

**URGENT MESSAGE – DADS & MOMS SAVE OUR CHILDREN AND HOMES FROM POLLUTION!**

Contact: Cathy Helgerson – [chelger@gmail.com](mailto:chelger@gmail.com) or call me at 408-253-0490

The Lehigh Hanson Cement Plant and Quarry and the Stevens Creek Quarry are destroying the Silicon Valley and the SF Bay Area with their toxic emissions and it is extremely urgent that we make our voices heard. The health and lives of our families especially our children are more important than limestone quarrying and the making of cement. Please contact our State, City and Federal Representatives, Agencies, and the Santa Clara County Board and make them understand and recognizes the seriousness of the danger from these polluters and that you want action taken immediately. *A New Lehigh Quarry Never in my backyard! NEVER, NEVER, NEVER*

Lehigh Hanson Cement and Quarry is running out of limestone that they use to make cement and will very soon submit an application or a Major Reclamation Plan Amendment to mine a new quarry pit for another 100 years. This new mine if approved will destroy 600 acres of land, 30 thousand trees, displace and kill many animals that live on the land, and continue to cause the Mid-Peninsula Preserve to be polluted. The pollution will make it impossible for people to live here in the Silicon Valley it is evident that we cannot coexist next to the Lehigh Hanson Cement Plant and Quarry or the Stevens Creek Quarry. The time is now to act get involved stop Lehigh.

The permits that Lehigh Hanson Company and the Steven Creek are given by the regulating agencies and Santa Clara County are permits to allow them to pollute and the revenue from fees, property taxes, and sales taxes is the prime objective nothing else. This flagrant deliberate miscarriage of justice this needs to be investigated.

The ongoing toxic air pollution dust emitted from Lehigh Hanson Cement and Quarry are causing very serious health issues this has to stop because human lives are more important than the processing of cement and the gaining of revenue. I ask why this is allowed to continue Clean Air and Clean Water act are violated and no one including our US Congress Representative will interject and conduct an investigation. If the Lehigh Hanson Company and the Steven Creek Quarry Company pollute shut them down now the pollution is evident.

The emission level limits are set by the EPA Region 9, State Water Board, Air Resource Board and the Bay Area Air Quality Management District these limits are set very high so as to not interfere with the operation of the Lehigh Hanson Cement and Quarry, Steven Creek Quarry and other polluters. The fines and fees are looked at by the polluters as a way of doing business and they just go out and pollute again and again no one will stop them.

The pollution that accumulates in our bodies is harmful and stays in our bodies and causes many health problems and even death. The mixing of pollution chemicals emitted from Lehigh Hanson Cement and Quarry and the Stevens Creek Quarry are causing a chemical cocktail effect making the pollution even more hazardous and deadly. The people are at the mercy of the laws that are supposed to protect them and they are not.

The water pollution is another great problem the quarries are polluting our water the Permanente Creek is polluted with Selenium and the Stevens Creek Reservoir with Mercury all of this pollution ends up in the aquifer. The aquifer is the valley's drinking water and we must insist that all concerned must protect this water.

I ask that you join me in fighting this obstruction of justice by attending meetings, calling and writing to Santa Clara County's Board of Directors, and the City of Cupertino and tell them that you are against any new quarry and that you would like both the Lehigh Hanson Cement and Quarry and the Stevens Creek Quarry shut down immediately to save lives. I cannot stress the URGENCY OF THIS MESSAGE enough please help.

## **Lehigh 2019 Reclamation Plan Amendment for Quarry Expansion – Project Description and Environmental Information Binder 2**

### **Page 15 – Public Opposes – 6.1.2 Rock Plant Reserve New Mining Area – 60 Acre Reserve Mine**

The Public is not in favor of any new mine expansion at the Rock Plant Reserve Area that is listed on the Reclamation Plan Amendment, and is seriously concerned that this 60 acre reserve area will be the beginning of the continued expansion of mining activity. This mine could usher in the next major South Quarry Mine and the public feels sure that Lehigh has this in mind. It is obvious that most large limestone mines do not start with mining 600 hundred acres as we finally see in the old Lehigh quarry mine it would start small and grows over the years. The mine will destroy eventually 30 thousand trees, and 600 acres so we must consider how many trees and land were destroyed with the mining of the old pit it is a gradual process but extremely alarming. The pollution to our the Air, Water and Soil from Lehigh will continue if we allow Lehigh to grow instead of closing them down and starting the Reclamation plan or better yet a Super Fund Site Major Clean up all of which would save lives and preserve the land.

