



## CITY MANAGER'S OFFICE

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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,

Stevens Creek Quarry ("SCQ") recently submitted a pre-application for a Use Permit and Major Reclamation Plan Amendment ("Application"), both components of which propose significant departures from past approvals and raise grave concerns for the City.

The Application states objectives that would convert operations from SCQ's existing and historic quarrying of onsite material that it then processes for sale, to one that would import up to 1 million additional tons of material each year for processing and sale. SCQ has no entitlements that support such an aggressive expansion. In fact, the Application violates the mediated operating conditions for Parcel B that the Board of Supervisors adopted in 2002 ("Mediated Conditions"). More generally, SCQ has been operating without a valid reclamation plan or use permit for Parcel B for years, resulting in repeated notices of violation from the County and the Regional Water Quality Control Board. The City requests that the County seriously consider SCQ's historic failure to maintain compliant operations and the impact that those operations have on SCQ's surroundings, including the City, before entertaining a proposal to fundamentally change and expand those operations.

SCQ's operations already impact both traffic and infrastructure, with significant expense and disruption to the City and its residents. The quarry's current hauling contributes to congestion, excessive queuing of trucks, deposit of debris, and traffic violations along its Stevens Canyon Road/Foothill Boulevard truck route. Likewise, that stretch of road in the City's jurisdiction is in poor condition, largely due to hauling associated with the quarry's operations. The City anticipates the need to invest in substantial and expensive improvements to that stretch of City streets in the near future, simply to address the impacts of existing operations. These operations have also

required the City to expend resources on extra street sweeping and enforcement provided by the County sheriff.

Without acknowledging—much less addressing—problems that it already causes, SCQ asks the County to approve a substantial expansion. SCQ's onsite reserves are dwindling, which should lead to reclamation of the property under the Surface Mining and Reclamation Act and County Code. To avoid this positive outcome, SCQ proposes to haul up to 1 million tons of aggregate over the ridge from the Lehigh Quarry to its own Parcel B for processing and subsequent sale each year. 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 off road haul route violates the Mediated Conditions that govern—and limit—operations on Parcel B. It also raises significant concerns, including those related to emissions, seismic stability, and ridgeline protections and views. The proposed route also raises several additional permitting challenges that SCQ fails to acknowledge, including the need for a use permit for the portion of the road located on Lehigh's property and permits from the City. (The alternative route that has been proposed only exacerbates each of the concerns described in this paragraph by climbing higher over the ridge).

The proposed transfer of millions of tons of material from Lehigh to SCQ would significantly expand and extend SCQ's processing and sale of aggregate and other materials, with related, direct impacts on the City and surrounding community. As described above, SCQ is long overdue for a truck plan that sets meaningful limits on daily trips, time of operations, queuing, and enforcement problems. But SCQ does not even describe, much less acknowledge the flaws in existing operations. Instead it simply asks to increase them and thus exacerbate the impacts on the City and other neighbors such as County residents of Montebello Road.

SCQ's approach to water quality protection is similarly cavalier. The Regional Water Quality Control Board issued a notice of violation as recently as March 15, 2019, yet the Application again seeks to expand operations without undertaking a serious analysis of protections for Rattlesnake Creek and Swiss Creek, which merge within the facility and discharge to Stevens Creek Reservoir. As noted in the City's January 31, 2019 letter, import of material from Lehigh only increases this concern.

Finally, SCQ proposes a major Reclamation Plan Amendment that compounds the problems described above by proposing to import an additional six to seven million tons of fill with which to reclaim the quarry property. The Application does not even acknowledge the additional impacts on City streets and residents associated with adding even more hauling to already overburdened routes. It also provides no explanation of why onsite materials may be inadequate to complete reclamation. Nor does it suggest any other justification for the proposed additional impacts on the surrounding community and infrastructure. SCQ is also entirely silent about the recent reclamation plan amendment submitted by Lehigh, which proposes to import millions

of additional tons of fill. The cumulative effects of these projects are obvious and must be addressed, including alternatives that rely on onsite material for reclamation.

The City understands that the current submission includes only pre-application materials at this time. Nonetheless, the City requests that the County carefully—and cautiously—consider any proposal to expand upon already problematic operations, far beyond the scope of any past approval. The City looks forward to working with the County to understand the scope and impacts of any proposal going forward. However, as briefly summarized above based on a preliminary review, the City finds SCQ's proposed expansion inappropriate and highly detrimental to its residents and resources.

Sincerely,



Deborah L. Feng  
City Manager

