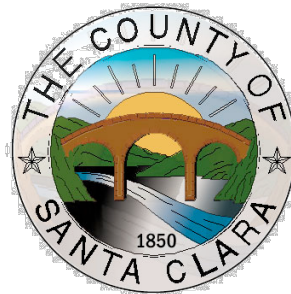


Santa Clara County  
Department of Planning & Development

# **Lehigh - Permanente Quarry Reclamation Plan Amendment**

Board of Supervisors  
Appeal Hearing  
June 26, 2012

**File No.: 2250-10P(M1)-10EIR**



# Outline

- Purpose of Hearing
- What is Reclamation?
- Proposed Reclamation Plan
- Appeals – Lehigh, BACE, QuarryNo, MROSD
- Main Appeal Areas
- Staff Response / Objectives
- Staff Recommendation

# Purpose of Hearing

- Appeal of Planning Commission Decision
  - Certification of Final EIR
  - Approval of Reclamation Plan
- Appeals
  - Lehigh – Four Conditions of Approval
  - Bay Area Clean Environment (BACE)
  - QuarryNo
  - Midpenninsula Regional Open Space District (MROSD)
- BOS review is de novo

# What is a Reclamation Plan?

- Reclamation = exit strategy for mining, leave mined lands in usable condition, remediate hazards
- Every Surface Mine **must** have a Reclamation Plan

