

From: [William English](#)
To: [BoardOperations](#)
Subject: County Board of Supervisors Hearing 1:30pm, Tuesday, February 8, 2011, regarding East material Storage Area
Date: Tuesday, February 08, 2011 9:22:04 AM

My name is William English. My wife Gloria English and I have lived at 21078 Manita Court, Cupertino, CA, since 1989. We are both concerned about the Lehigh Expansion applications that will be discussed today at the 1:30pm hearing. We are unable to attend the hearing due to conflicts with the requirements of our jobs, but wish to clearly state our concerns.

We see great public risk with allowing Lehigh to expand operations without requirements to follow regulatory mining regulations. In the past, operations by Lehigh have produced significant pollution.. We strongly urge you to require a Use Permit for the Lehigh Expansion, especially for the East Material Storage Area. We believe that the record shows that the East Material Storage Area is not vested and should require a Use Permit.

Sincerely,

Gloria and William English
21078 Manita Court
Cupertino, CA 95014
408 253-6423

From: [Sai-Wai Fu](#)
To: [BoardOperations](#)
Cc: ["Beatrice Fu"](#)
Subject: Feb 8 Tue hearing about Quarry
Date: Saturday, February 05, 2011 4:05:03 PM

Dear supervisors,

We are 16-year residents of Los Altos Hills and frequent users and supporters of the San Antonio Preserve. Since we cannot attend this hearing on Tue, we would like to express our concern about and our vote against a new quarry operation in a populated residential area.

We have followed this issue closely and strongly believe that the environmental impact to the nearby residents including ourselves is very adverse and unwarranted. In addition the quarry pit is already a major eye-sore for all the hikers in San Antonio Preserve, any expansion will further ruin the natural beauty of the Open Reserve that all residents of silicon valley enjoy.

Thank you for your attention.

Yours sincerely,
Sai-Wai and Beatrice Fu
10520 Magdalena Road
Los Altos Hills, Ca 94024

From: [Kathleen Bylsma](#)
To: [BoardOperations](#)
Subject: I oppose the expansion of the Lehigh Cement Quarry
Date: Monday, February 07, 2011 9:44:36 AM

To whom it may concern:

I may not be able to attend the rally and public hearing on Tuesday Feb. 8th due to work, but it is very important to me. I oppose the expansion of the Lehigh Cement Quarry in a residential community. They have already shown what they will continue to do to the air quality and beautiful landscape if expansion is approved. California is known for its beauty and conservation practices. Please don't allow California to become an industrial nightmare.

Thanks,

Kathleen Bylsma
645 Lola Lane
Mountain View, CA 94040

From: [Eran Cohen](#)
To: [BoardOperations](#)
Subject: Lehigh request for EMSA
Date: Monday, February 07, 2011 3:11:37 PM

Hi,

My name is Eran Cohen and I leave with my family of 5 in Cupertino for the last 16 years.

Unfortunately, I am unable to attend the meeting on 2/8/11 as I planned, so I hope that you can read my letter before or during the meeting.

I strongly urge you not to allow Lehigh starting additional operations or expanding their existing ones. Lehigh has not been a "good neighbor" along the years to the tens (if not hundreds) of thousands of people leaving in the communities surrounding it (Cupertino, Los Altos Hills, Los Altos, Saratoga, and the unincorporated areas). They have been continuously violating the air quality standards, polluting the water ways around them, and causing noise and dust disturbances, and traffic hazards.

We live a few miles from the quarry and the cement kiln. However, we still suffer from the dust and noise, and mostly we suffer from the heavy truck traffic along Foothill Blvd. One of these trucks have pushed my mother in law's car into the opposite lane a few years ago and totaled it, and somehow my mother in law and daughter who were in the car ended up with only minor injuries. Another truck killed our dog a couple of years earlier. Several times gravel that flew out from these trucks broke our windshield, and Lehigh refused to assume liability. Along the years, we have witnessed numerous other accidents and incidents involving those trucks. The number of trucks traveling to Lehigh and the cement kiln is much higher than what they claim it is, and you can see a trail of dust on the road Foothill Blvd. that leads from 280 to ... Lehigh. All that is on top of the insidious health damage caused by the stuff they emit into the air, that cannot always be easily seen.

