

County of Santa Clara

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October 23, 2019

Jason Voss
Stevens Creek Quarry, Inc. .
12100 Stevens Canyon Road
Cupertino, CA 95014

Planning Record Number: PLN19-0110
Site Location: 12100 Stevens Canyon Road
Subject: Use Permit and Major Reclamation Plan Amendment

Dear Jason Voss:

This letter summarizes application requirements and preliminary issues associated with the potential Use Permit and Reclamation Plan Amendment Approval application for Stevens Creek Quarry as identified in the pre-application submitted on May 31, 2019.

Stevens Creek Quarry (“SCQ”) is a 147-acre mining and processing operation located in southwestern Santa Clara County (County). The property is designated Hillside in the 1995 Santa Clara County General Plan land use map and located in the HS “Hillside” zoning district. SCQ and its predecessors have continuously mined for aggregates at the quarry for more than 80 years. In May 2018, SCQ began accepting greenstone from Lehigh Southwest Cement Company (“Lehigh”) for processing. The importation and processing of aggregate for resale is not an allowable action pursuant to the 2002 Mediated Agreement between SCQ and the County. Accordingly, SCQ seeks to amend the use permit to cover the entire property (Parcel A and B), include a revised mine plan, and import of materials for processing and sale.

The following comments from each of these subject matter experts will need to be incorporated and/or considered for any future application submittal. Please note that changes in the project description or scope of work could result in new or modified application requirements, and/or issues of concern, which are specific to the project described by the applicant for purposes of this pre-application.

I. Project Description

SCQ submitted a Use Permit and Reclamation Plan Amendment (“RPA”) Pre-Application on May 31, 2019. The Use Permit and RPA Pre-Application was submitted in response to the County’s Notice of Violation (NOV). The May 31, 2019 Use Permit and RPA pre-application contains the following proposal and components:

1. Extend and amend the Use Permit that currently applies to Parcel A to apply to the entire 147-acre site (Parcel A and Parcel B) for a term of 30 years.
2. Amend the Reclamation Plan for SCQ, adopted by the Board of Supervisors in 2009, to import, store, and process unprocessed mine products (“greenstone”), use an existing Pacific Gas and Electric Company (PG&E) utility access road to import greenstone from Lehigh, update Reclamation Plan boundary to include 75.55-acres of land currently owned by Lehigh, correct slope instability issues, update plans for stormwater flow, and create a new settling basin. Each of these components is discussed in more detail below.
 - a. Import, Store, and Process Greenstone: SCQ proposes to import up to 1 million tons of greenstone per year from Lehigh. The greenstone would be transported via 45-ton haul trucks along the existing PG&E utility access road located between Lehigh and SCQ. Daily import of greenstone would result in up to 400 roundtrip truck trips during normal operating hours. Once transported, the greenstone would be stored and processed on Parcel B. On February 15, 2019 the County issued SCQ a NOV for importing aggregate from Lehigh, located at 24001 Stevens Creek Boulevard, and processing and reselling product on Parcel B. The 2002 Mediated Agreement between SCQ and the County does not allow for the importation and processing of aggregate for resale.
 - b. Import of Fill: SCQ proposes to import up to 7 million cubic yards over a 30-year period. Fill material is expected to be acquired from construction and hauling companies that generate fill materials at construction sites.
 - c. PG&E Utility Access Road: SCQ proposes to use the existing PG&E utility access road to transport greenstone from Lehigh to SCQ for processing. The utility access road was previously limited to general-purpose access and PG&E access to power lines in the area. On August 17, 2018, the County of Santa Clara (“County”) issued Lehigh a NOV for illegal grading and widening of the utility access road outside of the Lehigh 2012 Reclamation Plan boundaries. The approximately one-quarter mile long, 12-footwide utility access road was widened to approximately 30 feet without County permission. The County’s notice required Lehigh to cease any use of the haul road to transport materials.
 - d. Update Reclamation Plan Boundary: As shown on Figure 5 of the May 2019 RPA submitted to the County by SCQ as part of the Pre-Application materials, SCQ proposes to expand the Reclamation Plan boundary to include portions of parcels located directly to the west and east of Parcel B (Assessor Parcel Numbers [APNs] 351-10-017, 351-10-33, 351-10-039, and 351-11-001). A 75.55-acre area located to the west of Parcel B (APNs 351-10-033 and 351-11-001) is currently owned by Lehigh. SCQ plans to enter into a license agreement with Lehigh to cut into native stable material within the 75.55-acre area to achieve a 1.5:1 horizontal to vertical (1.5H:1V) slope down to 1,060-foot mean sea level (msl) and 1H:1V cut slopes from 1,060 feet to the bottom of the pit (700 feet msl). The bottom of the pit would then be backfilled to 1,060-foot msl to grades not to exceed 3H:1V overall. In March 2019, Lehigh submitted an application for a Reclamation Plan Amendment (PLN19-0067) which proposes a boundary adjustment that includes

portions of APN 351-11-001 for a maintenance road and Plant Quarry Road. On April 29, 2019 the County concluded that Lehigh's application for a Reclamation Plan Amendment (PLN-0067) was incomplete.

