

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) Permanente Quarry (Lehigh Quarry)	Inspection Date: 08-06-2019	CA MINE ID# 91- 43-0004
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II. Mine Operator Lehigh Hanson, Inc.		Telephone (408) 996-4269
Onsite Contact Person Erika Guerra		Telephone (408) 996-4269
Mailing Address 24001 Stevens Creek Blvd.		
City Cupertino	State CA	ZIP Code 95014
E-mail Address (optional) erika.guerra@lehighhanson.com		

III. Designated Agent Erika Guerra		Telephone (408) 996-4269
Mailing Address 24001 Stevens Creek Blvd.		
City Cupertino	State CA	ZIP Code 95014
E-mail Address (optional) erika.guerra@lehighhanson.com		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB) Santa Clara County		
Inspector Robert Salisbury		Telephone (408) 299-5785
Title Senior Planner	Organization Department of Planning and Development	
Mailing Address 70 West Hedding Street, East Wing, 7th Floor		
City San Jose	State CA	ZIP Code 95110
E-mail Address (optional) robert.salisbury@pln.sccgov.org		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit # - Start and Expiration Dates Vested
Vested Right to Mine	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Year of Lead Agency determination 2011 (exploration in 1903)
A Reclamation Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP# 2250-10P Date Approved June 26, 2012
Reclamation Plan Amendment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP Amendment # (as applies) Date Approved or Status of Amendment
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: 2019				

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): Lat 37.321034, Lon -122.086118	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) : N/A	Status of Plan of Operations (Current/Expired/In Process): N/A	

DEPARTMENT OF CONSERVATION**OFFICE OF MINE RECLAMATION****SURFACE MINING INSPECTION REPORT**

VII. Financial Assurance		Inspection Date: 08-06-2019	CA MINE ID#: 91- 43-0004	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
5 bonds posted: 1&2. Travelers Casualty & Surety Company 3. Lexon Insurance Company 4. Liberty Mutual Insurance Company 5. Fidelity & Deposit Company Bond	5 bonds posted: 1. Bond #64S104790142BCM 2. Bond #280331 3. Bond #1066515 4. Bond #022033624 5. Bond #09054091	1. \$7,570,047.00 2. \$540,001.00 3. \$1,691,220.00 4. \$18,963,259.00 5. \$25,892,957.00	1. None 2. None 3. None 4. None 5. None	1. 10-19-2007 2. 08-18-2010 3. 01-28-2011 4. 02-03-2012 5. 07-10-2018
Total Amount of Mechanism(s)		\$54,657,484.00		

