

DEPARTMENT OF CONSERVATION**OFFICE OF MINE RECLAMATION**

MRRC-1 (4/97) Page 1 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan) Stevens Creek Quarry	Inspection Date: 9-14-2017	CA MINE ID# 91- 43-0007
-------------------------------------------------------------------------------------	--------------------------------------	-----------------------------------

II. Mine Operator Stevens Creek Quarry, Inc.		Telephone (408) 253-2512 ext 210
Onsite Contact Person Jason Voss		Telephone (408) 640-6160
Mailing Address 12100 Stevens Canyon Rd.		
City Cupertino	State CA	ZIP Code 95014
E-mail Address (optional) Jvoss@scqinc.com		

III. Designated Agent Jason Voss		Telephone (408) 640-6160
Mailing Address Same as above		
City Same as above	State Same as above	ZIP Code Same as above
E-mail Address (optional) Same as above		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB) Santa Clara County		
Inspector Christopher Hoem, James Baker, and Steve Beams		Telephone (408) 299-5784
Title Associate Planner, County Geologist, and Construction Inspector	Organization Department of Planning and Development	
Mailing Address 70 W. Hedding St. East Wing, 7th Floor		
City San Jose	State CA	ZIP Code 95110
E-mail Address (optional) christopher.hoem@pln.sccgov.org		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # - Start and Expiration Dates 1253-94P (Start: 12/17/1996, expires 02/18/2015; renewable)
Vested Right to Mine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Year of Lead Agency determination Mediated Agreement adopted 10/08/2002
A Reclamation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP# 1253-94P Date Approved 12/17/1996
Reclamation Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP Amendment # (as applies) 1253-07P (R2) Date Approved or Status of Amendment 05/14/2009
Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Year of Most Recent Filed Annual Report: 2016				

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
California Mining Claim Number (CAMC#): N/A	Latitude/Longitude at Mine Entrance (Decimal Degrees): 37° 17.785'N / 122° 05.071'W	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) : N/A	Status of Plan of Operations (Current/Expired/In Process): N/A	

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: 9-14-2017	CA MINE ID#: 91- 43-0007	
Type of Financial Assurance Mechanism(s) Surety Bond	Financial Assurance Mechanism Number(s) Liberty Mutual #70000907	Amount of Mechanism \$2,304,756.29	Date of Expiration None	Date of Lead Agency Approval of Mechanism 11-30-2015
Total Amount of Mechanism(s)		\$2,304,756.29		

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

Quarry submitted 2017 FACE on 12-13-2017. County is reviewing 2017 FACE.

Has there been a change of operator since last inspection? If yes provide the date of notice. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date of Change: N/A	If yes, has the new operator posted a Financial Assurance Mechanism? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, describe status of new operators Financial Assurance Mechanism: N/A	Does new operator's Notice of Change include a statement of responsibility for reclamation? <input type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: Statement of Adequacy sent on 5-3-2017. 2016 FACE approved 6-17-2017. The County recommended no reduction in the 11-30-2015 FAM. Amount: \$2,144,310.75
<input checked="" type="checkbox"/> Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: Quarry submitted 2017 FACE on 12-13-2017. County is reviewing 2017 FACE.
<input type="checkbox"/> Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation: N/A
<input type="checkbox"/> Other?	N/A

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # <div style="font-size: 1.5em; font-weight: bold;">91- 43-0007</div>	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information	Mineral products: aggregate No limit of product as set forth by County approvals. End of operations is not defined in the reclamation plan. The permit has expired and the mine operator has agreed to apply for a new permit. End use pursuant to the Reclamation Plan is Open Space.	Inspectors observed active mining operations. Operator has current use permit to operate recycling facility for concrete, asphalt, and dirt. Those operations were also active during the inspection.	
a) Permitted Mineral Product(s)			
b) Approved Production Amount (Annual/Gross)			
c) End Date of Operations Per RP			
d) Permit end date			
e) End Use			
2) Boundaries	Property and reclamation plan boundaries are shown in Figures 6 and 8 of the reclamation plan approved in May 2009. The property boundary of Parcel B was subsequently modified in a lot line adjustment approved by the County in 2013 to include the Upper Settling Pond.	The County Surveyor confirmed mining-related ground cracks are located beyond the north & west property lines. A lot line adjustment/legal access will be required for both issues. The area of the recorded lot line adjustment for the Upper Settling Basin and dam is beyond the approved reclamation boundary. All three issues require a RPA.	3
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			
3) Slopes – Grading	Max. working slopes 1.5:1 as shown on Figures 6 and 8 of 2009 reclamation plan amendment (RPA), and on Sheet 2 of 6 of the RPA drawings. Reclaimed in Parcel A to be 1.5:1 slopes as shown in Figure 11, and will vary from 1.5:1 finished cut slopes and 2:1 to 3:1 finished fill slopes in Parcel B, as shown in Figure 13 of the RPA, and on Sheet 3 of 6 of the RPA drawings. See also Appendix D of the RPA (Slope Stability Report) for further information.	Open cracks and vertically displaced scarps were observed on the north, northwest, and southwest finished cut slopes of the quarry. All three issues require a RPA. See Attachment A for more discussion.	3
a) Fill Slopes – Note Condition of:			
i) Slopes – Working (max/current)			
ii) Slopes – Reclaimed			
iii) Compaction			
b) Cut Slopes – Note Condition of:			
i) Slopes – Working (max./current)			
ii) Slopes – Reclaimed			
4) Erosion Control	Erosion control is managed through revegetation of disturbed slopes as set forth in the RPA, Section 4, and by managing onsite surface water runoff as shown on Sheet 6 of 6 of the RPA drawings by Resource Design Technology. Erosion control and BMPs are also detailed in Table WQ-4 of the Initial Study for the RPA.	Inspectors observed fill and recent graded areas. These areas needed erosion control measures to be installed prior to rain season. See attachment A for more discussion.	
a) BMPs			
b) Grading			
c) Vegetation			
5) Ponds	RPA Sheet 6 of 6 shows six basins at full excavation and three permanent ponds at final reclamation.	The Regional Water Quality Control Board (RWQCB) and the County have each issued a Notice of Violation indicating that the Upper Settling Pond cannot be used as a water treatment device because it is in-stream with Rattlesnake Creek. This issue must be resolved through a Stipulated Order to Comply. See Attachment A for more discussion.	1
a) Design – Function			
b) Capacity (area/depth/volume)			
c) Maintenance			
6) Stream & Wetland Protection	Stream protection is addressed in the RPA through erosion control and surface water management as described in RPA Initial Study, implementation of a Storm Water Pollution Prevention Program (SWPPP), dated 2015.	Inspectors observed Upper, Middle and Lower Basins in the creek channel, and a 55-foot high earthen dam. Material stockpile located on Parcel A is hydroseeded. Jute netting was added to a slope above Rattlesnake Creek toward the west end of the site.	
a) Buffers (distance to channel)			
b) Berms (distance/length/height)			
c) Best Management Practices			
d) Drainage			
e) Grading & Slopes			
f) Stockpiles			
g) Stream Diversions			
7) Sensitive Wildlife & Plant Protection	Sensitive wildlife and plant species are described in the RPA initial study, and addressed through mitigation measures, are included in the RPA as Conditions of Approval 14 through 17.	Mitigation measures are triggered when new areas of disturbance occur through mine or reclamation operations within a 9.5 acre expansion area authorized by the 2009 RPA.	
a) List Species			
b) Protection Measures			

