

Applications of Lehigh & Stevens Creek Quarry to Expand Operations and Amend Reclamation Plans



CUPERTINO

Study Session January 19, 2021

Presentation Outline

- Status of applications to County submitted by both quarries
 - Lehigh has submitted a Reclamation Plan Amendment (RPA)
 - Stevens Creek Quarry (SCQ) has applied for a Use Permit and RPA
- Overview of each application and associated approvals

Presentation Outline - continued

- Vested rights evaluation for Lehigh
- Overview of CEQA process
- Opportunities, timelines for public input
- Other compliance concerns
- Summary of City's comments and concerns about each application

Intro to Reclamation Plans

- Surface Mining and Reclamation Act (SMARA) requires restoration after extraction concludes.
- Reclamation plan identifies area to be reclaimed, methods, and end land uses
- SMARA also requires financial assurances to ensure reclamation



Lehigh Quarry



- Limestone and aggregate quarry since 1939
- 24001 Stevens Creek Boulevard, Cupertino
- West of City of Cupertino

Stevens Creek Quarry Video

Background

- In 2011, Board of Supervisors (BOS) determined Lehigh has vested rights to mine on certain parcels
- 2012 RPA specifies how the quarry shall be reclaimed
 - Revegetation of the site
 - Backfill the main pit using onsite material

Background (con't)

- Lehigh also operates a cement plant under separate Use Permit
- The cement plant is not a component of the 2012 RPA

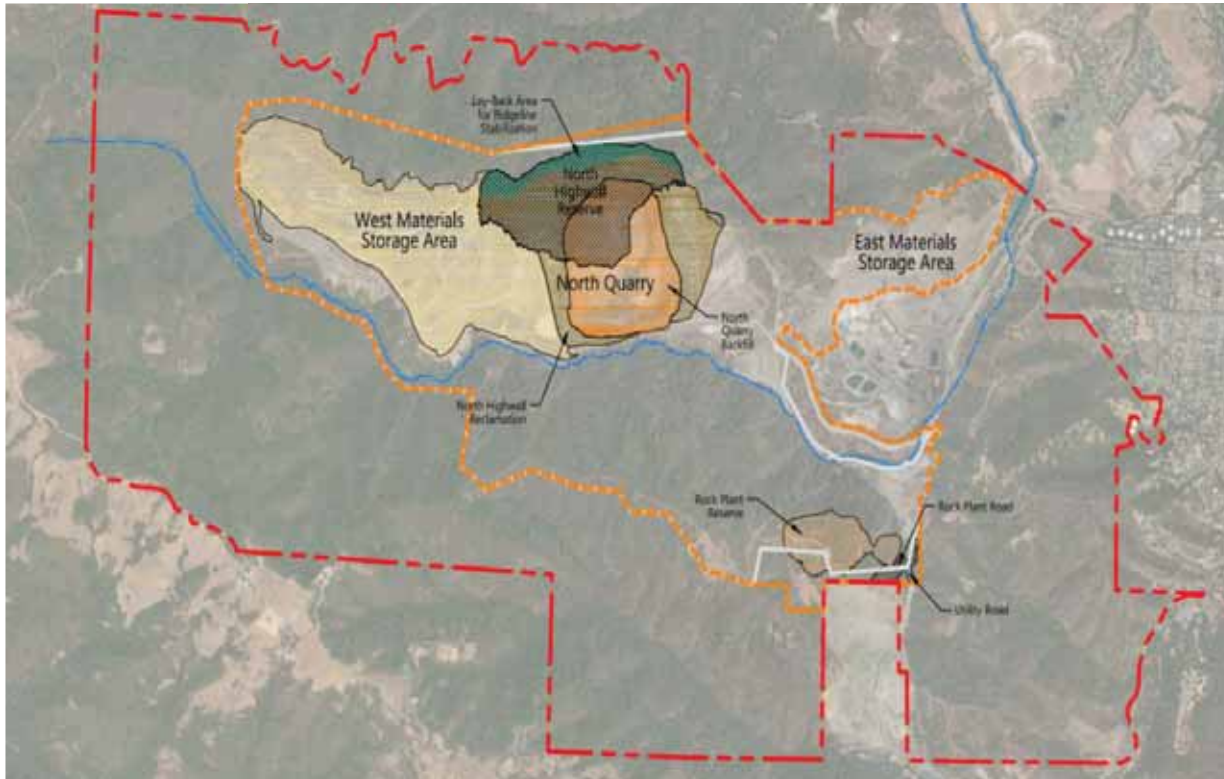
Lehigh Applications

- County is Processing
 - Permanente Creek Restoration Project – Grading Approval
 - Mining Expansion RPA

Permanente Creek Restoration Project

- Creek restoration identified in 2012 RPA
- Grading Approval application submitted in 2017
- Scope and bid for Supplemental Environmental Impact Report (EIR) preparation
- Department is waiting for funds from Lehigh for EIR

