



**DISCUSSION ITEMS**

**Agenda Item # 6**

**AGENDA REPORT SUMMARY**

**Meeting Date:** July 30, 2019

**Subject:** Letter regarding Lehigh Southwest Cement Company Proposed Permanente Quarry Reclamation Plan Amendment Application

**Prepared by:** Jon Maginot, Deputy City Manager

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Letter to Santa Clara County Planning dated May 21, 2019
2. Letter from City of Cupertino to Santa Clara County Planning dated July 3, 2019
3. Letter from Midpeninsula Regional Open Space District to Santa Clara County Planning dated July 12, 2019

**Initiated by:**

Mayor Lee Eng and Councilmember Enander

**Previous Council Consideration:**

May 14, 2019

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to send a letter regarding the Lehigh Southwest Cement Company proposed Permanente Quarry Reclamation Plan Amendment application?

**Summary:**

- Lehigh Southwest Cement Company has submitted an application for its Permanente Quarry Reclamation Plan
- The City of Cupertino and Midpeninsula Regional Open Space District have sent letters to the Santa Clara County Planning Department regarding the application

**Staff Recommendation:**

The Council should discuss sending a letter and provide direction to staff as needed

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**Reviewed By:**

City Manager

*CJ*

City Attorney

*CD*

Finance Director

*SE*

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1 North San Antonio Road  
Los Altos, California 94022-3087

**SENT VIA EMAIL:** [rob.eastwood@pln.sccgov.org](mailto:rob.eastwood@pln.sccgov.org)

May 21, 2019

Rob Eastwood, Principal Planner  
County of Santa Clara  
70 West Hedding Street  
East Wing, Seventh Floor  
San Jose, CA 95110

**RE: Lehigh Hanson and Stevens Creek Quarry concerns**

Dear Mr. Eastwood,

The City Council of the City of Los Altos is writing in support of the letter submitted to the Planning Department by the City of Cupertino on January 31, 2019 regarding reported violations at Lehigh Hanson and Stevens Creek Quarry, attached.

Because Stevens Creek flows through the City of Los Altos, we are critically concerned about the quality of its water. Therefore, we request increased frequency and thoroughness of County inspections of Lehigh Hanson and Stevens Creek Quarry activities to ensure full and ongoing compliance with operating permits to promptly identify violations. The City also requests that the County prosecute violations, impose appropriate fines and focus resources and attention on expeditiously resolving all known pending reclamation and permitting issues.

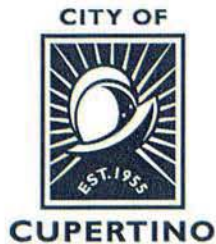
Prompt and persistent action by the County of Santa Clara is necessary to resolve the issues stated above and to address the potential adverse environmental and health concerns of the residents of Los Altos, Cupertino and adjacent communities.

Sincerely,

Lynette Lee Eng  
Mayor

Attached: January 31, 2019 City of Cupertino letter

c: Supervisor Joe Simitian  
Assemblymember Marc Berman  
State Senator Jerry Hill  
Los Altos City Council  
Los Altos City Manager



**CITY MANAGER'S OFFICE**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

January 31, 2019

Rob Eastwood  
Principal Planner  
County of Santa Clara  
70 West Hedding Street  
East Wing, Seventh Floor  
San Jose, CA 95110  
[Rob.Eastwood@pln.sccgov.org](mailto:Rob.Eastwood@pln.sccgov.org)

Dear Mr. Eastwood,

The County of Santa Clara issued a Notice of Violation to Lehigh Hanson (Lehigh) on August 17, 2018 for illegal grading of a haul road outside the boundaries of the 2012 Reclamation Plan Amendment approved for Lehigh's Permanente Quarry. The haul road followed an existing utility access road that allowed Lehigh to ship aggregate mined on its property to the neighboring Stevens Creek Quarry (SCQ) for processing and sale. The County required that Lehigh halt further grading and use of the haul road, a portion of which falls within the jurisdictional boundaries of the City.<sup>1</sup>

Since the Notice of Violation,<sup>2</sup> Lehigh has continued to haul material to SCQ, now via City of Cupertino streets. An estimated twenty to twenty-seven trucks circulate continuously between the quarries each workday. This dramatic change in the volume and composition of traffic on Stevens Creek and Foothill Boulevards causes hazardous conditions for pedestrians, bicyclists, and drivers, as well as significant backups, idling, and associated noise and emissions. The loaded quarry trucks have also dropped quantities of sediment and debris on City streets, resulting in runoff of potentially contaminated material to the City's storm drain system, which discharges to nearby creeks.

The recent expansion in operations, at both SCQ and Lehigh, and the associated hauling through City streets, are unacceptable and illegal. The two quarries appear to have struck a deal that allows Lehigh to ship its aggregate offsite for processing at a facility subject to less stringent

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<sup>1</sup> As a portion of the illegal grading occurred within the jurisdictional boundary of the City, the City has been waiting to coordinate with the County to take enforcement action against Lehigh as provided by the City and County ordinance.

<sup>2</sup> Available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_NOV\\_20180817.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_NOV_20180817.pdf).



environmental controls and SCQ to extend the life of its aggregate business as its own deposits run out. But SCQ is neither authorized nor entitled to process aggregate or overburden mined offsite. It is required to comply with the conditions of approval established by its 1996 Use Permit for Parcel A (Conditions of Approval) and the 2002 Mediated Conditions governing Parcel B (Mediated Conditions).<sup>3</sup> These conditions provide for SCQ to process and export aggregate mined on its property. They also prohibit SCQ from trucking material in from Permanente Quarry, either over the boundary it shares with Lehigh or using City streets not identified in its designated, mandatory haul routes.

Likewise, Lehigh cannot ship (potentially contaminated) aggregate for processing and sale offsite without first obtaining a use permit from the County and undergoing environmental review.

