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The Los Altos and Los Altos Hills Councils are to be commended for their efforts to guard the Health of their residents. They retained an outside consultant to examine the environmental impact of the Lehigh operation and we now have his report. Given the limited resources available he had no choice other than to mainly vet the work the Regulatory Agencies had already done and conclude there is no adverse health risk as the Regulatory Agencies have continued to tell us.

This is not apparent. While the Consultant concluded that the wind dispersion model used was correct the Air District in November said it is flawed and that they are now looking for better models of the complex terrain surrounding the Lehigh Facility. Consequently we really do not know where the toxic emissions fall. The Air District says don't worry because the emissions expected do not suggest more than one death per million residents for either cancer or non-cancer risks. We say redo the Health Risk Assessment (HRA).

Lehigh is today the largest source of Nitrogen Oxides in the Bay Area that does not have modern mitigating controls. They must reduce Nitrogen Oxide emissions by 58% in order to meet new EPA standards set to protect our health. Until that reduction takes place we have an adverse health risk according to EPA standards. It appears that Lehigh is also close to exceeding the one hour national standard for Sulfur Dioxide emissions. We say redo the HRA.

We are certainly concerned with mortality rates but also related health issues such as the impact on school children of toxic emissions. The Air District says that 261 pounds of Mercury were emitted by Lehigh last year. Lisa Jackson, the head of the EPA, has repeatedly testified that exposure to Mercury reduces the intelligence of children. Even a trace amount over a brief period at a young age will have an effect. We are apparently trading off 10 points on a SAT test for a readily available source of cement.

In addition this HRA "all clear" only applies as long as production (951,790 tons of clinker) does not increase. Lehigh can increase production at any time and the only proviso is a new HRA must be written. Past Mercury projections have been very high when Lehigh was forced to use a mass balance estimating approach which they derided but now they use these numbers to show the effectiveness of their mitigating efforts.

There is only passing mention in the Consultant's Report of the Hexavalent Chromium coming from the Lehigh operation. High levels of Hexavalent Chromium were found by Lehigh in Water Tests on January 13, 2010 (2.0 ug/liter), August 30, 2011 (12 ug/liter) and September 21, 2011 (7.6 ug/liter). This is well above the current Public Health Goal (PHG) of .02 ug/liter which will soon become the California Maximum Contaminant Level (MCL).

However it will not be addressed by the Regulatory Agencies until it becomes the MCL. By then it is too late as the Reclamation Plan will have been approved and the Agencies can only wring their hands and feel our pain. Is this part of the rush to get the new Reclamation Plan approved?

Maybe not as the State has already given Notice to Lehigh that they will be taken off the list of companies authorized to sell minerals to the State unless they quickly get a Reclamation Plan in place. Santa Clara County is the regulator (lead agency) for the Reclamation Plan. The Water Board is responsible for Permanente Creek regulation. The Cement Plant operates under a Use Permit from Santa Clara County. Lehigh says they are a single united facility and exploit the regulatory confusion around them.

A good example is the HRA approved by the Air District stating there is no adverse health risk. That is because the Air District, as the Consultant noted, has excluded all the diesel trucks servicing Lehigh. They are not included in the HRA or even in the draft Environmental Impact Report (EIR) issued by Santa Clara County. The County says they cannot be included because they service the Cement Plant not the Quarry. The Air District says they cannot be included because they are not owned by Lehigh. Just in case you are confused by now let me reconfirm that the Cement Plant operates under a Use Permit issued by the County.

So what does 100,000 Diesel Truck trips per year mean to our health? They have the same impact as the Cement Plant! When added to the Health Risk Assessment they blow it out of the water.

Let me take one pollutant called PM 2.5. It stands for Particulate Matter 2.5 being 2.5 microns in size, very small. Currently Santa Clara County is categorized by the EPA as nonattaining the safe level of PM 2.5. The Lehigh Cement Plant and the Diesel trucks servicing it are one of the reasons. They are one of the largest emitters of PM 2.5 in the County if not the largest. It comes from the kiln as well as the tailpipes of the diesel trucks. It does not come from common dust.

PM 2.5 , according to the Air District, is the most harmful air pollutant in the Bay Area. It aggravates asthma, bronchitis and other respiratory ailments and leads to hardening of the arteries while triggering heart attacks consequently decreasing life expectancy by years.

In a September 2011 study by the Air Quality District Santa Clara County gained the greatest benefit from reducing PM 2.5 emissions to the tune of \$2.965 Billion (not millions but billions). This is from just this one pollutant not from them all such as Benzene, Mercury, Arsenic etc.

Consequently we find the Health Risk Assessment flawed and the statement now repeated by the Consultant that there is no adverse Health Risk from the Lehigh Quarry and Cement Plant to be wrong. The Health Risk Assessment must be redone.

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