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

N/A

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
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Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: June 17, 2019	Amount: \$54,657,484.00
<input checked="" type="checkbox"/> Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate: FACE submitted September 4, 2019/ Revised FACE submitted October 9, 2019/County letter of adequacy submitted to DMR November 6, 2019. \$58,860,529.	
<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- 43-0004</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	a) limestone cement and aggregate b) 45 million tons total c) 12-31-2030 (RPA, Table 2) d) NA (vested mine) e) open space - hillside (Fig. 2.3-2)	Mine quarry operating in accordance with 2012 RPA with respect to the items in this row. (See Attachment A.)	
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	a) RPA-Figure 1.0-2 (3.51 acres) b) RPA-Figure 1.0-2 (1238.6 ac.) c) RPA-Figures 1.0-2 & 1.04 (1238.6 ac.) d) variable, see RPA-Figure 3.3-1	A haul road (SCQ haul Road) was illegally graded outside the reclamation plan boundary. A Notice of Violation (NOV) was sent on August 17, 2018. The operator has applied to amend the reclamation plan to include the haul road. This proposed amendment is tentatively scheduled for a public hearing on December 19, 2019.	1
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			
3) Slopes – Grading	Overburden: a.i) 1.5H:1.0V to 2.0H:1.0V a.ii) EMSA: 2H:1V, WMSA: 2.5H:1V, Pit backfill: 2.5H:1V a.iii) see COA 25 & 70. b.i) near vertical cuts between benches b.ii) Pit walls limestone: 1H:1V overall greenstone: 38 to 50 degrees	Quarry slopes are in compliance with 2012 RPA criteria except for the newly graded haul road. A Reclamation Plan Amendment has been submitted to correct the violation and which proposed to bring the slopes into compliance.	1
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	a) 10-22-2012 SWPPP, RPA 3.9 b) RPA Appendix F (Chang, 12/12/2012) c) RPA Appendix B (WRA, 12/2011); RPA 3.18, 3.19; COAs 70, 78, to 81	BMPs and stormwater management program is active. However, the new haul road lacks BMPs or erosion control. This was addressed in the August 2018 NOV. In addition, erosion control measures were not in place to prevent sediment discharge into Permanente Creek below Yeager Yard. See section IX below for more information related to this violation for sediment discharge.	2
a) BMPs			
b) Grading			
c) Vegetation			
5) Ponds	a., b & c) RPA Table 8; RPA-Appendix F; 12-22-2012 SWPPP; COA 33 & 83	Pond 17 is no longer in use. Pond 30 water is captured and routed into the treatment system, and subsequently discharged into Permanente Creek.	
a) Design – Function			
b) Capacity (area/depth/volume)			
c) Maintenance			
6) Stream & Wetland Protection	a to g) RPA 3.18, 3.19; RPA - Appendix D, Table 2; RPA Figure 3.3-1; COA 57 to 61	Check dams are in-place and clear. Permanente Creek Restoration Plan (PCRP) was submitted to the County for a grading permit in November 2017. The County deemed the application incomplete and is awaiting a resubmittal.	
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	a) RPA 2.9, 3.17.1; Appendix B; b) RPA-Appendix D (50-foot setback)	A wildlife survey was not submitted prior to illegally grading the new haul road, however the operator submitted this report at the request of the County in conjunction with a Reclamation Plan Amendment.	1
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 # <div style="font-size: 1.2em; font-weight: bold;">91- 43-0004</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?
8) Soil/Overburden Stockpile Management	RPA 2.6, 3.17.3.1; RPA Figure 2.6-1 ai&bi) WMSA & EMSA (COA 26) aii&bii) temporary angle of repose aiii&biii) 12-22-2012 SWPPP; COA 27	Two topsoil storage areas in WMSA and one in EMSA. BMPs in place for topsoil storage areas.	
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application	ci) RPA 3.4, 3.10; RPA Appendix B	Soil/overburden stockpiles managed in compliance with 2012 RPA. (See Attachment A.)	
i) Amendments	cii) RPA Appendix B		
ii) Depth	ciii) RPA Appendix B		
iii) Moisture	civ) RPA 3.17.3		
iv) Application Methods			
9) Revegetation	a) RPA 3.17.3.3; RPA Appendix B; RPA Figure 2.9-1; COA 28, 29, 77	An area adjacent to WMSA, called Yeager Yard, was hydroseeded Fall 2018. A stockpile of soil was placed at the EMSA and was hydroseeded in Fall 2018. Grasses have germinated and appear adequate for the purpose of erosion control.	
a) Test Plots	b) RPA-Tables 3 and 6		
b) Species Mix	c) RPA Table 7		
c) Density	d) RPA Table 7		
d) Percent Cover	e) RPA Table 7		
e) Species Richness	f) RPA 3.17.3.2		
f) Protection	g) RPA 3.17.3.5		
g) Success Monitoring	h) RPA 3.17.3.4		
h) Invasive Species Control			
10) Structures	RPA 3.20; COA 31	No changes.	
11) Equipment	RPA 3.20; COA 31	Both fixed and mobile equipment will be removed as part of final reclamation.	
12) Closure of Adits	During final reclamation, conveyor tunnel (from crusher to cement plant) will be filled and sealed.	Conveyor tunnel is open and will be closed during final reclamation after mining ceases.	
13) Other Reclamation Plan Requirements	No limestone on surface (COA 74). Remove limestone from contact with stormwater (COA 39). Reclaim PCRA after plan is approved by other agencies (COA 38 & 40). (Water quality treatment must reduce selenium discharges in compliance with requirements of SFRWQCB per mediated agreement.)	Drainage controls no longer use limestone. SFRWQCB issued Waste Discharge Requirements Order R2-2018-0028 on 06-18-2018. Treatment System for mine water treatment is to remove selenium and other contaminants and being monitored.	