- e. Correct Slope Instability Issues: SCQ proposes to revise slope angles along the west slope located in Parcel B to provide for aggregate production and long-term stability. As described above, SCQ plans to achieve the following slope parameters: 1.5H:1V slopes down to 1,060 feet msl. a 1H:1V cut slope from 1,060 feet msl to the bottom of the pit at 700 feet msl, and then backfill the pit at 3H:1V to 1,060 feet msl. To achieve these angles on the west slope, portions of the west pit boundary must be expanded farther west to include the 75.55-acre area owned by Lehigh in order to cut slopes into native stable materials and remove the current, unstable material within the steeper slopes. On September 27, 2017 the County issued SCQ a NOV for, among other things, slope failure of finished cut slopes on the west side of the quarry. The 2018 Compliance Agreement between the County and SCQ required SCQ to submit an In-depth Investigation Report that includes the following: (1) recommended expanded reclamation area boundaries, if any, that encompass current and anticipated mining-related ground disturbances, and (2) solutions that demonstrate that there will not be slope failures or ground disturbances outside the recommended expanded reclamation area boundaries. Additionally, the County requested SCQ incorporate the recommendations of the Report into a Corrective Action Plan and submit the Corrective Action Plan and Report to the County.
- f. Stormwater Flow: SCQ proposes to implement best management practices (BMPs) to direct off-site and non-industrial run-on away from industrial areas and erodible surfaces in compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. BMPs such as berms, drainage ditches, drop inlets, sediment traps, silt fences, check dams, and straw wattles will be constructed along the quarry roads and throughout the 147-acre site.
- g. Settling Basin: SCQ proposes to develop a new settling basin designed and engineered by Bay Area Geotechnical Group (BAGG Engineering). The new settling basin will be located on Parcel A, directly east of the Lower Pond. Consistent with design storm standards in the Industrial General Permit, the new settling basin will be designed to meet an 85 percentile 24-hour storm event. The capacity of the settling pond is estimated to be approximately 4.4 acre-feet provided that the pond's side slopes are cut at an approximate gradient of 2H:1V and the development access road, located adjacent to the proposed settling basin, is raised by 10 feet at an approximate 1.5H:1V gradient. On September 27, 2017 the County issued SCQ a NOV for, among other things, using the Upper Settling Basin as an "in-stream" water quality treatment device, in violation of California Code of Regulations 14 Sections 3706 and 3710.

II. Comments on Pre-Application Submittal

The following are comments to help assist in the preparation of a future application submittal:

Planning

1. The project will require Level II Early Outreach, which includes noticing to immediate neighbors, community outreach meetings, and sign posted onsite as described on the County website.
2. The project will be subject to review by the Planning Commission and subject to the findings in the County of Santa Clara Zoning Ordinance.
3. Apply for a Use Permit to operate a concrete, asphalt, and soil Recycling Facility within the Hillside (HS) Zoning District subject to provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval, of the County Zoning Ordinance. Concrete, asphalt, and soil recycling within rural districts is considered a permitted use only in association with an existing quarry operation in any rural base zoning district pursuant to Table 2.20-2 Note 11, in the Santa Clara County Zoning Ordinance.
4. The RPA should clearly identify measures that SCQ will take to ensure greenstone materials from Lehigh do not contain limestone to avoid selenium contamination of the creek and downstream reservoir.
5. The RPA proposes to import fill materials for reclamation. The RPA should clearly identify proposed testing method to ensure that the fill material is clean and will not result in site contamination. SCQ should also identify sources of fill materials.
6. The submitted RPA estimates up to 400 roundtrip truck trips will occur daily along the utility access road. The County will engage a qualified transportation engineer to prepare a Transportation Impact Analysis (TIA) that clearly identifies the number of operational trips, additional trips due to the import of fill, and vehicle miles traveled (VMT), at SCQ's expense. SCQ shall provide the County with the number of employer trips and any other trips related to the proposed use.
7. The proposed RPA boundary adjustment includes 75.55-acres of land currently owned by Lehigh (Portions of APN: 351-11-001 and -033). Please provide documentation of an intent to enter into lease agreement or similar document between Lehigh and SCQ that allows for the expansion and modification to this area.
8. All figures in the proposed RPA and associated technical reports should be revised to include recent aerial images of SCQ that accurately depict existing conditions.

