

County of Santa Clara

Department of Planning and Development
Planning Office

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November 8, 2019

Erika Guerra
Environmental and Land Management Director
Lehigh Southwest Cement Company
24001 Stevens Creek Blvd
Cupertino, CA 95014

FILE NUMBER: PLN19-0106
SUBJECT: Major Reclamation Plan Amendment
SITE LOCATION: 24001 Stevens Creek Blvd.
DATE RECEIVED: October 10, 2019

Dear Erika Guerra:

The purpose of this letter is to inform you that the Major Reclamation Plan Amendment application (“Application”) as resubmitted by Lehigh Southwest Cement Company (“Lehigh”) on October 10, 2019 is complete. Section II requires Lehigh to enter into a Compliance Agreement and Stipulated Order to Comply which is a necessary step towards abatement of the sediment discharge Notice of Violation, issued June 13, 2019. Section III of this complete letter identifies the required reports/documents that are required in order for the County to commence environmental review of the project pursuant to the California Environmental Quality Act (“CEQA”).

I. Project Description

On May 22, 2019, Lehigh submitted an Application to amend the existing Reclamation Plan for Lehigh Permanente Quarry (“Quarry”), approved by the Santa Clara County (“County”) Board of Supervisors on June 26, 2012, herein referred to as the 2012 Reclamation Plan. The Application proposes to amend the 2012 Reclamation Plan by completely replacing it, including the following significant modifications:

- A. Expand the reclamation plan boundary area by 73.4 acres, increased the total reclamation plan area from 1,238.6 acres to 1,312 acres.
- B. Retain the overburden material currently stores in the West Materials Storage Area (“WMSA”) in place, originally proposed to be used for backfilling of the main quarry pit under the approved 2012 Reclamation Plan. A total volume of 34.5 million cubic yards (mcy) is needed to fill the main quarry pit to its final design volume at approximately 990 feet mean sea level (msl). This Application assumes that 14.1 mcy, of the required 34.5

mcy of backfill, will be generated onsite. The remainder would be imported from suitable soil surplus off-site sources. The WMSA overburden material would be left in place.

- C. Modify the maximum final elevation and recontour the WMSA, increasing the final elevation from approximately 1,900 feet msl to 2,060 feet msl.
- D. Modify the County's 1972 Ridgeline Protection Easement and decrease the lower ridge crest along a portion of the North Quarry highwall by approximately 100 feet, in order to mine additional limestone in this area and layback the sloped for stabilization.
- E. Expand mining activities into a new 30-acre area, referred to as the "Rock Plan Reserve," located to the south east of the main quarry pit, including reclamation.
- F. Use an existing Pacific Gas & Electric, Co. utility access road, or establish a new haul road between Lehigh and Stevens Creek Quarry ("Utility Haul Road") in order to facilitate the sale of aggregate material to Stevens Creek Quarry.
- G. Reclaim an approximately 3,600-foot segment of the existing Plan Quarry Road and adjacent areas (Note: This aspect of the projects is currently proposed under a separate Utility Road Reclamation Plan Amendment Application, File No. PLN19-0067).

The County determined that the May 22, 2019 Application was incomplete and issued an Incomplete Letter to Lehigh on July 22, 2019. The July 22, 2019 Incomplete Letter requested that Lehigh revise the May 22, 2019 Application to include additional information, resubmit within 180 days, and attend a resubmittal appointment prior to resubmitting the application. In response to County's request, Lehigh submitted a Response Letter on September 30, 2019 but failed to schedule a resubmittal appointment prior to resubmitting the application, as required, until October 9, 2019 to discuss revisions to the May 22, 2019 Application. The Resubmittal Application was officially submitted to the County by Lehigh on October 9, 2019. In response to County comments provided to Lehigh at the October 9, 2019 meeting, Lehigh submitted subsequent information pertaining to the October 9, 2019 Application Resubmittal to the County on October 10, 2019.

II. Code Enforcement

As noted in the July 22, 2019 Incomplete Letter, on June 13, 2019, a violation was issued to Lehigh by the County of Santa Clara for violation of the Surface Mining and Reclamation Act and County Zoning Ordinance Section 4.10.370 III (C)(l) related to discharge of sediment into Permanente Creek. County Ordinance Code Section C 1-71 provides that "[n]o permit required by this title [Title C] shall be issued to any applicant ... upon which there exists a conflict with any County ordinance or state law ... [p]ermits may be issued ... if the applicant has executed a compliance agreement and is in the process of completing or has completed the repairs, construction, or reconstruction described in the compliance agreement." Accordingly, Lehigh shall enter into and comply with a Compliance Agreement and Stipulated Order to Comply (Attachment A) with the County of Santa Clara that specifies the actions required by Lehigh to fully abate the existing violations. If Lehigh does not enter into a Compliance Agreement and Stipulated Order to Comply, the County may schedule the Reclamation Plan Amendment for public hearing with a recommendation of denial, in accordance with Public Resources Code Section 210180(b)(5) and County Ordinance Code C 1-71.

