

Pt. San Pedro Road Coalition
Position on San Rafael Rock Quarry FEIR (revised 8/25/09)

This document summarizes the Coalition's principal objections to the proposed Final Environmental Impact Report (FEIR) and outlines our recommendations for modifications to the Amended Reclamation Plan and Operating Permit.

Why The FEIR Fails

The FEIR is deeply flawed in several respects. As examples, it accepts as allowable:

1. Open Strip Mining in a residential area without first determining a set of best practices that protect public safety and would be sensible and appropriate.

Even though the Quarry and County have had years to determine and prescribe best quarrying practices, the FEIR would grant a new operating permit while allowing even more years to identify specific "best practices." The FEIR fails to impose mitigations concerning dust, noise, blasting, barge loading, truck transportation and other features of quarrying that other quarries follow in far less urban settings. Best practices should be determined *before* a permit is issued.

2. Unabated distribution of known carcinogens.

The FEIR fails to address adequately the whole subject of the Quarry's generation of airborne crystalline silica and diesel particulates, both known carcinogens, which have resulted in increased health risks to quarry neighbors according to the County's own Health Risk assessment. The FEIR's conclusion that the ongoing monitoring of silica dust production is unnecessary is irresponsible and unacceptable to the community. This issue is profoundly important to area residents who insist upon continuous, more effective air monitoring and ongoing, state of the art analysis of samples collected.

3. Twice as many daily truck trips than should be permitted.

The FEIR still does not identify the proper baseline production related to transportation. The FEIR ignores available data regarding the "baseline" which was used to determine the number of truck trips that should be allowed in and out of the Quarry. The Quarry became a non-conforming use in 1982 and should not be allowed to intensify its use, including the number of truck trips, over those conducted in 1982. The FEIR baseline was determined without utilizing readily available data to estimate the material shipped from the site by barge and by truck in 1982. The result is an unsupported and artificially high baseline.

4. Waste disposal, in violation of a Court order, in the northeast quadrant, adjacent to McNears Park. The Quarry would be permitted to dispose of overburden, pond fines, and other mining waste in the site's northeast quadrant, and to construct a 70 foot high berm along the road into McNear's Park Beach County Park, in direct violation of the April 2004 order of the Marin County Superior Court. The court specifically ruled such activity in this location to be illegal.

5. Construction of a building development pad in the northwest quadrant before any development plan is submitted or approved.

The Quarry proposes to use quarrying waste to construct a huge building pad next to McNear's Brickyard to consolidate underlying bay mud and prepare the site for commercial development, all before any development plans have been submitted, let alone approved by the County. This is development, not reclamation, and improperly steers the ultimate use of the site.

6. Without adequate study, a plan to blast out the side of the main pit and flood the pit when operations cease.

The plan to blast the side of the main pit, flood the bowl, and mechanically mix its contents raises countless questions and issues, and is the central feature of the ARP. The FEIR uncritically accepts the Quarry's representations that it can solve whatever problems will arise, leaving the public no details on which to comment.

What To Do About The FEIR: Adopt the FEIR's Reduced Alternative with modifications

More than five years have passed since the Court ruled that the Quarry was operating illegally. The Board of Supervisors is now presented with an FEIR that reflects missed opportunities to: 1) determine and require best mining practices; 2) monitor and analyze air quality adequately and impose required emission mitigation measures; 3) enforce a proper baseline of historically permitted activity, including trucking/barging limits and waste disposal area limits; 4) evaluate the technical feasibility of flooding the main pit; and 5) ensure blasting practices are contained so that nearby residents are not traumatized by the blasting vibrations. For these and other reasons that have been expressed in our formal comments, the Coalition opposes certification of this FEIR.

The Coalition would support an operating permit consistent with the FEIR's Reduced Alternative¹ and reclamation plan, both modified as outlined as follows:

Operating Permit--Reduced Alternative should be modified:

1. ***EIR Baseline must not contradict non-conforming use limitations.*** No expansion, nor intensification.
2. ***Permit Review.*** Permit to be reviewed every 3 years to ensure that it remains appropriate in light of changes/complaints since permit issuance/last review.
2. ***Air Quality Monitoring.*** County to maintain continuous and episodic monitoring of air quality, blasting and noise using state-of-the-art methods, with near-contemporaneous posting of results on web. Impose consequences sufficient to deter Quarry from emitting particulates above pre-established baseline levels. Air quality standards to be measured against then-current OSHA specifications.
3. ***Best Practices Study.*** Best practices study to be funded by the Quarry, but performed by the County with input from an independent mining operations expert.
4. ***Final Permit Conditional.*** Temporary permit to be issued that will expire upon implementation of best practices or 1 year, whichever is earlier. Final permit issued upon implementation of best practices program.

¹ Reduced Alternative provisions include (i) limiting rock and asphalt production levels to stipulated 1982 levels, (ii) phase-in of best practices over a 2-year period, (iii) various blasting restrictions, (iv) reduction of daily truck trips by 50% from the interim conditions (excess to be barged out), (v) limiting operating hours to business days, 7 a.m. to 5 p.m. (except for emergencies), (vi) washing and tarping of loaded trucks leaving the Quarry and (vii) use of state-of-the-art vacuum sweeper.

5. **Noise Suppression.** All barges to be equipped with concrete pads over the steel hulls. Conveyors and transfer points to be rubberized.
6. **Spraying.** Regular spraying of dust piles/site road surfaces with water or chemical suppressants that are safe and appropriate for use in close proximity to wetlands.
7. **Blasting.** Blasting limited to ground motion at nearest residence not to exceed peak particle velocity of 0.125 inches per second (as measured inside nearby residence). Explosives limited to 200 lbs. per delay. Electronic detonation and blasting only on weekdays between 11:30 and 1:00 pm. Give 36-hour advance notice of blast times and predicted intensity. No blasting on “Spare the Air” days. County to maintain a complaint resolution mechanism to ensure that public complaints are addressed.
8. **Noise Ordinance.** Apply San Rafael noise ordinance measuring noise impacts every 15 minutes (not by averaging over a 24 hour period).

Reclamation Plan Modifications:

1. **NE Quadrant.** No overburden/waste disposal (temporary or permanent), reclamation, mining or other operating activity in the site’s northeast quadrant until the Quarry ceases mining operations and final reclamation begins, as is already required in paragraph 5 of the Court’s April 19, 2004, Order. The existing berm is to remain in place during operations at its current height with no new berms to be built. When mining ceases, the existing berm is to be removed.
2. **Bowl Footprint.** No change in the surface footprint of the main pit beyond that in the 1982 Amended Reclamation Plan.
3. **Flooding of Bowl.** No approval to flood the main pit as a reclamation measure until environmental impact studies are complete and determination made whether significant environmental impacts can be fully mitigated. If impacts cannot be fully mitigated, an alternative is required.
4. **Interim Reclamation.** No preparation of the site that is specific to any particular end use (and thus inconsistent with potential reasonable alternative end uses), as requested by the City of San Rafael in its FEIR comment letter, including construction of the surcharge building pad in northeast quadrant to consolidate underlying bay mud in anticipation of unsubmitted, unapproved development plans.
5. **Preservation of Designated Areas.** Preserve all areas designated for preservation in their “natural state” in the 1982 ARP, as required in paragraph 5 of Court’s April 19, 2004 Order. ARP should provide that wetlands restoration will begin immediately upon permit approval.