

Subject: Lehigh Reclamation Plan and the EMSA

Date: Thursday, May 31, 2012 10:31 AM

From: Freed, Olga V. (Cupertino) NA <Olga.Freed@hanson.biz>

To: "Planning.Commission@pln.co.santa-clara.ca.us"
<Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Reclamation Plan and the EMSA

5/31/2012
Supplemental Packet
Item # 3

Dear Scott Lefaver,

I am writing this letter in support for the Lehigh Reclamation Plan and the EMSA. Please consider approving the plan.

Sincerely,

Olga Freed

Accounting Coordinator

Lehigh Southwest Cement
Permanente Cement Plant
24001 Stevens Creek Blvd.
Cupertino, CA 95014

Tel: 408.996.4241

Fax: 408.725.1104

Olga.Freed@LehighHanson.com
<<http://www.hanson.com/>>

Subject: Lehigh Reclamation Plan

Date: Thursday, May 31, 2012 10:33 AM

From: Alvarado, Jane (Cupertino) NA <Jane.Alvarado@hanson.biz>

To: "Planning.Commission@pln.co.santa-clara.ca.us"
<Planning.Commission@pln.co.santa-clara.ca.us>

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Commissioner Lefaver,

As an employee, I support the completion of the EMSA.

As a frequent visitor to the Gate of Heaven Cemetery, I appreciate the continually improving view from the cemetery due to the EMSA.

S. Jane Alvarado
Payroll Dept.
Permanente Plant
Lehigh Southwest Cement
24001 Stevens Creek Blvd.
Cupertino, CA 95014

408.996.4164

Subject: Lehigh East Materials Storage Area

Date: Thursday, May 31, 2012 10:14 AM

From: Plocki, Ronald (Cupertino) NA <Ronald.Plocki@hanson.biz>

To: "Planning.Commission@pln.co.santa-clara.ca.us"

<Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh East Materials Storage Area

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Dear Mr. Scott Lefaver:

As a resident of Santa Clara County I wish to acknowledge my support for approving the Lehigh

Reclamation of their East Materials Storage Area. This plan improves the view of the area and

obscures the view of the plant. Also, as presented this plan provides for reclamation of over

600 acres and sets aside another 600 acres as a buffer.

Lehigh has been and will continue to be a major employer in this community.

Thank You for your consideration and I request you look favorably upon Lehigh's plan.

Ron Plocki
816 Glenside
San Jose, CA 95123

Subject: Lehigh Permanente Reclamation Plan

Date: Thursday, May 31, 2012 10:07 AM

From: Saul Hoffman <sabasaul@comcast.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Permanente Reclamation Plan

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Mr. Lefavre,

I live right off of Stevens Canyon Rd. and am a resident of Cupertino.

Please be advised that I support the completion and reclamation of the East Materials Storage Area of Lehigh. This portion of their reclamation plan will screen the Permanente plant operations from Valley floor views, especially when driving west on Stevens Creek Boulevard.

Lehigh has been in operations for a long time, and are an important supplier of cement to the entire SF bay area.

I urge the Santa Clara County Planning Commission to approve the portion of their plan that reclaims the East Materials Storage Area.

Saul Hoffman
22475 Rancho Deep Cliff Drive
Cupertino, CA 95014

Michele Napier

5/31/2012 Thu, May 31, 2012 9:57 AM

Supplemental Packet

Item # 3

Subject: Survey of Residents on EMSA

Date: Thursday, May 31, 2012 9:30 AM

From: Rod Sinks <rodsinks@gmail.com>

To: Marina Rush <marina.rush@pln.sccgov.org>, <Michele.Napier@pln.sccgov.org>, <JTVidovich <planning.commission@pln.sccgov.org>, <jackbohan

Cc: Anne Ernst <anne.ernst@patch.com>, Pam Marino <pammarino@aol.com>, "Wilson, Matthew (SVCN)" <mwilson@community-newspapers.com>

Conversation: Survey of Residents on EMSA

Dear SCC Planning Commissioners and Staff,

Following up on your questions on what residents want to do with EMSA at the hearing last week, attached is an online survey I conducted over the last 6 days giving residents' input on EMSA, asking people I happen to know to distribute the link widely to residents in our area. Please take both the summary on pages 4 & 5 into consideration as part of the RPA, and read the comments of residents.

I have blacked out last names and house numbers for confidentiality but am happy to supply full names and addresses (as well as contact information where given) to the Commission for verification purposes if I can be assured they will remain confidential.

Regards,

Rod Sinks
Cupertino

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Survey for residents on Lehigh's East Materials Storage Area (EMSA)

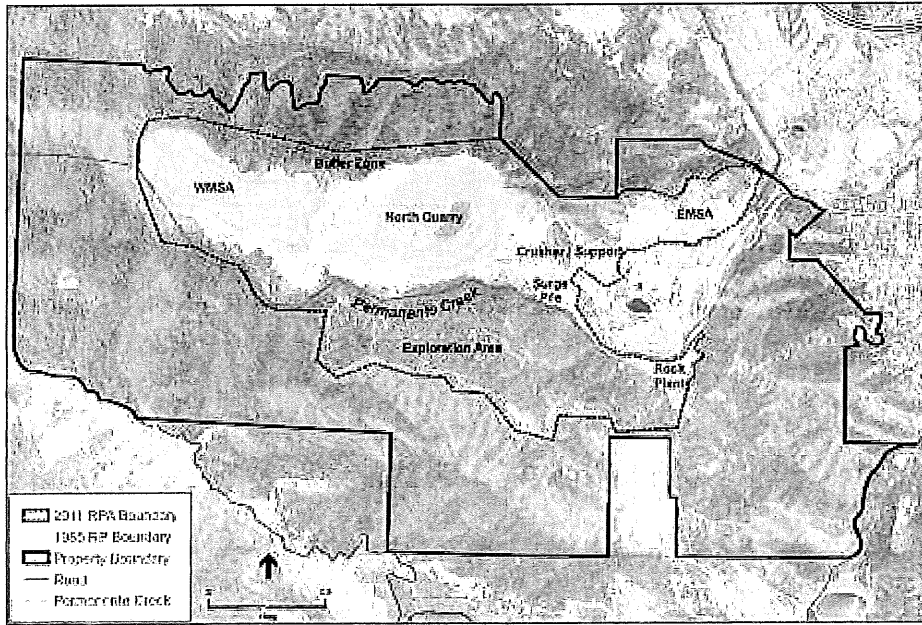
Exit this survey

The Lehigh cement plant and quarry has been building a pile of mine waste at the east end of their property in an area called EMSA (East Materials Storage Area). Lehigh proposes to continue to grow this pile and broaden it, and eventually cap it with a foot of dirt and plant vegetation as part of reclamation. Lehigh believes EMSA will create a viewshed that is desirable to residents. However, there is controversy on how natural the pile would appear and whether the vegetation would grow, given prior efforts in WMSA (West Materials Storage Area). The County Planning Commission seems open to residents' input on EMSA as part of Lehigh's Reclamation Plan, which is under consideration for approval on Thursday, May 31.

Here is what Hanson (the previous owner) said about WMSA reclamation in 2004:
http://www.greenfoothills.org/news/2004/07-2004_QuarryStatus.html

Here are pictures and maps of both WMSA and EMSA:
https://picasaweb.google.com/102075305971819749850/LehighWasteStorage?authuser=0&authkey=Gv1sRgCJv46_LlpsmbjgE&feat=directlink

If you want your opinion counted, please fill out this brief survey.



* 1. What is your name (include first and last name)?

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***2. What is your home street address, including city and zip code?**

***3. Should the waste from Lehigh's mining activities be allowed to keep growing in EMSA (East Materials Storage Area)?**

Yes

No

Other (please specify)

***4. Should the mining waste on EMSA be required to be removed as part of the Reclamation Plan and the area restored to pre-mining conditions, or should the waste stay in place, capped with a foot of soil and planted to provide a viewshed as suggested by Lehigh?**

Pile should be removed

Pile should be left in place, capped and vegetated

Other (please specify)