I request that you do whatever is legal and is in your power to make life harder for Lehigh and hopefully eventually push them out from this otherwise wonderful residential area.

Eran Cohen
22639 Oakcrest court,
Cupertino CA 95014

Via Electronic Mail

Dear County Supervisor,

Re: Lehigh Synergistic Toxicity Data Not Considered

As founder and Director of the El Camino Hospital Cancer Center, I am constantly seeking novel approaches to improve the treatment of cancer, through both surgical and pharmacologic means. In addition, I am on constant surveillance for ways to reduce the incidence of cancer in our community so that our fellow citizens need not ever walk through the doors of my clinic. My training as a clinician-scientist, with a medical degree in Surgical Oncology and a Ph.D. in Molecular Pharmacology, has been invaluable in these efforts.

It has come to my attention that you will shortly be voting on a measure, which requires the parties involved to demonstrate that continuing mining and operations of the Quarry and Plant will have 'no adverse impact on neighborhood health.' *I have studied the analysis from BAAQMD and do NOT believe their analysis successfully demonstrates 'no adverse impact on health;' their methodology fails to accurately account for synergistic toxicity. In addition, several of the assumptions inherent in their models are highly suspect.*

Radar Scope Carcinogens from Lehigh's HRA Sep 2010

The National Cancer Institute (NCI) has published a list of critically dangerous carcinogens (cancer inducing chemicals). Lehigh emits five of the six Nasties! The following carcinogens from Lehigh's HRA contribute more than 1 part in 200 (>0.5%) to the total risk, even when assuming that total toxin risk is additive.

NCI Official "Nasties": Arsenic, Beryllium, Cadmium, Chromium, Nickel. Plus
Benzene
1,3-Butadiene
Diesel particulate matter
Ethylene dibromide
Naphthalene
2,3,4,7,8-PeCDF (Pentafuran) and 2,3,7,8-TCDF (Tetrafurane)
Vinyl Chloride

Synergistic Toxicity

Furthermore, it has been well established that multiple toxins may act synergistically. Specifically, consider the scenario where toxins A and B are present at 10% of their lethal doses. If A and B showed merely additive effect one might argue the total toxicity to be 20%. However, a synergistic effect, could easily lead to 25% toxicity or even 100% toxicity. This can occur as a first toxin impairs the immune system in a way that lowers the threshold of action of a second toxin. Consequently, the interactions AMONG toxins make the risks far worse than just adding the individual risks of each toxin.

BAAQMD is not currently considering the potential impacts of combinations of the above toxins. The rationale for ignoring synergistic effects has been the impracticality creating a matrix 'dose-response' study. Such a study would require thousands of volunteers to test the effects of multiple carcinogens. It is true that such a study design is impractical. However, modern epidemiological studies use more sophisticated bio-statistics, global information systems, [mass spectrometry](#), ANOVA, factor analysis, etc. to circumvent the limitations imposed in traditional multifactorial study design.

OEHHA and BAAQMD Are Not Providing Synergistic Toxicity Data

OEHHA agrees that they must consider synergistic toxicity. But because OEHHA can't find any dose-response studies on these multiple carcinogens, their "synergistic toxicity" simply adds the individual risks of the toxins (*Ref. 2*). That's not synergistic toxicity. More modern methods are available and should be implemented to study the problem. **Without an accurate estimate of toxicity, it is impossible to argue definitively that Lehigh's proposed action poses no adverse impact.**

As I understand it, for you to vote to give vested rights to Lehigh to dig a new pit, case law (*Ref. 3*) requires Lehigh to prove it poses no adverse impact on neighborhood health. BAAQMD and OEHHA say it doesn't pose such risk, but that's only because their methods are flawed for carcinogens making their conclusion unusable.

I know you care as much as I do about the health of everyone in the county. My colleagues and I are happy to introduce you to researchers at Stanford and other institutions who can help Santa Clara County and OEHHA adopt the recommended modern methods.

Scientists knew for years that smoking caused cancer, but it took over 25 years for the research to reach the control agencies. Now we regret the harm that was done during that lost period.