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 mine was active during the 2019 inspection.</p> <p>Attachments A, B, C present details and photographs of observations made during this year's inspection.</p> <p>The violation noted last year related to the Haul Road is in the process of being corrected by a Reclamation Plan Amendment application (County File No. PLN19-0067) currently under review by the County of Santa Clara. This amendment is tentatively scheduled for public hearing before the County Planning Commission on December 19, 2019.</p> <p>A new violation, related to discharge of sediment into Permanente Creek, was discovered during monthly inspection prior to this year's annual inspection. The County issued a Notice of Violation, dated June 13, 2019, which is attached to this annual report as Attachment C. The County is drafting a Stipulated Order to Comply which will specify additional corrective actions as needed in order to fully correct the violation.</p>	<p>CA MINE ID # 91- 43-0004</p> <hr/> <p>Inspection Date: 08-06-2019</p> <hr/> <p>Weather Code(s): CR</p> <hr/> <p>Duration of Inspection: 6 Start Time: 10:00 AM End Time: 4:00 PM</p> <hr/> <p>Status of Mine Code(s): OP</p> <hr/> <p>Status of Reclamation Code(s): R Approximate Acreage Under Reclamation: Varies <small>Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:</small></p> <hr/> <p>Approximate Total Disturbed Acreage: 669.2 of 1268.6 acres Approximate Pre-SMARA Disturbed Acreage: 49.2 acres</p> <hr/> <p>Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate: 546 acres</p> <hr/> <p>Previous Inspection Date (and Number of Violations then Noted): 8-9-2018: One violation. <small>Violations Corrected? (explain in block to left)</small> No.</p> <hr/> <p>Inspection Attendees and Affiliations: Lehigh: Erika Guerra Tressa Jackson Manjunath Shivalingappa Talia Flagan Santa Clara County: Robert Salisbury Jim Baker Steve Beams</p>
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Additional sheets/documents attached: ☒ Yes ☐ No

<p>X. Number of Current Violations: 2</p>	<p>Inspectors Signature: DocuSigned by: Robert Salisbury</p> <p>Date Signed: 11/7/2019 <small>C140DFC1F718456...</small></p>	<p>If inspector is a contractor for the lead agency give license type and number: n/a</p>
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Notes from 2019 Annual SMARA Inspection Conducted on 8-06-2019

by

Robert Salisbury, Senior Planner
James Baker, CEG#1021, County Geologist

**BACKGROUND**

Lehigh Quarry is a vested hard rock quarry which has been in operation since approximately 1903. The operation primarily harvests limestone for the production of cement but has also produced greenstone aggregate in the past. Over time the quarrying operation has expanded, and now encompasses 546 acres of disturbed area. The site also includes a cement plant operating under a Use Permit and located outside of the Reclamation Plan area. The current Reclamation Plan was approved in 2012 as an amendment to the 1985 Reclamation Plan.

Two Reclamation Plan Amendment applications are currently in process (File Nos. PLN19-0067 and PLN19-0106), but, as of the date of this report, neither amendment has been approved.