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91- 43-0007	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management	Stockpiles of topsoil and overburden are shown in the Existing Conditions, Figures 3 and 4 of the 2009 RPA. A stockpile is located in the east portion of Parcel A that includes topsoil that will be used throughout the site as part of final reclamation. The final slopes are shown on Sheet 6 of 6 of the 2009 RPA.	Stockpile on Parcel A is vegetated from hydro-seed in previous years. The vegetation from the hydro-seeding appeared to effectively prevent erosion, and protect the material underneath. (Pre-winter inspection will include verification of required BMP installation on Parcel B.) See Attachment A for further information.	
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation	The approved RPA revised the plant list of vegetation to be used for revegetation of disturbed areas during reclamation. The plant list is included in Section 4.3 of the RPA (Table 1, "Revised Revegetation Palette"). Location of vegetation types is shown in Figures 16 and 17 of the RPA, as well as Sheet 5 of 6 of the drawings by Resource Design Technology.	Test plots to test for and ensure success of revegetation plan have been constructed. First round of oak germination appeared successful.	
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures	Structures not shown on the reclamation plan to remain following reclamation of the quarry must be removed.	Inspectors observed repair of the slope behind the retaining walls for the crusher. Operator indicated walls will be removed prior to final reclamation.	
11) Equipment	Equipment used for mining purposes must be removed as part of reclamation of the quarry.	Mining equipment is currently being used in the operation.	
12) Closure of Adits	The mine does not include adits; none are required to be addressed through reclamation.	N/A	
13) Other Reclamation Plan Requirements	N/A	N/A	

SURFACE MINING INSPECTION REPORT

<p>IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary)</p> <p>The following attachments include additional information:</p> <p>Attachment A - County's Discussion and Photographs</p> <p>Attachment B - County's email "SMARA Compliance Information required" (dated 5-1-2017)</p> <p>Attachment C - Operator's email in response to Attachment B email (dated 5-24-2017)</p> <p>Attachment D - County's email in response to Attachment C email (dated 9-18-2017)</p> <p>Attachment E - Notice of Violation issued by the Regional Water Quality Control Board (RWQCB) (dated 5-30-2017)</p> <p>Attachment F - California Department of Fish and Wildlife's email in response to Attachment E (dated 6-9-2017)</p> <p>Attachment G - Notice of Violation issued by the County (dated 9-27-2017)</p> <p>Additional sheets/documents attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>CA MINE ID # 91- 43-0007</p> <hr/> <p>Inspection Date: 9-14-2017</p> <hr/> <p>Weather Code(s): CR</p> <hr/> <p>Duration of Inspection: 2.2 hours Start Time: 10:30 am End Time: 12:40 pm</p> <hr/> <p>Status of Mine Code(s): Active</p> <hr/> <p>Status of Reclamation Code(s): R Approximate Acreage Under Reclamation: 13 Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: 0.0</p> <hr/> <p>Approximate Total Disturbed Acreage: 123 Approximate Pre-SMARA Disturbed Acreage: N/A</p> <hr/> <p>Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate: 117.8</p> <hr/> <p>Previous Inspection Date (and Number of Violations then Noted): 9-15-2016 (0) Violations Corrected? (explain in block to left) N/A</p> <hr/> <p>Inspection Attendees and Affiliations: Santa Clara County: Christopher Hoem Jim Baker Steve Beams Stevens Creek Quarry: Jason Voss</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>X. Number of Current Violations: 7</p>	<p>Inspectors Signature: Christopher Hoem <small>Digitally signed by Christopher Hoem DN: cn=Christopher Hoem, o=County of Santa Clara, ou=County of Santa Clara, email=christopher.hoem@pln.sccgo.v.org, c=US Date: 2017.12.14 10:42:22 -08'00'</small></p> <p>Date Signed: _____</p>	<p>If inspector is a contractor for the lead agency give license type and number: N/A</p>
-------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



**** VIA Email and CERTIFIED U.S. Mail ****

September 27, 2017

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

Email: JVoss@scqinc.com

SUBJECT: NOTICE OF VIOLATION – STEVENS CREEK QUARRY

Dear Mr. Voss:

The County of Santa Clara ("County") hereby issues a Notice of Violation to Stevens Creek Quarry, Inc. ("Quarry"). This Notice of Violation ("Notice") is issued pursuant to Zoning Ordinance Code section 4.10.370, Part III(C) and Public Resources Code section 2774.1. The County expects the time necessary to correct the violations identified in this Notice will exceed 30 days. Accordingly, the County requires the Quarry to enter into a Stipulated Order to Comply with the County pursuant to Public Resources Code §2774.1(a)(2). The timeline for compliance to correct the violations listed below will be included in the Stipulated Order to Comply.

The County conducted its 2016 Annual SMARA inspection at the Quarry on September 15, 2016. During this inspection the County observed Quarry activities requiring corrections (Attachment H). Follow-up inspections occurred on the following dates:

October 11, 2016
November 11, 2016
December 7, 2016
January 7, 2017
February 8, 2017
March 15, 2017
April 5, 2017
May 17, 2017
July 5, 2017
August 2, 2017
September 8, 2017
September 14, 2017

During these inspections, the County observed violations of the following:

1. County Zoning Ordinance (§4.10.370, Part II(A)(6));
2. Surface Mining and Reclamation Act (SMARA) (California Code of Regulations 14§3706 and 3710); and,
3. The Quarry's National Pollutant Discharge Elimination System (NPDES) Permit (Discharge Prohibitions III.B).

Evidence of these violations is included in some of the attachments. The locations of these violations are shown on the enclosed Map of Violations (Attachment A) and described as follows:

Descriptions of Violations

The County has identified the following violations:

1. *Use of the Upper Settling Basin as a water quality treatment device.*

The County has observed that the Upper Settling Basin is an "in-stream" sediment basin and sediment trap within Rattlesnake Creek. The Quarry operations and storm water discharges are covered under the Statewide NPDES Industrial Storm Water General Permit, Order No. 2014-0057-DWQ (Permit). The Regional Water Quality Control Board ("RWQCB") sent a Notice of Violation to the Quarry on May 30, 2017 (Attachment B) containing the following determinations:

- a. It is a violation to use the creek, or any other water of the U.S. or water of the State, as a water quality treatment device.
- b. The Quarry is discharging to Waters of the United States, an action which requires a permit under the National Pollutant Discharge Elimination System Program.
- c. Discharge of sediment-laden stormwater to Rattlesnake Creek violates Permit Discharge Prohibition III.C.
- d. Discharges of process water to the Creek are violations of applicable Permit and Basin Plan Discharge Prohibitions, including Permit Discharge Prohibition III.B.