*Past surface mining without Reclamation*

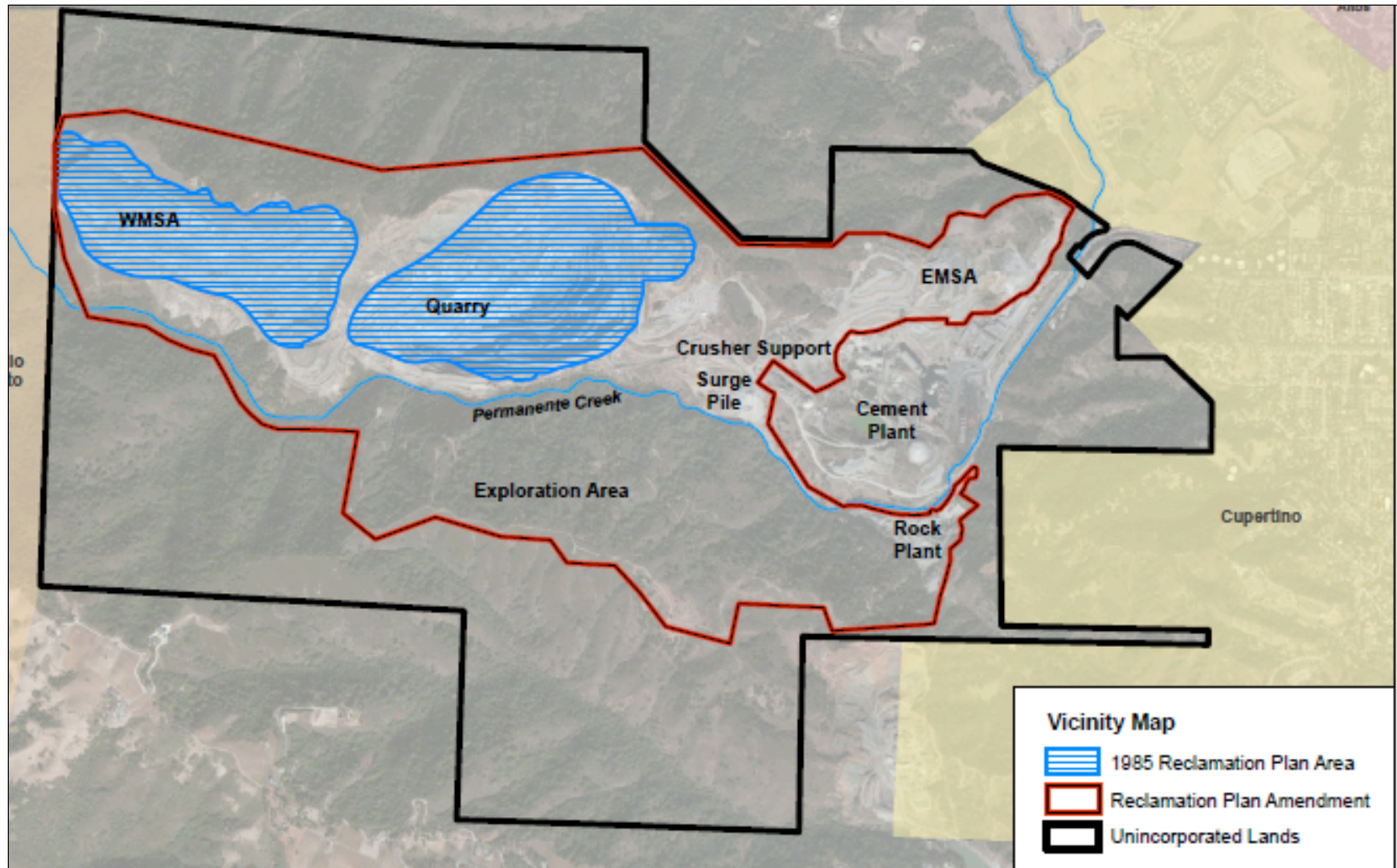


Abandoned Talc Mine – Death Valley, CA



Est. County costs - \$7.5 million +