Accordingly, the County's Notice of Violation and enforcement against Lehigh do not address the primary violations of County law, which continue to this date. The County must order SCQ to cease and desist processing aggregate hauled in from offsite, and Lehigh to cease and desist shipping its aggregate to offsite locations for processing and sale. Such action will moot Lehigh's pending Reclamation Plan Minor Amendment for Rock Plant Haul Road Reclamation and Boundary Adjustment, dated November 2018 (proposed Reclamation Plan Amendment) and its application for the same dated November 9, 2018 (Application).<sup>4</sup>

Lehigh's grading and road improvements are illegal. But neither new steps to permit that road nor Lehigh's proposed Reclamation Plan Amendment can provide Lehigh and SCQ a compliant means for SCQ to process Lehigh's aggregate. Their current use of City streets only exacerbates their violations by violating additional Conditions of Approval, endangering Cupertino's residents, and creating nuisance conditions. The County must therefore reject Lehigh's proposed Reclamation Plan Amendment and immediately halt SCQ's and Lehigh's illegal expansion of their respective operations.

**I. Stevens Creek Quarry's processing and sale of imported aggregate violates applicable permits, conditions, and County law.**

The Stevens Creek Quarry consists of two areas commonly referred to as Parcels A and B. Parcel A contains offices, scales, and a concrete recycling facility, and Parcel B contains a quarry pit, rock crusher, and material stockpiles. Parcel A is governed by a use permit originally issued in 1984 and renewed with Conditions of Approval in 1996. Parcel B is subject to a set of

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<sup>3</sup> Conditions of Approval available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253\\_SCQ\\_UsePermit\\_ParcelA\\_COA.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_UsePermit_ParcelA_COA.pdf); Mediated Conditions available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253\\_SCQ\\_Agreement\\_ParcelB\\_COA.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_Agreement_ParcelB_COA.pdf).

<sup>4</sup> Proposed RPA available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_HaulRoad\\_RPA.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_HaulRoad_RPA.pdf); Application available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_HaulRoad\\_AppForms.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_HaulRoad_AppForms.pdf).



Mediated Conditions—the result of mediation between SCQ and a group of neighbors—with which SCQ is required to comply pursuant to its 2008 Reclamation Plan Amendment. In May 2018, the County and SCQ entered into a Compliance Agreement and Stipulation to Comply (Compliance Agreement), in which SCQ acknowledged that it had violated County and State law and agreed to steps to bring SCQ into compliance with both, including that SCQ “shall submit an application for a Use Permit and Reclamation Plan Amendment for Parcels A and B.”<sup>5</sup> Accordingly, SCQ is currently operating under a combination of a use permit and the associated Conditions of Approval, Mediated Conditions, Reclamation Plan, and Compliance Agreement.<sup>6</sup>

Rather than bringing its operations into long-overdue compliance as it committed to do only eight months ago, SCQ intensified and expanded its non-conforming use during the very period in which it has been subject to the Compliance Agreement. All of SCQ’s approvals anticipate—and allow—an export mining operation. But as SCQ exhausts its own raw materials, it has developed a new line of business to extend the life of its aggregate processing operation.<sup>7</sup> The County should immediately halt SCQ’s latest attempt to flout State, County, and local law and prohibit any import of aggregate from offsite until SCQ has applied for, performed environmental review of, and obtained a use permit and Reclamation Plan Amendment.

The Conditions of Approval and Mediated Conditions both specify practices for trucks loading material at SCQ and hauling it elsewhere for delivery. Neither set of conditions refers to or contemplates delivery trucks unloading for the aggregate operation. For example, Condition of Approval 44 requires SCQ to “supply [the County with] monthly totals of vehicular (truck) traffic serviced by the quarry operations.” Mediated Condition 20(a) limits hours of operation so that “[b]eginning at 6:00 a.m., trucks shall be able to stack, *load* and haul.” Mediated Condition 14 requires “[t]ruck *loading* practices to be such as to eliminate spillage on public roads” and 15 mandates that “[a]ll truck parking, queuing and *loading*, shall be carried out on the property.” *See also* Mediated Condition 12(a) (dust control for areas where “haulage vehicles” are “used” or “*loaded*”), 12(b) (“Dozing, digging, scraping, and *loading* of excavated materials shall be done in a manner which reduces to the minimum level possible the raising of dust.”), 20(b) (“Plant operation does not include material *loading* and hauling, because it is covered in the use permit for parcel “A”), 24 (SCQ “shall maintain control over . . . hauling and *loading* hours”). And

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<sup>5</sup> Compliance Agreement at 9, available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253\\_2018\\_ComplianceAgreement\\_StipulatedOrdertoComply.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2018_ComplianceAgreement_StipulatedOrdertoComply.pdf).

<sup>6</sup> In November 2018, the Regional Water Quality Control Board also issued a Technical Report Order requiring SCQ to update its Stormwater Pollution Prevention Plan and to collect data on specific water quality parameters including metals such as selenium due in part to concerns that aggregate imported from Permanente Quarry could introduce new contaminants to the site, which lacks specialized water quality treatment facilities. *See* Technical Report Order Per Water Code Section 13267, Stevens Creek Quarry, Inc., Santa Clara County (Nov. 8, 2018), available at <https://www.cupertino.org/home/showdocument?id=23484>.

<sup>7</sup> SCQ’s entire mining area, including both its quarry pit and all buildings and facilities, encompasses approximately 123 acres, of which 13 are depleted and now undergoing reclamation. *See* Surface Mining Inspection Report at 5 (Sept. 14, 2018), available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253\\_2018\\_MRRC.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2018_MRRC.pdf).



Mediated Condition 13 limits the “[h]aul route being approved [to] Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. No other route to be used.” (Emphasis added.) Thus, SCQ’s approvals describe operations exclusively as trucks loading at and leaving the quarry, not delivering to it or travelling on Stevens Creek Boulevard west of Foothill Boulevard.