***5. I certify that I have completed this survey only once, and have used my true name and home address.**

Yes

No

6. Other comments, if any

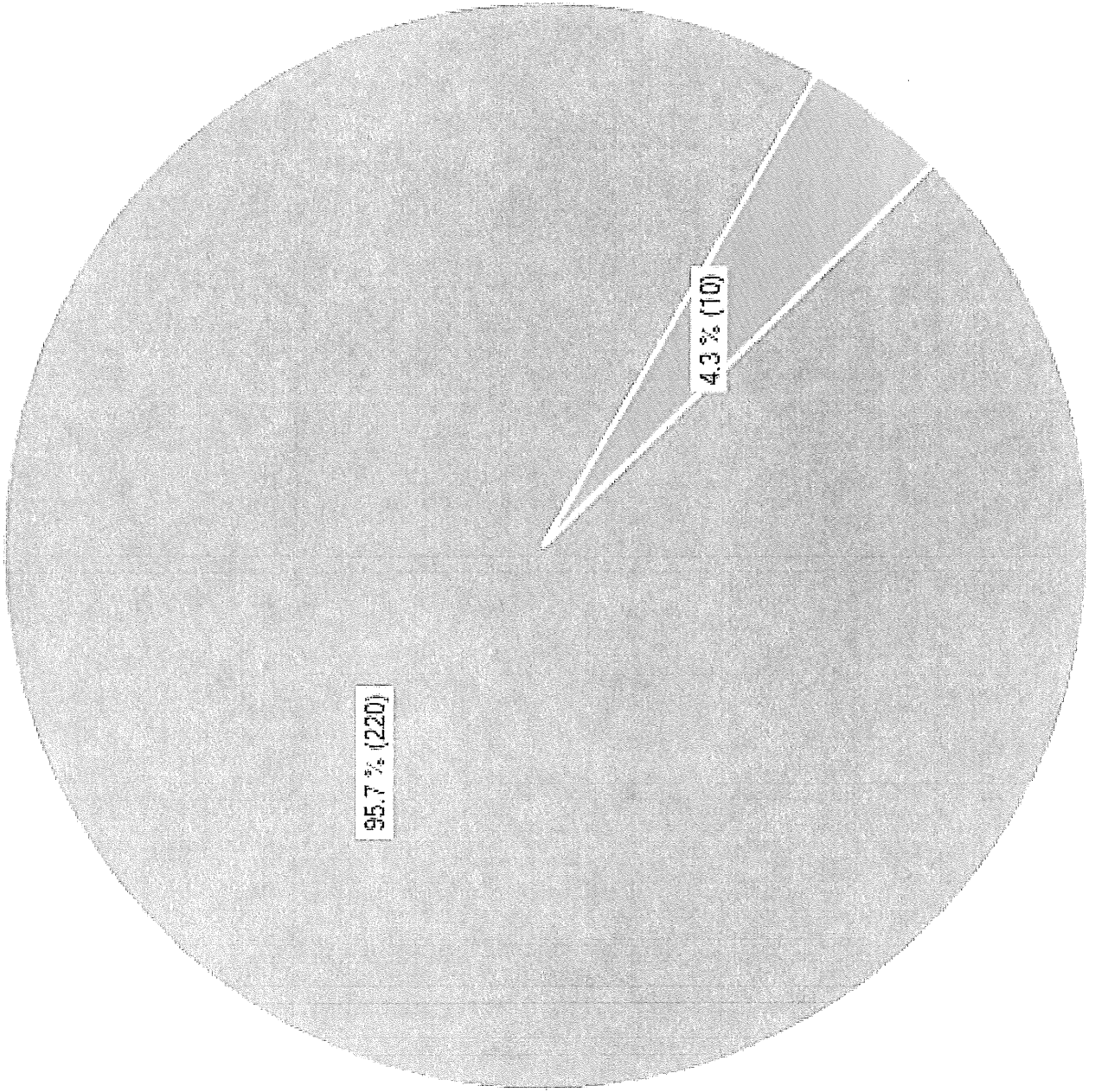
3/15

7. Contact information (optional)

Done

Powered by **SurveyMonkey**
Create your own free online survey now!

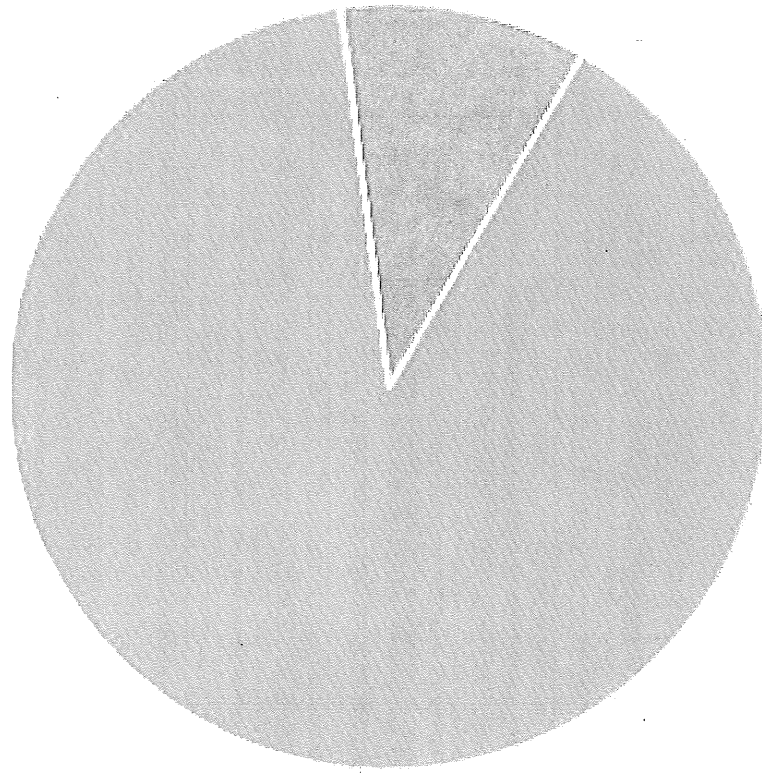
Should the waste from Lehigh's mining activities be allowed to keep growing in EMSA (East Materials Storage Area)?



Yes
No

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Should the mining waste on EMSA be required to be removed as part of the Reclamation Plan and the area restored to pre-mining conditions, or should the waste stay in place, capped with a foot of soil and planted to provide a viewshed as suggested by Lehigh?



File should be removed

File should be left in place, capped and vegetated

89.6 % (206)

10.4 % (24)

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What is your name (include first and last name)?	What is your home street address, including city and zip code?	Should the waste from Lehigh's mining activities be allowed to keep growing in EMSA (East Materials Storage Area)?		Should the mining waste on EMSA be required to be removed as part of the Reclamation Plan and the area restored to pre-mining conditions, or should the waste stay in place, capped with a foot of soil and planted to provide a viewshaded as suggested by Lehigh?	I certify that I have completed this survey only once, and have used my true name and home address.	Other comments, if any
		Yes 10	No 220			
TOTAL COUNTS						
Steve [redacted]	[redacted] Laver Ct, Los Altos, CA 94024	X		Pile should be removed 206 X	X	
Gary [redacted]	[redacted] Russell Ave, Los Altos, CA 94024	X		X	X	
Steve [redacted]	[redacted] Byrd Lane, Los Altos Hills, CA 94022	X		Yes, as long as it is legal.	X	
Joe [redacted]	[redacted] E. Edith Ave, Los Altos, 94022	X			X	I am very concerned about the un-measured discharge of selenium into Permanente Creek. That should not be allowed as part of this plan
Johanna [redacted]	[redacted] Lewiston Drive, Sunnyvale, CA 94087	X			X	
Robert [redacted]	[redacted] Stonehaven Dr, Los Altos, CA 94024	X			X	I have not been satisfied with the lack of transparency that the quarry and Board of Supervisors have provided for several years. Toxic materials are exposing many residents to hazardous health conditions to schools and residents nearby.
Andre [redacted]	[redacted] S El Monte Ave #4 CA 94022 Los Altos	X			X	As the Lehigh cement plant and quarry area includes the Permanente Creek, mining wasset should not be left around the watershed.
Sharyn [redacted]	[redacted] Louise Lane Los Altos, CA 94024	X			X	
Judi [redacted]	[redacted] San Felipe Road Cupertino, CA 95014	X			X	I love that there is a survey, but it would be great to provide unbiased research and resources to the people who are taking the survey so we can give more informed answers.
Gary [redacted]	[redacted] Harrington Ave, Los Altos, Ca, 94024	X			X	
Steve [redacted]	[redacted] Gablian Los Altos 94022	X			X	
Marsha [redacted]	[redacted] Robindell Way Cupertino 95014	X			X	
Connie [redacted]	[redacted] Brookmill Rd Los Altos CA 94024	X			X	Be realistic and leave what's there but don't add to it. perform the planting now. Thanks
David [redacted]	[redacted] Pine Ln, Los Altos, CA	X			X	
Charles [redacted]	[redacted] N Avalon Dr Los Altos, CA 94022	X			X	
Candice [redacted]	[redacted] Linden Avenue Los Altos, CA 94022	X			X	
Robbin [redacted]	[redacted] Fallen Leaf Lane Lcs Altos, CA 94024	X			X	
Barbara [redacted]	[redacted] Ramona Street, Palo Alto, CA 94301	X			X	
Margie [redacted]	[redacted] Roblefa Road Los Altos Hills, CA 94022	X			X	More information and sources are necessary for this to be an informed pool.