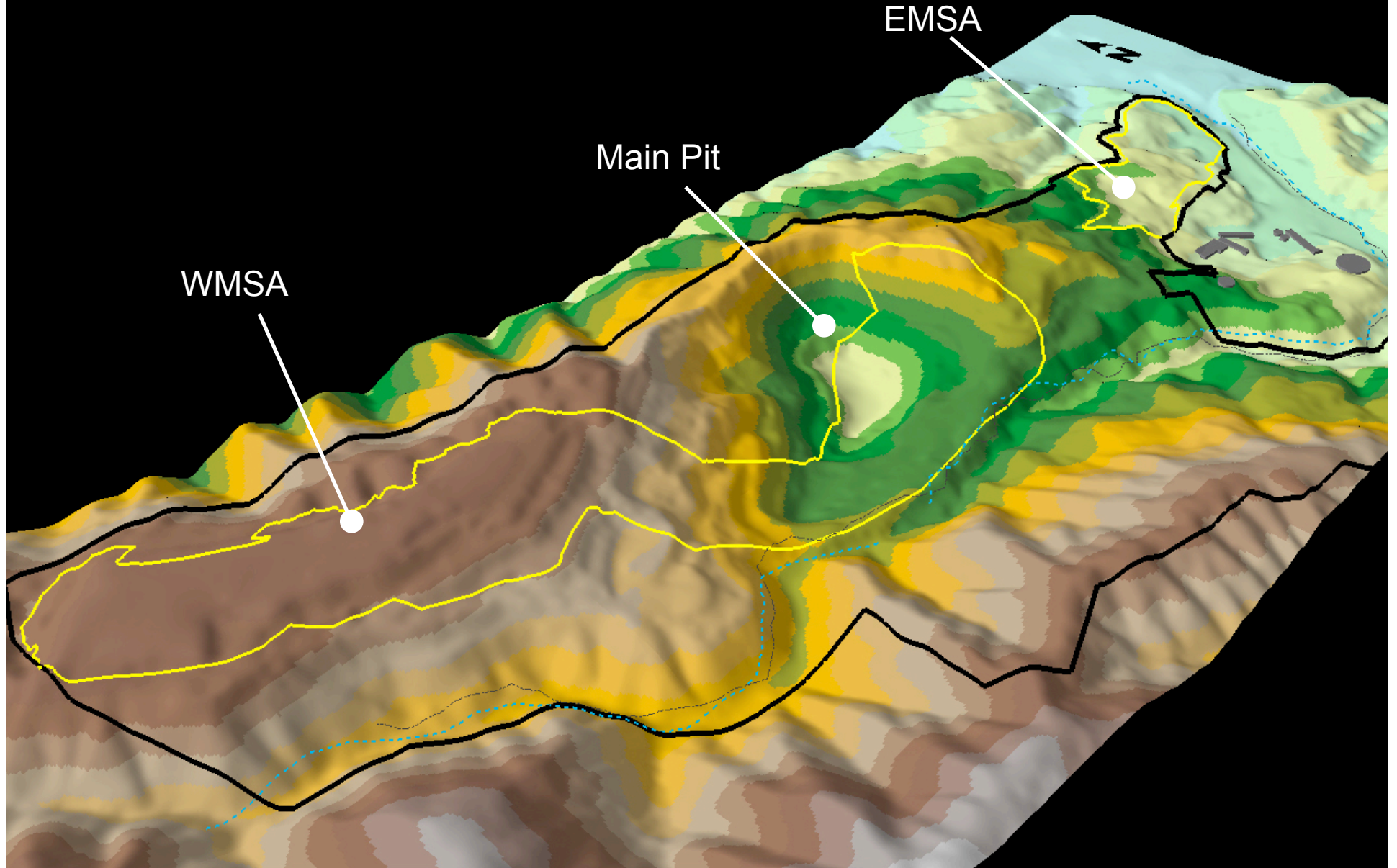
# Reclamation Plan Amendment



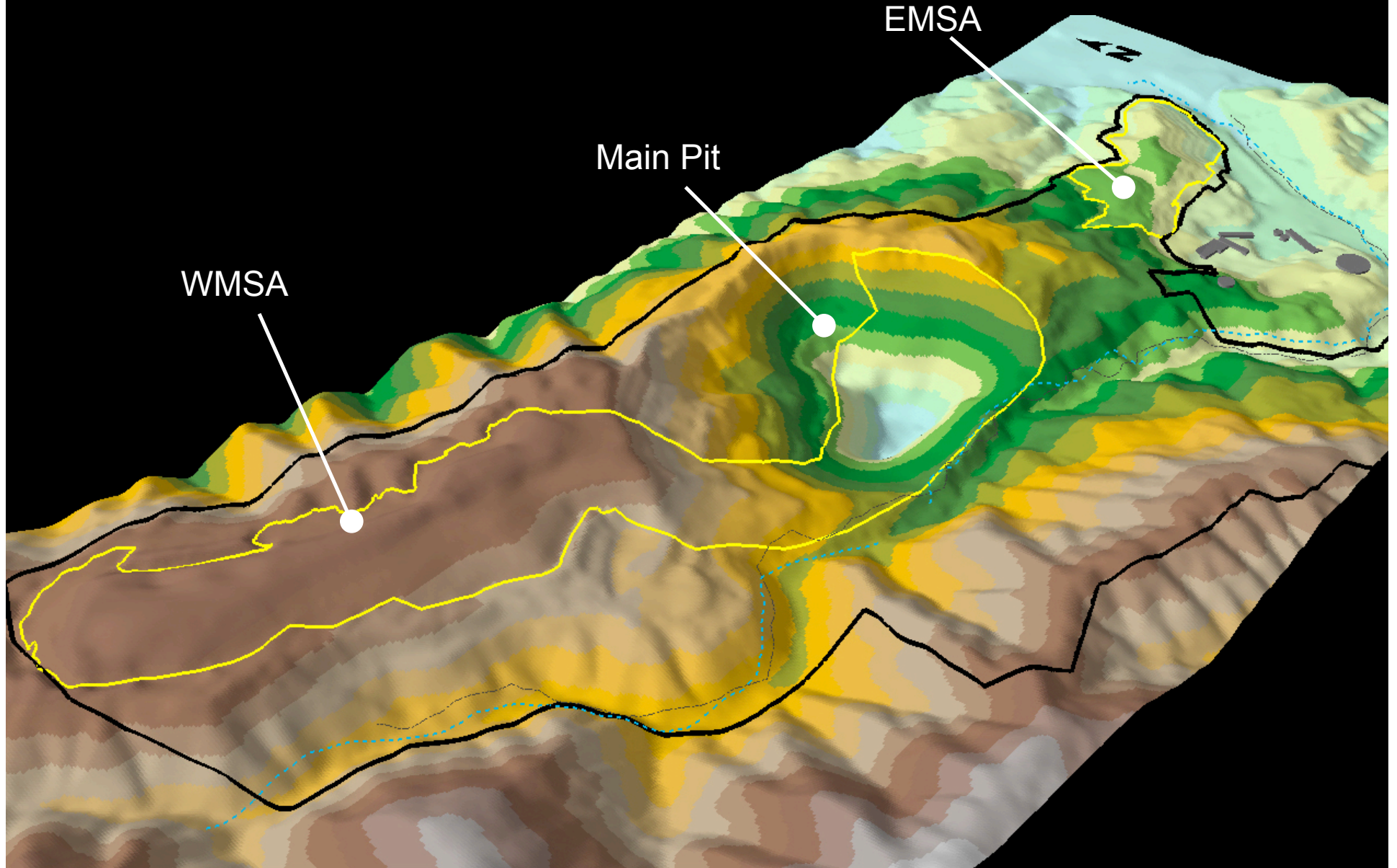
Reclaims all Disturbed Areas, Increased Financial Security<sub>5</sub>