2019 Mining Expansion RPA



- Replacement of the 2012 RPA
- Import of fill to reclaim main pit
- Modify the 1972 Ridgeline Easement

2019 Mining Expansion RPA (con't)

- 20 million cubic yards of clean fill for reclamation
- Up to 600 truck trips per day, 5 days per week
- 1 million CY per year

2019 Mining Expansion RPA (con't)

- Modification of 1972 Ridgeline Protection Easement
 - Lowers ridge approximately 100 feet to allow mining and stabilization
- New quarry area
- Export unprocessed greenstone to SCQ

Vested Rights Consistency Evaluation

- 2011 BOS Vested Rights Determination – Geographic Area
- BOS will consider consistency of the proposed RPA with Vested Rights Determination

Project Schedule

- Consultants retained for environment review
- Currently negotiating scope with Lehigh

Project Schedule (con't)

- Next Steps
 - Finalize EIR scope
 - Publication of Notice of Preparation
 - Public Scoping Meeting
 - Preparation of Draft EIR
 - Vested Rights consistency hearing
 - EIR public comment period
 - Planning Commission comment meeting

Project Schedule (con't)

- Final EIR
- BOS consideration hearing
 - EIR certification
 - Reclamation Plan Amendment
 - Ridgeline Protection Easement

Opportunities for Public Input

- EIR Scoping Meeting
- Notice of Preparation
- Vested Rights Hearing
- EIR Comment Period
- Planning Commission (PC) / BOS Hearing

Compliance Issues

- County Notice of Violation (NOV) for sediment discharge into Permanente Creek (abated)
- Regional Water Quality Control Board (RWQCB) NOV for sediment discharge into Permanente Creek (abated)
- SF Bay Regional Water Quality Control Board violation for selenium exceedances

City Compliance Issues

- City of Cupertino NOV for Haul Road
- City NOV in May 2019 for grading, tree removal.
 - Tree planting, restoration complete.
 - Regrading anticipated Summer 2021

City Comments

- January 2019—export of aggregate, truck traffic
- July, October, December 2019—RPAs
- May 2020—vested rights determination

Stevens Creek Quarry



- Active aggregate quarry since 1950
- 12100 Stevens Canyon Rd, Cupertino

Lehigh Video



Status of SCQ Applications for Use Permit and RPA

- 1996 Use Permit (expired in 2015)
- 2002 Mediated Agreement, and current Reclamation Plan
- 2018 Compliance Agreement
- Pre-application for Use Permit and RPA submitted in May 2019

Status of SCQ Applications for Use Permit and RPA (con't)

- Use Permit and RPA submitted in September 2020; deemed incomplete
- Use Permit and RPA resubmitted in December 2020; deemed incomplete

Overview of SCQ Use Permit and RPA

- Expansion of mining operations
- Relocation of settling basin

Overview of SCQ Use Permit and RPA (con't)

- Update Reclamation Plan boundary
- Correct slope instability issues
- Import fill for reclamation

Overview of SCQ Use Permit and RPA (con't)

- Up to 1 million tons annually from Lehigh
- Up to 400 truck trips per day
- Process 2 million tons aggregate per year
- Import 3.7-12.5 million cubic yards of fill for reclamation for 30 years

Overview of SCQ Use Permit and RPA (con't)

- Zoning Interpretation to allow importation of greenstone from Lehigh for processing and sale
- Importation and processing is not an allowed use under the Zoning Ordinance

Project Schedule

- Review forthcoming UP and RPA resubmittal for completeness
- Finalize EIR scope

Project Schedule (con't)

- Publication of Notice of Preparation
- Preparation of Draft EIR
- EIR public comment period
- Planning Commission comment meeting
- Final EIR
- Planning Commission consideration meeting

Opportunities for Public Input

- EIR Scoping Meeting
- Notice of Preparation
- EIR Comment Period
- Planning Commission Hearing
 - Use Permit, RPA and EIR

Compliance issues

- 2017 NOV and 2018 Compliance Agreement
 - Slope failures
 - Water quality issues
 - Ground disturbance outside boundary

Compliance Issues (con't)

- 2019 NOV
 - Import, processing, and resale of aggregate from Lehigh
 - Zoning Interpretation submitted to allow import from Lehigh

City Comments

- January 2019—export of aggregate, truck traffic
- July 2019—pre-application
- October, December 2020—completeness of applications

To Access Information

City: [https://www.Cupertino.org/quarry
information](https://www.Cupertino.org/quarry_information)

County: [https://www.sccgov.org/sites/dpd/
Programs/SMARA/Pages/SMARA.aspx](https://www.sccgov.org/sites/dpd/Programs/SMARA/Pages/SMARA.aspx)

Questions

Save the date for Supervisor Joseph Simitian's annual meeting with regulatory agencies about Lehigh on March 3, 2021 from 6:30-8:30 p.m.