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Heleen [redacted]	1400 Mildred Ave San Jose, CA				X			X			X	I grew up in Sunnyvale and have watched this devastation grow for the last 5 decades. I am always shocked at how much it has grown and at the unsightly scar this mining is leaving. It completely destroys the beautiful hills that we are so lucky to be surrounded with. It's an abomination and needs to go away and the area restored.
Ron [redacted]	[redacted] Canyon Oak Way Cupertino, CA 95014				X			X			X	The structure of the hillside has dramatically changed in the last 2 years. From Cristo Rey, The trees and natural foliage has been replaced by mounds and factory structures. This cannot continue unregulated.
Rich [redacted]	[redacted] Berkshire Dr, Los Altos Hills, CA 94024				X			X			X	* The cement plant must be included in the EIR * The cement and aggregate trucks must be included in the count * The ridge line must be restored now * Permanente Creek must be cleaned up now
Ruff [redacted]	2 [redacted] Cricket Hill Road Cupertino 95014				X			X			X	I am concerned by the existence of a polluting quarry in the proximity of a residential area. The quarry should end his operations as soon as possible.
Anne [redacted]	[redacted] Granger ave Los Altos 94024				X			X			X	Why are we not holding this company to the same environmental standards that everyone else has to adhere to?
Charles [redacted]	[redacted] Wistaria Lane Los Altos, CA 94024				X			X			X	
Gabriella [redacted]	[redacted] Riviera Drive Los Altos 94024				X			X			X	
H Keith [redacted]	[redacted] Richardson Ave Los Altos, CA 94024				X			X			X	
Reza [redacted]	[redacted] McClellan Road, Cupertino, CA 95014				X			X			X	
Man [redacted]	[redacted] Yerano Drive Los Altos, CA 94022				X			X			X	
Marsha [redacted]	[redacted] Kale Dr. Los Altos Hills 94022				X			X			X	
Cheryl [redacted]	[redacted] Solana Dr. Los Altos, CA 94022				X			X			X	
Ter [redacted]	[redacted] Fallen Leaf Lane, Los Altos, 94024				X			X			X	
Phyllis [redacted]	[redacted] Via Maderas Los Altos, CA. 94024				X			X			X	
KATHARINE [redacted]	[redacted] W. LOYOLA DR., LOS ALTOS HILLS				X			X			X	I worry that the whole hillside could collapse, with so much cut out of the other side. Also, is there a way to reduce the dust?
Anonymous	Birdland Neighborhood Sunnyvale, CA 94087			X	Not sure			X			X	
Issue [redacted]	[redacted] September Dr., Cupertino, CA 95014				X						X	These choices are an oversimplification. Can't some of the waste be used for construction projects like roads, highways, shopping center development, housing projects, etc.?
Jennifer [redacted]	[redacted] Oriole Ave, Sunnyvale, CA 94087				X						X	
Elaine [redacted]	[redacted] Hampshire Court Sunnyvale 94087				X						X	
deepak [redacted]	[redacted] Poplar Grove Sq Cupertino CA 95014				X						X	Existing pile is a huge hazard in my opinion and toxics can go to the ground water table too. So better remove this from where it is right now and make area look good and pretty too. Should be definitely removed
Mark [redacted]	[redacted] Oriole Ave Sunnyvale, CA 94087				X						X	
Lucy [redacted]	[redacted] Nightingale Avenue, Sunnyvale CA 94087				X						X	
May [redacted]	[redacted] Lebanon Drive Cupertino, CA 95014				X						X	Lehigh should not be allow to continue to operate or expand because of the health risks imposed by the mining and the environmental noise and pollution from the trucks.
Marilyn [redacted]	[redacted] Cass Place Cupertino, CA 95014				X						X	
Charles [redacted]	[redacted] Creston Drive, Los Altos, CA 94024				X						X	Jobs are important but not more important that our health and the health of our children. Lehigh must take responsibility for their pollution and waste, and clean it all up.
Deborah [redacted]	[redacted] Vireo Avenue Sunnyvale, CA 94087				X						X	The plant should also be required to clean up the creek and any other property discovered to be contaminated/polluted.
Jennifer [redacted]	[redacted] Showers Dr, #A139 Mountain View, CA 94040				X						X	Lehigh is a bane to our community.
Patricia [redacted]	[redacted] Byrne Ave				X						X	I am disappointed that the new quarry owners didn't have the decency to warn the neighbors about their expansion. The quarrying always progressed due west, into the mountain, and never to the east, which is too close to the population. In fact, during World War II, Henry J. Kaiser built many homes in Monta Vista for his workers, a thoughtful 2.5 miles east of the dusty quarry pit operation. This conflict will be resolved after the misquidated newcomers are ordered to remove everything they have illegally dumped onto the old Permanente Metals property.

Tim	Lebanon Dr Cupertino, CA 95014						X				X	Based on Lehigh's record against their 1985 promise and the County's record of failing to enforce the 1985 plan, I have no doubt that the EMSA will remain an eyesore and an environmental disaster as long as I live unless the pile is removed and put back into the exhausted quarry where it is useful. I would like to see better oversight and more stringent regulation of activities at this site.
Amy	Sycamore Drive Cupertino, CA 95014						X				X	
Corinne	Merriman Road, B. Cupertino, CA 95014						X				X	
Kurt	Merriman Road, Cupertino, CA 95014						X				X	
Sandhya	Cricket Hill Cupertino ca 95014						X				X	
Karen	Lorne Way Sunnyvale, CA 94087						X				X	Please, let's respect the environment, and keep it safe for future generations. They are going to pay for our bad decisions, greed and short cuts.
Margaret	Lerwick Court Sunnyvale Ca 94087						X				X	
Greta	Lampighter Sq. Cupertino, Ca. 95014						X				X	
Thelma	Highlands Circle, Los Altos, CA 94024						X				X	I have been cleaning, the grit and grime from my patio and furniture for 52 years now and I pray that the mine is closed forever!!!
Dena	Thunderbird Ave Sunnyvale, CA 94087					X					X	
Susan	Byrne Ave Cupertino CA 95014						X				X	Fraud and deception are theft of property: It is disingenuous for Lehigh Hansons Marvin Howell to say the EMSA is a view shield for the cement plant. From every single vantage point I am aware of, including the home my family has owned since the 1940s - the illegal piles of mining waste are not even close to the cement plant's viewshed. Now, Mr. Howell alleges residents often ask him, "how can you make it bigger and how fast can you get it done?" Let's be honest: The illegal EMSA is for the financial benefit of a multinational corporation, headquartered in Heidelberg, Germany, with a market capitalization of 6.8 billion dollars. In other words, they can well afford to return the beautiful Permanente viewshed they brazenly stole from our community to its natural state, and they must be ordered by the County to do so immediately.
Jennifer	Hanna Drive Cupertino, CA 95014						X				X	
Kim	St. Joseph Court Los Altos, CA 94024						X				X	
Phyllis	Albertsworth Lane Los Altos Hills, CA 94024						X				X	As someone with ongoing serious health problems, I am particularly concerned about the many kinds of pollution caused by the Lehigh quarry and cement plant.
Priya	Potters Hatch Crnni Cupertino, CA						X				X	
Christine	Dawson Drive, Los Altos Hills, CA 94024						X				X	
Dennis	Waxwing Ave Sunnyvale, CA 94087					X					X	
Yogi	Ridgeaway Dr						X				X	The Lehigh Cement plant is a disaster waiting to happen for the City of Cupertino!
Christoph	Medina Lane Cupertino						X				X	
Dennis	Firwood Dr Cupertino, CA 95014						X				X	
ellie	cricket hill road cupertino, ca 95014						X				X	
Jane	Lampighter SQ Cupertino CA						X				X	
Prem	Cricket Hill Road, Cupertino CA - 95014						X				X	
Josh	Villa Drive, Los Altos 94024						X				X	
Slawmir	Manzanita Ct Cupertino, CA 95014						X				X	
Julie	Wisania Lane, Los Altos CA 94024						X				X	Please also ensure that Lehigh stops dumping pit waste into Permanente creek.
Tappan	Firth Court, Sunnyvale, CA 94087						X				X	
Daniel	Laurentian Way Sunnyvale, CA 94087						X				X	More information on the risks/benefits of capping the pile needs to be provided to the community.
James	St. Joseph Ave, Los Altos, CA 94024					X					X	Please make it look natural and ideally, the new hill would block any visibility to the site from ground level on the Peninsula
Andy	Nightingale Ave. 94087						X				X	The language in this survey seems a bit biased against Lehigh's plan.
Lisa	Via Napoli Cupertino, CA 95014					X					X	Capping the waste with 1 foot of soil will not support vegetation growth due to normal rainfall and wind. It is easy to see that this was true for the West Materials Storage Area ... it has not supported any significant vegetation growth at all, despite the number of years it has existed. If Lehigh does make earnest efforts to ensure the waste pile supports regrowth, then they should remove their waste, just as I am required by law to remove waste from my own personal property.
Carol	Manzanita Ct Cupertino CA 95014						X				X	There is already so much dust that accumulates on all of our out of doors lawn furniture and patios. I wonder what it is doing to our lungs....I cannot imagine that keeping that pile there is good.
Carolyn	Kent Drive, Los Altos, CA 94024						X				X	

