

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408)918-3400 FAX (408)258-5891
www.EHinfo.org



May 5, 2016

Via Certified Mail# 7012164000062280221
(Sam.Barket@LehighHanson.com)

Lehigh Southwest Cement Company
Attn: Sam Barket
24001 Stevens Creek Blvd.
Cupertino, CA 95014

RE: Violation of the Santa Clara County Noise Ordinance Section B11-152

Dear Mr. Barket:

Several formal complaints have been filed with the Department of Environmental Health (DEH) alleging that Lehigh Southwest Cement Company (located at 24001 Stevens Creek Boulevard, Cupertino and hereinafter referred to as Subject Property) is allowing an ongoing, steady noise at excessively-loud levels.

Santa Clara County Ordinance Code (Ordinance Code) section B11-152 generally limits noise on the Subject Property, which is in a residential land use area, of no more than 55 dB(A) (decibel A-weighting) between the hours of 7:00 a.m. and 10:00 p.m.. In a one or two-family residential area, Section B11-152 limits the permissible noise level to 45 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. the following day. According to Section B11-152(b), if the offensive noise contains a **steady, audible tone such as a whine, screech or hum**, the limit is reduced by 5 dB(A).

On April 14, 2016, DEH staff took sound level measurements for a period of one hour, starting at 10:42 p.m., on a property located on Firwood Drive in Cupertino. The attached sound level data sheet and graph indicates that the L_{eq} value was 49.9 dB(A) for a period of one hour. After taking into account extraneous noise sources, the noise level contributed by Lehigh Southwest Cement Company was between 46 and 48 dB(A) based upon our continuous observation during the monitoring period. The noise limit for this monitoring session was 40 dB(A) because the noise contained a steady, audible hum for the entire monitoring period.

On April 24, 2016, DEH staff took sound level measurements for a period of one hour, starting at 10:27 p.m., on a property located on Firwood Drive in Cupertino. The attached sound level data sheet and graph indicates the L_{eq} value was 49.4 dB(A) for a period of one hour. After taking into account extraneous noise sources, the noise level contributed by Lehigh Southwest Cement Company was between 48 and 49 dB(A) based upon our continuous observation during the monitoring period. The noise limit for this monitoring session was 40 dB(A) because the noise contained a steady, audible hum for the entire monitoring period.

Please immediately reduce the noise you are generating on the Subject Property. We will reevaluate the sound level on Firwood Drive within 30 days to confirm that you have taken appropriate mitigation measures to reduce the sound emanating from the Subject Property. We request that you provide a response to our office detailing the measures that were taken to reduce the noise within 30 days.

Board of Supervisors: Cindy Chavez, Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

For further information, please contact me at (408) 918-1976 or Rochelle Gaddi at (408) 918-3449.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Balliet", with a long horizontal flourish extending to the right.

Michael Balliet, Director
Consumer Protection Division

Attachments – Session Report from April 14, 2016
Session Report from April 24, 2016

Session Report

4/15/2016

Information Panel

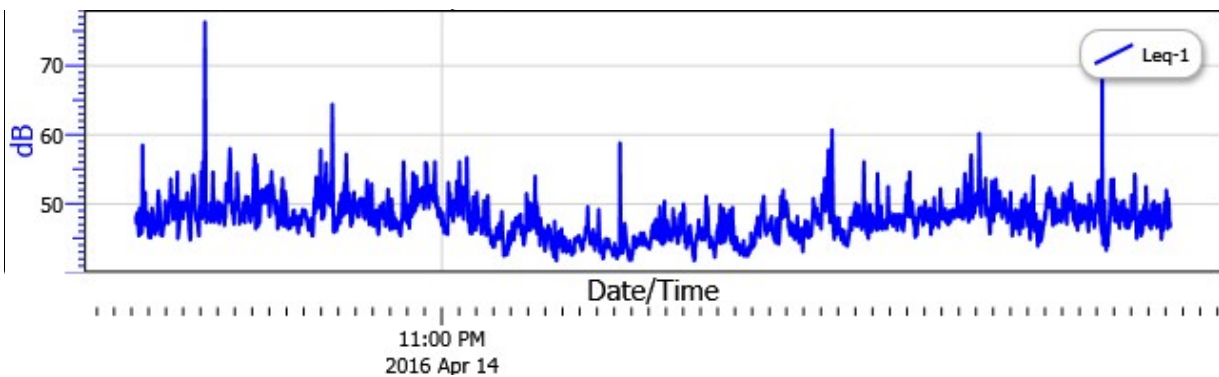
Name Lehigh Cement Noise Survey
Start Time 4/14/2016 10:42:14 PM
Stop Time 4/14/2016 11:42:14 PM
Device Name BGK120021
Model Type SoundPro DL
Device Firmware Rev R.13H
Comments Measurements made at Firwood Drive; Cupertino, CA
Observed no background noise except occasional wind gusts, plane flyby and occasional car passby

