

✓ Davenport residents appealing cement plant's operating permit

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DAVENPORT — Residents here are appealing Lone Star Cement Plant's permit to operate, saying the State Air Resources Board should not allow emission of sulfur dioxide at a rate they claim is unhealthy for Davenport and the city of Santa Cruz, which also lies downwind from the plant.

The plant's permits were issued in August by Executive Officer Larry Odle of the Monterey Bay Unified Air Pollution Control District after a

decade of controversy over the plant's emissions of nitrogen oxides and more recently the foul-smelling sulfur dioxide.

Odle's action allowed no appeal to the regional board, so Davenport residents retained Santa Cruz attorney Celia Scott-Von der Muhll, who took the unusual step of appealing to the state board under provisions of the State Health and Safety code.

In a letter to James Boyd, executive officer of the Air Resources Board, Von der Muhll said the plant should not be allowed to have emissions of nitrogen oxide beyond those set in 1978 when a building permit was issued to let the plant convert from oil to coal to heat its kilns.

Concerning both nitrogen oxide and sulfur dioxide, she said, that Odle's allowances are illegal according to the regional board's own rules that prevent standards that further depreciate air quality.

The plant's conversion to coal cut back most emissions, but nitrogen oxide emissions continued to exceed the limit set by the 1978 order. An environmental impact report in 1978 estimated sulfur dioxide emissions would not exceed 53 pound per hour, so no emission standards were set since it was not considered to be a problem, Odle said earlier.

He also said the 1986 emission standards are well within those allowed by the federal government.

However, the converted plant in 1983 began spewing from 300-650 pounds of the odorous compound into the air and residents began to complain.

Odle said the amount of sulfur dioxide surprised everyone. Plant managers said it was coming from the shale used in the manufacture of cement in the coal-heated kilns.

Von der Muhll questioned the right of Odle to legitimize the higher rate of sulfur dioxide emission in his 1986 operating permit.

It will be in the hands of Boyd or the State Air Resources Board to grant an appeal hearing under the Health and Safety code.

Von der Muhll said he approach is unusual and to her knowledge hasn't been done often.

She said the board should grant the hearing for the board to decide if there's anything further Lone Star can do to cut emissions and to decide if the regional board can violate its own rules that prevent issuance of permits that allow further degradation of the air.