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Shunsc	Cricket Hill Rd. Cupertino 95014		X		X		I doubt vegetation will grow in a foot of soil over mine waste without irrigation.	X	Grass and small bushes dried out on the berms at DeAnza College even when built on clean soil.
William	Via Maderos Los Altos, CA 94024	X	X		X			X	
William	Showers Dr. Apt. E143 Mountain View, CA 94040	X	X		X			X	
Maureen	Monte Bello Road Cupertino, Ca 95014	X	X		X		The capping has not been successfully carried out in the past.	X	This quarry is in a residentially sensitive area and citizens should not be subjected to the mercury in the air, nor the other pollutants.
Ker	Henny Creek Place Cupertino, CA 95014	X	X		X			X	The Lehigh facility has to be phased out given the decades of toxic emissions it has spewed in the region and is the largest toxic emission polluter in the Bay Area
Jane	Arbuelo Way Los Altos, CA 94022	X	X		X			X	
Caro	Sierra Ventura Drive Los Altos CA 94024	X	X		X			X	
Lewis	Larnel Place, Los Altos, ca 94024	X	X	Permanete Creek runs behind my home. I would like to stop further releases of mercury into the reservoir and creeks in the local area.	X		Moving the waste would be like moving your dirty clothes from one room to another. Let's leave it where it is and do the best to cap it off and prevent the rain from washing it into the streams and reservoir.	X	
Catherine	Sycamore Court, Los Altos, CA 94024	X	X		X			X	Please make the EIR include all of the pollution related to Lehigh (mining, cement plant, and cement trucks picking up cement daily). They have polluted the environment too much and need to significantly reduce it or stop completely.
Greg	Oakhurst Avenue Los Altos, CA 94024	X	X		X			X	
nancy	granger ave., los altos, ca 94024	X	X		X			X	
Merritt	Via Huerta Los Altos, CA 94024	X	X		X			X	
Rimma	Eva Ave Los Altos, CA 94024	X	X		X			X	
Ellen	Mountain View Avenue Mountain View, CA 94041	X	X		X			X	
Steve	Longden Circle Los Altos, CA 94024	X	X		X			X	
Susan	Regent Dr. Los Altos CA 94024	X	X		X		And add to the toxicity levels affecting the surrounding neighborhoods and ecosystems?.....Absolutely NOT! Clean it up, remove the wastes, DO NOT disguise it!!!!	X	We have the right to live a clean life and this is an unreasonable thing to expect of people to have polluting our environment. A viewshed is NOT a solution!
Katrin	Ridneway Drive Cupertino, CA 95014	X	X		X			X	
Dave	Robinhood Ct. Los Altos, CA 94024	X	X		X			X	
Heldi	Wessex Ave. Los Altos, CA 94024	X	X		X			X	
Sylvia	ongdown Rd. Cupertino 95014	X	X		X			X	
Eran	Oakcrest Court Cupertino 95014	X	X		X			X	
Nancy	Aster Lane Cupertino 95014	X	X	Yes, if and only if the entire operation can show 100% compliance to all environmental requirements	X		Please define mining waste. I understand that to mean natural indigenous rock that's been displaced. If that's correct, moving it would be an enormously costly and time consuming effort and at what gain? Funnel those resources instead into formulating and executing a smarter plan than just capping with a foot of soil, etc. That plan sounds pretty weak and I think Lehigh can do much better than that.	X	We need to remember Lehigh was here long before any of us. We moved here knowing Lehigh was operating just like they're operating now. Lehigh started out establishing their operation well away from residents, as well they should have. It's the residents that moved closer and closer to Lehigh. We need to stay cognizant of this. Having said that, Lehigh must nonetheless stay 100% compliant with all environmental requirements at all times.
G. William	W. Homestead Rd., # 7C	X	X	Mine tailings should not be allowed to pollute any streams, creeks, or water tables.	X		Starting immediately.	X	The Lehigh Cement plant and quarry should be shut down and the land reclaimed starting immediately. Cupertino is no place for a mining and cement production facility like this. Oakland recently required diesel trucks entering and leaving the port to be fitted with new pollution control devices because of the health hazard they pose. Trucks leaving and entering the Lehigh facility should be required to meet the same pollution standards. As long as the Lehigh facility is allowed to operate, it should be required to shut down completely on spare the air days.

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Robin [redacted]	2nd Avenue San Mateo, CA 94401	X	X	X	Two atmospheric environmental consequences of quarrying are the noise produced from mining machinery and the high levels of dust thrown up into the air. Depending on wind patterns or surrounding cover, airborne dust can travel many miles from a mining site and affect the health of downwind residents, especially those with preexisting lung issues. Noise pollution from the heavy equipment used in quarries can drive back local wildlife as well.	X	I child attends school not too far from hear and plays. drink the water, breathe the air, etc... (Airborne dust particles from Asbestos pose the greatest risk to us all. quarry becomes contaminated with hazardous Asbestos) If we are to have leaders in the future of our country we should be protecting our children and their future to make it an environmental safe place to live without killing them or making them very sick throughout their lifetime.
William [redacted]	Camberley Ln. Cupertino, CA 95014	X	X	X		X	Storage areas just buy time and push the issues to a future generation. It is a function of cost and convenience and not safety when these decisions are put in place. It is like covering up dog poop with dirt vs just picking it up and disposing of it. Except more toxic. A business will build into their pricing if these costs are standard. Until then, it would be just add'l margin. Lehigh can afford to do this if they operationalize the requirement.
Kurt [redacted]	Yorkshire Drive	X	X	X		X	
Tom [redacted]	Cricket Hill Rd. Cupertino, CA 95014	X	X	X		X	
Ruth [redacted]	Stokes Ave. 95014	X	X	X		X	
Erin [redacted]	Jillrick Way Cupertino, CA 95014	X	X	X		X	
Lorren [redacted]	Austin Ave Los Altos, CA 94024	X	X	X		X	
Alex [redacted]	Fiesta Lane, Cupertino, CA 95014	X	X	X		X	Hanson Cement indicated in the July 2004 Reclamation Status of Hanson Quarry article that the vegetation would be filled out in 3-5 years. The pictures of WMSA sure don't appear to be that way. I believe that the County has an obligation to hold the quarry responsible for all of it's obligations. This means it should be current on all required plans and meet all required state and federal regulations. They have had years to plan and react. If they are out of compliance, then they chose to do so - shut them down until they comply.
Gregory [redacted]	Hyde Ave, Cupertino 95014	X	X	X		X	Removing the waste is a known-good solution. Letting them bury it and hope for the best is not. How hard can this decision be if you are supposed to act on behalf of the residents' best interests (rather than simply Lehigh's)?
Robert [redacted]	Black Oak Way Cupertino, CA 95014	X	X	X		X	Test both WMSA and EMSA for existence of harmful metals and other compounds. Then take steps to ensure those doesn't get into the air or water. Finally, restore the terrain as it was before the mining operations started. Partial restoration of terrain should be done now, rest should be covered with a bond of sufficient value to cover the potential costs of full restoration.
Tim [redacted]	Arroyo de Arguello Saratoga, CA 95070	X	X	X		X	Lehigh is trying to hide the total environmental impact of its operations by saying that the diesel truck traffic on Foothill and the selenium discharge from their concrete plant have nothing to do with quarry operations. The EIR really needs to address the total impact the operation is having on residents. The quarry has problems, but they're not the only problems.
Noel [redacted]	Byrne Ct, Cup.	X	X	X		X	The air and water pollution and truck traffic created by the Lehigh quarry are not well controlled. I would like Lehigh's mining activity limited as much as possible.
Brad [redacted]	Homestead Ct Los Altos CA 94024	X	X	X		X	
Steve [redacted]	Kent Drive, Los Altos, CA 94024	X	X	X		X	
John [redacted]	Newcastle Drive Los Altos, CA 94024	X	X	X		X	
Julia [redacted]	Henry Creek place, Cupertino, Ca 95014	X	X	X		X	
John [redacted]	Lebanon Drive Cupertino CA 95014	X	X	X		X	
Saibal [redacted]	Firwood Drive, Cupertino CA 95014	X	X	X		X	
Peg [redacted]	Homestead Court Los Altos, CA 94024	X	X	X		X	For purposes of the EIR, I believe Lehigh should be considered as one entity. The EIR should tell us the total environmental impact of Lehigh: the cement plant, quarry, and large vehicular transport. At that point we can decide the action needed to ensure clean air and clean water for our children and for the health of the entire community.
Nayantara [redacted]	Mc Clellan Road, Cupertino, CA 95014	X	X	X		X	The truck traffic is a real problem for air quality and noise pollution.
Susanne [redacted]	Firwood Drive Cupertino, CA 95014	X	X	X		X	

