

County of Santa Clara

Department of Planning and Development
Planning Office

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March 13, 2020

Mr. Mark D. Harrison, Esq.
Harrison, Temblador, Hungerford, & Johnson
2801 T Street
Sacramento, CA 95816

Re: February 24, 2020 letter regarding the processing of Lehigh's Major Reclamation Plan Amendment application (PLN19-0106)

Mr. Harrison:

The County of Santa Clara ("County") is in receipt of your letter dated February 24, 2020 regarding Lehigh Southwest Cement Company's ("Lehigh") May 22, 2019 Major Reclamation Plan Amendment application (File No. PLN19-0106) ("Application"). I would like to reassure you that the County has been processing the Application since it was submitted on May 22, 2019 and there has been no delay by the County in the processing of the Application.

In addition to the timeline of events outlined in the February 24, 2020 letter, I would like to bring to your attention that the following events occurred that were not reflected in your letter:

- On July 22, 2019, the County issued an Incomplete letter that requested Lehigh to revise the May 22, 2019 Application to include additional information, resubmit within 180 days, and attend a resubmittal appointment prior to resubmitting the application.
- On September 30, 2019, Lehigh submitted a Response Letter but failed to schedule a resubmittal appointment prior to resubmitting the application until October 9, 2019 to discuss revisions to the May 22, 2019 Application.
- On October 9, 2019, the Resubmittal Application was officially submitted to the County by Lehigh. In response to County comments provided to Lehigh at the October 9, 2019 meeting, on October 10, 2019 Lehigh submitted subsequent information pertaining to the October 9, 2019 Application Resubmittal to the County.
- On November 8, 2019, the County notified Lehigh that the October 10, 2019 Resubmittal Application was deemed complete. The November 8, 2019 Complete letter required Lehigh to enter into a Compliance Agreement and Stipulated Order to Comply as a necessary step towards abatement of the sediment discharge Notice of Violation, issued June 13, 2019. Subsequently, the County reissued the Stipulated Order to Comply on February 21, 2020 and, other than a brief email sent February 24, 2020, has yet to receive a response from Lehigh.

Additionally, the November 8, 2019 Complete letter requested Lehigh submit required reports/documents necessary for the County to commence environmental review of the Application under the California Environmental Quality Act ("CEQA") and submit one single consolidated Reclamation Plan Amendment (Attachement A). As of today, Lehigh has not submitted the required reports/documents.

Please be aware that the County has selected Environmental Science Associates (ESA) to prepare an Environmental Impact Report (EIR) for the proposed RPA. ESA has prepared a draft scope of services currently under review by the County. To finalize the EIR scope of services and execute a contract with ESA to complete the EIR, the County must receive the single consolidated Reclamation Plan Amendment from Lehigh, as requested in the November 8, 2019 Complete letter.

If you have any additional questions regarding this application, please contact me at jacqueline.onciano@pln.sccgov.org / (408) 299-6741.

Sincerely,



Jacqueline R. Onciano
Director, Department of Planning and Development

Attachments

A) November 8, 2019 Complete letter

cc: Rob Eastwood, Planning Manager, AICP, County of Santa Clara
Manira Sandhir, Principal Planner, AICP, County of Santa Clara
Robert Salisbury, Senior Planner
Jim Baker, County Geologist, County of Santa Clara
Elizabeth G. Pianca, Lead Deputy County Counsel, County of Santa Clara
Kristina Loquist, Office of Supervisor Simitian, County of Santa Clara
Paul Fry, Engineering and Geology Unit Manager, Division of Mine Reclamation
Roger Lee, Acting Public Works Director, City of Cupertino