### **Page 7 – Public Opposes – 6.1.1 North High Wall Reserve and Ridgeline Lay – Back**

1. Lowering the Ridgeline or laying back disturbance (Mining of any kind) – Note: The Reclamation Amendment on page 51 Figure 10 shows the proposed lowering of the Ridgeline and has extended the area which would cause major destruction. If Lehigh is allowed to possess the Ridgeline and the Deed is no longer addressed or enforced Lehigh could mine the Ridgeline moving even further out spreading more mining and extending the old quarry. Lehigh could even start to mine the East Quarry wall and eventually destroy the Stevens Creek Blvd. scenic view all together. They have started to dump their overburden there and are coming down the foothill this must end and this area is not even on the Reclamation Plan. Santa Clara County should never have allowed this to happen.

2. Destroying Native Trees, Killing Animals, Rooting them from their homes and causing the overflow of animals running on to the Mid-Peninsula Preserve, City of Cupertino, Los Altos and Los Altos Hills is shocking to even think about the land and Ridgeline view must be preserved. Lehigh must never be allowed to mine this land and the public must make sure they never do.

3. Extending North Mining Quarry Production of Limestone and Re-Benching the High-Wall –Lehigh mined this area and caused the slide without any concern about what could happen and now they are using the excuse that they want to fix it their way. This is dishonest it is a way of extending the quarry mine for another 60 years or longer read the Lehigh's Reclamation Amendment. The public and Santa Clara County should not be fooled by this tactic to destroy the land and their greed is the driving force. They could fix the Ridgeline and not mine at all but they are saying while we are there why not take the limestone out they seem to think that we are all fools and they should not be able to mine there.

4. Extending Ridgeline Area Reclamation Amendment – Again Lehigh wants to include the more land into their Reclamation Plan for their own gain and this will go on with more Amendments in the future to take more land for mining. If it were up to Lehigh they would use all of the land they owned for mining and we the public, cities and county need to put the brakes on their dirty deeds.

5. Backfilling the Quarry using Surplus Soil from Regional Construction Projects – Note: this process generating revenue for Lehigh which is creating a new business without a permit. Lehigh again pretending they are doing wonderful things not so this is a plan to make more money do not be fooled.

The public is worried about so called clean construction fill which could be full of pollution such as lead, arsenic, selenium, chromium and the list goes on who is going to test this soil?

There is also a concern about the great amount of truck traffic and pollution coming from them that will be generated because of bringing in soil surplus. There has been too much truck traffic which has been polluting our community with dust, noise, traffic congestion on our streets these trucks have been destroying our roads and the public suffers.

Lehigh's Reclamation Amendment Plan states that they can use West Material Storage Area (WMSA) overburden to fill the pit which could be contaminated with pollution this mess needs to be cleaned up. It is also noted that Lehigh would like to put 160 feet of dirt over the WMSA and plant grass ground cover this should also be unacceptable because it will not solve the water contamination or the pollution problem. The WMSA is in a terrible condition the overburden is not porous and cannot hold the rainwater when it rains and it seems that there needs to be a pipe running out into the Permanente Creek to allow drainage the State Regional Water Quality Control Enforcement Division has an NOV out and is trying to solve this problem. The WMSA can never be reclaimed if in fact there is such a thing as a real Reclamation Plan Process. The public feels that the Lehigh destruction of land must end it is time to stop any more mining.

**Public Opposes** – The Lehigh Cement Plant is another source of great pollution and they are polluting the Air, Water and Soil there needs to be another City meeting just to address the issues. The public is in danger and the Bay Area Air Quality Management District and the Air Resource Board provide Lehigh with a Title V Permit which allows them to pollute. The Air Resource Board actually allows them and other companies to

pay a fee for the pollution they admit each year and set the pollution level this information is available on their website. The money from this fee is divided up and given to all of the Air Districts in California the public wants to know how can this be possible?