The use of the Upper Settling Basin as an "in-stream" water quality treatment device is in violation of California Code of Regulations 14§3706 and 3710.

2. *Mining-related ground disturbances north of the northern property line and outside of the Reclamation Plan area.*

The County observed surface mining-related ground disturbances beyond the northern property line, as documented in the September 15, 2016 inspection (Attachment I and J). Enclosed as Attachment D is a survey by the County Surveyor (dated January 2017) which shows mining related ground disturbances located north of the northern property line and outside the Reclamation Plan area. The survey shows that the ground

disturbances—labeled “Top of Slope”—extend north of the northern property line. Consequently, these ground disturbances are in violation of County Ordinance Code §4.10.370, Part II(A)(6) and Public Resources Code §2773(a), because the ground disturbance shown in Attachment D is located outside of the approved Reclamation Plan area.

3. Mine-related ground disturbances west of the western property line and outside of the Reclamation Plan area.

The County documented mining-related ground disturbances that are west of the western property line and outside of the Reclamation Plan area. During the April 5, 2017 inspection, County inspectors observed the failure of the cut slope causing ground deformation to occur outside of the approved mining area (see photos in Attachment E). These ground disturbances are in violation of County Ordinance Code §4.10.370, Part II(A)(6) and Public Resources Code §2773(a) because they are located outside of the approved Reclamation Plan area.

On May 1, 2017, the County requested that the Quarry’s Engineering Geologist “evaluate the area to determine if any mitigation measures are needed to prevent further disturbances outside of the mine boundary.” The County requested the Quarry submit a written report by June 15, 2017. To date, the Quarry has not submitted the requested geologic evaluation to the County. (See Attachment F.)

4. Two areas of slope failure of the finished cut slopes on the west side of the quarry.

The County inspectors observed areas on the western finished cut slopes that show signs of progressive ground movement between the inspections on July 5, 2017 and September 14, 2017 (see photos in Attachment G). According to the approved Reclamation Plan, these particular slopes were intended to be finished cut slopes. These slope failures have made the finished slopes unstable and, therefore, are inconsistent with the approved Reclamation Plan and constitute a violation of California Code of Regulations 14 § 3704(f).

Actions Required of Operator

The following are actions the Quarry must take to correct the violations described above:

1. Provide to the County evidence of compliance with RWQCB requirements relevant to the Upper Settling Basin listed in the RWQCB Notice of Violation (Attachment B).
2. Apply for a Reclamation Plan Amendment to expand the Reclamation Plan area to include ground disturbances located north of the approved Reclamation Plan area.
3. Apply for a Reclamation Plan Amendment to expand the Reclamation Plan area to include ground disturbances located west of the approved Reclamation Plan area.

4. Apply for a Reclamation Plan Amendment that includes drawings and supporting documentation showing revised final slopes to correct the violation by restoring slope stability.

If the Quarry fails to comply with this Notice of Violation and the subsequent Stipulated Order to Comply, then the Quarry will be subject to a penalty of not more than \$5,000 per day, assessed from the original date of noncompliance. (PRCE section 2774.1 and County Zoning Ordinance section 4.10.370 Parti III (C))

Sincerely,



Christopher Hoem, AICP
Associate Planner



James Baker, CEG
County Engineering Geologist

Enclosures:

Attachment A – Map of Violations
Attachment B – May 30, 2017 RWQCB Letter
Attachment C – June 9, 2017 CDFW Email
Attachment D – January 2017 County Survey of Northern Property Line
Attachment E – April 5, 2017 Field Photos
Attachment F – May 1, 2017 County Email
Attachment G – July 5, 2017 and September 14, 2017 Photos of Slope Failures
Attachment H – October 26, 2016 County Letter
Attachment I – 2016 MRRC-1 Annual Inspection Report
Attachment J – 2016 MRRC-1 Annual Inspection Report Attachments

Cc: Kirk Girard, Director of Planning and Development
Rob Eastwood, Planning Manager
Elizabeth G. Pianca, Lead Deputy County Counsel
Beth Hendrickson, Division of Mine Reclamation
Devender Narala, San Francisco Bay Regional Water Quality Control Board
Kristin Garrison, California Department of Fish and Wildlife

Hoem, Christopher

From: Beams, Steve
Sent: Friday, June 9, 2017 3:54 PM
To: Hoem, Christopher; Baker, Jim
Subject: FW: Notice of Violation and Water Code 13267 Requirements for Technical Report, Stevens Creek Quarry

Fyi
-Steve

From: Garrison, Kristin@Wildlife [mailto:Kristin.Garrison@wildlife.ca.gov]
Sent: Friday, June 09, 2017 2:40 PM
To: Narala, Devender@Waterboards <devender.narala@waterboards.ca.gov>; jvoss@scqinc.com; jvoss@stevenscreekquarryinc.com
Cc: Whyte, Dyan@Waterboards <Dyan.Whyte@waterboards.ca.gov>; Lichten, Keith@Waterboards <Keith.Lichten@waterboards.ca.gov>; Boschen, Christine@Waterboards <Christine.Boschen@waterboards.ca.gov>; Rembaum, Michelle@Waterboards <Michelle.Rembaum@waterboards.ca.gov>; Beams, Steve <Steve.Beams@PLN.SCCGOV.ORG>; Eastwood, Rob <Rob.Eastwood@PLN.SCCGOV.ORG>; Hampton, Michael@Wildlife <Michael.Hampton@wildlife.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Subject: RE: Notice of Violation and Water Code 13267 Requirements for Technical Report, Stevens Creek Quarry

Hello Jason,

Please see the email below. Please note that quarry activities will need appropriate authorization by CDFW.

The jurisdiction of CDFW in relation to riparian areas is: The California Fish and Game Code Division 2, Chapter 6, Section 1602 states "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless..." it then goes on to explain the Lake or Streambed Alteration Agreement process. With regards to the quarry, this jurisdiction applies to Swiss Creek, Rattlesnake Creek, and the sediment ponds on Rattlesnake Creek.

We cannot find any record of the quarry having a Streambed Alteration Agreement (SAA) for quarry operations. Also, during our site visit on 10/18/2016 you said that you are unaware of any previously issued SAA. Please send a Notification of Lake or Streambed Alteration (Notification) for operations including Swiss Creek, Rattlesnake Creek, and the sediment ponds on Rattlesnake Creek. In the future, if there are any operational changes in response to the RWQCB Notice of Violation, then you may need to send a Request to Amend Lake or Streambed Alteration Agreement. If remediation in relation to the RWQCB Notice of Violation will result in changes within the riparian area as explained in the jurisdiction description above, you will need to send a Notification for that work. Please see <https://www.wildlife.ca.gov/Conservation/LSA> for information and forms related to the Notification process. You may also contact me for information.

Please also conduct analysis of impacts with regards to operations and remediation actions to ascertain if these will result in take of species listed within the California Endangered Species Act (CESA). If so, an Incidental Take Permit will be required. For more information regarding CESA, see <https://www.wildlife.ca.gov/Conservation/CESA>.

Feel free to contact me if you have any questions.

