

Fact Sheet: Lehigh Permanente Quarry

Many people have contacted me about the Lehigh Permanente Quarry. Mining began on this site in the early 1900s, and is continued by Lehigh as a “legal non-conforming use”. Here are the three Quarry issues that are expected to come before the Board of Supervisors. At each of these three stages, a separate decision will be made on a different Quarry issue.

1. Vested Rights Hearing: This determination – expected in **February 2011** – will decide what types of mining activities on the Quarry-owned lands are “vested” (land that the Quarry has the right to mine without a Use Permit) and which of the Quarry-owned lands these vested rights extend to. The Board of Supervisors will make this decision after holding an evidentiary hearing, including a public hearing where all interested parties will have an opportunity to provide input.

State mining laws require that this narrow legal determination be based on which lands have been historically quarried or intended to be quarried. The Board will review evidence from aerial photos, permits, company records and other historical documents.

This decision will NOT relate to the Quarry’s proposed new pit and will NOT enforce or set air quality standards at the Cement Plant.

2. Amendment to Reclamation Plan: This decision - expected in **May 2011** – will be whether to amend Lehigh’s existing Reclamation Plan to include the East Materials Storage Area (EMSA) (89 acres near the Quarry entrance).

This is the “**Notice of Violation**” issue; the County issued Lehigh a notice of violation because the EMSA was not included in the Quarry’s approved reclamation plan. State law requires an Environmental Impact Report (EIR), which is being developed at this time. When the EIR is complete in **early 2011**, the public will be able to comment on the EIR.

The Planning Commission will make the decision on the Reclamation Plan Amendment after considering the EIR and holding a public hearing. Whatever the result at the Planning Commission, I expect

that the Amendment to the Reclamation Plan will be appealed to the Board of Supervisors, and have another full public process before the Board. Because this issue will almost certainly be appealed to the Board of Supervisors, it would not be appropriate for the Board to act on the Notice of Violation until then.

This decision will NOT relate to the Quarry's proposed new pit and will NOT enforce or set air quality standards at the Cement Plant.

3. New Proposed Reclamation Plan: Lehigh has proposed a comprehensive new reclamation plan that would include mining a **new second pit** in a 251-acre area of the Quarry's lands. This step will decide the issue of quarrying in a second pit – the “**expansion**” issue. State law requires an Environmental Impact Report (EIR), which is being developed at this time. When the EIR is complete (**expected in Fall 2011**), the public will be able to comment on the EIR.

The Planning Commission will make the decision on the Reclamation Plan after considering the EIR and holding a public hearing, expected in **early 2012**. Whatever the result at the Planning Commission, I expect that the new proposed Reclamation Plan will be appealed to the Board of Supervisors, and have another full public process before the Board.

This decision will NOT enforce or set air quality standards at the Cement Plant.

I welcome your questions and comments, and I encourage your participation in any and all of these public processes.

Note: These three issues do NOT address the air quality issues related to the Lehigh Cement Plant. Unlike the Quarry, the Cement Plant does already have a County Use Permit. Air quality issues regarding the Cement Plant are regulated by the Bay Area Air Quality Management District (BAAQMD) with a Title V permit. These issues are explained in my *Fact Sheet: Lehigh Permanente Cement Plant*.