SCQ was already years out of compliance with its Reclamation Plan prior to adding its new import business, with numerous and persistent violations that culminated in the Compliance Agreement. Nonetheless, its expanded aggregate processing activities further violate its Reclamation Plan by causing a “change or expansion to a surface mining operation that substantially affects the completion of the previously approved Reclamation Plan,” including by “exten[ding] the termination date of the mining operation.” 14 C.C.R. § 3502(d). Washing and crushing Lehigh’s aggregate without the rigorous water quality protections required at the Permanente Quarry could also “substantially affect the approved end use of the site” or cause inconsistency with “previously adopted environmental determinations,” as the Regional Water Quality Control Board has recently indicated in requiring data specifically targeted at contaminants of concern imported with the Lehigh aggregate.<sup>8</sup>

The County should not allow SCQ to expand its operations and worsen its violations while nominally following the steps identified in the Compliance Agreement. Instead, the County should require that SCQ immediately halt all imports of aggregate while it works to achieve compliance for even its existing operations.

**II. Lehigh does not have a vested right to construct a “customer access” road for processing aggregate offsite.**

Lehigh claims that the new haul road in its proposed Reclamation Plan Amendment falls within the vested rights that the County recognized in 2011 and thus requires no permit beyond the proposed Reclamation Plan Amendment. It is wrong. The County found that “[q]uarry surface mining operations on Vested Parcels” specified by the County “are a legal non-conforming use, and do not require a County use permit for *continued surface mining operations within the geographic area bounded by the Vested Parcels.*”<sup>9</sup> The County also found “that vested rights do not exist over” other parcels within the Permanente Quarry property. *Id.*

By Lehigh’s own admission, the proposed haul road “will not expand the area in which mineral deposits are harvested.”<sup>10</sup> Its sole purpose is to allow Lehigh to ship aggregate offsite for

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<sup>8</sup> See Technical Report Order Per Water Code Section 13267, Stevens Creek Quarry, Inc., Santa Clara County (Nov. 8, 2018), available at <https://www.cupertino.org/home/showdocument?id=23484>.

<sup>9</sup> Santa Clara County Board of Supervisors Resolution 2011-85 ¶ 4 (emphasis added), available at <http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=3038&highlightTerms=2011-85>.

<sup>10</sup> Proposed RPA at 1; Application at 1.



processing and sale on the neighboring property.<sup>11</sup> Shipping material offsite is not part of Lehigh’s historical—and thus vested—use of the Permanente Quarry property. To the contrary, Lehigh processed its own aggregate onsite until 2011.<sup>12</sup> Lehigh refused to even consider shipping overburden offsite in its environmental impact report for the 2012 Reclamation Plan Amendment because “[t]oo little is . . . known about the range of possible destinations, distances, . . . and about whether some marketable or other use could be made of the materials.”<sup>13</sup> Thus, neither the road nor the activities that it would facilitate is a “continued surface mining operation[.]” Resolution 2011-85 ¶ 4. Nor would the processing take place “within the geographic area bounded by the Vested Parcels.” *Ibid.* Accordingly, the proposed offsite haul road and aggregate processing are not vested. As a result, they require, at a minimum, use and grading permits and environmental review. Santa Clara County Zoning Ordinance § 4.10.370(I)(D), Code of Ordinances § C12-406.

More generally, a determination of vested rights is limited to “uses normally incidental and auxiliary to the nonconforming use” (*Hansen Bros. Enters. v. Bd. of Supervisors* (1996) 12 Cal.4th 533, 565), which courts interpret narrowly (*County of San Diego v. McClurken* (1951) 37 Cal.2d 683, 687). Shipping aggregate offsite for processing and sale, after decades of processing and selling that same material onsite, falls well outside of Lehigh’s vested rights. Addressing analogous facts, the court in *Paramount Rock Company v. County of San Diego* held that a ready-mix concrete business exceeded the scope of its vested right when it switched from importing gravel and crushed rock as of the vesting date to use of an onsite rock crushing plant to produce that material. (1960) 180 Cal.App.2d 217, 221-22, 233. Lehigh has clearly done the same by switching from onsite rock crushing to exporting aggregate for processing at a nearby facility with less stringent environmental controls.

In fact, the new business arrangement between SCQ and Lehigh appears to be a mutually beneficial end run around the rigorous water quality controls under which Lehigh operates and the diminishing material available to SCQ on its own property. The Conditions of Approval for Lehigh’s 2012 Reclamation Plan Amendment require, among other things, a demanding Verification and Water Quality Monitoring Program that began 90 days after approval of that amendment and must continue for at least five years following completion of reclamation of the Permanente Quarry. Final Conditions of Approval (June 26, 2012), Condition 76.<sup>14</sup> This requirement expressly targets metals including selenium and provides that reclamation will not

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<sup>11</sup> See Letter from E. Guerra to J. Onciano and R. Lee (Jan. 9, 2019) (“To be clear, Lehigh did not and does not believe that an RPA is necessary for a road that is used for customer access to Lehigh’s quarry.”), available at <https://www.cupertino.org/home/showdocument?id=23408>.

<sup>12</sup> See Draft Environmental Impact Report for Lehigh Permanente Quarry Reclamation Plan Amendment (DEIR) at 2-11 to 2-12 (Dec. 2011) (describing Rock Plant facilities), available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh\\_DEIR\\_201112.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_DEIR_201112.pdf); Workplan for Characterization of Eastern and Western Materials Storage Areas, Permanente Quarry at 3, available at [https://www.waterboards.ca.gov/rwqcb2/water\\_issues/hot\\_topics/Lehigh/04-13-13/Pond\\_Workplan.pdf](https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/Lehigh/04-13-13/Pond_Workplan.pdf).

<sup>13</sup> DEIR at 3-17.

<sup>14</sup> Available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh\\_20120607\\_COA\\_Final.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_20120607_COA_Final.pdf).



be complete until five years of data show that runoff and point source discharges from the Permanente Quarry comply with applicable water quality standards. *Id.*, Condition 77. Another condition requires the design and implementation of a specialized facility to treat water discharged to Permanente Creek to bring concentrations of selenium within the water quality objective set in the applicable basin plan. *Id.*, Condition 82. Several additional conditions require that Lehigh design, implement, and monitor stringent controls of water and water quality. *E.g.*, *Id.*, Conditions 74-84. And while these conditions attach to the reclamation plan, many require Lehigh to act within 30 to 90 days of approval of the 2012 amendment. Accordingly, operations at Permanente Quarry are subject to exceptionally rigorous water quality controls and constant monitoring that ensures that those operations do not allow contaminants, especially metals such as selenium, to enter the watershed. These controls are expensive and unusual. Lehigh has a rock plant onsite that processed its aggregate for sale until 2011. Its decision to ship the same materials, which implicate the same water quality concerns, to a neighboring business that operates without such essential protections constitutes improper evasion of these requirements, as well as an impermissible expansion and extension of both quarries' operations.