**Public Opposes** – The use of the East Quarry Ridge for dumping of overburden or so called greenstone which has destroyed the foothill scenic view from the Stevens Creek Blvd. is another great problem and must be addressed. Note: Santa Clara County allowed Lehigh to dump overburden/greenstone without even consulting the public or the City of Cupertino my question is how could they have done such a thing? It is not even a part of any Reclamation Plan and it is probably totally illegal.

**Public Opposes** – Lehigh's request to use the illegal PG & E Hall Road or building another road to compensate for not being able to use the PG & E road. The public has voiced their opposition and made Lehigh stopped transporting rock to Steven Creek Quarry for sale but this could all change. – **The issues are Still Pending** because Lehigh was told that they would have to get a land use permit and Surface Mining and Reclamation Act (SMARA) approval to allow use (reclamation) of the illegal hall road especially for the portion located within the City of Cupertino. The public is completely opposed to this under any circumstances.

**Public is in Favor of** - Honor Santa Clara County approved Reclamation Plan Amendment 2012 which proposed to stabilize the toe of the Main Slide through a large buttress composed of West Material Storage Area (WMSA) material and to leave the slide head scarp in place in its current form. There should be no mining on the Ridgeline for any reason.

2. Honor Ridgeline Protection Easement Deed which shows the boundary as provided in the 1972 Easement. Note: I believe that there also needs to be a Deed transfer issued with the new property owners name on it. The public would also like to see what legal process can be obtained by Santa Clara County and the City of Cupertino to stop Lehigh from tampering with the Ridgeline Protection Easement Deed in any way.

3. The public would like to close down any mining at Lehigh especially at the old quarry, that is out of limestone mine very soon and the public would like the Reclamation to begin. Lehigh should also not be allowed to lease land to the Stevens Creek Quarry to mine this is proposed in Stevens Creek Quarry's Reclamation Plan. There seems to be no end to what these two companies try to get away with Santa Clara County needs to stop this from happening.

4. Establishing a Super Fund Site at Lehigh and at the Steven's Creek Quarry that would clean up all of the pollution at these sites. I propose using the Lehigh Wastewater Treatment Plant to aid in the clean-up and the Cupertino Sanitation Lines that run over to the Santa Clara/San Jose Treatment Plant.

5. Starting the Permanente Creek Restoration Project that is well overdue and making sure that Lehigh uses the very Best Technology to restore it to its full use. The public would also like to add that Lehigh should not be allowed to dump polluted water of any kind into the creek this honoring the Clean Water Act. The Permanente Creek should run clean and free so that the aquatic life can live and people can fish in the Creek. The SF Bay is also in danger of the pollution from the polluted Permanente Creek and all of the people need to work to stop this pollution.

6. Stopping sediment slide of polluted overburden that Lehigh piled up that is going into the Permanente Creek again there is no end to Lehigh's pollution. **See Santa Clara County's NOV – Notice of Violation** File No. PLN 19-2250 – Note: this is the **Yeager Yard - Pending Correction**

**See San Francisco Bay Regional Water Quality Control Boards NOV** on July 9, 2019 ID 20.20435 for Discharge of mining waste rock overburden sediment slide to the Permanente Creek – Violation – Lehigh **Yeager Yard** adjacent reach of the Permanente Creek – **Pending Correction**

Public is to refer to Figure 7 the Amended Reclamation Boundary has moved out considerably and Lehigh can move the mining out to this area. Figure 10 Planned Ridgeline again shows the extent of the outreach of the Amendment to the Reclamation Plan. Figure 6 shows the Topography and it is sure a wonder how Lehigh was able to mine in this way. They call this slide the Greenstone Slide and I wonder if it is really greenstone seems Lehigh likes to all things green so that everyone considers this overburden safe. The public suspects that this overburden was put up at the on the Ridgeline because Lehigh needed a place to put it even thou they knew it was not stable. I suspect it is up to Santa Clara County, State Mining Board and the State Regional Water Quality Control Board to find out exactly how this happened and fine Lehigh for their crime.

