

County of Santa Clara
Board of Supervisors
Supervisorial District 5
Supervisor S. Joseph Simitian



103221

DATE: October 20, 2020
TO: Board of Supervisors
FROM: S. Joseph Simitian, Supervisor
SUBJECT: Stevens Creek Quarry Oversight

RECOMMENDED ACTION

Approve referral to Administration to report to the Board through the Housing, Land Use, Environment, and Transportation Committee in December 2020 with a plan to address deficiencies identified in the October 2020 memorandum titled Stevens Creek Quarry Compliance Monitoring, by Harvey M. Rose Associates, LLC, the Board of Supervisors' Management Audit Firm, including steps to ensure the ongoing monitoring and enforcement of applicable conditions. (Simitian)

REASONS FOR RECOMMENDATION

At the request of my office, the Board of Supervisors' Management Audit Firm undertook what is known as a "40 hour audit" to review the Department of Planning and Development's oversight of Stevens Creek Quarry through the Quarry's Use Permit and the Mediated Agreement (which applies to Parcel B). The Firm also reviewed the Financial Assurance Cost Estimate (FACE) which is intended to ensure the clean closure of the site when mining activity ceases.

A number of deficiencies in the County's oversight were revealed by the audit. Thus, it is necessary to ensure there is a plan both to remedy the deficiencies and to ensure consistent and on-going monitoring and enforcement of all conditions associated with the both the Use Permit and the Mediated Agreement.

BACKGROUND

Operations at Stevens Creek Quarry are governed by two different documents. The first is a Use Permit; the Permit and its conditions of approval apply to Parcel A. The other parcel,

Parcel B, is governed by what's known as the Mediated Agreement. Like a use permit, the Mediated Agreement contains conditions that must be adhered to for operations to continue.

The October memorandum documents numerous deficiencies in Departmental oversight:

- Six conditions from the Use Permit and Mediated Agreement have no record of being currently or previously monitored or enforced. These include conditions pertaining to County annual noise tests, submittals of Quarry Operator truck data, and enforcement of usage and inventories of ancillary trucks and equipment.
- Since moving its on-site investigations in-house in 2018, the County's detailed tracking of compliance with individual conditions has decreased in frequency.
- The Department's records indicate that there has historically been no systematic compliance monitoring of the Mediated Agreement governing Parcel B.
- While the Department has provided the County's Planning Commission with summary updates on Quarry Operator Compliance, complete Annual Compliance Monitoring Reports were not submitted during calendar years 2019 and 2020.

ATTACHMENTS:

- October 9 2020 Memo from Harvey Rose Associates (PDF)
- Attachment A - 1996 Use Permit (PDF)
- Attachment B - 2002 Mediated Agreement (PDF)
- Attachment C - 2004 Monthly Monitoring Checklist (PDF)
- Attachment D - 2003-04 Annual Monitoring Report (PDF)
- Attachment E - Compliance Matrix (PDF)
- Attachment F - 2017 Annual Report (PDF)
- Attachment G - FACE Inadequacy Letter (PDF)
- Attachment H - Letter from DMR re 2019 FACE (PDF)
- Attachment I - 2019 Financial Assurance (PDF)