Sincerely,

Kristin Garrison

Environmental Scientist
California Department of Fish and Wildlife
Bay Delta Region
Habitat Conservation Program
7329 Silverado Trail, Napa, CA 94558
(707)944-5534 office

From: Narala, Devender@Waterboards [<mailto:devender.narala@waterboards.ca.gov>]
Sent: Tuesday, May 30, 2017 2:24 PM
To: jvoss@scqinc.com; jvoss@stevenscreekquarryinc.com
Cc: Whyte, Dyan@Waterboards <Dyan.Whyte@waterboards.ca.gov>; Lichten, Keith@Waterboards <Keith.Lichten@waterboards.ca.gov>; Boschen, Christine@Waterboards <Christine.Boschen@waterboards.ca.gov>; Rembaum, Michelle@Waterboards <Michelle.Rembaum@waterboards.ca.gov>; steve.beams@pln.sccgov.org; Eastwood, Rob <Rob.Eastwood@PLN.SCCGOV.ORG>; Hampton, Michael@Wildlife <Michael.Hampton@wildlife.ca.gov>; Leicester, Michelle@Wildlife <Michelle.Leicester@wildlife.ca.gov>; Garrison, Kristin@Wildlife <Kristin.Garrison@wildlife.ca.gov>
Subject: Notice of Violation and Water Code 13267 Requirements for Technical Report, Stevens Creek Quarry

Hi Jason,

Attached please find the following documents:

1. Notice of Violation and Water Code 13267 Requirements for Technical Report, Stevens Creek Quarry - Transmittal Letter
2. November 4, 2016 - Inspection Report
3. Fact Sheet - Requirements for Submitting Technical Reports under Water Code Section 13267
4. Kimera Pix-311 Safety Data Sheet
5. Kimera Pix-311 Material Data Sheet

Thanks
Devender Narala
Storm Water Unit
San Francisco Bay RWQCB
P: (510) 622-2309

San Francisco Bay Regional Water Quality Control Board

Sent via email – no hard copy to follow

May 30, 2017

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

Regarding site:
Stevens Creek Quarry
12100 Stevens Canyon Road
Cupertino, CA 95014
WDID No.: 2 43I006687

Sent by email to: jvoss@StevensCreekQuarryinc.com

Subject: Notice of Violation and Water Code Section 13267 Requirement for Technical Report, Stevens Creek Quarry, Inc., Cupertino, Santa Clara County

Dear Mr. Voss:

On November 4, 2016, Water Board staff conducted a storm water inspection of the Stevens Creek Quarry (Quarry). In addition, we reviewed the Quarry's Storm Water Pollution Prevention Plan (SWPPP) and Level 1 NAL Exceedance Report, dated 12/24/2016. This notice and the attached inspection report provide the results of that inspection and review, including compliance issues identified, corrective actions required, and a requirement to submit a technical report as described below.

The Quarry operations and storm water discharges are covered under the Statewide NPDES Industrial Storm Water General Permit, Order No. 2014-0057-DWQ (Permit).¹ We identified significant Permit violations. These include the regular discharge of a flocculant with low pH and high iron content to waters of the State. Additionally, site receiving waters are being used as sediment basins to treat storm water and process water runoff. You must immediately cease these unauthorized actions.

Other observed violations include insufficient erosion and sediment controls, and insufficient maintenance of installed controls. This Notice requires the Quarry to submit a technical report that includes a proposed work plan for correcting these violations. The required corrective actions and reporting requirements are summarized in this letter and supported in more detail in the attached inspection report.

¹ http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

We note that we had previously inspected the Quarry on January 28, 2016. Since then, the Quarry has made improvements to its implementation of erosion and sediment controls. For example, check dams were placed along the roads. However, significant problems, including Permit violations, remain.

The Quarry is discharging to Waters of the United States, an action which requires a permit under the National Pollutant Discharge Elimination System (NPDES) Program. The Industrial Stormwater Permit, under which the Quarry is currently enrolled, does not address some of the discharges from the Quarry, specifically non-storm water discharges associated with industrial activities. The Regional Water Board's General Waste Discharge Requirements for Discharges of Process Wastewaters from Aggregate Mining, Sand Washing, and Sand Offloading Facilities to Surface Water (Order No. R2-2008-0011; NPDES Permit No. CAG982001) (Sand and Gravel Permit) may be an appropriate permit for these types of discharges.

The following corrective actions are required under the Industrial Stormwater Permit and would be required under the Sand and Gravel Permit. In addition, this letter requires the Quarry to submit a plan to shift coverage to the Sand and Gravel Permit.

Required Corrective Actions and Technical Report Submittals

All documents required below shall be submitted electronically to the SMARTS database.

1. **Immediately – Implement management practices to reduce sediment before stormwater is discharged to waters of the U.S. and of the State.** Discharge of sediment-laden stormwater to Rattlesnake Creek violates Permit Discharge Prohibition III.C. The Quarry must implement practices consistent with Permit requirements sufficient to appropriately control pollutants before stormwater flows are discharged to receiving waters.
2. **Immediately – Cease adding flocculant to the in-stream sediment basins and sediment traps.** The Quarry uses Rattlesnake Creek as a series of sediment basins and sediment traps to treat the site's storm and process water flows, and periodically adds a flocculant to the Creek. It is a violation to use the creek, or any other water of the U.S. or water of the State, as a water quality treatment device. Furthermore, the flocculant that the Quarry has been using is a hazardous material, with a pH of less than two. Its Safety Data Sheet states: "Prevent water contaminated with this product from entering drains, sewers or streams (...) and sites of native flora and fauna." The discharge of this flocculant to Rattlesnake Creek is a violation of Permit Discharge Prohibitions III.B and III.C.
3. **By August 1, 2017, submit a report** documenting the actions the Quarry has taken to comply with Requirements 1 & 2 described above, including practices implemented, changes to operations, the all relevant dates and all information, as appropriate.

4. **Immediately – Cease discharges of process water to the in-stream sediment basins and sediment traps.** The Quarry now discharges rock washing water to Rattlesnake Creek. Discharges of process water to the Creek are violations of applicable Permit and Basin Plan Discharge Prohibitions, including Permit Discharge Prohibition III.B.
5. **By August 1, 2017 – Revise the Quarry’s Level 1 NAL Exceedance Report to address flocculant as a potential source of the observed iron exceedance and the Quarry’s composting operation as a potential source of the observed nitrate and nitrite exceedance.** In our inspection, the color of the water in Sediment Basin 1 was orange from the introduction of flocculant Kimera Pix-311, which contains iron trichloride and hydrochloric acid. Yet, Kimera Pix-311 is not mentioned in the Quarry’s Level 1 NAL Exceedance Report as a possible cause of the iron NAL exceedance. Even though you must cease using Kimera Pix-311 immediately, you must also investigate whether it was the cause, or a contributing cause, of the iron NAL exceedance.
6. **Obtain coverage, if required, for the composting operation under the State’s General Waste Discharge Requirements for Composting Operations and submit a report evaluating the composting operation’s potential impacts to groundwater quality.** One of the operations at the Stevens Creek Quarry is a Garden Waste Recycle Center (GWRC) that may include a composting operation. Stormwater discharges from composting operations tend to be high in nitrate and nitrite. Yet, the composting operation was not considered to be a likely cause of the nitrate and nitrite NAL exceedances. You must investigate the composting operation as a likely source of the nitrate and nitrite exceedance and determine whether it has operations that require it to be covered under the statewide General Waste Discharge Requirements for Composting Operations (Order WQ 2015-0121-DWQ). In addition, the Quarry shall evaluate if the GWRC may be discharging nutrients or other pollutants, including nitrate and nitrite, to groundwater at levels that are above water quality objectives.
7. **By August 1, 2017 – Submit a list of all businesses operating at the Stevens Creek Quarry location and a description of their activities.** There are many activities at the facility, and there may be multiple businesses operating at the site. Only one currently has Permit coverage. In order for us to fully understand and evaluate the various operations ongoing at the site, submit a list of all businesses operating at the site and a description of each business’ activities. If a business is operated by a different entity, provide with the name of that business the name, telephone number, and email address of a contact for that business.
8. **By August 1, 2017 – Revise the Quarry’s SWPPP to achieve sediment load reduction using an appropriate combination of measures that are fully outside of the waters of the U.S. and of the State.**