CURRENT SITE CONDITIONS

The 2019 annual SMARA inspection of Lehigh Quarry was conducted for 6 hours on August 6, 2019. In attendance were the following persons (affiliation indicated):

James Baker (County Planning)
Robert Salisbury (County Planning)
Steve Beams (County LDE)
Tressa Jackson (Lehigh)
Manjunath Shivalingappa (Lehigh)

Talia Flagan (Lehigh)

The numbers on the map above correspond with the nine areas within the mining boundary of the 2012 approved Reclamation Plan Amendment:

1. North Quarry (main pit)
2. West Materials Storage Area (WMSA)
3. East Materials Storage Area (EMSA)
4. Crusher/conveyor
5. Surge Pile
6. Rock Plant
7. Water Treatment Facilities
8. South Quarry Exploration Area
9. Permanente Creek Restoration Area (PCRA)
10. Buffer Areas that surround active mining areas.
11. Drainage Facilities
12. Stevens Creek Quarry Haul Road Violation

The mine was active during the 2019 inspection. The following paragraphs describe County inspectors' observations in each of the areas with **PHOTO numbers**. [See Attachment B for the corresponding photos.]

1. North Quarry (Main Pit)

The highwalls on the north, east, and south are essentially complete (excavated benches); while the southern side of the pit is still being actively mined (blasting and loading). Extraction of limestone was on-going in the main pit. [See **PHOTO #1** and **PHOTO #2**.] Material from Yeager Yard was being added to the WMSA. (Yeager Yard is located between WMSA and Permanente Creek.)

2. WMSA

New material was being placed in the WMSA. The northeast-facing slopes of the WMSA have well-established vegetation (grasses and some shrubs). [See **PHOTO #3** and **PHOTO #4**.] Topsoil and organics are stored and covered in the central portion of the WMSA. County staff observed deterioration of previously installed jute netting and minimal growth on the hydroseeded stockpile slopes. [See **PHOTOS #5A and #5B**.] Although no evidence of erosion was observed, County inspectors suggested that the operator monitor the stockpiles and replace erosion control measures as needed to prevent loss of stockpile material through erosion. The south slope of the WMSA was viewed by County inspectors, and although growth of hydroseeded grasses and shrubs on the south slope of WMSA was minimal, no evidence of erosion was observed. The operator should monitor this area and install erosion control BMPs as needed. [See **PHOTO #6**.] (The approved Reclamation Plan calls for much of the material stored in the WMSA to be moved and placed as backfill into the main quarry pit. Topsoil will be used for plantings.)

3. EMSA

BMPs were previously placed on the slopes (wattles) and along the benches (rock check dams and silt fences). County inspectors observed substantial vegetation growth on the EMSA slopes [See **PHOTO #8.**] Surface drainage from EMSA is directed into Pond 30 which is rock-lined with non-limestone rock. [See **PHOTO #9B.**] Water from Pond 30 is then directed to a vault and pumped to the upper treatment system. [See **PHOTO #9A.**]

4. Crusher/Conveyor

The crusher was constructed in 2013 against a 70-foot high retaining wall. Drainage from around the crusher is directed into a sump which overflowed due to a power failure in 2014. As a result, an erosion gully formed on the steep slope west of the crusher. The operator has had the gully lined with jute netting and several silt fences and installed a soil-nail wall in the head of the erosion gully located downhill of the sump. [See **PHOTOS #10A and #10B.**] Eroded material accumulated at the toe of the slope and extended into the eastern side of Pond 13. [See **PHOTO #11.**] A half-pipe exists downstream of Pond 13 for the continuance of Permanente Creek. [See **PHOTO #12.**] The Permanente Creek Restoration Project (County File No. 2250-17G), submitted by Lehigh and currently under review by the County, proposes removal of the half-pipe.

5. Surge Pile

The surge pile is significantly smaller than it was last year. [See **PHOTO #13.**] Sediment that erodes from the surge pile is detained in ponds. Next to the surge pile are slopes above Pond 13. [See **PHOTO #14.**] During the Permanente Creek Restoration Project referenced above, the surge pile will be removed, and the underlying creek channel will be restored once the project is approved.