Summary Data Panel

Description	Meter	Value	Description	Meter	Value
Leq	1	49.9 dB			
Exchange Rate	1	3 dB	Weighting	1	A
Response	1	FAST	Bandwidth	1	OFF
Exchange Rate	2	3 dB	Weighting	2	C
Response	2	FAST			

Logged Data Chart

Firwood Drive: Logged Data Chart



Calibration History

Date	Calibration Action	Level	Cal. Model Type	Serial Number	Cert. Due Date
4/14/2016 10:36:50 PM	Calibration	114.0			
4/14/2016 11:43:28 PM	Verification	114.2			

Session Report

5/5/2016

Information Panel

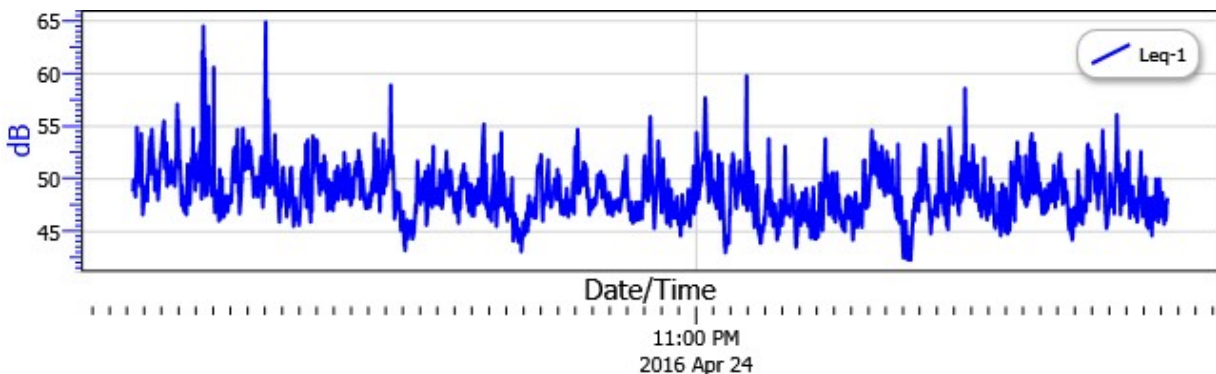
Name Lehigh Cement Plant Noise Survey
Start Time 4/24/2016 10:27:19 PM
Stop Time 4/24/2016 11:27:19 PM
Device Name BGK120021
Model Type SoundPro DL
Device Firmware Rev R.13H
Comments Noise was measured on Firwood Drive in Cupertino, CA.
Observed occasional car pass by and plane fly over.
Observed no insect or animal background noise.
Weather condition was clear, cold and at times windy

Summary Data Panel

Description	Meter	Value	Description	Meter	Value
Leq	1	49.4 dB			
Exchange Rate	1	3 dB	Weighting	1	A
Response	1	FAST	Bandwidth	1	OFF
Exchange Rate	2	3 dB	Weighting	2	C
Response	2	FAST			

Logged Data Chart

Lehigh Cement-10160 Firwood: Logged Data Chart



Calibration History

Date	Calibration Action	Level	Cal. Model Type	Serial Number	Cert. Due Date
4/24/2016 10:17:30 PM	Calibration	114.0			

