



Midpeninsula Regional
Open Space District

R-13-11
Meeting 13-01
January 9, 2013

AGENDA ITEM 11

AGENDA ITEM

Authorization to Award a Contract to Winegar Air Sciences, for Air Quality Monitoring at Rancho San Antonio Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "JLQ", is written over the end of the "GENERAL MANAGER'S RECOMMENDATION" heading.

Authorize the General Manager to enter into a contract with Winegar Air Sciences in the amount of \$180,552 to provide professional consulting services to implement an air quality monitoring study at Rancho San Antonio Open Space Preserve.

SUMMARY

Air quality at Rancho San Antonio Open Space Preserve, and related potential impacts from the neighboring Lehigh Permanente Cement Plant and adjacent quarry (Lehigh), have been an ongoing concern for staff and members of the public. Recent air studies for Lehigh's required air permitting (March 2011), and for their Reclamation Plan Amendment Environmental Impact Report (EIR), as approved in 2012, have not adequately addressed these concerns. The implementation of an actual air quality monitoring program at Rancho San Antonio Open Space Preserve is needed to properly assess the potential impacts of the adjacent Lehigh facility on the staff and public who used the open space preserve.

DISCUSSION

Background

Air quality impacts related to the Lehigh Permanente cement plant and limestone quarry remain a concern to staff at the Foothills Field Office located at Rancho San Antonio Open Space Preserve (RSA OSP). Staff routinely washes vehicles with a 100% vinegar solution to remove a buildup that collects on vehicles and equipment surfaces at the preserve. Staff notes that this buildup is unique to RSA OSP and is not a problem at any other District preserve, and attribute this build-up to the Lehigh facility. Visible emissions from the cement plant and quarry are also a regular occurrence observed by staff. Additionally, RSA OSP is utilized by over 500,000 preserve visitors annually, and is the location of three permanent residences for employees and families. Recreational users and area residents have also commented to staff and the Board of Directors, voicing their concern related to potential air quality impacts at RSA OSP associated with the adjacent Lehigh facility.

In March of 2011, Lehigh completed a Health Risk Assessment for various production scenarios from 2005 through 2013 for the purpose of acquiring the required Title V permit for industrial facilities from the Bay Area Air Quality Management District (BAAQMD). This assessment was based on modeling, without actual air quality sampling. Substantial concerns were raised by the public during this process. The Title V permit, which evaluated only cement plant emissions, was issued by the BAAQMD in May 2012. The Health Risk Assessment modeled that air quality at RSA OSP may have exceeded regulatory notification levels for increased carcinogenic risk and/or acute non-carcinogenic hazard between 2005 and 2013. Some of the pollutants of concern include mercury, hexavalent chromium, benzene, and particulate matter.

The Health Risk Assessment and public concern prompted the BAAQMD to install air quality monitoring equipment in the City of Cupertino, approximately 1.5 miles, southeast of the Foothills Field Office. This monitoring to date has identified air quality levels at the Cupertino location that are consistent with or within the low ranges of other Bay Area monitoring sites such as San Jose, Berkeley, San Francisco, and Benicia. This monitoring, however, may not be representative of RSA OSP, given meteorological, topographic, and transportation (trucking) differences between the Preserve and the Cupertino location. The regulatory framework, and monitoring frequency that the BAAQMD employs may not capture all emission events, is geared toward established regulatory thresholds, employs technological methodologies that are not the most sensitive, and as a result do not always capture emissions of concern.

In July 2012, the Santa Clara County Board of Supervisors approved an EIR for a Reclamation Plan Amendment for the Lehigh quarry. Air quality impacts of reclamation activities were analyzed in the EIR. The EIR concluded significant and unavoidable air pollution impacts related to the reclamation of the East Materials Storage Area (EMSA) at the Cupertino Historical Society residence near the cement plant entrance, immediately adjacent to Rancho San Antonio County Park. The District residences at RSA OSP were below the “significance” threshold of the EIR, but were still notable. The EIR also did not adequately analyze the cumulative impacts of all potential air pollution sources at the facility which include: the cement plant facility, active quarry operations, reclamation activities, and transportation (trucking and rail deliveries to and from the facilities), which appear to have markedly distorted the EIR conclusions.

Given the high recreational use, employee family residences, and a field office for 30 employees daily, Rancho San Antonio Open Space Preserve is a significant concern related to emissions from the adjacent Lehigh Permanente facility. The recent 2011 Health Risk Assessment findings, and piecemealed Reclamation Plan Amendment EIR, have only added to these concerns. The District is interested in contracting for air quality monitoring services to comprehensively monitor and assess potential air quality impacts at Rancho San Antonio Open Space Preserve. This monitoring will be conducted for approximately one year to better assess all of Lehigh's ongoing operations, and to account for seasonal climatological differences.

Consultant Selection

The consultant, Winegar Air Sciences, was recommended to the District by a third party to participate with Lehigh and the District in developing and implementing air quality monitoring at RSA OSP. Negotiations with Lehigh, however, were not successful and were terminated in late November. Winegar Air Sciences made a number of trips to Rancho RSA OSP and has invested a substantial amount of time reviewing the background literature and developing the monitoring design. These costs would be duplicated, and the time invested to date would be lost, if another consultant were to begin now.

Winegar Air Sciences would also collaborate with the University of California (UC) Davis DELTA Group, who would help process samples and analyze data in a unique cost-effective manner. UC Davis DELTA Group capabilities for sampling and analysis are also unique, having developed the drum sampler (for continuous monitoring) to be used in the study, and offer the combination of drum sampling with synchrotron x-ray fluorescence analysis, not available elsewhere.

Given these circumstances, Winegar Air Sciences would be able to complete the study at a competitive cost to the District, utilizing unique project design and analysis, justifying sole source selection.

FISCAL IMPACT

The District's FY2012-13 Budget for Lehigh air monitoring and legal services is \$250,000 and the projected FY2013-14 Budget is an additional \$150,000. The contract with Winegar Air Sciences would extend over both fiscal years, at a total cost of \$180,552.

BOARD COMMITTEE REVIEW

No Board Committee review was required for this portion of the Project as the need for this analysis has already been discussed and approved by the full Board.

PUBLIC NOTICE

Public notice of this Agenda Item was provided per the Brown Act. No additional notice is required.

CEQA COMPLIANCE

Air quality monitoring is not a project under the California Environmental Quality Act (CEQA).

NEXT STEPS

Upon approval by the Board of Directors, the General Manager would be authorized to enter into a contract with Winegar Air Sciences to provide professional consulting services to implement an air quality monitoring study at RSA OSP.

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