# Phase 1

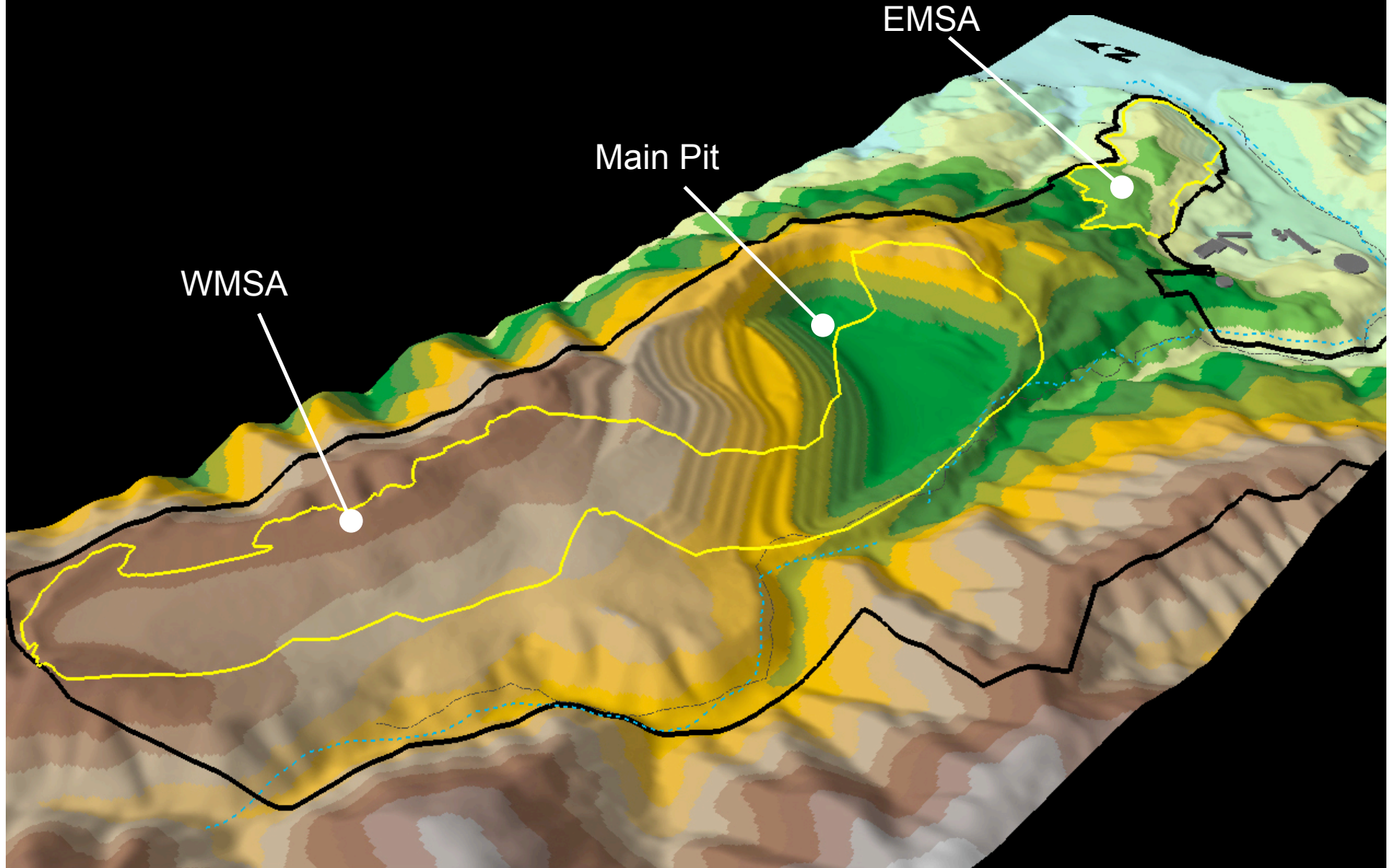


# Phase 2





# Phase 3









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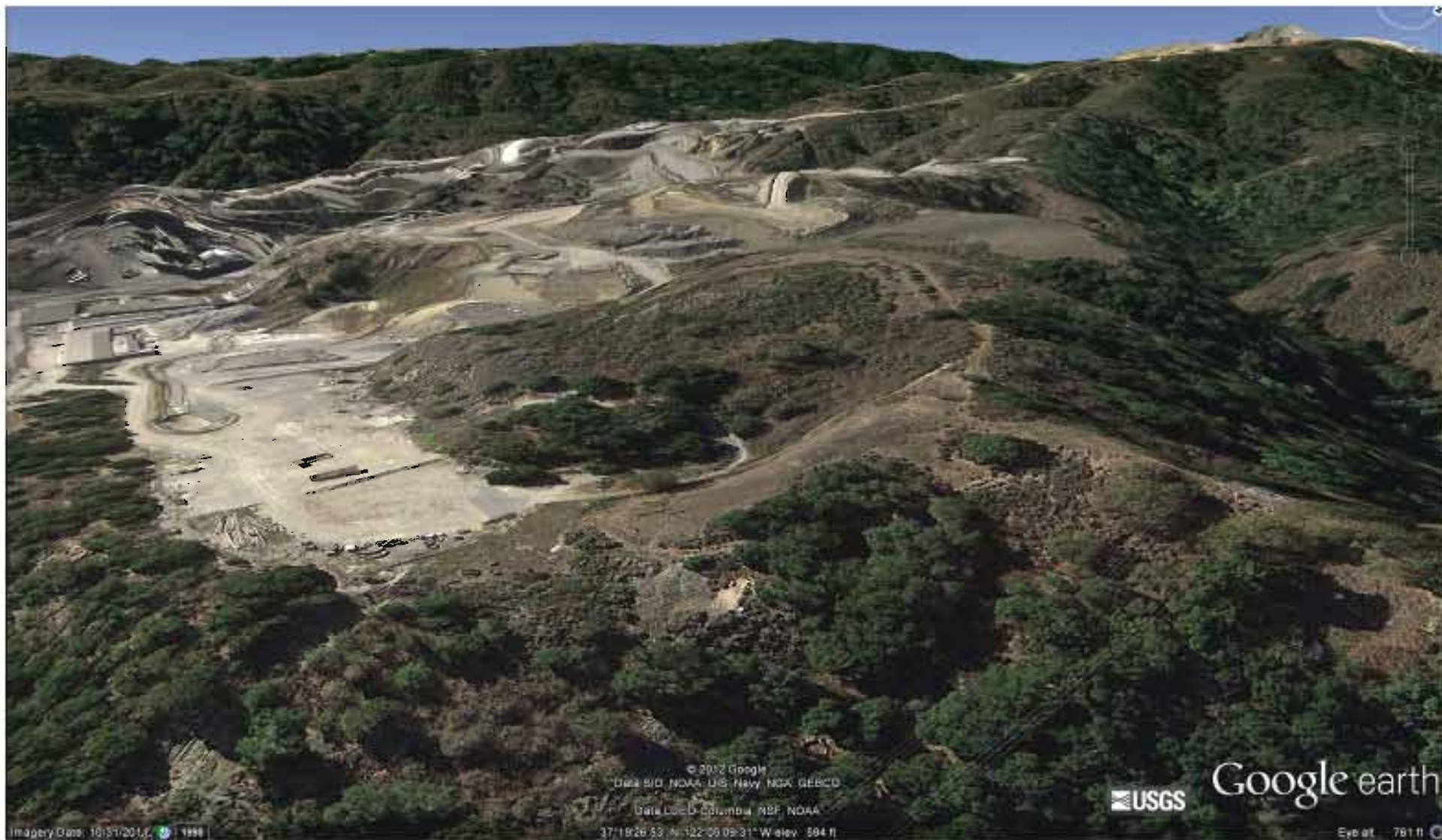
© 2012 Google  
Data SIO, NOAA, US Navy, NGA, GEBCO  
Data USGS, Columbia, NSF, NOAA  
37°19'25.53" N, 122°05'09.31" W elev: 594 ft