### **III. Stevens Creek Quarry and Lehigh are prohibited from hauling aggregate from the Permanente Quarry to Stevens Creek Quarry.**

Even if Lehigh were allowed to outsource its aggregate and SCQ were allowed to process it, they are prohibited from hauling the material from the Permanente Quarry to SCQ. SCQ operates under express limits on its ingress and egress locations, and a designated, mandatory haul route. As recognized by the County in its Notice of Violation, Lehigh's current reclamation plan does not extend to the property line that it shares with SCQ. Thus, the businesses may not haul aggregate between their properties either on private or public roads.

#### **A. A new haul road between the Permanente Quarry and Stevens Creek Quarry properties would be illegal.**

SCQ'S Conditions of Approval for both Parcels A and B prohibit access over the ridge between it and the Permanente Quarry: "Ingress and egress locations [to Parcel B] to be limited to three (3) existing driveways onto Stevens Canyon Road." Mediated Condition 8, Condition of Approval 13. Likewise, Lehigh is prohibited from conducting mining activity—which the haul road purports to be—outside the boundaries of an approved reclamation plan.<sup>15</sup> Thus, under their current approvals, neither SCQ nor Lehigh can build a haul road between the two properties.

SCQ's Conditions of Approval also expressly limit its haul truck traffic to "Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. *No other route to be used.*" Mediated Condition 13, Condition of Approval 17 (emphasis added). The County Standards for Surface Mining Operations (Santa Clara County Zoning Ordinance § 4.10.370(II)(A)(4)(c), (d)) require that quarries in the County specify haul roads to be used and the number and location of access points in permit conditions. Accordingly, Lehigh would be

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<sup>15</sup> *E.g.*, Notice of Violation at 2.



bound by similar limits on haul routes and access if it obtained a use permit to allow export of its aggregate.

Nonetheless, Lehigh blithely proposes a new haul road to directly link the Permanente Quarry and SCQ properties, without acknowledging that such a route would violate SCQ's mandatory operating conditions. Even if Lehigh's proposed Reclamation Plan Amendment was complete, both the operation and proposed haul route would remain illegal.

**B. Lehigh's proposed Reclamation Plan Amendment is inadequate and incomplete.**

Lehigh responded to the County's Notice of Violation by applying to amend its Reclamation Plan, ignoring other constraints that preclude the new business arrangement. Lehigh's proposed Reclamation Plan Amendment is cursory and insufficient. It asserts that the new haul road is encompassed by its vested right to mine, and thus not subject to environmental review. Then it states that it will leave the road in place as a permanent improvement, without providing any explanation of how a steep, private haul road constructed specifically for heavy trucks will be consistent with the long-term use of the Permanente Quarry as open space following reclamation. Finally, Lehigh simply states that because "the project is a reclamation plan boundary adjustment. . . no impacts would occur."<sup>16</sup> This is incorrect.

As an initial matter, and as discussed above, Lehigh's proposed haul road is not encompassed by its vested right to conduct surface mining on designated parcels. That road thus requires discretionary use and grading permits, and environmental review.

Even if Lehigh did not require a permit for the portion of the proposed road located on its property (the road and the aggregate processing that it would enable) extends onto the SCQ property, for which Lehigh does not even allege vested status. Under this analysis, the proposed road would also be subject to the California Environmental Quality Act, Public Resources Code §21000 et seq (CEQA). *See Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 276 (full environmental review required of both reclamation plan and new proposed mining activity, even though the mining activity was located on federal land and subject to federal, rather than county, approval). Lehigh is improperly piecemealing the project by characterizing the project as only the proposed Reclamation Plan Amendment, excluding both the road that admittedly gave rise to the amendment, located both on and off Lehigh's property, and the aggregate processing for which the road and proposed Reclamation Plan Amendment are intended. *See Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223 ("[T]here may be improper piecemealing when the reviewed project legally compels or practically presumes completion of another action."); *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1231 (environmental review improperly excluded road when "project cannot be completed and opened legally without the completion of the road realignment").

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<sup>16</sup> Application at 10.



Even considering the proposed Reclamation Plan Amendment in isolation, as Lehigh would have the County do, reclamation plans and their amendments are subject to CEQA. *See City of Ukiah v. County of Mendocino* (1987) 196 Cal.App.3d 47, 54, fn. 4 (“We reject [the] argument that CEQA is entirely inapplicable [to a reclamation plan] . . . [A] reclamation plan is an ‘entitlement for use’ inasmuch as the SMARA prohibits surface mining operations unless a reclamation plan has been submitted and approved. Thus, a reclamation plan is a ‘project’ under CEQA.”); *see also El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1596 (affirming reliance on negative declaration to approve reclamation plan). Lehigh’s application illustrates why. It provides minimal information on the baseline conditions where the road will be built, although other documents show that the road essentially traces the route of the Berrocal fault.<sup>17</sup> The limited information about construction of the road describes a 36-foot wide road engineered for 45-ton trucks that climbs over a steep hillside, requiring at least 100,000 to 150,000 cubic yards of cut and fill and a significant retaining wall.<sup>18</sup> Yet Lehigh challenges the need even to submit a reclamation plan amendment, much less environmental review to, for example, consider alternatives or identify mitigation.<sup>19</sup> Even if the County were to accept Lehigh’s premise that construction of the new road falls within its vested rights, Lehigh provides no explanation of why the purportedly mining-related road should remain in place once the property is reclaimed. Such a bald omission is particularly inappropriate when Lehigh’s own analysis notes the likely occurrence of erosion and need for maintenance associated with the steep design.<sup>20</sup> Nor does Lehigh’s application consider how to reclaim this proposed infrastructure. CEQA is designed to force disclosure and consideration of such information at the outset, before an agency approves a project.