- a. Using sediment basins and sediment traps to remove total suspended solids, the Quarry's current practice, can be an effective approach. However, such controls must be constructed outside of waters of the U.S. and waters of the State. Submit plans for an alternate means of removing TSS outside of waters of the State, such as construction of sediment basins and sediment traps in upland areas on site. The construction of these new best management practices (BMPs) shall be completed by **September 30, 2017**.
 - b. Flocculant may be part of an appropriate method of controlling pollutants on a quarry site. However, flocculants must be non-toxic to aquatic wildlife and should be applied in a manner such that the flocculant will not discharge to receiving water. If you continue to use flocculant anywhere on the quarry premises, you must replace the specific flocculant in use to a non-toxic alternative that is safe for aquatic life.
 - i. Report, in your SWPPP, the specific flocculant(s) in use. Provide both the trade name and the Safety Data Sheet (SDS).
 - ii. Revise the SWPPP to accurately reflect all locations where flocculant is in use. The current SWPPP makes no mention of the use of flocculant within sediment basins—the only mention of flocculant use is in drop inlets.
 - c. Evaluate and include in the SWPPP any other erosion and sediment control BMPs to implement in the long-term in order to achieve sediment reduction prior to discharges reaching the waters of the U.S. or the State.
 - d. Additionally, revise the SWPPP to fully describe the tank and hose shown in Inspection Report photo 6b, including their use, and include additional pollution controls, as appropriate.
 - e. Incorporate corrective actions as specified in the Inspection Report (page 5).
- 9. By August 31, 2017 – Submit a jurisdictional delineation of all waters of the U.S. and waters of the State on the Stevens Creek Quarry property.** While it is clear to us that Rattlesnake Creek and Swiss Creek are Waters of the U.S. and waters of the State, we did not inspect all of the sediment basins onsite during our inspection. Thus, it is not yet clear whether additional work has taken place in drainage swales or other waters of the U.S. or of the State. The jurisdictional delineation shall be performed consistent with the U.S. Army Corps of Engineers' 1987 wetland delineation manual. The delineation shall be completed by a qualified professional and shall identify all waters of the U.S. and waters of the State at the site.
- 10. By September 30, 2017 – Update the Quarry's sampling locations to include samples taken immediately before flow discharges to waters of the U.S. or waters of the State.** Quarry storm water samples are currently taken at Sediment Pond # 1 weir and Outfalls 2, 3 & 4 (see Figure 3a). Those are waters of the U.S. Some outfalls may need to be modified to allow discharges to be sampled before they enter the receiving water, such as

Rattlesnake Creek. To the extent feasible, this change should be implemented immediately, and the Quarry SWPPP should be revised to reflect the change.

11. By December 29, 2017 – Submit a work plan to transition coverage for the facility's discharges to the sand and gravel permit. By July 1, 2018, obtain the coverage under the Sand and Gravel Permit.

The above request for reports and related information is a requirement to submit technical reports pursuant to California Water Code Section 13267, which authorizes the Water Board to investigate water quality and require any person who has or is suspected of having discharged waste to submit a technical report. In accordance with Permit section XIX.D, the Water Board is requiring Stevens Creek Quarry to revise its SWPPP, Level 1 NAL Report, and monitoring program to achieve compliance with the Permit.

The technical reports must include all relevant descriptions, photographs, maps, and/or schematics. The burden, including costs, of the technical reports bears a reasonable relationship to the need for the report and the benefits to be obtained from the report; the requested information is necessary to determine whether Stevens Creek Quarry has taken appropriate actions to ensure compliance with the Permit and the Water Code. Pursuant to Water Code section 13268, the Regional Water Board may impose administrative civil liability of up to \$1,000 per violation day for failure to comply with section 13267 requirements. The attachment provides additional information about section 13267 requirements. Any extension in the above deadlines must be confirmed in writing by Water Board staff.

If you need guidance, the California Stormwater Quality Association (CASQA) publishes handbooks for Industrial, Commercial and Construction Stormwater BMPs. The CASQA handbooks are one of many online resources that describe industry standard BMPs. Please note that the Water Board can not specify means of compliance. It is your responsibility to select and correctly implement an appropriate suite of BMPs. Use of the CASQA handbook or other similar guidance documents may help you achieve compliance, but does not guarantee compliance.

Consequences of Violations and Failure to Submit a Technical Report

Because the Quarry is currently in violation of the permit, it is subject to monetary administrative civil liabilities pursuant to Water Code section 13385. Be advised that the Water Board staff considers both implementation speed and the effectiveness of corrective measures when considering administrative civil liability amounts.

If you have any questions regarding this letter, please contact Devender Narala at (510) 622-2309 or via email to devender.narala@waterboards.ca.gov or Michelle Rembaum-Fox at (510) 622-2387 or via email to michelle.rembaum@waterboards.ca.gov. Please respond by e-mail to confirm that you received this document.

Sincerely,

Bruce H. Wolfe
Executive Officer

Encl: November 4, 2016, Inspection Report
Fact Sheet – Requirements for Submitting Technical Reports under Water Code Section 1326
Kimera Pix-311 Safety Data Sheet
Kimera Pix-311 Material Data Sheet

cc: Keith Lichten, Water Board, Keith.lichten@waterboards.ca.gov
Christine Boschen, Water Board, Christine.boschen@waterboards.ca.gov
Devender Narala, Water Board, devender.narala@waterboards.ca.gov
Michelle Rembaum-Fox, Water Board, michelle.rembaum@waterboards.ca.gov
Steve Beams, County of Santa Clara, steve.beams@pln.sccgov.org
Rob Eastwood, County of Santa Clara, rob.eastwood@pln.sccgov.org
Michael Hampton, Dept. of Fish and Wildlife, michael.hampton@wildlife.ca.gov
Michelle Leicester, Dept. of Fish and Wildlife, michelle.leicester@wildlife.ca.gov
Kristin Garrison, Dept. of Fish and Wildlife, kristin.garrison@wildlife.ca.gov

Hoem, Christopher

From: Hoem, Christopher
Sent: Monday, September 18, 2017 11:09 AM
To: 'Voss, Jason'
Subject: RE: Stevens Creek Quarry: SMARA Compliance Information required

Jason,

I see that you sent this on May 24. However, this only covered the issue near the Northern property line, not the Northwestern corner area, where the radio shack is located. We requested an evaluation of both areas. I will be in touch with you again soon.