Geology

9. The proposed RPA includes an Engineering Geologic and Geotechnical Evaluation prepared by BAGG Engineering (BAGG Technical Report). The BAGG Technical Report investigates and characterizes the subsurface conditions at the location of the proposed settling basin located in Parcel A and evaluates the stability of the proposed cut slopes surrounding the proposed settling basin. The BAGG Technical Report estimates the settling basin capacity to be about 4.4 acre-feet if the settling basin side slopes are cut at an approximate gradient of 2H:1V and the Development Access Road is raised by 10 feet at an approximate 1.5H:1V gradient. The proposed RPA included the following proposed slope parameters along the

west slope in Parcel B: 1.5H:1V slopes down to 1,060 feet msl. a 1H:1V cut slope from 1,060 feet msl to the bottom of the pit at 700 feet msl, and then backfill the pit at 3H:1V to 1,060 feet msl. These proposed slope parameters are not supported by the analysis or conclusions in the attached BAGG Technical Report. The RPA will need to include a geotechnical report that evaluates the proposed slope parameters in Parcel B.

10. The County has observed significant ground-cracks at the top of the slope of the north wall and east wall of the Quarry pit. The RPA will need to include a geotechnical report that evaluates ground cracks and the stability of buttress fill that is already in place.
11. The submitted RPA proposes to construct BMPs such as berms, drainage ditches, drop inlets, sediment traps, silt fences, check dams, and straw wattles along the quarry roads and throughout the 147-acre site. The Project Description figures do not show the location of the proposed BMPs. Please revise all figures to clearly identify the location of the proposed BMPs.
12. The submitted RPA proposes to develop a new settling basin located on Parcel A, directly east of the Lower Pond. The location of the new settling basin is identified in the BAGG Engineering technical report; however, the Project Description figures do not show the location of the settling basin. Please revise all figures to clearly identify the location of the new settling basin.

Environmental Review

The County will retain a qualified CEQA consultant to prepare an Environmental Impact Report (EIR) that evaluates the whole of the project. In addition, technical evaluations shall be prepared for the following resource topic areas:

- Biological Resources
- Air Quality
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation
- Utilities and Service Systems

The County shall retain a qualified transportation engineer to prepare a TIA that clearly identifies the number of employer trips and any other trips related to the proposed use, at SCQs expense. The TIA should clearly identify the number of estimated trips needed to transport greenstone, customer trips to the site for purchase of aggregate material, and the transport of fill. The County shall retain a qualified geotechnical engineer, at SCQ's expense, to prepare an In-depth Investigation Report that includes the following: (1) recommended expanded reclamation area boundaries, if any, that encompass current and anticipated mining-related ground disturbances,

and (2) solutions that demonstrate that there will not be slope failures or ground disturbances outside the recommended expanded reclamation area boundaries.

III. Additional Issues/Areas of Concern

In addition to the incomplete items discussed above in Section II, the following additional issues and policy conformance areas apply to the proposed RPA.

13. The submitted RPA proposes to use the PG&E utility access road in its current form to provide long-term access to transport greenstone from Lehigh to SCQ. Prior to its modification in 2018, the utility access road was approximately 12 feet in width and used as a utility road by PG&E. SCQ should be aware that the County issued Lehigh a NOV on August 17, 2018, that requires Lehigh to revise its March 25, 2019 RPA application to indicate the utility access road will be reclaimed to its pre-expansion width or provide documentation from PG&E stating that the road is required within its current form at its current expanded width for use as a utility road. The City of Cupertino ("City") issued Lehigh a NOV on May 28, 2019 which directed Lehigh to correct violations resulting from illegal grading and expansion of the Utility Road within the City's jurisdiction. Although SCQ's Pre-Application is separate from Lehigh's RPA, the County cannot support the use of the utility access road until existing violations are corrected.
14. Import of materials for processing: The RPA proposes to import greenstone for processing, if SCQ plans to import additional materials the RPA should clearly identify the supplier, location of supply facility, and type of material(s).

If you have any additional questions regarding this application, please call me at robert.salisbury@pln.sccgov.org / (408) 299-5785.

Sincerely,



Robert Salisbury
Senior Planner

cc: Jacqueline Onciano, Director of Planning and Development, County of Santa Clara
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