11/15

Serenia	██████████ Laver Ct Los Altos, CA 94024									X						I would prefer Lehigh cement plant be completely shutdown. I plan to raise a family and I do not want to have soil/air contaminated with mine wastes.
Cynthia Shekhar	██████████ Sycamore Drive Cupertino, CA 95014 ██████████ Black Oak Way Cupertino, CA 95014	X	X	X	X					X						
Barbara Matt Ian	██████████ Sycamore Dr. Cupertino, CA 95014 ██████████ Amistad Ct. Cupertino, CA 95014 ██████████ Sycamore Dr, Cupertino, CA 95014	X	X	X	X					X						
Jason	██████████ ██████████ events creek blvd, cupertino, ca 95014	X								X						The time has come to get quarrying operations out of the south bay. The bay area was a different place when the Permanente quarry was opened - it was far more rural and less populated. With the growth of the area, the impact of this quarrying operation has expanded dramatically, to the point where it is not acceptable. High levels of selenium and mercury are being emitted into the air and drinking water used by millions of people. It is also a visual blight on an otherwise beautiful area. It's time to shut down the quarry.
Cynthia	██████████ ██████████ Heney Creek Place Cupertino, CA 95014	X								X						
Jason	██████████ Brown Street Akron, OH 44311	X								X						Now is the time for an end to the use of all dirty energies and fossil fuels.
David Dan Weiping Calvin Michelle Victoria	██████████ Sycamore Drive ██████████ Mimosa Ct. Los Altos, CA 94024 ██████████ Creeklime Drive Cupertino, CA 95014 ██████████ Manzanita Ct, Cupertino, CA 95014 ██████████ Oak Valley Road Cupertino CA 95014 ██████████ Bitter Oak Street, Cupertino, CA 95014-0105	X	X	X	X					X						
Paula Don Brett Fred	██████████ Sycamore Dr Cupertino, CA 95014 ██████████ Lebanon Drive Cupertino 95014 ██████████ San Juan Road, Cupertino CA ██████████ Heney Creek Place Cupertino CA 95014-0829	X	X	X	X					X						I noticed just the other day that the view of the hills from Steven's Creek Blvd. (e.g. at intersection with Hollenbeck/Stelling) is getting ugly. I believe this is the EMSA.
Jack	██████████ ██████████ Oakcrest Ct. Cupertino, Ca. 95014-0830	X								X						Get rid of the quarry! Get rid of Hansen! Get rid of the politicians that are part of the former management Hanson coalition! Get rid of the TRUCKS that are destroying our local streets and are a safety concern for our children, and who are polluting our environment!!!!!! It is time that people in the Bay area realize the potential problems with the contamination of the cement plant. Also, our political representatives need to start listening to their constituents and not the big companies.
Vicky	██████████ Alpine Dr. Cupertino, CA 95041	X								X						Enough is enough! They don't even want to bother to clean up their mess.
Peter Richard Andrea Cathy	██████████ Chelsea Drive Los Altos CA 94024 ██████████ Juniper Ct, Cupertino 05-14 ██████████ San Fernando Ave. ██████████ Dunbar Dr.	X	X	X	X					X						EMSA is overburden is polluted and is covering up the pollution under it from the aluminum & ammunitions plant. The dust is blowing all over the valley especially near the Oaks condos next to it people are suffering from the pollution. Lehigh Cement and Quarry need to be closed down in order to save lives.

Leigh	Serra St, Cupertino, CA 95014	X	The waste pile is illegal and possibly hazardous.	X	It infuriates me that there has been a blatant attitude of "just do it and we'll shrug our shoulders helplessly and apologize later". We don't know what hazardous material are being exposed to the air and our watershed via storm run-off (is mercury). On a tour, we were told that there was no way that the Permanente stream was being contaminated but I didn't see any mitigation measures to that effect and find that unlikely.	X	To me, the idea of the view shed is insulting. The assumption is that if Lehigh builds a new hill we won't be able to see what they are doing so therefore won't complain about it. Out of sight, out of mind, thereby allowing Lehigh to do whatever they want. If this was a company that showed respect for laws and regulations, fine. But, it's not, so I have grave concerns about what they might do.
Carol	Miller Ave, Cupertino CA 95014	X		X	Used to fill the pit mine	X	I am not sure if answers registered: #3, No #4, Remove pile and use to fill pit when feasible. #5, Yes
Don	Chace Dr, Cupertino, CA 95014	X		X		X	We have law, they should be respected. If the laws are not sufficiently protecting the population, then additional steps should be taken.
Francois	Hammond Way, Cupertino, CA 95014	X		X		X	Lehigh is reping the land with the help of the Santa Clara County Board of Supervisors. The last approval for a free ride for 20 years was reprehensible.
Mark	Rucker Dr., Cupertino, CA 95014	X		X		X	A simple solution for Lehigh is JUST COMPLY with the state, county & federal environmental laws instead of delay tactics, law suits & bribes to monitoring agencies. If public health & safety of Bay area residents is of no concern, what about the health of your employees?
Steve	Alpine Dr, Cupertino 95014	X		X		X	I am also concerned about the pollution from the plant in the form of particulate matter in the air and dumping waste in the creek. I do not like all the trucks coming up and down Foothill to the plant.
Russell	Milky Way, Cupertino, CA 95014	X		X		X	Why would allowing this pile to grow even be allowed? It is outrageous.
Jeanne	Park Villa Circle, Cupertino, CA 95014	X		X		X	Inam concerned about the continued operation of the facility in general. Both for health reasons and for the eye sore it represents.
Thorsten	Poppy Dr, Cupertino, CA 95014	X		X		X	The views of the WMSA are not well grown or covered. I do not think a foot of soil or dirt would hold any significant vegetation, also the outline of the pile is not in keeping with skyline in that area. Noise pollution is also problem with Lehigh but not covered at this time in survey.
Erica	Rosario Ave., Cupertino CA 95014	X		X		X	I think they should route all the noisy and disruptive Truck traffic another way. We have been pulling up with it long enough.
Danny	Nile Drive, Cupertino, CA 95014	X		X		X	Allowing Lehigh cement plant and quarry to operate in Cupertino and in middle of one of densely populated area is one of the most dangerous thing for health of millions of people and environment in bay area and the nearby cities. This goes on to show how insensitive and careless the local politicians and governments are to the people of the area.
Barbara	Deodara Drive Los Altos 94024	X		X		X	This mining operation should be forced to reduce the dust the plant produces. We have to clean the dust off the kitchen surfaces every day. Thank you.
Gordon	Oak Valley Rd, Cupertino CA 95014	X		X		X	I live across 280 from the plant and have been watching the pile of the EMSA grow over the last 12 years. As I understand it the storage is in long term violation of federal and/or state law.
Muriel	Poppy Drive Cupertino CA 95014	X		X		X	
Kathryn	Hammond Way, Cupertino, CA 95014	X		X		X	
Shari	Murieta Lane Los Altos Hills, CA 94022	X		X		X	
andrea	sycamore drive cupertino ca 95014	X		X		X	
Kirk	Oak Vally Rd Cupertino, Ca	X		X		X	
Jane	Churton Ave. Los Altos 94024	X		X		X	
Barry	Linda Ann court, Cupertino, CA	X		X		X	
Sanjeev	Scenic Blvd Cupertino, CA 95014	X		X		X	
Jim	Magdalena Road Los Altos Hills, CA 94024	X		X		X	
Robert	Madelaine Ct, Los Altos, CA 94024	X		X		X	
Charles	Arboretum Drive Los Altos CA 94024	X		X		X	
Debra	Price Avenue, Cupertino, CA 95014	X		X		X	
Brad	Highlands Circle Los Altos, CA 94024	X		X		X	
Kay	Sycamore Ct, Cupertino, CA 95014	X		X		X	