Lehigh fails to support its assertion that the proposed Reclamation Plan Amendment falls within CEQA’s categorical exemptions for minor alteration of existing facilities (Class 1); minor alterations to land, water, or vegetation which do not involve removal of healthy, mature, scenic trees (Class 4); or the “common sense” exemption “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment” (14 C.C.R. § 15061(b)(3)). Because exempt projects require no CEQA review, courts construe the exemptions narrowly “to afford the fullest possible environmental protection.” *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1193-94.

The Class 1 categorical exemption applies only to operation of “existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” 14 C.C.R. § 15301. In this instance, there is no existing facility, nor will there be at the time of the lead

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<sup>17</sup> *See* Stevens Creek Quarry Reclamation Plan Amendment, Appx. D (Slope Stability Report), fig. 6, 12, available at [https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253\\_SCQ\\_RPA.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_RPA.pdf).

<sup>18</sup> Proposed RPA at 4.

<sup>19</sup> Letter from E. Guerra to J. Onciano and R. Lee (Jan. 9, 2019), available at <https://www.cupertino.org/home/showdocument?id=23408>.

<sup>20</sup> Application, Appx. B at 6.



agency's determination regarding the proposed Reclamation Plan Amendment. In addition, the proposed Reclamation Plan Amendment is for the sole reason of expanding use of the larger property to allow offsite processing of Lehigh's aggregate. For both reasons, the Class 1 exemption does not apply.

The Class 4 categorical exemption applies to "minor . . . alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees." 14 C.C.R. § 15304. Examples include "[g]rading on land with a slope of less than 10 percent." *Id.* § 15304(d). Lehigh's reliance on this exemption is ironic considering its initial, wholly unpermitted improvement of the PG&E road, which involved bulldozing an estimated 56 trees.<sup>21</sup> For purposes of the proposed Reclamation Plan Amendment, Lehigh simply attributes all tree removal to the purportedly vested road construction.<sup>22</sup> Even limiting consideration solely to the proposed Reclamation Plan Amendment, Lehigh's own documents show that the proposed road will have an average grade of over 14 percent and be as steep as 20 percent. Presumably the surrounding slopes are comparably steep, if not steeper. This is precisely the information that CEQA would disclose and allow the County to consider and address through alternatives or mitigation measures.

Nor can Lehigh or the County say "with certainty that there is no possibility that the activity in question may have a significant effect on the environment." 14 C.C.R. § 15061(b)(3). Even setting aside the flaws discussed above, Lehigh has provided scant information—far from the substantial evidence required—to support its assertion that reclamation of the haul road will have no significant impact on the steeply sloped and wooded hills through which the haul road is proposed to cut.

**C. The quarries' interim solution of hauling aggregate on Cupertino City Streets is also illegal.**

The County's Notice of Violation preventing Lehigh from using the haul road that it improved illegally along the route of an existing PG&E access easement did not stop Lehigh from shipping its aggregate to SCQ for processing. Instead, the businesses began hauling aggregate on City streets, using heavy trucks to haul Lehigh's aggregate east on Stevens Creek Boulevard into Cupertino and then south on Foothill Boulevard, with empty trucks making the reverse trip. In addition to causing hazardous conditions described in Section IV below, the quarries' new haul route through the largely residential streets violates SCQ's express restriction to hauling from "Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. *No other route to be used.*" Mediated Condition 13, Condition of Approval 17 (emphasis added). Accordingly, the County should again enforce against the illegal expansion of both quarries' operations and violation of SCQ's Mediated Conditions to protect Cupertino residents.

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<sup>21</sup> Memo to E. Guerra and T. Jackson at 3 (Oct. 12, 2018), available at <https://www.cupertino.org/home/showdocument?id=23406>.

<sup>22</sup> Application, Addendum at 3.



#### **IV. The quarries' illegal operations are creating hazardous conditions in the City of Cupertino that create a public nuisance.**

The quarries' decision to route haul trucks through the City's residential streets is endangering pedestrians, cyclists, and cars; imposing increased noise and emissions on surrounding homes; and dropping significant quantities of sediment and debris on City streets and in City storm drains. Use of these streets as a regular haul route violates the permit conditions described above. Those conditions reflect local infrastructure that cannot safely—and should not have to—accommodate high volumes of heavy commercial traffic on routes that were not designed to accommodate such traffic. The quarries' recent hauling creates nuisance conditions against which the City must consider legal action if the County does not enforce the existing legal restrictions.

Stevens Creek and Foothill Boulevard both are almost entirely residential along the current haul route and include designated bike lanes. They provide a single lane for traffic in each direction and limited turn lanes at their intersections that cannot accommodate multiple trucks attempting to turn without blocking through traffic. Trucks hauling material from Permanente Quarry to SCQ have routinely been crossing the dividing line of Foothill Boulevard as they turn onto it from Stevens Creek Boulevard. This is due to the geometry of the southwest corner of this intersection, where an existing utility pole and traffic pole limit large vehicles from making the turn without crossing the dividing line and facing oncoming traffic in the wrong lane. Empty trucks traveling from SCQ back to the Permanente Quarry are causing serious congestion issues on Foothill Boulevard as the trucks wait to turn left onto Stevens Creek Boulevard. When more than two trucks wait to make the turn, through traffic on Foothill Boulevard is restricted due the trucks filling up the turn pocket and blocking the through northbound lane of Foothill Boulevard. This issue is especially acute during the morning commute when it is common to have vehicles waiting 15 minutes or more to clear the intersection, resulting in not only delays and traffic hazards but also substantial noise and emissions.

In addition, the quarries' haul trucks are not tarped, as required by local and state law, and residents and City staff have observed regular instances in which they drop dust, sediment, and debris on City streets. *See* Cupertino Municipal Code § 9.18.215(A)(6) (“It is unlawful for any person to drive or move any open vehicle or trailer within the City unless there is a tarp over the contents or the material is constructed and located so as to ensure that all litter is prevented from being blown or deposited upon any street.”); Cal. Veh. Code § 23114(a) (“[A] vehicle shall not be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its content or load . . . from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle.”).