Google earth

Eye alt: 761 ft





Imagery Date: 10/31/2015

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO  
Data used Columbia, NSF, NOAA  
37°18'26.53" N, 122°05'09.31" W elev: 594 ft



Google earth

Eye alt: 781 ft



# Planning Commission

- Planning Commission –
  - 1 Workshop
  - 3 Meetings / Hearings
  - Public Comment / Testimony at all meetings
- June 7, 2012 Planning Commission Meeting
  - Certify EIR
  - CEQA Findings, Statement of Overriding Considerations
  - Adoption of Reclamation Plan

# Appeals

## **(1) Lehigh Appeal –**

– Four Conditions of Approval

- Condition #45 – Air Quality / Health Hazards
- Conditions #80 & 81 – Water Quality Monitoring
- Condition #90 – Groundwater monitoring
- Staff Recommendation – approve appeal –  
reinstate original conditions

# Appeals

**(2) Bay Area Clean Environment (BACE)**

**(3) QuarryNo**

**(4) Midpenninsula Regional Open Space District (MROSD)**

- Seek to overturn approval of Reclamation Plan
- Question adequacy of EIR



# Areas addressed in Appeals

- **Cement Plant – Inclusion in Reclamation Plan**
  - County and State determined Cement Plant separate from mining.
  - August 27, 2007 Letter from State Office of Mine and Reclamation:
    - Cement Plant used for manufacturing cement, not mining
    - Cement Plant operates under separate Use Permit