Cybil Cathy Keith	bonita ave Mt. View, CA 94040 Noel Drive Los Altos, CA, 94024 canyon oak way	X	X	X	X	X	X	X	X	X	X	X	I sit with the management of the plant on a regular basis and listen to their plans and comments and have a healthy dialog
Linda Neomi Randall Tan Lyn	Oak Valley Road Cupertino, CA 95014 Miramar Ave. San Jose, CA 95129 Miramar Ave. San Jose, CA 95129 Chace dr. Cupertino CA 95014 Canyon Vista Dr. Cupertino, CA 951014	X	X	X	X	X	X	X	X	X	X	X	My understanding is that EMSA began as an illegal activity on the part of Lehigh's prior owners. Even if EMSA is now considered to be grandfathered in so that its existence is now legal, I do not believe that it serves our community well, for a variety of reasons. For it to be expanded and then reclaimed in a way that may, or may not be an enhancement is a disservice to our citizens and those that follow us.
Kumar Isabel Gary Gregory Judy Cathy	Nonwalk Dr, 88208, San Jose, CA Peralta Ct. Cupertino, CA. 95014 Sycamore Dr. Cupertino Ca 95014 Oak Valley Road. Cupertino, CA 95014 canyon oak way, cupertino, ca 95014 Canyon Oak Way, Cupertino, CA 95014	X	X	X	X	X	X	X	X	X	X	X	The continuation of the storage at this facility continues to endanger the health of the adults and children who live in the surrounding area. This is not acceptable and needs to be taken care of. Would those who are not living in the vicinity wish to have this mining waste placed close to their homes?
Keith	Madrone Ct. Cupertino, CA 95014	X	X	X	X	X	X	X	X	X	X	X	From the photographs of the WMSA it appears that the proposed plan to cap and vegetate either didn't work or was never implemented - if this is true then the only course seems to be remove the pile.
George Don	Canyon Oak Way Cupertino, CA 95014 Manzanita Ct, Cupertino	X	X	X	X	X	X	X	X	X	X	X	Is there any thing else that can be done to alleviate some of the dust. This dust accumulates at an alarming rate and covers our cars and inside our houses. I would like to know what the health effects of years of breathing this dust is doing to us and our children.
Anisa Vilay Faro	Juniper Court, Cupertino, CA 95014 Sycamore Court, Cupertino, 95014 Sycamore Drive Cupertino, CA 95014	X	X	X	X	X	X	X	X	X	X	X	Lehigh, a German corporation should not be allowed by the USA protection agencies to continue destroying bay area's landscape for the sake of corporate profit. That is un-American.
Nancy Pam	Canyon Oak Way Cupertino, CA 95014 Canyon Oak Way Cupertino 95014	X	X	X	X	X	X	X	X	X	X	X	Remove it--1 foot of soil won't sustain decent plant growth and will erode too readily
Kenneth Harr	Madrone court, Cupertino, Ca. 95014 Madrone Ct, Cupertino, CA 95014	X	X	X	X	X	X	X	X	X	X	X	Waste should be required to be removed
Terri	91 Manzanita Court	X	X	X	X	X	X	X	X	X	X	X	Lehigh, and Hansen before that have promised to vegetate this monstrous pile of waste before, and have not done so. A public tour last Thursday revealed not one piece of vegetation growing on the ESMA. Please recommend that they remove this waste!
rhoda	san fernando ave, cupertino, 95014	X	X	X	X	X	X	X	X	X	X	X	Make financial assurances for cleaning up areas that are not in the RPA such as those affected by the cement plant and prior manufacturing at Kaiser Aluminum and the site that was used for making munitions during WWII. Before moving 'mining waste', find out what's in it because there likely isn't only mining waste in there.
Karen	Camino Vista Dr. Cupertino, CA 95014	X	X	X	X	X	X	X	X	X	X	X	Yes, remove the mining waste.

END OF RESPONSES

15/15

Subject: Le High ESMA

Date: Wednesday, May 30, 2012 4:40 PM

From: Michael Lashen <go2ml99@gmail.com>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Le High ESMA

5/31/2012
Supplemental Packet
Item # 3

To whom it may concern;

As a long time businessman and resident of Cupertino, I am in favor of the completion and reclamation to ESMA area at the Le High plant. I believe it is a good thing for the foothills above Cupertino and neighboring communities, as the reclamation plan would block out the views from the plants operational side.

The Le High plant and the residents deserve to have the completed ASAP.

Please lets get this plan approved and completed.

Sincerely;

Michael Lashen

Subject: Lehigh Reclamation Plan

Date: Wednesday, May 30, 2012 5:17 PM

From: Darryl Stow <darryl_s@pacbell.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Reclamation Plan

5/31/2012
Supplemental Packet
Item # 3

Scott Lefaver, Chair

As a long time resident of Cupertino, I support the Lehigh Cement reclamation of the EMSA. Lehigh has been a very good community partner, supporting local charities including the Cupertino Historical Society. They provide a valuable resource to our valley and the state.

Darryl Stow

20197 Las Ondas Way

Cupertino, CA 95014

Subject: LeHigh/Hanson Reclamation plan

Date: Wednesday, May 30, 2012 7:14 PM

From: Francisco Navarro <navarro.fr34@gmail.com>

To: <planning.commission@pln.sccgov.org>

Conversation: LeHigh/Hanson Reclamation plan

5/31/2012
Supplemental Packet
Item # 3

Dear Scott Lefaver,

I beg you to please grant LeHigh's EMSA reclamation request. As an employee I understand my opinion is not as relevant as the people who live in the community.

I still hope you will consider my opinion.

My feelings are most people who oppose the operations do it, unfortunately, based solely on a very self-centered perspective.

Believe it or not I was an environmentalist at one point. Still today, I avoid using my personal car for when I can either walk or use my bike instead. I own only a couple of cars and both are 4-cylinder.

Environmentally-wise I feel we as a global community need to have access to local cement. We're going to continue building our infrastructure in order to fix the country's economy. Therefore is in our best interest to have the cement locally when available. How much more carbon will we be using if we are to transport it from China or Mexico? I believe a lot more. Besides the fact that we all know people who work in those sites are not protected in many ways we are.

I beg you to please consider these points.

With respect,

Francisco Navarro.
LeHigh Hanson hourly employee.

--

Subject: Lehigh Southwest Cement Reclamation Plan

Date: Thursday, May 31, 2012 7:30 AM

From: K Bloxham <kbloxham@earthlink.net>

Reply-To: K Bloxham <kbloxham@earthlink.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Southwest Cement Reclamation Plan

5/31/2012
Supplemental Packet
Item # 3

Hello to the Santa Clara County Planning Commission!

My name is Kerry Bloxham. I have been working at the Lehigh facility for just over 21 years. I am originally from New Zealand and live in the city of Livermore.

I am very supportive of the EMSA plan. I realize that during the three stages of reclamation the area will not look like the natural landscape, but when it is complete with brush and greenery growing in the area it will look as beautiful and natural as the surrounding area – whether viewed from the valley floor or from the air flying into San Francisco on a return flight from a visit home to New Zealand!

Sincerely,

Kerry Bloxham

Subject: To Scott Lefaver re Lehigh Plan

Date: Wednesday, May 30, 2012 9:08 PM

From: Barbara <northbaj@att.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: To Scott Lefaver re Lehigh Plan

5/31/2012
Supplemental Packet
Item # 3

Dear Mr. Lefaver:

My name is Barbara A. Jones and I have lived at 10380 Castine Ave. in Cupertino for the past 42 years. I am less than 3 miles from the corner of Stevens Creek Blvd. and Foothill Blvd., and therefore about 4 miles from the Lehigh Cement Plant. I have no connection with the Lehigh plant.

I totally support the completion of construction and reclamation of the East Materials Storage Area. I feel it is a good way to improve the view of people without constricting the activities of Lehigh. I do not believe we should force them into returning boulders to the pit, as then the pit will be worthless because the boulders would be in the way. The boulders should be allowed to stay in the EMSA and be hidden by the plan proposed by Lehigh.

When I lived in Campbell in 1951 and drove with my parents to visit my grandmother in Palo Alto, we crossed Stevens Creek at the Cupertino Crossroads regularly. The cement plant was there in the hills then, without a single residential area in what is now Cupertino, so anyone who has moved to this city would be aware of the existence of the plant, or they did not do due diligence.

When we have a large earthquake, we may be very glad that there is a cement plant so close to Silicon Valley.

Thank you for your time,

Barbara A. Jones
408-257-9385

Subject: Lehigh Southwest Cement Reclamation Plan

Date: Thursday, May 31, 2012 6:57 AM

From: Joan Malcolm <jomalcolm@earthlink.net>

Reply-To: Joan Malcolm <jomalcolm@earthlink.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>, <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Southwest Cement Reclamation Plan

5/31/2012
Supplemental Packet
Item # 3

Dear Scott Lefaver:

I have worked at Kaiser/Hanson/Lehigh Southwest Cement for almost 20 years now. My original lab partner retired after working at Kaiser for 50 years. It is a company with a long history of providing good jobs and a necessary product for our larger community.

Lehigh excels at preparing reclamation plans and takes great pride in enhancing the environment for the benefit of surrounding neighbors and visitors alike. The EMSA provides an invaluable role in obscuring views of the industrial operations of the plant from the valley floor and improving the view shed of the community.

Our company is highly regulated by numerous government agencies. It provides more than half of the cement used throughout the Bay Area and is currently supplying cement for the new 49ers stadium, the Bay Bridge project, and the upcoming Apple complex.

I urge you to support the approval of this reclamation plan for the benefit of our current community as well as many generations to come.