Significant and consistent disruption of traffic can create a public nuisance when such disruption unlawfully obstructs the free passage or use of a street. *People v. Amdur* (1954) 123 Cal.App.2d Supp. 951, 959. “Any obstruction” that is not temporary and incidental to the primarily intended use of the street or authorized by ordinance “constitutes a public nuisance *per se*.” *Id.* at 959-60. In this case, the haul trucks' presence on residential City streets is neither temporary, given the frequency and duration of their presence, nor incidental to the primarily intended use of the streets for residential purposes. Moreover, the trucks' haul route is not



authorized by ordinance, but rather violates mandatory conditions of operation required by the County.

Likewise, discharge of mining waste, aggregate, sediment, or debris to the City's stormwater system is both a violation of the City's NPDES permit and a public nuisance. Municipal Regional Stormwater NPDES Permit, Order R2-12015-0049, NPDES Permit No. CAS612008 at 5; *see also* Cupertino Municipal Code §§ 9.18.020 (50), 9.18.040(A)-(C), 9.18.215(A)(6), 1.09.180. Moreover, Lehigh's mining waste and soil are known to contain elevated levels of contaminants such as selenium, heightening the City's concern about the material dropped in City streets.<sup>23</sup>

The hazardous conditions resulting from the high volume of haul trucks currently using City streets would not exist if the County enforced existing requirements that limit operations at both SCQ and Permanente Quarry. And even if SCQ were allowed to process Lehigh's aggregate, neither business can use the current route through residential City streets as a haul route. If the County simply enforced existing requirements, many of the nuisance conditions currently affecting the City would be resolved.

The City therefore requests that the County enforce SCQ's Conditions of Approval and Mediated Conditions and prohibit it from both importing aggregate for processing and deviating from its specified haul route. Likewise, the City asks the County to order Lehigh to cease and desist from exporting aggregate and other materials for processing offsite unless and until it obtains a use permit for such activities from the County.

As the current conditions created by the two quarries are not acceptable to the City, we respectfully request that the County acknowledge this letter by February 4, 2019 and have the two quarries cease and desist the exporting and processing of material between the two facilities no later than February 8, 2019. Thank you for your prompt attention to this matter, and please do not hesitate to contact my office with any questions.



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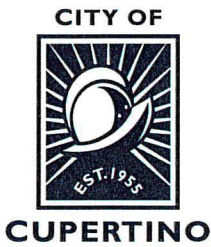
Timm Borden  
Interim City Manager

CC: Supervisor Joseph Simitian

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<sup>23</sup> The Regional Water Quality Control Board has thus far taken the only enforcement action to require characterization of material hauled from Lehigh to SCQ, or at least of water quality affected by that material, by May 2019. As a result, the City will not know until approximately nine months after the quarries started hauling through City streets whether the debris their trucks have dropped on City streets and in City storm drains is dangerously contaminated.



**CITY MANAGER'S OFFICE**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

July 3, 2019

Robert Salisbury  
County of Santa Clara  
70 West Hedding Street  
East Wing, Seventh Floor  
San Jose, CA 95110  
[Robert.Salisbury@pln.sccgov.org](mailto:Robert.Salisbury@pln.sccgov.org)

Dear Mr. Salisbury,

Lehigh Southwest Cement Company (“Lehigh”) recently submitted an application for a Major Reclamation Plan Amendment for the Permanente Quarry (“Application”), which proposes significant departures from past approvals and raises grave concerns for the City.

In its Application, Lehigh proposes to transfer aggregate from its own property, located just west of Cupertino, to the neighboring Stevens Creek Quarry (“SCQ”). Lehigh proposes to do so either by resuming use of an internal “Utility Road” that it improved illegally last year, without permits from the City or County, or via an alternative “Rock Plant Haul Road” that would climb an even steeper route over the ridge between the two properties. Such activity is not encompassed in Lehigh’s vested rights, which the County defined as “continued surface mining operations.” Instead, shipping aggregate offsite is a distinct activity for which Lehigh has no legal precedent, much less a vested right. Accordingly, the County should require the Lehigh apply for a use permit and conduct a full environmental review for this expansion of both its and SCQ’s operations.

As the City explained in its January 31, 2019 letter to the County objecting to SCQ’s and Lehigh’s unpermitted and illegal hauling operations, the proposed Utility Road raises significant concerns, including those related to emissions, seismic stability, and ridgeline protections and views. The proposed route also crosses into the City (and the alternative Rock Plant Haul Road only exacerbates each of the City’s concerns by climbing higher over the ridge). In considering whether Lehigh should be permitted to haul its aggregate to SCQ, the County should also assess the extent to which doing so will extend the useful life of the both Lehigh’s operations and SCQ beyond what was contemplated when Lehigh obtained its vested rights determination.

The Application also includes a drastic departure from the Quarry’s existing reclamation plan. Rather than backfilling the North Quarry with material available onsite



in the West Materials Storage Area, as set forth in the 2012 Reclamation Plan, the Application proposes to import up to *1 million cubic yards* of soil each year to backfill the North Quarry. Despite its study's acknowledgment that transporting 1 million cubic yards of soil will require 200,000 trips to and from the Quarry annually, Lehigh fails to acknowledge the significant local impacts of this truck traffic. Roughly 548 truck trips to and from the Quarry *per day* (if operations ran every day of the year) will have an extraordinary and wholly unacceptable impact on the City's residents, streets, and infrastructure. These will include, at a minimum, exacerbating traffic concerns related to congestion, queuing, spilling of debris, pedestrian and bike safety, and blocking of intersections; degrading air and water quality; and causing significant deterioration of City streets and infrastructure.