Christopher Hoem, AICP
Santa Clara County Associate Planner
408-299-5784

From: Voss, Jason [mailto:JVoss@scqinc.com]
Sent: Wednesday, May 24, 2017 2:37 PM
To: Hoem, Christopher <christopher.hoem@pln.sccgov.org>
Subject: RE: Stevens Creek Quarry: SMARA Compliance Information required

Chris,

Attached is the SCQ North Slope Stability Analysis Final Report. This report covers the "Completed" North Buttress fill as it stands today. Please take a look at page 5, under Slope Stability Analysis, third paragraph. The second half of that paragraph states that the Slope Stability Analysis was modeled/calculated at finished elevations. For further reference, please also look at the cross section of the buttress fill on Plate 14. The cross section shows the STA was examined at the completed elevation. The attached report is considered completed and I expect it to meet your requirements.

Thank you,

Please call if you have any questions.

Jason Voss
Stevens Creek Quarry, Inc
(408) 640-6160 - cell
(408) 253-2512 ext 210 - office
(408) 253-6445 - fax

From: Hoem, Christopher [mailto:christopher.hoem@pln.sccgov.org]
Sent: Monday, May 01, 2017 11:05 AM
To: Voss, Jason
Cc: Baker, Jim; Eastwood, Rob; Beams, Steve
Subject: Stevens Creek Quarry: SMARA Compliance Information required

Mr. Voss:

During a recent site visit, County staff observed and photographed indications that failure of the mine's cut slope may have caused ground deformation to occur outside of the mining boundary. (See attached photo of the area along the western property line south of the radio containers.) This may precipitate the need to amend the Reclamation Plan.

Please have your Engineering Geologist evaluate the area to determine if any mitigation measures are needed to prevent further disturbances outside of the mine boundary. In addition, have him examine and evaluate the adequacy of the slope repairs that you have apparently completed on the northern property line where ground movement occurred (where you constructed a retaining wall and buttress fill). Submit a written report that describes his findings and conclusions within 45 days (by June 15th).

Christopher Hoem, AICP
Santa Clara County Associate Planner
408-299-5784

Please visit our website at www.sccplanning.org

To look up unincorporated property zoning information: www.SCCpropertyinfo.org

Questions on Plan Check Status?, please e-mail: PLN-PermitCenter@pln.sccgov.org

Hoem, Christopher

From: Voss, Jason <JVoss@scqinc.com>
Sent: Wednesday, May 24, 2017 2:37 PM
To: Hoem, Christopher
Subject: RE: Stevens Creek Quarry: SMARA Compliance Information required
Attachments: SCQ North Slope Stability Analysis Final.pdf

Chris,

Attached is the SCQ North Slope Stability Analysis Final Report. This report covers the "Completed" North Buttress fill as it stands today. Please take a look at page 5, under Slope Stability Analysis, third paragraph. The second half of that paragraph states that the Slope Stability Analysis was modeled/calculated at finished elevations. For further reference, please also look at the cross section of the buttress fill on Plate 14. The cross section shows the STA was examined at the completed elevation. The attached report is considered completed and I expect it to meet your requirements.

Thank you,

Please call if you have any questions.

Jason Voss
Stevens Creek Quarry, Inc
(408) 640-6160 - cell
(408) 253-2512 ext 210 - office
(408) 253-6445 - fax

From: Hoem, Christopher [mailto:christopher.hoem@pln.sccgov.org]
Sent: Monday, May 01, 2017 11:05 AM
To: Voss, Jason
Cc: Baker, Jim; Eastwood, Rob; Beams, Steve
Subject: Stevens Creek Quarry: SMARA Compliance Information required

Mr. Voss:

During a recent site visit, County staff observed and photographed indications that failure of the mine's cut slope may have caused ground deformation to occur outside of the mining boundary. (See attached photo of the area along the western property line south of the radio containers.) This may precipitate the need to amend the Reclamation Plan.

Please have your Engineering Geologist evaluate the area to determine if any mitigation measures are needed to prevent further disturbances outside of the mine boundary. In addition, have him examine and evaluate the adequacy of the slope repairs that you have apparently completed on the northern property line where ground movement occurred (where you constructed a retaining wall and buttress fill). Submit a written report that describes his findings and conclusions within 45 days (by June 15th).

Christopher Hoem, AICP
Santa Clara County Associate Planner
408-299-5784

Please visit our website at www.sccplanning.org

To look up unincorporated property zoning information: www.SCCpropertyinfo.org

Questions on Plan Check Status?, please e-mail: PLN-PermitCenter@pln.sccgov.org

Hoem, Christopher

From: Hoem, Christopher
Sent: Monday, May 1, 2017 11:05 AM
To: 'Voss, Jason'
Cc: Baker, Jim; Eastwood, Rob; Beams, Steve
Subject: Stevens Creek Quarry: SMARA Compliance Information required
Attachments: DSCN2225.jpg; DSCN2231.jpg

Mr. Voss:

During a recent site visit, County staff observed and photographed indications that failure of the mine's cut slope may have caused ground deformation to occur outside of the mining boundary. (See attached photo of the area along the western property line south of the radio containers.) This may precipitate the need to amend the Reclamation Plan.

Please have your Engineering Geologist evaluate the area to determine if any mitigation measures are needed to prevent further disturbances outside of the mine boundary. In addition, have him examine and evaluate the adequacy of the slope repairs that you have apparently completed on the northern property line where ground movement occurred (where you constructed a retaining wall and buttress fill). Submit a written report that describes his findings and conclusions within 45 days (by June 15th).

Christopher Hoem, AICP
Santa Clara County Associate Planner
408-299-5784

Please visit our website at www.sccplanning.org

To look up unincorporated property zoning information: www.SCCpropertyinfo.org

Questions on Plan Check Status?, please e-mail: PLN-PermitCenter@pln.sccgov.org

Attachment A

2017 Annual SMARA Inspection of

Stevens Creek Quarry County File 1253-94P-07P-17PAM State Mine ID #91-43-0007

Inspection Date: September 14, 2017

Report Date: December 14, 2017

The mine entrance is located near latitude 37° 17.785'N and longitude 122° 05.071'W.

The initial 2017 annual SMARA inspection was conducted for approximately 2.2 hours on the morning of September 14, 2017. In attendance were James Baker (County Geologist), Christopher Hoem (Associate Planner), Steve Beams (County Grading Inspector), and Jason Voss (Operator). The mine was active during the inspection. The weather during the inspection was clear (CR).

The County inspects Stevens Creek Quarry on a monthly basis to monitor stormwater controls and any other compliance issues.