Contact: Cathy Helgerson – [cathyhelger@gmail.com](mailto:cathyhelger@gmail.com)

QUESTIONS FOR THE COUNTY, LEHIGH AND SCQ,  
to be asked and answered at the Cupertino community meeting on 7/31/19.

- WHY IS THE COUNTY NOT BEING TRANSPARENT AND HONEST ON WHAT THEY ARE DOING ON THE TWO QUARRY AND THE ALL ISSUES IF THE TWO QUARRIES
- WHY IS THE COUNTY BEING SECRETIVE AS TO WHAT IS GOING ON WITH THE TWO QUARRIES, WITH NO PUBLIC NOTICES OR COMMUNICATIONS
- WHY ARE THE TWO QUARRIES NOT BEING INVESTIGATED AS TO THE POSSIBLE CURRENT VIOLATIONS THEY HAVE AND THAT THE COUNTY WAS TOLD ABOUT AND LET THEM OPERATE WITHOUT ADDITIONAL POSSIBLE VIOLATIONS AND FINES
- HOW CAN THE COUNTY AS LEAD AGENCY FOR THE STATE IN REGARDS TO SMARA REGULATIONS NOT FOLLOW SMARA REGULATIONS FOR THE VIOLATIONS THAT LEHIGH AND SCQ CURRENTLY HAVE BEEN GIVEN
- HOW CAN THE COUNTY LET SCQ OPERATE FOR OVER 6 YEARS WITHOUT RENEWING ITS USE PERMIT ON PARCEL A AND LET SCQ OPERATE WITHOUT ANY LEGAL AUTHORITY TO MEET SMARA REGULATIONS ON PARCEL B
- HOW CAN THE COUNTY APPROVE LEHIGH'S SUBMITTED RECLAMATION PLAN WHEN THEY HAVE SO MANY SMARA AND COUNTY VIOLATIONS
- HOW CAN THE COUNTY APPROVE LEHIGH'S SUBMITTAL FOR 655 MORE TRUCKS PER DAY UNDER THE RECLAMATION PLAN APPLICATION ON CUPERTINO ROADS FIRST WHEN THEY ALREADY HAVE OVER 700 PER DAY ON CUPERTINO ROADS AND SECOND WHERE THE TRUCKS ARE NOT GOING AND COMING FROM THE RECLAMATION PLAN AREA AND ARE COMING FROM THE CEMENT PLANT WHICH IS NOT PART ON THE RECLAMATION PLAN AREA
- HOW CAN THE COUNTY APPROVE SCQ'S USE PERMIT RENEWAL AND RECLAMATION PLAN WITH ALL THE SMARA AND COUNTY VIOLATIONS WITH A AMENDED AGREEMENT SIGNED AND GIVEN TO THE PEOPLE OF THE COUNTY
- HOW DID THE COUNTY REVISE AND CHANGE THE AGREEMENT WITH SCQ WITHOUT NOTIFYING THE PEOPLE OF THE COUNTY AND
- WHY DOES IT SEEM THAT OUR SUPERVISOR NOT ADDRESS ANYTHING IN REGARDS TO LEHIGH OR SCQ'S VIOLATIONS OR STATUS AND LET THEM OPERATE AS THEY WISH
- LEHIGH AND SCQ ARE IN VIOLATION OF THE SMARA, THE COUNTY, THE WATER BOARD AND THE BAAQMD IN ADDITION TO MSHA. THE COUNTY HAS AUTHORITY TO MAKE SURE THESE AGENCIES COMPLY WITH THEIR REGULATIONS. SO WHY IS THE COUNTY NOT DOING THAT.
- THESE TWO OPERATIONS HAVE BEEN OPERATING IN VIOLATIONS OF REGULATIONS NOW FOR 30 YEAR PLUS AND NOTHING IS DONE ABOUT IR BY THE COUNTY
- CUPERTINO AND ITS RESIDENTS ARE IMPACTED BY THE TWO OPERATIONS IN THE COUNTY AND CUPERTINO CAN RESTRICT THE USE OF ITS ROADS THE TRUCKS TRAVEL ON
- LEHIGH AND SCQ DO NOT PAY THE CITY FOR ANY COSTS ON THE ROADS, MAINTENANCE, SAFETY IMPROVEMENTS, THE SHERIFF, SWEEPING, WHY