Thank you,

Joan Malcolm

Subject: Lehigh Southwest Cement Reclamation Plan

Date: Thursday, May 31, 2012 7:30 AM

From: K Bloxham <kbloxham@earthlink.net>

Reply-To: K Bloxham <kbloxham@earthlink.net>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Southwest Cement Reclamation Plan

5/31/2012
Supplemental Packet
Item # 3

Hello to the Santa Clara County Planning Commission!

My name is Kerry Bloxham. I have been working at the Lehigh facility for just over 21 years. I am originally from New Zealand and live in the city of Livermore.

I am very supportive of the EMSA plan. I realize that during the three stages of reclamation the area will not look like the natural landscape, but when it is complete with brush and greenery growing in the area it will look as beautiful and natural as the surrounding area – whether viewed from the valley floor or from the air flying into San Francisco on a return flight from a visit home to New Zealand!

Sincerely,

Kerry Bloxham

Subject: Lehigh Permanente Cement Plant Reclamation Plan

Date: Thursday, May 31, 2012 7:30 AM

From: Urbanik, Dean (Cupertino) NA <Dean.Urbanik@hanson.biz>

To: "Planning.Commission@pln.co.santa-clara.ca.us"

<Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Lehigh Permanente Cement Plant Reclamation Plan

5/31/2012
Supplemental Packet
Item # 3

Santa Clara County Planning Commission,

My name is Dean Urbanik and as a 16 year employee of the Lehigh Permanente cement company, I ask you to approve the Lehigh Reclamation plan. The art of reclamation has come a long way since the early days of mining. I was raised in the strip mining region of central Pennsylvania and it is amazing how they have returned the land to pristine conditions.

Thank you for your consideration,

Dean Urbanik

Subject: Reclamation of the EMSA

Date: Wednesday, May 30, 2012 2:31 PM

From: Gregg Hilliker <golfndude1x@yahoo.com>

To: <Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Reclamation of the EMSA

5/31/2012
Supplemental Packet
Item # 3

- I support the completion of construction and reclamation of the East Materials Storage Area (EMSA)
- This portion of the reclamation plan will obscure views of the industrial operations of the plant and improve the view shed for the community

Best regards,

Gregg Hilliker
Prunedale Ca. 93907

Subject: Written Comment: Lehigh Permanente Quarry RPA

Date: Tuesday, May 29, 2012 11:58 AM

From: Susan Sievert <spsievert@gmail.com>

To: <planning.commission@pln.sccgov.org>

Conversation: Written Comment: Lehigh Permanente Quarry RPA

5/31/2012
Supplemental Packet
Item # 3

Dear County Planning Commission,

Since the Lehigh Permanente Cement Plant and Quarry are an integrated operation, the cement plant must be included in their Reclamation Plan Amendment (RPA).

The Water Board staff found physical evidence of cement plant waste in Lehigh's East Materials Storage Area (EMSA) – an area that is included in the RPA: *"cement kiln bricks --which have been observed in the EMSA and photographed by Water Board staff--and dust used in the industrial processing of mined material; chemical waste materials; waste liquids, solids, and sludges produced in manufacturing industrial products such as aluminum, cement and sand and gravel."* Source: page 6, February 21, 2012 Water Board dEIR RPA comments to the County.

Please do not allow HeidelbergCement, of Heidelberg Germany, "one of the world's largest manufacturers of building materials," with a Market Capitalization of 6.8 Billion dollars to:

- 1) cry poor so they can skirt US environmental and land use laws, and
- 2) shift the cement plant's clean-up burden onto the backs of county taxpayers.

Thank you,

Susan Sievert
A resident of Santa Clara County

Subject: Lehigh RPA revised Conditions of Approval

Date: Tuesday, May 29, 2012 12:37 PM

From: Rod Sinks <rodsinks@gmail.com>

To: Marina Rush <marina.rush@pln.sccgov.org>, <Michele.Napier@pln.sccgov.org>, <JTVidovich@planning.commission@pln.sccgov.org>, <jackbohan@hughes.net>

Conversation: Lehigh RPA revised Conditions of Approval

5/31/2012
Supplemental Packet
Item # 3

Dear Planning Commissioners and Members of County Staff,

Here are two revised Conditions of Approval for your consideration:

21. Neither the approval of the RPA or compliance with conditions of approval shall relieve the Mine Operator from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any RPA or related permit serve to impose any liability upon the County of Santa Clara, its officers, employees or agents for injury or damage to persons or property. Moreover, the conditions of approval of the RPA are not intended by the Planning Commission to prevent or interfere with more stringent requirements that have or may be imposed by the RWQCB or any other agency or court.

77. After the completion of reclamation, the quality of surface and groundwater discharges to Permanente Creek shall not exceed any applicable water quality standards, including Basin Plan Objectives. Reclamation of all areas shall not be considered complete until 10 years after the ground water levels reach equilibrium, with water quality testing demonstrating to the satisfaction of the Planning Manager that any pollutant including selenium in any groundwater discharge, surface water runoff, and any point source discharges to Permanente Creek have been reduced below, and will not in the future exceed, all applicable water quality standards, including Basin Plan Objectives.

Thanks,

Rod Sinks
rodsinks@gmail.com
408-446-3907

Subject: Reclamation prodject

Date: Wednesday, May 30, 2012 2:32 PM

From: Dias, Joaquin (Cupertino) NAM <Joaquin.Dias@LehighHanson.com>

To: "Planning.Commission@pln.co.santa-clara.ca.us"
<Planning.Commission@pln.co.santa-clara.ca.us>

Conversation: Reclamation prodject

I am a 17 year employee of Lehigh and would like very much to see this project go forward as it would bring back as much of the natural veiws.

I've always felt that our company cares about our neighbors and their concerns.As our enviroment becomes a hot topic , I'de like to see our company grow

In the same direction.I believe we are.I want others to believe that we are doing all we can to do business and at the same time care for the inviroment.

Thank You

Joaquin Dias

Maintenance Supervisor

Lehigh Southwest Cement Company

Permanente Plant

24001 Stevens Creek Blvd.

Cupertino, CA 95015

Office: 408.996.4002

Cell: 408.318.5471

Fax: 408.996.4215

joaquin.dias@lehighhanson.com <mailto:joaquin.dias@lehighhanson.com>

5/31/2012
Supplemental Packet
Item # 3

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Subject: Comments for Thursday Planning Commission Meeting

5/31/2012

Date: Wednesday, May 30, 2012 2:22 PM

From: Rhoda Fry <fryhouse@earthlink.net>

Supplemental Packet

To: <planning.commission@pln.sccgov.org>

Item # 3

Cc: <ombudsman@da.sccgov.org>, <Marni.Weber@conservation.ca.gov>

Conversation: Comments for Thursday Planning Commission Meeting

Dear Planning Commission:

I have many concerns about the RPA/EIR and am disappointed by the responses provided by county staff. For example, while it is correct that rain caused landslides, the root cause was slope instability caused by excessive mining activity and the county's failure to enforce SMARA. Similarly, I re-verified today with the SMGB, that the **RPA MUST BE IN COMPLIANCE WITH SMARA**, not "substantial compliance." SMARA compliance in the EIR is a separate story.

1. THE RPA MUST BE IN COMPLIANCE WITH SMARA

Please ensure that the RPA is in compliance with SMARA. In addition, earlier this year I went to a planning workshop with the OMR and the OMR representative confirmed that according to the annual SMARA report from the county, that Lehigh was not in compliance (the report stated general compliance). Notably missing was a required biannual report from the operator. Noncompliance must be followed up by a SMARA violation, this is particularly important because Lehigh is seeking to dilute the AB-3098 regulation.

2. PLEASE INCLUDE THE CEMENT PLANT IN THE RPA and EIR

- According to California Public Resources Code Section 2714 section c, the cement plant cannot be excluded from the RPA because minerals being processed are being extracted onsite.
- The OMR previously requested inclusion (they're out of the office for a couple of days at a training session in Napa, so I haven't learned why they changed their minds).
- The water boards also requested inclusion (one reason being that waste from the plant has been found in the waste piles).
- Lehigh themselves made compelling reasons for inclusion for the vested rights decision last February – that the cement plant, quarry, and aggregate facilities were one.

3. PLEASE INCLUDE ALL CURRENTLY DISTURBED AREAS IN THE RPA AND TEST WMSA PRIOR TO RE-MINING:

We know that there are legacy environmental hazard issues given the previous use of the land beneath and adjacent to the EMSA. There is a toxic history with manufacturing dating back to WWII: magnesium-filled incendiary bombs, ferrosilicon (highly flammable, ignites hydrogen, toxic), fertilizer made of phosphate rock in Idaho and serpentine from New Almaden, and later pressed aluminum products that also received attention from the EPA and county for improper storage of hazardous materials. The cement plant has also moved from one part of the property to another. There have

been leaching underground tanks scattered of the property. **There must be assurances in place that this land be reclaimed.**

Moreover, the historical record shows 40 structures dating back to 1961, many of which are no longer standing. The county planning department could not account for all of them and while some received demolition permits, final inspections did not occur. It is a logical conclusion that the remains of these buildings, many of them toxic, are sitting within the WMSA. **The WMSA likely contains foreign material (in addition mining waste) and must be tested before it is re-mined.** Note that the previous RPA intended to vegetate the WMSA (a broken promise).