III. CEQA Review

The following actions and additional information related to CEQA review are required before the County can complete the environmental review process and schedule the project for a hearing:

Provide a Consolidated Reclamation Plan Amendment Application

1. In order to evaluate the project under CEQA, the County requires a consolidated Reclamation Plan Amendment. On May 22, 2019, Lehigh submitted the Reclamation Plan Amendment to the County. In response to the County's July 22, 2019 Incomplete Letter, Lehigh submitted additional information to the County in the September 30, 2019 and October 10, 2019 Resubmittal Application. Thus, the Application was submitted to the County as separate files and does not constitute a complete description of the proposed Reclamation Plan Amendment. The supplemental material submitted to the County in the September 30, 2019 and October 10, 2019 Resubmittal Application, should be incorporated into a single consolidated Reclamation Plan Amendment that the County can provide to the Office of Mining and Reclamation for review as part of application processing. The consolidated Reclamation Plan Amendment shall incorporate and make reference to the additional information submitted to the County as follows:
 - a. Revise the Application to state that the project proposes to import approximately 20.4 million cubic yards of clean fill for placement in the North Quarry, with 14.1 million cubic yards of backfill generated onsite, as stated in the September 30, 2019 Resubmittal Letter. As stated by Lehigh in the September 30, 2019 Resubmittal Letter, this information is included in Appendix G-3 of the May 22, 2019 Application. Please note, that this is a critical component of the project description and should therefore be included in the narrative of the Reclamation Plan Amendment, not just in an appendix to the Application.
 - b. Include Attachment 1 to the September 30, 2019 Resubmittal Letter, which includes Figure 1, "North Quarry Lay-Back Cross Sections," and Figure 2, "Easement Grading Area and Volumes."
 - c. Revise Table 12 on page 38 of the Application to clarify that the phasing for the Permanente Creek Restoration Project will span 0 to 5 years, not 0 to 20 years.
 - d. Include Attachment 2 to the September 30, 2019 Resubmittal Letter, which includes a memorandum titled, "Responses to SCC Incompleteness Determination for Permanente Quarry" prepared by Stantec on August 30, 2019.
 - e. Include Attachment 3 to the to the September 30, 2019 Resubmittal Letter, which includes a memorandum titled, "Estimated Tree Composition and Density on the North Highwall Lay-Back and Rock Plan Project Sites," prepared by GEI Consultants on September 6, 2019.
 - f. Include updated geologic engineering reports signed by a Certified Engineering Geologist. Attachment 1 to the September 30, 2019 Resubmittal Letter, included brief

descriptions of the reports with individual signatures. The County requested updated geologic engineering reports signed by a Certified Engineering Geologist, listed signatures on a page does not comply with this request. Please revise the Application to include updated geologic engineering reports signed by a Certified Engineering Geologist.

- g. Include the cross-sections and “models” used in the slope stability analysis included in Attachment 1 to the September 30, 2019 Resubmittal Letter.
- h. Include Attachment 4 to the September 30, 2019 Resubmittal Letter, which includes a memorandum titled, “Permanente Quarry – WMSA Slope Instability Remediation Plan,” prepared by Stantec on September 27, 2019.
- i. Include Drawing 1, “Utility Road Grading Plan,” and Drawing 3, “Utility Road Cross-Sections,” provided in Attachment 2 to the September 30, 2019 Resubmittal Letter.
- j. Include Figure 3.4, “Rock Plant Reserve Cross-Sections,” provided in Attachment 2 to the September 30, 2019 Resubmittal Letter.
- k. Include the amount of woodland/forest habitat to be removed as stated in the October 10, 2019 Resubmittal Letter.
- l. Include the reclaimed height of the West Materials Storage Area as stated in the October 10, 2019 Resubmittal Letter.

Prepare Additional Reports to Support Environmental Review

2. The County will retain a qualified CEQA consultant to prepare an Environmental Impact Report (EIR) that evaluates the whole of the project. In addition, the County shall retain consultants to prepare technical evaluations for CEQA Appendix G resource topic areas including but not limited to the following:
 - Aesthetics
 - Air Quality
 - Biological Resources
 - Geology and Soils
 - Greenhouse Gas Emissions
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Noise
 - Transportation
 - Utilities and Service Systems

Once this information has been submitted, provided it is adequate, and Lehigh has agreed to enter and comply with the Compliance Agreement and Stipulated Order to Comply (Attachment A), the County will continue and complete environmental review, and then schedule the application for a hearing before the Planning Commission.

If you have any additional questions regarding this application, please call me at robert.salisbury@pln.sccgov.org / (408) 299-5785.

Sincerely,

DocuSigned by:

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Robert Salisbury
Senior Planner

cc: Jacqueline R. Onciano, Director, Department of Planning & Development
Rob Eastwood, Planning Manager, County of Santa Clara
Elizabeth G. Pianca, Lead Deputy County Counsel, County of Santa Clara
Michael Rossi, Lead Deputy County Counsel, County of Santa Clara
Manira Sandhir, Principal Planner, AICP, County of Santa Clara
Jim Baker, County Geologist, 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

Attachments:

A) Compliance Agreement and Stipulated Order to Comply