.26	Lehigh	0.11
$PM_{2.5}$	Owens Corning	0.26	Lehigh	0.08
ROG	Lehigh	0.21	Graphic Packaging	0.20
NOx	Lehigh	5.99	Cardinal Cogen Inc	0.32
SO_2	Lehigh	2.55	San Jose/Santa Clara Water Pollution Control	0.02
CO	Lehigh	3.57	Graphic Packaging	0.63

Lehigh Ranks #3 for Criteria Air Pollutant Sulfur Dioxide Emissions in California

Lehigh not only ranks number 1 in Santa Clara County for Sulfur Dioxide, a precursor to $PM_{2.5}$, but number 3 in the entire State of California, nearly tied with a Petroleum Refinery in Martinez according to a 2015 report by BAAQMD, "Demonstration of SO2 Precursor Contributions to PM2.5 in the San Francisco Bay Area."[14]

Largest SO2 sources in the CARB California Point Source Emission Inventory			
Type	**City**	**District**	**SO_2 Emissions (TPY)**
Carbon Plant	Rodeo	Bay Area	1519
Petroleum Refining	Martinez	Bay Area	1093
Cement	Cupertino	Bay Area	1058
Cement	Mojave	Kern County	978

[12]BAAQMD. "Bay Area Emissions Inventory Summary Report: Greenhouse Gases." January 2015, p 46, www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/BY2011_GHGSummary.ashx?la=en

[13] Bay Area Air Quality Management District. "Bay Area Emissions Inventory Summary Report: Criteria Air Pollutants," 2014, P 34. www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/BY2011_CAPSummary.ashx?la=en

[14] Bay Area Air Quality Management District. "Demonstration of SO2 Precursor Contributions to PM2.5 in the San Francisco Bay Area."p 33, www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2017/reg-02/public-hearing/so2precursor_demonstration_final_report-pdf.pdf?la=en

Toxic Air Pollutants: Lehigh Ranks as Number One for Exceeding Chronic Trigger Levels in Santa Clara County

The BAAQMD maintains a list of "Toxic Air Pollutants" that exceed Chronic Trigger Levels; the most recent year available is 2015.[15] Lehigh emitted 17 out of the 31 pollutants that exceeded Chronic Trigger Levels, more than any other facility within the County. Lehigh is the top polluter for 12 out of these 17 pollutants as highlighted in the table below. Note that the second highest polluter can differ by as much as an order of magnitude.

Toxic Air Pollutant Exceeding Chronic Trigger	lbs/year	Lehigh and Top 2 Polluters in Santa Clara County
1,3-butadiene	5.163E+01	#1 Lehigh out of 2
	1.011E+01	#2 International Disposal Corp of CA
Acetaldehyde	3.556E+03	#1 Lehigh out of 4
	1.406E+03	#2 California Paperboard Corporation
Arsenic (all)	4.590E-01	#1 Lehigh out of 10
	3.666E-02	#2 Oak Hill Memorial Park & Mortuary
Benzene	8.635E+02	#1 Lehigh out of 56
	2.905E+02	#2 International Disposal Corp of CA
Beryllium (all) pollutant	1.127E-01	#1 San Jose Delta Associates, Inc out of 2
	7.876E-02	#2 Lehigh
Cadmium	3.097E-01	#1 Lehigh out of 3
	5.625E-02	#2 HGST, a Western Digital Company
Chlorinated dioxins & furans (Calif TCDD equiv)	3.922E-05	#1 Lehigh out of 4
	1.711E-06	#2 Oak Hill Memorial Park & Mortuary
Chromium (hexavalent)	1.913E+00	#1 Owens Corning Insulating Systems out of 10
	1.909E+00	#2 Verizon Wireless - National Semiconductor
	8.570E-04	#10 Lehigh
Diesel Engine Exhaust Particulate Matter	2.883E+02	#1 Verizon Business – SHVGCA
	2.881E+02	#2 Centurylink Communications, LLC
	1.611E+01	#69 Lehigh out of 677 (trucks not counted)
Formaldehyde	7.683E+03	#1 City of Santa Clara out of 20
	4.080E+03	#2 Owens Corning Insulating Systems
	1.776E+03	#4 Lehigh
Hydrogen Chloride (HCl)	1.021E+04	#1 Lehigh and only
Manganese	1.788E+01	#1 Lehigh and only
Mercury (all) pollutant	4.816E+01	#1 Lehigh out of 5
	4.155E+01	#2 Oak Hill Memorial Park & Mortuary
Naphthalene	1.815E+03	#1 Lehigh and only
Nickel pollutant	5.687E+00	#1 Lehigh out of 4
	2.206E+00	#2 J & B Enterprises
PAHs (benzo[a]pyrene equiv)	1.583E-01	#1 Lehigh out of 2
	1.066E-01	#2 Metcalf Energy Center
Polychlorinated biphenyl (PCB)	1.737E+00	#1 Lehigh and only

