



**Code Enforcement Office**  
Phone: (408) 299-6723  
CodeEnforcement@pln.sccgov.org

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**Notice of Violation and Public Nuisance; Intent to Record**

**(Via Standard and Certified U.S. Postal Mail and Posting at Property)**

June 13, 2019

Responsible Person:  
Lehigh Southwest Cement Company  
Hansen Permanente Cement, Inc.

Violation Address:  
24001 Stevens Creek Blvd, Cupertino 95014

Inspection Dates: April 30, 2019 & May 21, 2019

Re: Planning File No.: PLN19 - 2250

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Dear Lehigh Southwest Cement Company:

Permanente Quarry, located at 24001 Stevens Creek Blvd, Cupertino (Subject Property), is currently causing discharge of sediment into Permanente Creek, a violation of County Zoning Ordinance and California Code of Regulations. The area in which the violation occurred is shown on the enclosed map.

As the Violation Address owner, you are responsible for the violations. You must correct the violations as set out in Section II. If you do not do so, the consequences are set out in Section III and include **administrative fines of up to \$1,000 per day for each of the remaining violations until corrected.**

If you have any questions or reasons why you cannot complete the required corrections, please contact us at the number or email below.

**I. VIOLATIONS**

<b>Code Section</b>	<b>Description of Violation</b>
14 California Code of Regulations § 3706	Failure to control sedimentation
Zoning Ord. § 4.10.370 III (C)(1)	Failure to comply with Approved Reclamation Plan Conditions of Approval (Condition Nos. 78 d, 78 f)

## **II. REQUIRED CORRECTIONS**

1. **By June 28, 2019**, submit a plan for soil stabilization and stormwater control and erosion prevention in the violation area to prevent further discharge of sediment into Permanente Creek;
2. **By June 28, 2019**, test the sediment material discharged into Permanente Creek for contaminants, such as selenium and submit a report presenting the results of that testing to the County Department of Planning and Development Planning Division (Planning Division) and the California Regional Water Quality Control Board (Regional Board). Further action may be required based on the results of this testing;
3. **By June 28, 2019**, test the water seeping from the slopes and flowing into Permanente Creek for contaminants, such as selenium and submit a report presenting the results of that testing to the County Planning Division and the Regional Board. Further action may be required based on the results of this testing;
4. **By July 5, 2019**, implement the soil stabilization and stormwater control and erosion prevention plan noted under Item 1 above;
5. **By July 12, 2019**, submit slope stability calculations that analyze the stability of the south-facing slope of the West Materials Storage Area pursuant to California Code of Regulations, Title 14, § 3704(f), prepared by CEG. If unstable conditions are identified, you must also recommend remedial action; and
6. **By August 14, 2019**, modify and resubmit the Permanente Creek Restoration Plan Grading Approval application, deemed incomplete by the County on February 14, 2019 to include the portion of Permanente Creek located adjacent to the Yaeger Yard. The modification will need to address the sediment derived from erosion within the Yaeger Yard that has been deposited into Permanente Creek, and address the long-term stability of the slopes above and below the Yaeger Yard area.

## **III. CONSEQUENCES OF FAILURE TO CORRECT**

If you do not perform the required corrections as described above, the County will:

1. Impose administrative fines of up to \$1,000 per violation per day and/or administrative citations until the violations are corrected; and/or
2. Seek civil nuisance penalties of up to \$2,500 per violation per day; and/or
3. Take further legal action against you, including civil or criminal prosecution.

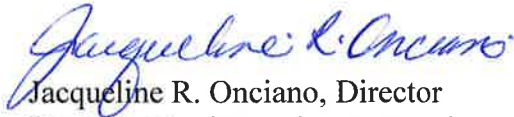
Notice of Violation and Public Nuisance; Intent to Record  
Re: 24001 Stevens Creek Blvd.  
Mailed and Posted on June 11, 2019

#### **IV. INTENT TO RECORD NOTICE OF THE VIOLATIONS**

The Planning Department intends to record notice of the violations against the Violation Address with the County Clerk-Recorder's Office. Within 30 days of this Notice, you may request a meeting with the Code Enforcement Division Manager, James Stephens, to challenge the existence of the violations or your responsibility for them and to present evidence that a violation does not exist. To request a meeting, please contact Mr. Stephens at 408-299-5794 or james.stephens01@pln.sccgov.org.

If you do not request a meeting with the Code Enforcement Division Manager within 30 days of this Notice, or if after the meeting the Code Enforcement Division Manager determines the violations exist and you are responsible for them, the County will record notice of the violations. The recorded notice of the violations can be expunged after you correct the violations.

We look forward to your cooperation in this matter.



Jacqueline R. Onciano, Director  
Department of Planning & Development  
70 W. Hedding St., East Wing, 7<sup>th</sup> Floor  
San Jose, CA 95110

Cc: Code Enforcement File  
Planning File  
Kristina Loquist, Land Use Aide, Supervisor Simitian's Office  
Rob Eastwood, Planning Manager  
Elizabeth G. Pianca, Lead Deputy County Counsel  
Michael Rossi, Lead Deputy County Counsel  
Manira Sandhir, Principal Planner  
Beth Hendrickson, Division of Mine Reclamation  
Lindsay Whalin, San Francisco Bay Regional Water Quality Control Board  
Kristin Garrison, California Department of Fish and Wildlife  
Roger Lee, City of Cupertino

Enclosure: Map of Violation Area



**Main Quarry Pit**

**PERMANENTE CREEK**

**Violation Area**

**Area of Sediment Discharge**

**WMSA**

**PERMANENTE CREEK**

**Map of Violation Area  
Lehigh Quarry**

0 250 500 1,000 Feet

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This map created by the State Office Planning Office. The data was compiled from various sources including the State Office Planning Office, the State Office of Environmental Protection, and the State Office of Health Services. The map is for informational purposes only and does not constitute a warranty of any kind.