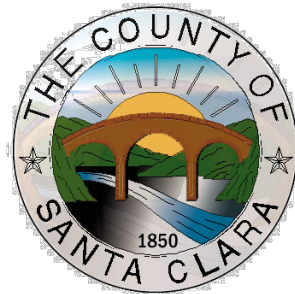


Santa Clara County  
Department of Planning & Development

# **Planning Commission Workshop Lehigh - Permanente Quarry Reclamation Plan Amendment**

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

May 31, 2012



# Hearings / Materials

- Workshop – May 18<sup>th</sup>
- Reclamation Plan Hearing – May 24<sup>th</sup>
- Continued Hearing – May 31<sup>st</sup>

## Materials

- FEIR / Reclamation Plan (Summary) – May 11<sup>th</sup>
- Staff Report – May 18<sup>th</sup>
- Conditions, Resolution – May 23<sup>rd</sup>
- Full Reclamation Plan – May 25<sup>th</sup>

# Presentation Outline

- Hearing Objectives
- Scope of Reclamation Plan
- Removal of EMSA - EIR Alternatives
- SMARA Requirements / CEQA
- Conditions of Approval
- Hearing Objectives

# Hearing Objectives

- Reclamation Plan Amendment (RPA)–
  - Substantially meets SMARA standards
- EIR – Compliance with CEQA
  - Adequately disclosed significant impacts and identify mitigation
  - All significant impacts mitigated or unable to be mitigated

# Scope of Reclamation Plan

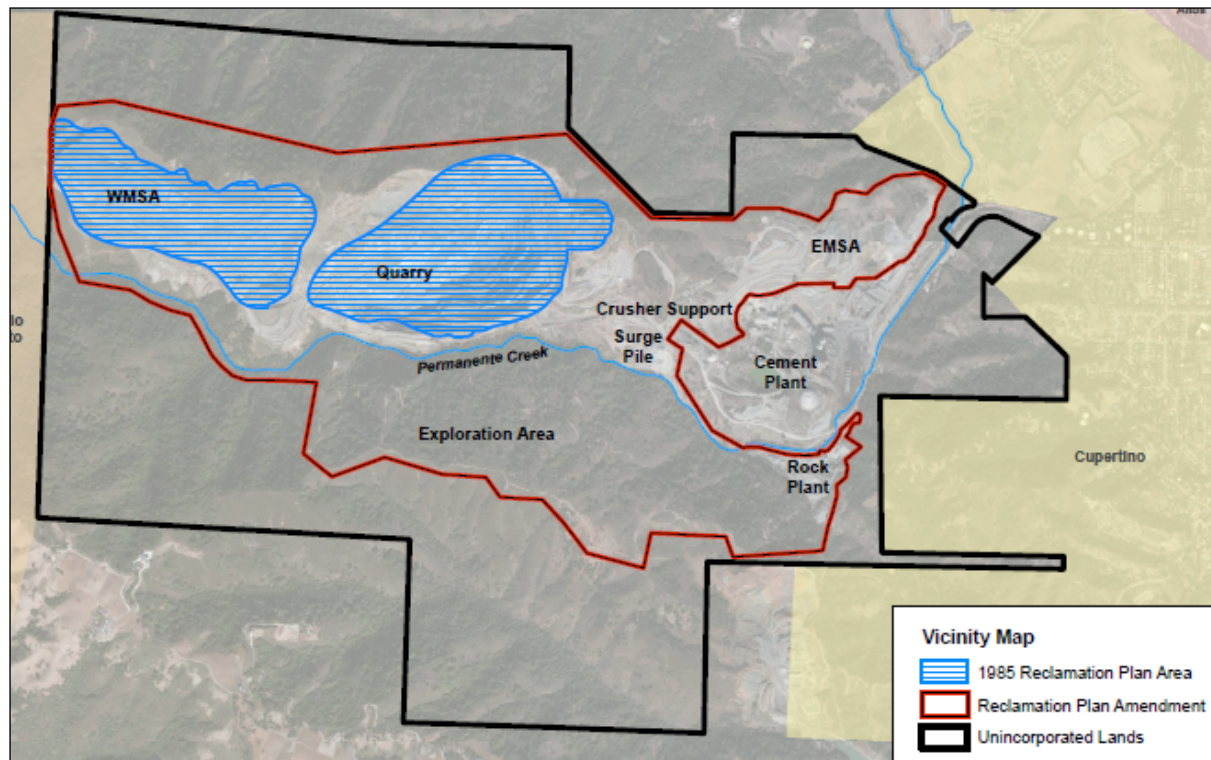
- § 2733. “Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety.