Both the enormous increase in truck traffic related to the proposed reclamation of the North Quarry and the traffic that will result from SCQ's expanded sales of Lehigh's aggregate highlight the need for a truck plan setting meaningful limits on daily trips, time of operations, queuing, and enforcement problems. The County should ensure that any consideration of Lehigh's Application includes meaningful conditions and recourse for the City, which has borne the brunt of both quarries' recent illegal hauling operation, as recognized in the County's February 15, 2019 Notice of Violation to SCQ and its February 20, 2019 Draft Notice regarding Lehigh's Haul Road Reclamation Plan Amendment.

Lehigh's Application is entirely silent about the pre-application for a Use Permit and Major Reclamation Plan Amendment submitted by SCQ, which proposes to import up to 1 million tons of material from Lehigh each year for processing and sale, along with an additional six to seven million tons of fill with which to reclaim that quarry. The cumulative effects of these projects are obvious and must be addressed, including by carefully evaluating any alternative that uses onsite material for reclamation.

Lehigh's Application also includes a worrying proposal to alter the 1972 Ridgeline Easement between Lehigh and the County to significantly change the Permanente Ridge. Though Lehigh attempts to mask its proposal as necessary to prevent natural erosion of the ridgeline, this proposal appears designed to increase production from the North Highwall Reserve of the Quarry. The 1972 Easement prohibits Lehigh from reducing the ridgeline below specified elevations. It has already violated that mandate. Nonetheless, Lehigh asks the County to not only endorse its past violations, but also to approve further departures from the Easement. Lehigh's proposal would reduce the height of the ridgeline by an average of 100 feet, which Lehigh refers to as "a slightly lower crest elevation." Lehigh reveals its intent to further develop this area when it notes that analysis conducted in 2018 "has revealed options for extending North Quarry production," and that the 1972 Easement inhibits "production of highwall reserves." As Lehigh acknowledges, "[t]he 1972 Easement has been effective in maintaining the northeast slope such that views of mining operations are obscured." The County should not accept further deviation from the binding terms of the Easement merely to enable Lehigh to increase its production from this area. Instead, it should deny Lehigh's request to modify the 1972 Easement or to reduce the height of the ridgeline in this area.

Additionally, the City urges the County to deny Lehigh's Application entirely until Lehigh comes into compliance with its various outstanding violations. These violations include the County's August 17, 2018 Notice of Violation for Lehigh's illegally grading the utility haul road outside the boundaries of its 2012 reclamation plan amendment. As noted above, Lehigh is prohibited from shipping its aggregate offsite via this or other roads without first obtaining a use permit from the County and undergoing environmental review. Additionally, the City issued an Administrative Citation and Notice of Violation on May 28, 2019 for Lehigh's illegal expansion of the utility road without City permission. Finally, as recently as June 13, 2019, the County issued a Notice of Violation related to Lehigh's discharging sediments into Permanente Creek. Lehigh should not receive further approvals until it has corrected all of its outstanding violations.

As revealed by the specific concerns highlighted here, Lehigh's Application is also inconsistent with the County's General Plan. General Plan Policy C-RC 47 requires that potentially adverse environmental impacts from the extraction and transport of mineral resources be minimized to the greatest extent possible, including disruption and damage to topography and increased traffic volumes and damage to road surfaces. For the reasons discussed here, rather than minimizing these impacts, Lehigh's Application compounds them.

Thus, as briefly summarized above based on a preliminary review, the City finds Lehigh's Reclamation Plan Amendment Application inappropriate and likely highly detrimental to the City's residents and resources. The City thus requests that the County scrutinize Lehigh's proposal to expand its operations via increased hauling between Lehigh and SCQ, to materially alter the terms of long-standing Ridgeline Easement, and to increase truck traffic by more than 550 trips per day, with a focus on identifying alternatives that will avoid the resulting impacts on the City and the surrounding community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Deborah L. Feng', is written over the typed name.

Deborah L. Feng  
City Manager





July 12, 2019

Mr. Rob Salisbury  
Santa Clara County Planning Dpt.  
70 West Hedding Street  
East Wing, 7<sup>th</sup> Floor  
San Jose, CA 95110

RE: Lehigh Southwest Cement Company Proposed Permanente Quarry Reclamation Plan Amendment Application

Dear Mr. Salisbury,

The Midpeninsula Regional Open Space District (District) submits the following preliminary comments on the May 2019 application from Lehigh Southwest Cement Company (Lehigh) for a proposed Reclamation Plan Amendment (2019 Amendment). Our comments raise concerns regarding the proposed expansion of the quarry operations into the protected Scenic Easement area. These concerns are focused on four main issues: inadequate geotechnical solutions to stabilize the existing quarry walls; continued water quality impacts of both groundwater and Permanente Creek; visual impacts resulting from the increased height of the West Materials Storage Area (WMSA) and lowering of the ridgeline; and the potential for increased air quality impacts. Additionally, the District is concerned that the proposed amendment would also result in continued implementation delays to fulfill current stream restoration obligations along Permanente Creek.

### **Protection of the Permanent Ridge Scenic Easement**

The Permanente Ridge Scenic Easement owned by Santa Clara County (County) is extremely important to the District, our visitors, neighbors, and all County residents who value the scenic views of the prominent hillside. This easement protects the views looking to the north towards Lehigh Quarry. Even though the massive quarry is located just over the ridgeline from Rancho San Antonio Open Space Preserve, the scenic easement ensures that the viewshed remains one of natural splendor to be enjoyed by preserve visitors, neighbors and everyone in the Santa Clara Valley region. The scenic easement explicitly prohibits the mining activities proposed in the 2019 Amendment. To conform with existing legal requirements and uphold the intent of the scenic easement, the District urges that the County require Lehigh to amend its 2019 Amendment application to ensure compliance with County rules and regulations, and with the land use restrictions that apply to this important scenic easement. At a minimum, Lehigh should be required to provide an alternative in their application that complies with the scenic easement before the application is deemed complete.

### **Geotechnical Stability**

The District raises significant concerns that recent mining activities remain out of compliance with the County-approved 2012 Reclamation Plan. These activities have created over-steepened quarry wall

slopes with insufficient benches, resulting in a less stable hillside that is prone to erosion and landslides. These over-steepened slopes are not properly mitigated in the 2019 Amendment, and should be reviewed by the County Geologist, State Office of Mine Reclamation, and State Mining and Geology Board immediately.