Even if your district does not contain the Quarry and Plant, there's a second-hand smoke aspect here. I hope each Supervisor would say to the other: Yes, you may be OK with the plume of carcinogens in your district, but it drifts over to mine, and I am not OK with it.

Sincerely,



Shyamali Singhal, MD, PhD, FACS
Los Altos, California

References:

Ref. 1: "Air Toxics Hot Spots Risk Assessment Guidelines Part II: Technical Support Document for Cancer Potency Factors" (May 2009) http://www.oehha.ca.gov/air/hot_spots/2009/TSDCancerPotency.pdf

5. Dose-Response. A basic tenet of toxicology is that increasing exposure or dose generally increases the response to the toxicant. While dose-response curves vary in shape and are not necessarily always monotonic, an increased gradient of response with increased exposure makes it difficult to argue that the factor is not associated with the disease. To argue otherwise necessitates that an unknown factor varies consistently with the dose of the substance and the response under question. While increased risk with increasing levels of exposure is considered to be a strong indication of causality, absence of a graded response does not exclude a causal relationship (IARC, 2006).

Ref. 2: OEHHA Technical Support Document for Acute Reference Exposure Levels d_rell.pdf that states (*emphasis added*): For many facilities a large number of chemicals may be emitted or may be present in the air at the location of the receptor or exposed population. To assess the cumulative impact of several chemicals present at the same time, it is important to consider the interaction of effects of the toxicants. Unless specific information is available to the contrary, the *interaction of two or more chemicals is assumed to be additive* for a given toxicological endpoint. This may underestimate the effect in the cases in which interactions are synergistic or overestimate it if the effects are not additive or are antagonistic.

Ref. 3: Case Law - Hansen Brothers Enterprises, Inc. v. Board of Supervisors, 12 Cal.4th 533, available here: that to continue excavation operations...[Lehigh]... must prove that the continued operations do not, and/or will not, have a substantially different and adverse impact on the neighborhood.

From: djsennals@gmail.com on behalf of [John Ennals](#)
To: [BoardOperations](#)
Subject: New Quarry Pit
Date: Saturday, February 05, 2011 4:48:35 PM

As a 30 year resident of Cupertino I am very concerned about the possibility of a new quarry pit being started so close to residential areas. There is no way that this should be allowed. Pollution, truck noise and dirt have been listed in attempts to stop it, but no one seems concerned about the desecration of our beautiful coastal hills. Since we have lived here the ridge has steadily been eaten away exposing the site which ruins the aspect from Saratoga and Cupertino. Now it appears the company has been dumping on land that they should not have been permitted to use. Please vote to stop this poor use of our natural resources. Limestone is not rare - there are plenty of sites in our state that would be far more appropriate than this one. I look forward to your positive action to keep our valley clean and beautiful.

John Ennals
10481 Florence Dr
Cupertino
CA

From: [Melody Grandell](#)
To: [BoardOperations](#)
Subject: No on Quarry Pit
Date: Tuesday, February 08, 2011 12:52:37 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.gif](#)

Dear Sir or Madam,

I forgot to mention in my last email that I not only sell real estate in this community, but I live in this community, and my children (now 26 and 19) both attended Cupertino public schools. I am not comfortable living anywhere close to the cement plant.

Thank you,
Melody



Melody Grandell

Realtor, **GREEN**, **EcoBroker**, Notary Public
Accredited Staging Professional
Real Estate Collaborative Specialist - Divorce
Certified Specialist-Mexico Real Estate
DRE 01706910
Direct: (408) 342-8692
Fax: (408) 521-0890
Email: mgrandell@interorealestate.com
Website: <http://www.melodygrandell.com/>
Proud supporter of www.interofoundation.org



My business is built on referrals. If you know of anyone in need of my services, please let me know. I value and appreciate your referrals.

From: [Melody Grandell](#)
To: [BoardOperations](#)
Subject: No Quarry Pit
Date: Tuesday, February 08, 2011 12:41:44 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.gif](#)

Dear Sir or Madam,

I am unable to attend the hearing on this matter, but wish to register my vote against a quarry pit or any continuance of the Lehigh Cement Plant. This plant is not needed and is unsafe for a residential area. I sell real estate in this community, and having a known polluter in the area does not help property values.

Thank you for your attention to this matter.