# Scope of Reclamation Plan

- Reclamation Plan Amendment only –
  - Does the reclamation plan adequately clean up the site?
  - Does it leave the site in a usable end state?
  - Does it remediate hazards caused by surface mining?
- Scope of Review & Approval
  - Whether RPA “substantially meets” SMARA
  - PRC 2770(d): Reclamation plans or financial assurances **determined to substantially meet** these requirements **shall be approved** by the lead agency for purposes of this chapter

# Scope of Reclamation Plan

- Reclaims all mining disturbed areas
- Addresses violations (mining outside boundaries)
- New Financial Assurance



# Scope of Reclamation Plan

## Does not include:

- Mining (operations)
  - Surface mine is existing
  - Surface mine is vested (BOS, 2011)
- Cement plant operations
- No new Quarry Pit proposed



# Removal of EMSA – EIR Alternatives

## Discussion of option - EMSA Removal

- Considered in EIR as alternative:
  - Complete Backfill Alternative (No EMSA)

### Other alternatives:

- Central Material Storage Area
- No Project – (delay in reclamation)

# Removal of EMSA – EIR Alternatives

- EMSA as a temporary stockpile - overburden
- EMSA eventually removed to backfill pit
  - Comparison with Project - EIR Conclusion —
    - Greater Air Quality, Health Hazard Impacts
    - Greater Noise Impacts
    - Greater Interim Selenium / Water Quality Impacts
    - Visual Impacts – Cement Plant visibility
- Project is Environmentally Superior to this Alternative

# Significant Impacts / SMARA

- How does the EIR disclosure of significant and unavoidable environmental impacts reconcile with SMARA standards?
- EIR - three areas of significant and unavoidable impacts:
  - Visual impacts during reclamation
  - Adverse impacts to historic resources
  - Interim selenium concentrations in runoff into Permanente Creek during reclamation (Water Quality and Biological impacts)

# Significant Impacts / SMARA

- SMARA Reclamation Standards

- Financial Assurance
  - Slope Stability
  - Revegetation, Wildlife Habitat
  - Drainage & Stream Protection
  - **Water Quality**
- 

- Reclamation Plan is Required
- Impacts interim / existing
- SMARA – Final Reclamation of Surface Mine
- Unavoidable - No alternative means of reclaiming site – less impacts

# Conditions of Approval

- **Completion of Reclamation Plan / Reporting**
  - Update FACE
  - Training of Staff, Annual Reporting
  - Staking of Boundaries
- **SMARA Requirements**
  - Revegetation
  - Drainage Basins
- **EIR Mitigation Measures**
  - Wildlife species, wetlands,
  - Noise, health hazards
  - Water quality

# Conditions of Approval

- Supplemental Packet – Recommended Changes
  - Lehigh Permanente
  - Rod Sinks
  - RWQCB
- Optional Condition - Groundwater Monitoring

# Conclusion – PC Hearing

- Reclamation Plan

  - Substantially meet SMARA standards

  - Limitations of review

- Environmental Impact Report

  - CEQA compliance - adequate disclosure

  - all significant impacts mitigated or infeasible to mitigate

  - benefits of project outweigh environmental impacts

# Actions to be Taken

1. Certification of EIR
2. Adoption of the Mitigation Monitoring and Reporting Program
3. Make CEQA Findings – Statement of Overriding Considerations
4. Reclamation Plan