6. Rock Plant

The rock plant did not appear to be operating during the inspection. There are numerous stockpiles and equipment in the rock plant area. [See **PHOTOS #15 and #16.**] Runoff from the rock plant was previously being directed into Pond 17. Since last year's inspection, Pond 17 has been decommissioned and the runoff which was previously routed to Pond 17 now flows into a new basin in Permanente Creek installed at the direction of the San Francisco Bay Regional Water Quality Control Board. (See Other Observations section below for more details and photo.)

7. Water Treatment Facilities

Adjacent to Pond 4A are water treatment and filtration equipment used to remove selenium from quarry water prior to discharge into Permanente Creek. [See **PHOTOS #17 and #18.**] Associated tanks are located adjacent to Pond 1250. [See **PHOTO #19.**]

8. South Quarry Exploration Area

Located southwest of Permanente Creek, the area was disturbed by excavation of drilling pad and associated roads in order to evaluate the mineral resources in that area. During the past several years, the growth of grasses and brush appears to have mitigated the previous ground disturbances. Inspector's observed additional localized ground disturbances resulting from recently conducted

exploratory drilling. A ground survey will be needed to confirm the adequacy of the revegetation to meet the performance standard in the RPA prior to the County granting reclamation closure of the area.

9. Permanente Creek Restoration Area (PCRA)

Plans for restoration of Permanente Creek adjacent to the mine are still in review. Once the plans have been approved, the FACE will need to be revised to reflect the costs of implementing the “construction” described in the plan. On June 13, 2019 the County issued a Notice of Violation (Attachment C) for sediment discharge into Permanente Creek in the vicinity of the Yeager Yard. The County is currently evaluating the measures taken by the operator to address the underlying slope instability which is believed to be the primary source of the sediment which entered Permanente Creek. The County is currently drafting a Stipulated Order to Comply which will memorialize the work done to date by the operator and include additional corrective actions as required to correct the violation.

10. Buffer Areas

The undisturbed areas around the active mine are intended to protect the quarry from encroachments by other land uses and to protect nearby land uses from adverse effects of the mining. At the time of our inspection, the Buffer Areas appeared undisturbed and providing the buffer effect intended, except in the case of the new haul road by the rock plant.

11. Drainage Facilities

Runoff and drainage are controlled on-site by various methods including check dams installed on internal access roads. [See **Photo #20** for example check dam.] Check dams are required to be made of non-limestone rock in order to prevent selenium contamination. Erosion control measures are typically installed before the rainy season and are inspected during winterization inspections. The County of Santa Clara issued a Notice of Violation related to inadequate erosion control measures which resulted in a discharge of sediment into Permanente Creek. See section below for more details on this violation.

12. SCQ Haul Road Violation

During the 2018 annual SMARA inspection inspectors observed that a new road linking Lehigh Quarry and Stevens Creek Quarry had been constructed without approval. The County issued a Notice of Violation on August 17, 2018 and noted the violation in the 2018 Lehigh Annual Inspection Report, dated August 8, 2018. Subsequently, Lehigh applied for a Reclamation Plan Amendment which, if approved, will expand the Reclamation Plan Boundary to include the haul road area. This reclamation plan amendment application is currently being processed. This haul road remains in place but is not being used. Inspectors noticed localized erosion which needs to be managed by installation of erosion control BMPs. [See **Photos #21A, 21B, and 21C.**] Installation of erosion control BMPs will be verified during winterization inspection.

NEW VIOLATION

A new SMARA violation was noted during the monthly “boots on the ground” inspection conducted on April 30, 2019. During that inspection, County staff observed sediment eroded from a debris flow scar on the Yeager Yard slope entering Permanente Creek. It appears that this debris flow resulted from

slope instability below the Yeager Yard. [See **Photos #22, #23, and #24.**] The portion of Permanente Creek impacted by the debris flow was revisited on May 21, 2019 by County staff along with State Water Board staff. [See **Photos #25 and #26** taken during the joint inspection.] Refer to the attached Notice of Violation for further details. (See Attachment C.)