Melody Grandell



Melody Grandell

Realtor, **GREEN**, **EcoBroker**, Notary Public
Accredited Staging Professional
Real Estate Collaborative Specialist - Divorce
Certified Specialist-Mexico Real Estate
DRE 01706910
Direct: (408) 342-8692
Fax: (408) 521-0890
Email: mgrandell@interorealestate.com
Website: <http://www.melodygrandell.com/>
Proud supporter of www.interofoundation.org



My business is built on referrals. If you know of anyone in need of my services, please let me know. I value and appreciate your referrals.

From: [Andy Leak](#)
To: [BoardOperations](#)
Subject: Object to Quarry Expansion
Date: Sunday, February 06, 2011 11:28:54 AM

Dear Board of Supervisors -

I cannot attend the upcoming meeting to discuss the Quarry Expansion. But I would like to register my opposition to any expansion of the quarry. The quarry is in a residential area, and it should be getting smaller, not bigger. It is a health hazard and an eyesore for everyone in the county.

Sincerely,
Andy Leak
Los Altos, California

--
andy@r210.com
650-823-0836

From: [Shyamali Singhal](#)
To: [BoardOperations](#); Marina.Rush@pln.sccgov.org
Subject: Smoking Gun - Why OEHHA did not consider Synergistic Toxicity
Date: Monday, February 07, 2011 4:18:56 PM
Attachments: [Lehigh Synergistic Toxicity Data Not Considered-eMailed.pdf](#)

Please enter for the record the following:

Dear Supervisor,

I recall meeting Supervisor Kniss and was impressed by her dedication to healthcare. She asked me to come back with findings about synergistic toxicity on the Lehigh Plant. What I found was the true reason that OEHHA is missing all the data on Synergistic Toxicity. Their methodology is incomplete and partially outdated.

As a result, there's no proof of the safety of the Lehigh operation but a need to bring in the newer studies and methodologies.

I detail the matter in two easy-to-follow pages attached.

While I know Lehigh is in Liz's district, you, too, are affected by air and water movement - similar to second hand smoke - possibly affecting your district with combinations of toxins.

Best regards,

Shyamali Mallick Singhal, MD, PhD, FACS

Attached: Letter to the Board

From: [Jim Wheeler](#)
To: [BoardOperations](#)
Subject: The Lehigh Cement Quarry in Cupertino
Date: Monday, February 07, 2011 9:41:20 AM

To the Santa Clara Board of Operations

RE: The Lehigh Cement Quarry in Cupertino

I am unable to attend the meeting on Tuesday where the supervisors will conclude a ruling on whether the operations at the quarry are vested and whether the quarry requires a use permit to continue operation and expansion of the quarry.

I hope that you find sufficient evidence that the quarry has no vested rights and requires a new permit. If that is the case, I further hope that you deny the issue of a new permit for any additional expansion of the operation.

While at one time the area in question was sparsely populated and had little negative impact on the community, the quarry finds itself, today, in a densely populated area where it now has great impacts on the health and welfare of the communities surrounding it. Therefore, allowing the expansion, in my opinion is a mistake and the wrong direction for a thriving community like Cupertino.

The management of the quarry has been systematically disingenuous over the years, regarding environmental quality and safety. For year they ignored EPA regulations to upgrade the dryer stacks, and today they still use coal, and continue to be the single largest polluter in the Bay area. I find it particularly suspect that Sandy James, a former member of the Cupertino board of directors is the current public relations spokes person for the quarry, and I question if there was a conflict of interest during her time in office and the continued violation, at the time Hanson-Permanente, was able to avoid.

Personally I find myself having to deal with the gravel trucks everyday on both Foothill and Stevens Creek as I ride my bike to and from work. Like many Cupertino residence, I have to deal with the dust and dirt in and around my home, the mud created on the road by the trucks along the upper end of Stevens Creek Blvd in addition to the byproducts of the limestone processing of the plant in the air. Of which the long term health affects, deeply concern me.

For these reasons, I ask you to rule against any expansion of the quarry, either in production or time.

Best Regards,

James R. Wheeler
10089 Ridgeway Drive
Cupertino, CA 95014

Jim Wheeler
650-391-7486