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Memorandum

To: Jeff Smith, Chief Executive Officer, Santa Clara County
Nash Gonzalez, Director, Department of Planning and Development

From: County Supervisor S. Joseph Simitian *SJS*

Re: County Oversight of Lehigh Quarry

Date: April 1, 2014

Subsequent to settlement of the vested rights question and adoption of the Reclamation Plan amendment for the Lehigh facility in unincorporated Santa Clara County, interest in facility operations remains high.

My conversations with community members, public officials, County planning staff, and representatives of Lehigh, in addition to my own research and history with this facility, lead me to believe that it would be in everybody's interest if the County asserted its oversight role more fully.

I have two specific suggestions in mind:

Monthly Site Visits

My understanding is that in prior years, site visits by County staff occurred more or less annually; and that in 2013, partly in response to my inquiries, they were stepped up and occurred quarterly. Let me explain why I think monthly visits by County staff would be helpful.

First, I have been struck during this past year by the very different perspectives of concerned community members and representatives of the Lehigh facility.

Lehigh representatives continue to assert exemplary performance. On the other hand, a significant segment of the community, and a number of locally elected officials, are skeptical at best. It seems to me that the basic compliance questions – what is or isn't happening on site – should be easy enough to answer.

The activity taking place on site is knowable, and the County should certainly be current and fully informed. To that end, monthly site visits should both ensure a fuller understanding of operations at Lehigh, and provide a means by which the public may be assured.

The cost of additional site visits should be modest, and fully recoverable from Lehigh. To my knowledge, Lehigh has not indicated any objection to covering the costs of such site visits.

Agency Coordination Meetings

County staff should convene at least two inter-agency staff-level coordination meetings each year. At a minimum, these meetings should involve County staff and those of the Bay Area Air Quality Management District, the San Francisco Regional Water Quality Control Board, and the State Office of Mine Reclamation. The purpose would be to discuss the status of, and any changes to, various aspects of Lehigh operations that are in the regulatory jurisdiction of each agency.

Currently there is no forum in which these multi-jurisdictional conversations take place, let alone take place on a regular basis. As a result, it can appear to the public that “the left hand and the right hand” aren't well-coordinated. Semi-annual meetings would be a step in the right direction, and would give the public some reassurance that the various regulatory bodies are in regular conversation. In my view, the multi-jurisdictional nature of regulatory enforcement in this matter makes public accountability (not to mention public trust) a significant challenge.

And perhaps most importantly, when all the relevant agencies are around the table together we can best ensure a coordinated follow-through on outstanding issues.

I anticipate that these discussions would be reported out by County staff at a public meeting, perhaps of the Housing, Land Use, Environment and Transportation (HLUET) Committee. If the District Supervisor representing Lehigh does not sit on the HLUET Committee, it would be appropriate to request his or her participation in the meeting and notice the meeting appropriately.

The public report out would provide concerned elected officials from jurisdictions neighboring the Lehigh site an opportunity to stay informed, to provide input, and to share their perspectives. It would also provide members of the general public with the same opportunity.

Conclusion

The two suggestions I've outlined above are submitted for your consideration, and with the hope they might be implemented administratively and without delay. If, however, you think direction from the Board of Supervisors is required, please let me know so that I may prepare a memo to my Board colleagues for their consideration.

cc: Board of Supervisors
Rob Eastwood
Elizabeth Pianca
Marina Rush