[15] Bay Area Air Quality Management District. "Toxic Inventory 2015 Sorted by County by City by Plant Name Emissions above Regulation 2, Rule 5 (version 1/6/2010) Chronic Trigger Levels in Table 2-5-1/" excel file: http://www.baaqmd.gov/~/media/files/engineering/air-toxics-annual-report/2015/2015_toxic_annual_report-xlsx.xlsx?la=en

County Use Permit Guarantees of No Detriments to Health

The 1939 permit for the cement plant, which is still in effect, requires that the plant do no harm. Given the present understanding of air pollution and its effects upon human health, the Cupertino Lehigh Hanson cement plant is operating outside of its original permit. Excerpts of the permit follow.[16]

> The establishment, maintenance and conducting of the use for which this permit is sought will not be detrimental to health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use for the following reasons:
>
> Said proposed plant is to be most modern design and fully equipped with Cottrell Dust Precipitating equipment, of the latest design, which said equipment is warranted by the manufacturers thereof to remove a minimum of 95% of all dust resulting from operation of the plant, leaving less dust than is contained in ordinary air. The plant is likewise of wet process design, which, in itself, reduces the dust hazard to a minimum. In addition to the above, the proposed plant is to be situated in an isolated position on the property in a Canyon not in close proximity to any community or dwelling.
>
> The proposed use will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood of such use for the following reasons: (see description [above]...)

Lehigh has consistently emitted pollutants that are known to be harmful to human health. Health risks are also documented in the Addendum to Health Risk Assessment Evaluation of Toxic Air Contaminant Impacts AB2588 Air Toxics Hot Spots Program.[17] Additionally, in 2010, the EPA filed an air pollution violation which has yet to be resolved.[18] Consequently, the cement plant has been out of compliance with its County permit for many years.

BAAQMD is Lenient and Sells Lehigh Rights to Exceed Pollution Regulations

In 2012, response to public input, the BAAQMD instituted improved emission regulations. Unfortunately, these were quickly met with legal action from Lehigh Southwest Cement that challenged BAAQMD's implementation rule date. In 2013, without explicit board approval, staff and Lehigh came to an agreement that allowed Lehigh to pollute more in exchange for fees.[19] Additionally, BAAQMD allows Lehigh 70,000 Cement Trucks/Year, which effectively is no limit.[20] Public pressure forced the installation of a smoke stack in 2015 to reduce the concentration of pollutants to nearby residents. The assumption of greater dispersion of pollutants allowed Lehigh Hanson to produce more cement and to pollute more. Frequently, the pollution from the stack does not go straight up, rather it is pushed back down, so there is little dispersion. BAAQMD has been asked for an explanation and the County must hold BAAQMD to higher standards.



[16] Santa Clara County Use Permit for the Cement Plant. 1939 www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_UsePermit_Application.pdf

[17] BAAQMD. "Addendum to Health Risk Assessment Evaluation of Toxic Air Contaminant Impacts AB2588 Air Toxics Hot Spots Program ,"May 2013, www.baaqmd.gov/~/media/files/engineering/air-toxics-programs/lehigh-hra-2011/lehigh-hraaddendumjk-2.pdf
BAAQMD. "2014 Health Risk Addendum," October 2014. www.baaqmd.gov/~/media/files/engineering/air-toxics-programs/lehigh-nov-2014-hra-addendum/lehigh-hra-addendum_oct2014.pdf

[18] Palo Alto City Council Meeting Packet, September 23, 2013, pp 69 – 78. www.cityofpaloalto.org/civicax/filebank/documents/35933

[19] BAAQMD. "Lehigh Southwest Cement Company Update," August 26, 2015, www.baaqmd.gov/~/media/files/compliance-and-enforcement/fact-sheets/lehigh_fact_sheet.pdf

[20] Lehigh. Lehigh Major Facility Review, January 31, 2018. www.baaqmd.gov/~/media/files/engineering/title-v-permits/a0017/a0017_lehigh_southwest_cement_company__013118_a-pdf.pdf?la=en

Regulation at Lehigh Hanson Cupertino, Santa Clara County is Lacking

Some County residents have suggested that the cement plant shut down. After all, the plant was originally built in 1938 to provide cement for Shasta Dam, about 250 miles away. Now there is a cement plant in Shasta County, also owned by Lehigh Hanson, which was built in 1961. This plant earned an Energy Star Certification in 2017[21] and has a better safety record than the Cupertino plant. Lehigh Hanson Cupertino has won no awards from the Portland Cement Association for Safety or for Energy & Environment.[22] To the contrary, Lehigh Hanson Cupertino has distinguished itself by being on the Mining Safety and Health Administration (MSHA) impact inspection list for mines that merit increased attention and enforcement due to poor compliance history.[23] And when MSHA levies fines, Lehigh fights them.