The District also has concerns regarding Lehigh's proposal to mine the ridge that is protected by the Permanente Ridge Scenic Easement. The 2019 Amendment cites the need to address potential erosion and stability issues created by mining the northern quarry slope. However, the proposal to mine the ridge that lies within the Scenic Easement in reality does little to lessen the slope steepness. To sufficiently address the stability issues, Lehigh should be required to follow the approved 2012 Amendment that calls for buttressing the mined slope with material from the WMSA. Expanding the mining area into the area protected by the Scenic Easement is not an acceptable approach to rectifying a condition created by past mining practices. It appears that the main driving benefit in mining this protected ridge protected is to extract additional product for additional profit by the quarry.

### **Water Quality**

In the application, Lehigh cites water quality concerns associated with backfilling the quarry pit and buttressing the north quarry slope with the material stockpiled in the WMSA. However, the Regional Water Quality Control Board (RWQCB) developed and issued their recent 2018 Waste Discharge Requirements (WDR's) based upon the existing 2012 Reclamation Plan, which included relocating the WMSA into the quarry pit and buttressing the steeply mined quarry walls, indicating that water quality objectives are achievable using this approach. Lehigh does not provide material evidence to support their position, except for their desire to stop treating the groundwater they have intercepted through mining activities. Again, one has to assume that increasing the profit of the quarry through reductions in operating costs are the main driver for this proposal.

Important to a successful reclamation will be the non-limestone materials used to backfill the lowermost elevations of the quarry pit (including elevations below the water table that have been mined since the 2012 Amendment approval). Lehigh's proposed 2019 Amendment estimates that 80% of the total volume in the WMSA contains non-limestone rock. Lehigh has also stockpiled substantial volumes of non-limestone rock (primarily greenstone) elsewhere in the quarry. Given the volume of non-limestone material needed to backfill the large mining pit, it is critical to retain all existing non-limestone material onsite to use as backfill. This material should not be sold or hauled off site. Using existing onsite material avoids the added environmental impacts related to greenhouse gas emissions, traffic, and diesel exhaust that would otherwise occur if the County accepts Lehigh's proposal to sell and off-haul existing material for profit and import and in-haul outside fill for an additional profit. The trucking of this material is substantial – with an estimate given of up to one-million cubic yards of construction soil imported annually to the site from throughout the South San Francisco Bay Area. The application fails to describe the environmental impacts to Cupertino, surrounding communities, and Rancho San Antonio Open Space Preserve related to the off-haul and in-haul of this material. Moreover, the proposed use of imported soil (rather than onsite material) to fill in the mining pit is anticipated to extend the current 5-year reclamation timeline by an additional 25-30 years. The resulting extensive delay is unacceptable.

### **Visual Impacts**

Lehigh's proposed 2019 Amendment would raise the WMSA an additional 160 feet in elevation. This proposal runs fully contrary to the prior approved 2012 Amendment, which requires removal of the WMSA. As part of the 2012 Amendment, the County recognized the visual impact of the expanded WMSA and allowed Lehigh to temporarily retain the WMSA during mining activities with the requirement that the WMSA be removed as part of reclamation activities. Adding 160 feet of additional



elevation would clearly result in greater visual impacts than the current 2012 Amendment and negate the original agreements made between the County and Lehigh.

### **Air Quality Impacts**

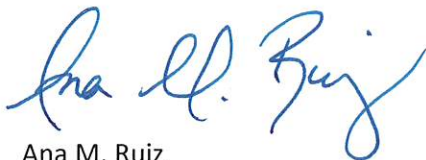
The proposed mining of the scenic easement and additional storage at the WMSA are ridgetop construction activities subject to wind erosion. The District conducted an extensive air monitoring study in 2013-2014 at Rancho San Antonio Open Space Preserve (Winegar Air Sciences, October 2104). The study noted a correlation in the increase of particulate matter with proximity to the Lehigh quarry. The air was clearly degraded by particulate matter at a sample point located closest to Lehigh when compared with up-wind monitoring locations. Concentrations of particulate matter 10 micrometers or less in diameter (PM10) exceeded the California Standard at the monitoring site closest to Lehigh. The proposed mining activities pose a significant new air quality concern to the District and should be sufficiently addressed in the application

### **Delays in Completing the Permanente Creek Restoration Area**

The ongoing delay in completing the Permanente Creek Restoration Area (PCRA) is of continued concern to the District. The 2019 Amendment states that “The proposed reclamation plan amendment would not change the reclamation approach or requirements for the PCRA”. What appears to change is the timeline. Under the existing 2012 Amendment, PCRA restoration is to be completed by 2030. Per the 2019 Amendment, the timeframe for restoration is 10-20 years from approval, an extension of up to an additional 10 years – out to potentially 2040. Lehigh’s existing slow pace for submitting necessary items requested by the County to comply with the 2012 Amendment raises serious concerns that the same slow approach and resulting delays would occur if the proposed 2019 Amendment is approved. Our concerns for the creek were recently justified and heightened by recent landslides from the Yeager Yard area into Permanente Creek. The PCRA restoration should be completed as soon as possible, and should not be delayed for another decade. The 2019 application should also be deemed incomplete because it lacks specificity in describing the timeframe for restoration of the PCRA.

The County holds the authority to uphold its commitment to the surrounding communities by protecting the Permanente Ridge Scenic Easement and requiring the timely implementation of the approved 2012 Amendment. It is clear that the existing 2012 Reclamation Plan is far superior to the Proposed 2019 Amendment by remaining much more protective of human health, the surrounding environment, and scenic vistas. The County is asked to deem Lehigh’s 2019 Reclamation Plan Amendment application as incomplete until all the issues discussed above are adequately addressed.

Sincerely,



Ana M. Ruiz  
General Manager  
Midpeninsula Regional Open Space District

cc: Midpeninsula Regional Open Space District (District) Board of Directors  
Erika Guerra, Environmental Director, Lehigh Quarry  
Brian Malone, Assistant General Manager, District  
Kirk Lenington, Natural Resources Manager, District