BACKGROUND

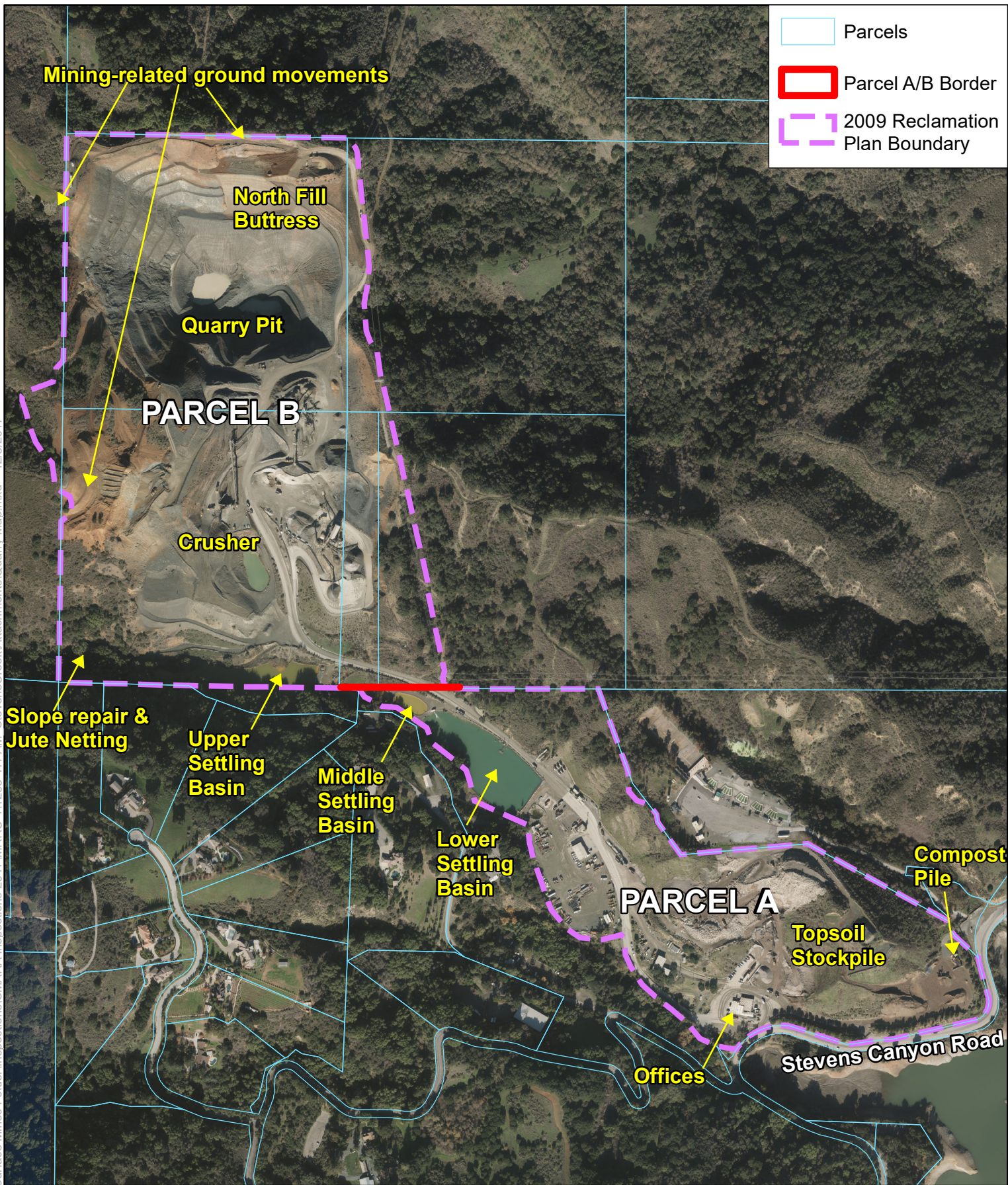
Stevens Creek Quarry lies in a north-northwest trending canyon on the northeast of Monte Bello Ridge in the Santa Cruz Mountains. The access to the mine is off of Stevens Canyon Road, which runs along the west side of the Stevens Creek Reservoir and Stevens Creek County Park. The County approved the current Reclamation Plan, May 2009. The current mining operations occur in two areas commonly referred to as "Parcel A" and Parcel "B". (See Reclamation Plan map Sheet 1.) Parcel A encompasses 51 acres on the southeast side and Parcel B, encompassing a combined 96 acres on the northwest. The mine operations and reclamation plan encompass approximately 147 acres of a 167-acre site. Parcel A is the southeastern portion of the mine and contains the mining operations offices, shops, and maintenance facilities. The County issued a Use Permit in 1996 for recycling concrete, asphalt, and soil; this recycling facility also located on Parcel A.

Mineral extraction occurs on Parcel B where rock is mined from a large, steep-walled pit and the crushing, screening and sorting equipment occupy the central portion of Parcel B. Mining in Parcel B extracts primarily Franciscan greenstone for aggregate. Weathered overburden is being stockpiled for use as backfill for reclamation. The land to the north, east, and west sides of Parcel B is undeveloped land owned by Lehigh Southwest Cement Company. The adjacent property to the south is a private residence.

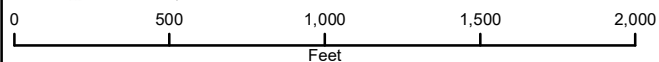
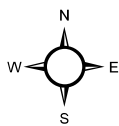
SITE CONDITIONS

(See the Quarry Map on the following page.)

S:\Planning\SMARA - Surface Mines Folder\Inspections\SMARA Inspections 2017\MREC-111253-17PAM - StevensCreek\Attachments\Quarry Map.mxd 12/8/2017



County of Santa Clara
Department of Planning and Development
Planning Office
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose California 95110-1705



Aerial Image Date:
Nov-Dec 2016

Stevens Creek Quarry
Quarry Map
December 2017

SITE CONDITIONS (Continued)

Recycling Operations: The northeastern portion of Parcel A was previously mined and is currently used for (1) storage of overburden materials to eventually be used to backfill the lower portion of the cut slopes of the quarry pit on Parcel B, and (2) recycling of concrete, asphalt and topsoil that are brought to the site from nearby construction projects. Large stockpiles of these imported materials are placed along the northern portion of the Parcel A boundary and partially bury the previously mined slope. The recycling equipment is located north of the quarry offices on Parcel A. (See Photo 1.)

Slump Repair: An area located east of the recycling operation on Parcel A had a slump repair (2012) that is now buried and appears stable. (See Photo 2.)

Stockpile Parcel A: Inspectors observed large stockpile of topsoil on Parcel A. (See Photo 3.)

Revegetation: 2.4 acres along the northern boundary of Parcel A were revegetated several years ago, however, trees that were planted on the slopes did not survive the acclimation period. The operator attempted to have the 2.4 acres planted in previous years. However, insufficient survival of the plants prevented final planting. Operator installed a test plot area located on top of the dam between the Upper Settling Basin and the Middle Settling Basin adjacent to the upper access road. An inset photo is included with greater detail of the indigenous oak seedlings grown from acorns. (See Photo 4.)