# Areas addressed in Appeals

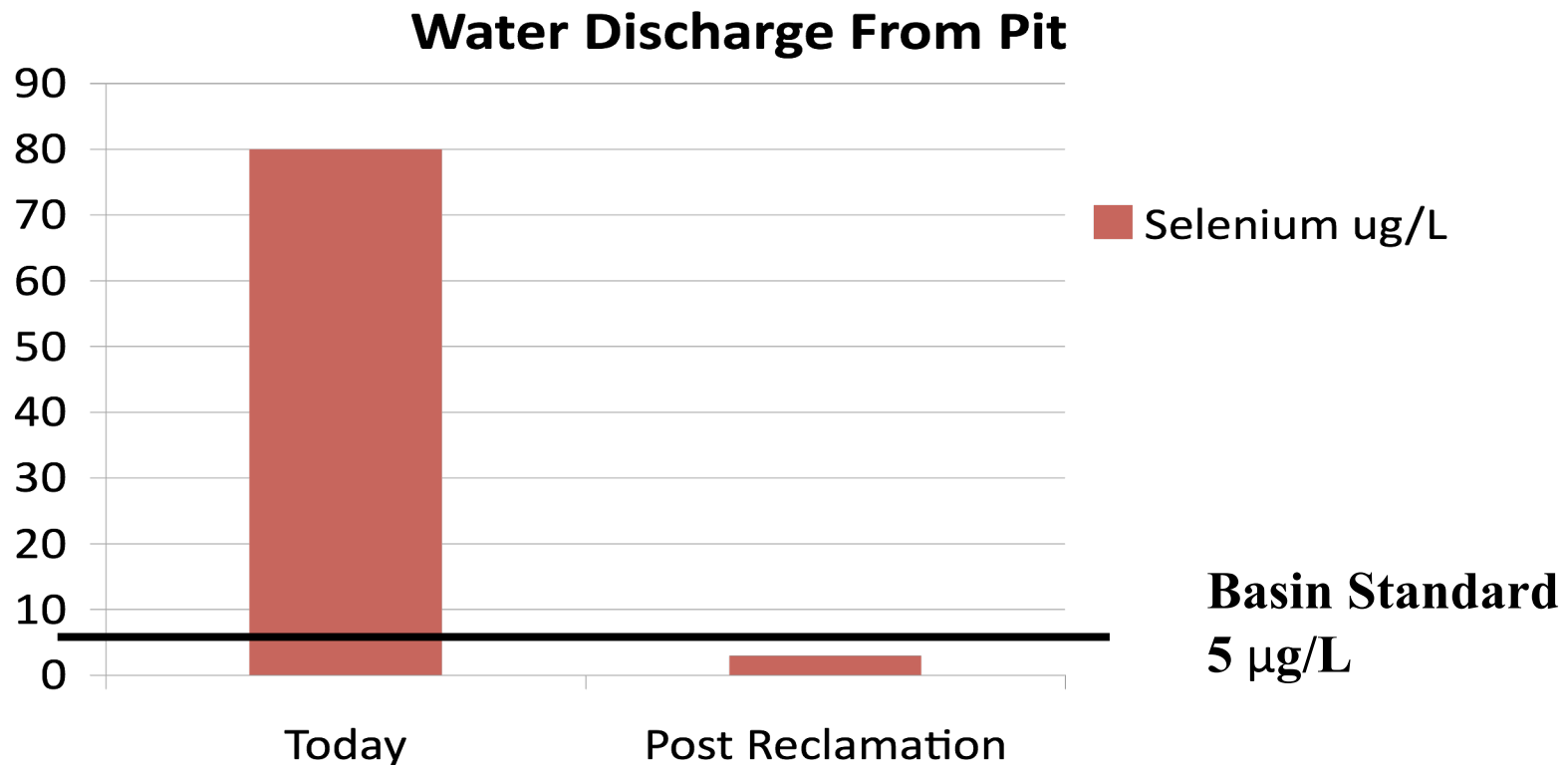
- **EIR Alternatives inadequate – Prohibit overburden in EMSA.**
- EIR evaluated other Alternatives –
  - Central Material Storage Area – alternative location
  - Complete Backfill – overburden removed to pit
  - No Project – delay in Reclamation

*Project is environmental superior to alternatives*

- Removal of Overburden from site - infeasible

# Areas addressed in Appeals

- **Selenium Impacts – SMARA Findings**
- EIR conclusion – Reclamation will reduce existing selenium levels below Water Quality stds.





# Areas addressed in Appeals

- Other Issues raised in Appeals—
  - Health Risk Assessment
  - Diesel Particulate Matter (PM 2.5)
  - Scenic Easement
  - Hazardous Materials / Soil Contamination
  - EIR Baseline
  - Economic Analysis
  - Vested Rights
- Staff Report Discussion
- Staff Determination

# Overall Staff Response

- EIR complies with California Environmental Quality Act
- Reclamation Plan Amendment meets SMARA requirements
- Quarry has Vested Right to Mine
- No other alternative for Reclamation is less environmental harmful than proposed Plan

# Objectives – Reclamation Plan

- Addresses two existing Violations –
  - mining outside Reclamation plan boundaries
- Financial Assurance
  - Increased from \$11 million to over \$47 million
- Higher Performance Standards
  - Revegetation, Covers all disturbed areas
  - Minimize Selenium runoff
- Increased Monitoring / Reporting

# Staff Recommendation

- Approve Appeal from Lehigh – Conditions
- Deny Appeals from BACE, Quarry No, MROSD
- Adopt Resolution
  - Ratify the certification of the Final EIR.
  - Make required findings per CEQA.
  - Adopt a statement of overriding considerations
  - Adopt the Mitigation Monitoring and Reporting Program.
  - Approve the Reclamation Plan Amendment with conditions of approval, as modified.

