

# Peer Review Finished on Stillwell Project

Posted on [September 4, 2014](#) by [Valley Voice Contributor](#)

A Peer Review of CEMEX' hydrology report was delivered to the Resource Management Agency (RMA) Tuesday, August 26, and concluded that "it was difficult to say CEMEX was without fault" for residential wells going dry. Back in January, four Lemon Cove residents living next door to the Stillwell mine started experiencing dry wells. EMKO Environmental, hired by CEMEX to do their hydrology report, claimed that the wells went dry because of the drought and that CEMEX was not at fault. Tully and Young, a water consulting group, was hired by RMA to review the accuracy of CEMEX' report.

Tully and Young concluded that EMKO Environmental did not have sufficient data to claim that CEMEX was not at fault for the wells going dry.

"Based upon the lack of historic data and reports to provide both context and a complete technical set of facts, the conclusions reached by the (hydrology) report cause-and-affect analysis of this incomplete set of facts appear without merit in many instances. As such, it is not possible to fully place blame on the current drought conditions or other external factors to explain the current groundwater level conditions being experienced by the subject properties.

Although the drought is undoubtedly a primary contributing factor, the actions of CEMEX could have caused or at least exacerbated the degraded local groundwater conditions."

During a Tulare County Board of Supervisors meeting in July, four or five Lemon Cove residents and farmers spoke out during public comment.

They all voiced their concern that the CEMEX-hired hydrologist, Dr. Andrew Kopania, did not do the necessary research nor compile the relevant data to make any conclusions. The Tully and Young Peer Report backs up their claims.

After reading Tully and Young's anticipated Peer Review Report, a Lemon Cove resident said that, "it was no surprise that no conclusion could be made from CEMEX' hydrology report. It's a case of lawyeritis, where they are not saying CEMEX did anything bad, and they not saying CEMEX did anything good. Now we are right back to square one and it will be difficult to move forward."

Since the Peer Review Report is several hundred pages long, it is difficult to email. Paper copies are ready to be picked up by anyone interested at the RMA office at the Government Plaza.

A letter from Michael Spata, associate director for RMA, advises that interested parties have until September 30 to submit their comments regarding the Peer Review Report. All responses to the report, letters, public comments and all other documents are being compiled in a staff report

to be presented during a Tulare County Planning Commission Meeting where everyone will have their say.

Spata's letter continued, "Please provide any written comments by the close of business (5:30pm) on Tuesday, September 30, 2014, to the attention of Michael C. Spata, Associate Director, Tulare County Resource Management Agency (RMA), 5961 South Mooney Boulevard, Visalia, CA 93277. If you have any questions, please contact Mr. Spata by phone at (559) 624-7000, or by sending an email to MSpata@co.tulare.ca.us."

### **CEMEX to Fix Pumps, Fill Recharge Trenches**

The same day that RMA received Tully and Young's Peer Review, another surprising announcement was made.

CEMEX, in a 180-degree turn around, decided to resume filling the recharge trenches next to the Stillwell gravel mine.

A letter from CEMEX' lawyer to RMA states, "My client CEMEX has notified RMA that it intends to begin dewatering the Stillwell mine beginning on or around September 2, 2014 and discharge the pumped water to the adjacent V-ditch. To provide an accurate analysis of the effects of dewatering and filling the V-ditch on groundwater levels surrounding the Stilwell property, CEMEX will be installing downhole pressure transducers and dataloggers on its four monitoring wells adjacent to the V-ditch."

Rob Morton, whose residential well has gone dry because of the Stillwell gravel mine, happened to be home when two CEMEX employees showed up at his house to install the datalogger.

His was one of the wells that CEMEX wanted to monitor. One of the men who showed up to install the monitor was Dr. Andrew Kopania, the principal hydrologist that wrote CEMEX' report that exonerated the multinational from any fault.

Morton asked Kopania why CEMEX suddenly decided to fill the recharge trenches. The response was that CEMEX was going to resume mining.

Morton responded by saying that he hoped instead that CEMEX had a change of heart because the residents' wells had gone dry. Kopania quickly corrected himself and said that their reasons for filling the trench were two-fold: one to recharge their neighbors' wells, and the other was to dewater the ponds so CEMEX could resume mining.

"It just made me very, very suspicious when I got the letter," said Morton. He had heard that there was no more cobble left in the mine, and if there was, it doesn't make any sense that CEMEX would stop mining for a year when there was money to be made.

Several reasons for CEMEX' sudden interest in dewatering the ponds have surfaced and the mystery thickens.

The projected date to start pumping water into the recharge trench was Tuesday, September 2, but possible trouble with CEMEX' pumps might delay that until Wednesday or longer.