OTHER OBSERVATIONS

During the annual inspection, the quarry operator informed County inspection staff that Lehigh discontinued use of Pond 17 during winter 2018/2019 and re-routed surface runoff to an instream sediment catchment consisting of a lined channel with rock-filled gabions and a release volume meter. [See **Photo #27.**] This in-stream catchment feature, located outside of the Reclamation Plan boundary, was installed September/October 2017 at the direction of the State Water Board.

ACTION ITEMS

- 1) (See map location 2) County inspectors suggested that the operator monitor the topsoil stockpiles WMSA south slope and replace erosion control measures as needed to prevent loss of material through erosion.
- 2) (See map location 12) Localized erosion on the haul road cut slopes needs to be managed by installation of erosion control BMPs. Operator has been directed to install these BMPs. Installation will be verified during forthcoming winterization inspection.

PHOTO #1 – North Quarry Main Pit (looking southwest)



PHOTO #2 – North Quarry Main Pit (looking northeast)



PHOTO #3 – WMSA (looking north)



PHOTO #4 – WMSA (looking northwest)



PHOTO #5A – Topsoil Stockpile



PHOTO #5B – Topsoil Stockpile Signage



PHOTO #6 – WMSA South Slope (looking southeast)



PHOTO #7 – Southern slopes of EMSA (looking north)

Photo not taken in 2019

PHOTO #8 – Eastern slopes of EMSA, west of Pond 30 (looking west)



PHOTO #9A – Vault and pump at Pond 30



PHOTO #9B – Pond 30 (looking south



PHOTO #10A – Overflow scar near crusher sump



PHOTO #10B – Debris track below crusher sump



PHOTO #11 – Pond 13



PHOTO #12 – Half-pipe for outflow of Pond 13



PHOTO #13 – Surge Pile looking east



PHOTO #14 – Slopes above Pond 13



PHOTO #15 – In-flow to Pond 17 and failing sheet pile wall



PHOTO #16 – Pond 17 with liner and sediment



PHOTOS #17 and #18 – Pond 4A and Upper Treatment System with blending tank (at left)



PHOTO #19 – Treatment tanks near Pond 1250



PHOTO #20 – Check dam on the WMSA road



Photo #21A – Cut slope on west side of illegally graded haul road



Photo #21B – Looking north along west side of illegally graded haul road



Photo #21C Fill slope below east side of illegally graded haul road



Photo #22 – Toe of Yeager Yard slide above Permanente Creek (out of view to the left)



Photo #23 – Excavation above Yeager Yard



Photo #24 – Toe of Yeager Yard land slide above Permanente Creek (lower left)



Photo #25 – Sediment deposited into Permanente Creek from Yeager Yard slope (off-camera to right) Photo taken on May 21, 2019



Photo #26 – Debris flow scar (source of sediment deposited in Permanente Creek) photo taken on May 21, 2019



Photo #27 – Lining and gabions in new sediment catchment (alternative Pond 17)



Aug 6, 2019 at 2:45:36 PM

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



Code Enforcement Office

Phone: (408) 299-6723

CodeEnforcement@pln.sccgov.org

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

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

Code Section	Description of Violation
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)

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffery V. Smith

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.

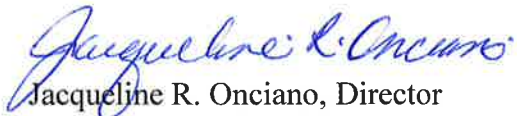
Notice of Violation and Public Nuisance; Intent to Record
Re: 24001 Stevens Creek Blvd.
Mailed and Posted on June 11, 2019

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.

