

# County of Santa Clara

Department of Environmental Health

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



February 16, 2017

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:

Since the notice of violation issued on May 5, 2016, additional 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 January 29, 2017, DEH staff took sound level measurements for a period of one hour, starting at 4:00 a.m., on a property located on Lebanon Drive in Cupertino. The attached sound level data sheet and graph indicates that the  $L_{eq}$  value was 47.2 dB (A) for a period of one hour. During that one hour period, there was no background noise (e.g. cricket or other animal noises) except for one plane, one car, and one helicopter that lasted about 30 seconds each. After taking into account extraneous noise sources, the noise level contributed by Lehigh Southwest Cement Company was between 44 and 46 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.

This is Lehigh Southwest Cement Company's second notice of violation and third instance of a violation (first violation noted on April 14, 2016 and second violation noted on April 24, 2016). Lehigh Southwest Cement Company is directed to immediately reduce the noise causing the violation on the Subject Property. DEH will reevaluate the sound level on Lebanon Drive within 30 days to confirm that Lehigh

has taken steps to reduce the sound emanating from the Subject Property. Please provide a response to DEH by March 24, 2017 detailing the measures that Lehigh has taken to reduce the noise.

For further information, please contact me at (408) 918-3449.

Sincerely,

A handwritten signature in black ink, appearing to read "Rochelle Gaddi". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Rochelle Gaddi, Acting Director  
Consumer Protection Division

Attachment-Session Report from January 29, 2017

Cc: Rob Eastwood, SCC Planning Department