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Quarry moves forward with EIR approval

By Paul Jones

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Despite the concerns of nearby homeowners, the Dutra Group made progress in its bid to continue mining operations at the San Rafael Rock Quarry near Point San Pedro Road at an Oct. 27 Board of Supervisors meeting.

Coming after an earlier hearing Aug. 25, the meeting saw the approval of the environmental impact report (EIR) studying the impact of the quarry's proposed new operating permit and amended reclamation plan. The approval paves the way for a hearing next year to consider approval for the permit and the reclamation plan, which would allow ongoing mining operations. But a group of neighbors, the Point San Pedro Road Coalition, continue to maintain the county's EIR understates health risks caused by crystalline silica dust and diesel emissions, and will urge the county to accept the most environmentally stringent alternative outlined in the EIR, while pressing for additional mitigation measures to protect residents' health.

"Our position is that the reduced alternative outlined in the EIR would be our preferred alternative, with some modifications," said Bonnie Marmor, co-president of the coalition. "Our position has been that as long as the quarry can operate safely, fine. We just want to make sure it's safe for the community."

Among the conditions neighbors want the county to require for approval of the operating permit are recurring studies of air-quality near the quarry, more aggressive measures to suppress dust released by mining operations, and a review of the permit every three years.

Aimi Dutra, spokeswoman for the Dutra Group, said her company opposed additional requirements, and that the mitigations outlined by the county's EIR were sufficient to ensure the safety of nearby residents. "The San Rafael Rock Quarry has already voluntarily implemented many mitigation measures, including upgrades to diesel equipment and conversion to bio-diesel, restrictions on operations and noise reduction measures," she said. "We've also proposed many of the mitigation measures included in the final EIR, such as staggering of mining operations and reclamation activities to reduce future diesel emissions and dust. Further restrictions are unnecessary, infeasible and unwarranted."

Before the county approves the Dutra Group's reclamation plan, the coalition also wants stricter rules governing the reclamation process, such as requiring a separate environmental review for flooding the quarry's pit after the end of the life of the mine.

"The plan calls for blasting out the side of the pit after quarrying is finished and filling it with water," Marmor said. "In the draft EIR, the county said this plan won't work; there will be a dead zone at the bottom, so the water will stratify. The quarry says they've come up with some plan to circulate water, but they haven't worked out all the details."

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Courtesy Photo The San Rafael Rock Quarry is the target of complaints by neighbors who worry the dust and exhaust emissions produced by mining represent serious health risks. Neighbors want more stringent mitigation measures to be imposed by the county.

Dutra said the circulation technologies were proven, and that the issue was fully addressed in the final EIR.

The permit and reclamation plan still require work by the county before they can be considered for approval. Marin County Supervisor Susan Adams, in whose district the quarry operates, said final details would have to be ironed out before the final hearing in 2010. "The staff has to put together the permit, and the details of that, and also what the Dutra Group can do in terms of the reclamation," she said. "All of that will be developed over the next couple of months. There are a number of mitigated alternatives, and you can mix and match them. If it was studied in the EIR, it can become part of the final project."

Adams, who has made critical comments about the quarry and even showed a video at the August hearing demonstrating the dust plumes produced by blasting at the site, said she would be involved in guiding that process. "I'm going to be putting my two cents' worth about what direction the staff will go," she said.

The quarry's amended reclamation plan would see it in operation for roughly 17 more years. Dutra wants to dig an additional 200 feet below sea level. After the end of mining operations, the pit would be filled with water. In the meantime, trucks and barges would carry away material, and blasting and mining would continue in the pit.

The process is the result of a 2004 decision by Superior Court Judge John Sutro demanding the quarry update its reclamation plan after finding it had been operating out of compliance with its then-current plan from 1982 (the quarry was bought by the Dutra Group in 1986). Sutro confirmed that the quarry, which is a nonconforming use adjacent to a number of homes, has a legal right to operate, but ordered the quarry to get a new quarrying permit in addition to the amended reclamation plan after neighbors attempted to sue on the grounds the quarry qualified as a nuisance.

Since then, the process has been dominated by concerns over the quarry's impact on the health of nearby residents. The recently approved EIR found that ongoing quarrying and the quarry's reclamation plan would not significantly increase risk of acute or chronic health risks, including those associated with exposure to crystalline silica, a known carcinogen put into the air by mining. However, the county's EIR also found that if past and future operations were added together, there was a significant risk to long-term residents that could not be mitigated. Dutra has criticized that methodology as improper.

But coalition members complain both the quarry and the county's EIR understate risks. Paul Damian, a toxicologist with SCS Engineers, said air-quality studies didn't fully measure the risk of exposure to crystalline silica dust, diesel and other emissions related to the mining operation. "We had a lack of confidence in the ambient air testing. We didn't feel this was done during a time that necessarily captured peak exposures, due either to operating conditions at the quarry or meteorological conditions like temperature inversions, which would result in higher concentrations of crystalline silica dust in the community."

Dutra said Damian's criticism of the air-testing was flawed. "The coalition used Damian, who does computer modeling for them, and ENVIRON [an environmental consulting firm that was paid by Dutra to study the air-quality issue] looked at his work, and said he'd used the computer model incorrectly. We brought on two experts in epidemiology, Dr. Patricia Buffler and Dr. David Weill. One's an expert in cancer and the other is an epidemiologist. They also reviewed the county's studies and ENVIRON's, and concluded they were both appropriate."

However, in addition to the contested adequacy of the air-testing, Damian said another concern for the coalition is the absence of a standard for measuring health risks related to acute exposure to large quantities of crystalline silica, which could be caused by blasting at the quarry.

"There's no acute exposure standard for crystalline silica in the air. The current standard is long-term or chronic, but peak exposures we have to be concerned about, based on maximum operating or meteorological conditions. We're missing a benchmark," Damian said.

A county response document stated that it would be "in violation of CEQA standards" to examine acute exposure to crystalline silica without established standards. However, Dutra said that if new standards were accepted in the future, the quarry would have to comply.

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