With its worldwide experience, HeidelbergCement has the ability to run a cleaner operation at the Lehigh Hanson Cupertino Cement Plant and the County has the ability to enforce a cleaner operation but has chosen not to. In 2010, Lehigh submitted an application to use bio-fuels and quickly put the application on hold.[24] And in 2012, the County adopted Lehigh's "Conditions of Approval" #45 to vacate residents from the most affected home near the plant in lieu of installing pollution controls per "Conditions of Approval" #43 and #44.[25] Subsequently, this historically-important home, the 1881 Hammond-Snyder home, which is the oldest home in Cupertino, has fallen into disrepair.

Santa Clara County Must Demand Better Air Quality to Protect the Public Health Safety and Welfare

For years, Lehigh Hanson has claimed benefits to the community with having its cement factory in close proximity to its clients. But the true beneficiary is Lehigh Hanson's parent company, HeidelbergCement Group, Germany. Certainly, the company could afford to install modern pollution controls and contribute to pollution-related healthcare savings.

16 States in the U.S. do not have Cement Plants. The State of California has 8 cement plants. The State of Louisiana does not have a cement plant and neither does its neighbor Mississippi, [26] yet New Orleans was able to rebuild after Hurricane Katrina which destroyed much of the city in August 2005. Neither Alaska nor Hawaii has cement plants and Hawaii has even imported sand, a larger component of concrete than cement, due to environmental concerns.[27] The Bay Area does not need to have its own cement plant. Bay Area residents need clean air.

The Santa Clara County Board of Supervisors and its Planning Commission must uphold the mission of its Planning and Development Department, "The Mission of the Department of Planning and Development is ... to protect the public health safety and welfare of our constituents through the application and enforcement of the County of Santa Clara's Ordinance Code and land use policies."[28] To that end, burning petcoke and coal in a highly populated area must be questioned. The county must improve air quality, if not for the health benefits of its constituents and to reduce the impacts of global warming, then for the monetary savings in healthcare. Modifying one word of Supervisor Simitian's saying would be more appropriate, "Take care of *our* health. It's the most important thing."

Note: For a primer on the County's reluctance to curb pollution, please read: Letters from the Water Boards; Office of Jerry Brown, Attorney General, State of California; Midpeninsula Regional Open Space District; and Quarry No listed at footnotes 7 through 10. For a soft copy of this paper, please email the author.

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[21] Energy Star. "Celebrating 2017 plant certifications," www.energystar.gov/buildings/owners_and_managers/industrial_plants/energy_star_plant_certification/2017_certified_plants

[22] Portland Cement Association. "2018 Chairman's Safety Performance Awards," www.cement.org/awards/2018-chairman's-safety-performance-award-winners. Portland Cement Association. "2018 Energy & Environment Award Winners," www.cement.org/awards/2018-energy-and-environment-award-winners

[23] Mining Safety and Health Administration, use Permanente mine-id 0404075 to generate reports. www.msha.gov/data-reports/data-sources-calculators

[24] BAAQMD. "Fact Sheet," July 6, 2010, p 3. www.baaqmd.gov/~/media/Files/Compliance%20and%20Enforcement/Incident%20Reports/Lehigh%20Fact%20Sheet_Stat%20Source_063010-6.ashx

[25] Santa Clara County. "Final Conditions of Approval ... FILE NUMBER 2250-13-66-10P-10EIR (M1)," pdf p 9 , COA 43 – 45, sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_20120607_COA_Final.pdf

[26] Portland Cement Association. "Cement Industry Economic Impact By State," www.cement.org/economics-old/cement-industry-by-state

[27] Gomes, Andrew. "Hawaii Concrete Firms Forced to Import Sand," Honolulu Advertiser, www.deseretnews.com/article/695205225/Hawaii-concrete-firms-forced-to-import-sand.html

[28] Santa Clara County Department of Planning and Development web page: https://www.sccgov.org/sites/dpd/Pages/DPD.aspx