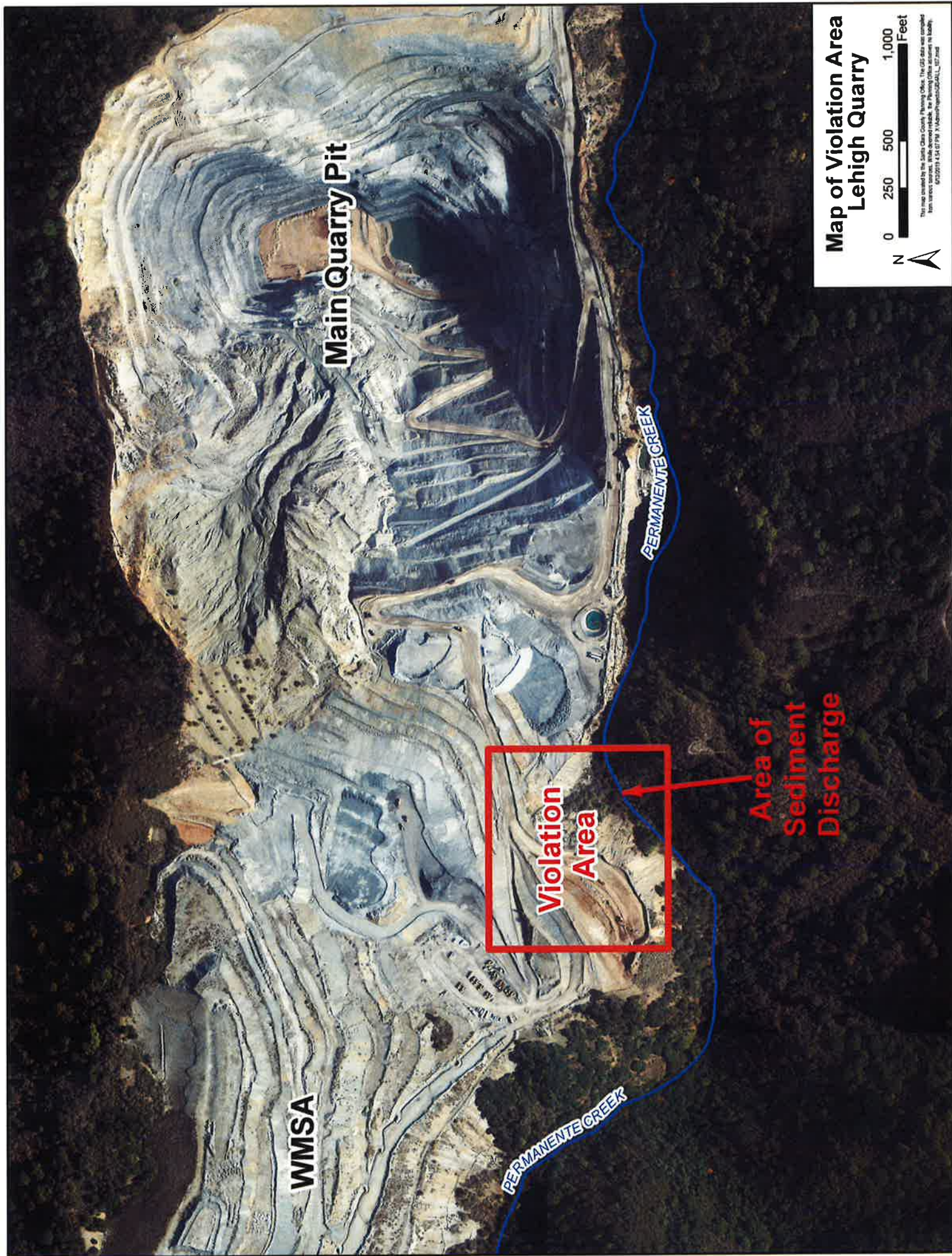
If you do not request a meeting with the Code Enforcement Division Manager within 30 days of this Notice, or if after the meeting the Code Enforcement Division Manager determines the violations exist and you are responsible for them, the County will record notice of the violations. The recorded notice 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, 7th 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



WMSA

Main Quarry Pit

PERMANENT CREEK

PERMANENT CREEK

Violation Area

Area of
Sediment
Discharge

**Map of Violation Area
Lehigh Quarry**

0 250 500 1,000 Feet

N

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