Settling Basins: Storm water from the quarry is stored in a series of settling basins (Upper Settling Basin, Middle Settling Basin, Lower Settling Basin) located in the southern portion of the site. Two of these basins (Middle and Lower) are in Parcel A, the Lower basin being the largest. The settling basins eventually discharge off-site via a southeastern stormwater detention basin adjacent to the mine entrance. Discharge water enters a tributary feeding Stevens Creek Reservoir. An earthen dam (approximately 55 feet high) is located between Upper Settling Basin and Middle Settling Basin. (See Photo 5.) The southern portions of the dam and Upper Settling Basin were previously located beyond the property line. A lot line adjustment was recorded during this reporting period to expand the property boundary to include these features. A Reclamation Plan Amendment (RPA) is needed to modify the boundary of the Reclamation Plan area to include the entirety of the Upper Settling Basin and dam. The County identified this violation and sent the Quarry a Notice of Violation in September 2017. The County is preparing a Stipulated Order to Comply to require the Quarry to apply for a Reclamation Plan Amendment.

Stormwater BMPs: County observed ongoing erosion gullies located on fill slopes (Parcel B) above haul road. (See Photo 6.) Erosion control and BMP measures, including hydroseeding for winter, should be implemented at all locations where active grading or disturbed soil exists (new crusher, fill slope near creek, etc.). The County intends to conduct a final inspection of the completed work.

Crusher and Retaining Wall: Mining is conducted in Parcel B in a north-northwest trending quarry where Franciscan greenstone bedrock is extracted. Equipment for crushing and sorting rock materials is located on Parcel B. Inspectors observed crusher equipment was relocated to the southeast portion of Parcel B. The Quarry excavated the soil from behind the north wall, replaced the wall panels, and recompact the slope behind the wall. (See Photo 7.)

*Quarry Pit:*Failure of North “Finished” Cut Slope

County inspectors observed the repair of the perimeter access road which was previously disrupted by the headscarp of a large landslide. (See Photos 8, 9, 10, 11, 12, and 13.)

Operator submitted a geologic report dated 1-29-2017 that recommended an additional width (200 feet) of buttress be added to the toe of the slope in order to achieve an acceptable factor of safety. As of the date of the inspection, a large buttress fill was being placed against the lower and middle portions of the slope below the north slope.

Failure of Northwest “Finished” Cut Slope

Another slope failure has disrupted the cut slope on the northwest side of the quarry pit. The headscarp of that failure has affected the southern end of the retaining wall built to protect the radio shack at the top of the slope. (See Photo 14.)

The ground surface adjacent to the radio shack has dropped, causing the protrusion of concrete piers. (See Photo 15.) Associated ground cracks were observed at the top of the slope failure, west of the western property boundary. (See Photo 16.)

The County required an additional geologic evaluation report to be submitted by June 15, 2017 to evaluate the northwest portion of the quarry pit. As of the date of the annual SMARA inspection, the Quarry had not yet submitted the required report.

Failure of Southwest “Finished” Cut Slope

Another slope failure has disrupted the cut slope on the southwest side of the quarry on Parcel B. Inspectors observed the headscarp of the failure approaching the retaining wall built to protect three PG&E power. Landslide debris was observed to have accumulated at the toe of the slope. (See Photos 17 and 18 for the south-looking and east-looking views, respectively).

Rattlesnake Creek:

The County observed a slope failure above Rattlesnake Creek along a road towards the west end of Parcel B. Photo 19 shows a fill slope built to repair the road and jute netting on said slope.

Cut Slope Along Southeastern Side of Parcel B:

A slope adjacent to the operating equipping toward the southeastern corner of Parcel B has had a shallow failure. (See Photo 20.) Although the ground has moved, the County expects this area to be corrected during final reclamation.

ACTION ITEMS

1. *Revegetation:* Operator has installed a nursery with an automatic watering system to germinate and raise native oak trees. County recommends the Mine Operator establish vegetation test plots on quarried conditions similar to those that will exist for reclamation

- to prove the viability of proposed reclamation plantings. County recommends Mine Operator retain a botanist or qualified biologist for the installation and reporting to achieve results for revegetation in accordance with the standards of the Reclamation Plan.
2. *Mine Boundary:* County recommends the Mine Operator demarcate the property line with T-stakes painted in a bright color (e.g., orange) to ensure mining activities do not extend beyond the property line.
 3. *Stormwater BMPs:* County inspectors observed fill slopes with no erosion control measures, primarily in area of new crusher and adjacent to haul road. County requires operator to implement soil stabilization measures and install adequate BMPs, including hydroseeding, at all locations where active grading or disturbed soil have occurred. County will perform final inspection of completed work.
 4. *Ponds, stream, earthen dam wall:* County inspectors observed several ponds, identified in the Reclamation Plan as Upper, Middle and Lower Settling Basins, and an earthen dam, approximately 55 feet tall.
 5. *Violations:* The County is preparing a Stipulated Order to Comply to require the Quarry to address issues involving Reclamation Plan boundaries, slope failures, and the Upper Settling Basin.

FINANCIAL ASSURANCE COST ESTIMATE

Quarry submitted the 2017 FACE on 12-13-2017. County is currently reviewing the 2017 FACE.

Photos:



Photo 1 (taken 9-14-2017): Recycling operation on Parcel A.



Photo 2 (taken 9-14-2017): Repaired slope between Parcel A and gun club.



Photo 3 (taken 9-14-2017): Stockpiled soil on Parcel A.



Photo 4 (taken 9-14-2017): Nursery for germinating native oak trees with close-up inset.



Photo 5 (taken 9-14-2017): Face of dam between upper and middle settling basins.



Photo 6 (taken 9-14-2017): Erosion rills on fill slope above main haul road.



Photo 7 (taken 9-14-2017): Relocated rock crusher with back side inset.



Photo 8 (taken 9-14-2017): Headscarp of failure on north high wall and perimeter road.



Photo 9 (taken 9-14-2017): Area of former retaining wall above north high wall.



Photo 10 (taken 9-14-2017): Ground crack on perimeter road above buttress fill of north high wall.



Photo 11 (taken 9-14-2017): Buttress fill on north high wall.



Photo 12 (taken 9-14-2017): Keyway cut for buttress fill on north high wall.



Photo 13 (taken 9-14-2017): Buttress fill below retaining wall on north high wall.



Photo 14 (taken 9-14-2017): Slope failure on western high cut wall.



Photo 15 (taken 9-14-2017): Ground cracks and subsidence at northwest property line.



Photo 16 (taken 9-14-2017): Ground cracks and headscarp beyond northwest property line.



Photo 17 (taken 9-14-2017): Slope failure on southwestern high cut wall, looking south.



Photo 18 (taken 9-14-2017): Slope failure on southwestern high cut wall, looking west.



Photo 19 (taken 9-14-2017): Regraded slope along the north side of Rattlesnake Creek. (Jute netting installed Oct 2017.)



Photo 20 (taken 9-14-2017): Shallow failures of cut slope along east side of Parcel B.

(End of Report.)