While Lehigh is proud of their safety record, the Mining Safety and Health Administration (MSHA) is not. Lehigh has at least twice been the poster child for bad behavior on press releases in 2010 and 2011. There were over \$.5M in labor fines levied in 2011 and 2012, the vast majority of which is unpaid according to their database. For the safety of their employees and the safety of county citizens, **waste material must be tested before it is re-mined.**

4. SELENIUM TREATMENT

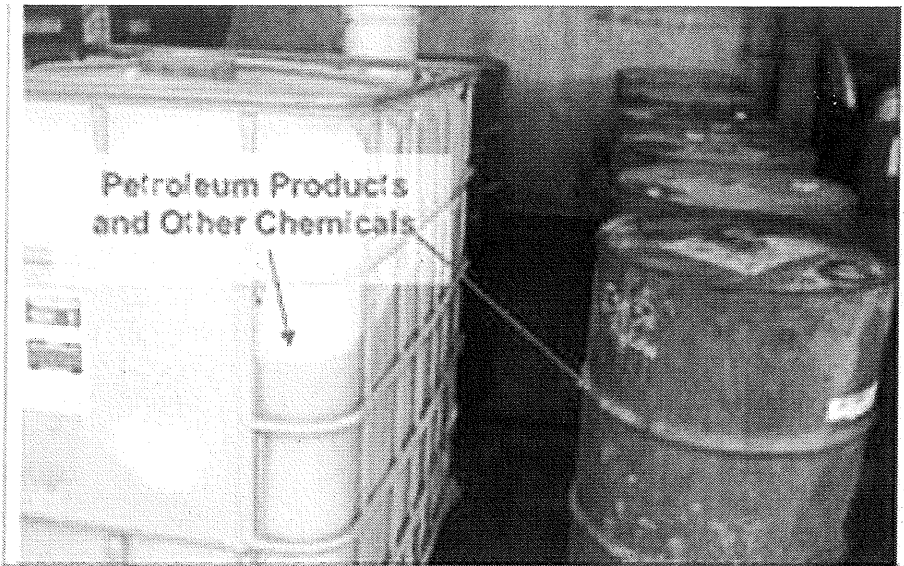
The selenium pollution in the up to 2 million gallons of daily effluent must be treated now. Lehigh chose to mine below the water table and now they must deal with it. Why the county would consider allowing them to mine yet another 200 feet into the existing pit is beyond me (this is an EXPANSION – even though it is vertical). Digging deeper is adding to a cumulative impact. **Selenium pollution is Lehigh's problem and they must solve it now, regardless of cost.** Here are several links to selenium treatment:

<http://www.namc.org/docs/00057713.PDF>

<http://www.wqa.org/pdf/TechBulletins/TB-Selenium.pdf>

http://www.mse-ta.com/brochures/mrk_02_watertreatment_selium2c.pdf

Separately, below is one of many photos (automotive lubricants and other chemicals stored in standing water) taken by the water boards as part of a Lehigh water violation that would fill several binders. This is one of many problems unrelated to the selenium problem. What gets me that if this were to occur at a mom and pop service station,



Photograph 37 - Automotive lubricants and other chemicals stored in standing water.

they'd be shut down instantly.

5. WE MUST FIX OUR SCENIC EASMENT NOW

The unstable slopes which are threatening our scenic easement must be repaired now. This was a promise made to us and it has been broken. The multiple letters from MROSD point to the delays. **We must repair what has been broken now.**

I know that this is a very painful process. We must do due diligence to bring Lehigh into compliance - not bend the rules so they can be dubbed compliant. There have been so many changes since February that we must recirculate the EIR so that the public and the planning commission can be appropriately informed.

Sincerely,
Rhoda Fry

Subject: i just got this email

Date: Wednesday, May 30, 2012 11:50 AM

From: Couture, Terri

To: Gary Rudholm <Gary.Rudholm@pln.sccgov.org>, Michele Napier <michele.napier@pln.sccgov.org>

Conversation: i just got this email

Can you please make sure everyone else gets this. I will not respond to this

Terri Couture
Coldwell Banker
650-917-5811 Direct
650-941-3094 Fax
terri.couture@cbnorcal.com

5/31/2012
Supplemental Packet
Item # 3

From: Rhoda Fry [mailto:fryhouse@earthlink.net]
Sent: Wednesday, May 30, 2012 11:42 AM
To: Couture, Terri
Subject: more information regarding Lehigh RPA/EIR

Dear Terri –

Today I learned from the SMGB that the **RPA MUST BE IN COMPLIANCE WITH SMARA** – not “substantially in compliance” but **IN COMPLIANCE**. Unfortunately, county staff might have been speaking about the CEQA document being in compliance with SMARA, which is a separate issue. This is starting to sound the same as the rain caused the slide rather than unstable slopes caused the slide. While county staff is being somewhat accurate in their hair-splitting comments, their overall statements are misleading.

Today I spoke with folks from the SMGB (State Mining and Geology Board) who were surprised that the cement plant was being pulled out of the RPA. According to California Public Resources Code Section 2714c, the cement plant can only be pulled out if “None of the minerals being processed are being extracted onsite.” We know that there are legacy environmental hazard issues at the site and I sincerely hope that the planning commission chooses to include all disturbed lands within the RPA.

I will be writing a message to all of the commissioners later today.

While Lehigh talked about their glowing safety record, please consider the attached where the quarry and cement plant combined have over \$.5M in fines for federal labor safety problems (the vast majority of which is unpaid).

Warm Regards,

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Rhoda

2/8

News Release



U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 10-1774-NAT

For Immediate Release
Dec. 21, 2010
Contact: Amy Louviere
Phone: 202-693-9423

MSHA announces results of November impact inspections

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that federal inspectors issued 250 citations, orders and safeguards during special impact inspections conducted at 12 coal and 10 metal/nonmetal mine operations last month.

These inspections, which began in force during April following the explosion at Upper Big Branch Mine, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazard complaints or hotline calls; plan compliance issues; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions and inadequate ventilation.

During November’s impact inspections, coal mines were issued 114 citations, 11 orders and one safeguard. For metal/nonmetal mines, 113 citations and 11 orders were issued. Since April, MSHA has conducted impact inspections at 182 coal and metal/nonmetal mines.

During an inspection conducted during the week of Nov. 15 at Lehigh Permanente Cement Co. Mine in Santa Clara County, Calif., MSHA issued 30 citations and six orders to the company. Five 104(d) orders were issued, including a violation for a supervisor’s failure to de-energize electrically powered equipment prior to removing a guard. Another 104(d) order was issued for unsafe access where inadequately secured steel plates could have fallen on miners or delivery drivers accessing a storage area; this hazard had been reported to mine management two weeks earlier. A 104(b) order was issued for failure-to-abate in a timely manner a fall protection violation, in which miners working at the top of a mill were exposed to an approximately 36-foot drop to the concrete below. Sixty percent of the citations and orders were significant and substantial violations. So far this year, MSHA inspectors have issued 185 citations and 21 orders at this mine.

“MSHA’s impact inspection program is helping to reduce the number of mines that consider egregious violation records a cost of doing business,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “We will continue using this important enforcement tool to protect the nation’s miners.”

Editor’s note: A spreadsheet containing the entire results of November’s impact inspections accompanies this news release.

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U.S. Department of Labor releases are accessible on the Internet at <http://www.dol.gov>. The information in this news release will be made available in alternate format (large print, Braille, audio tape or disc) from the COAST office upon request. Please specify which news release when placing your request at 202-693-7828 or TTY (202) 693-7755. The Labor Department is committed to providing America’s employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit <http://www.dol.gov/compliance>.

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Master MSHA Impact Inspection List
(November 2010) / Revised 01/07/2011 *

Coal																																					
District	Mine Information			Type of Issuance			S&S Information			Issuances - Type of Action				Justifications																							
	State	Mine ID	Controller Name	Operator Name	Mine Name	Clt	Orders	Safe -guards (Coal only)	Total	S&S	Non-S&S	Total	Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(2)	104(d)(1) Order	104(g)(1)	103(k)	103(j)	107(a)	1	2	3	4	5	6	7	8							
DISTRICT 01	PA	3607805	John W Rich Jr.	Waste Management & Processors Inc	W M P I	0	0	0	0	0	0	0.00%	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1						
DISTRICT 02	PA	3608603	J Clifford Forrest III	Resebud Mining Company	Tracy Lyme #4 Mine	1	0	0	1	1	1	0.00%	1	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1					
DISTRICT 03	WV	4609060	David M. Raymond	Ten-Mile Coal Co., Inc	#4 Mine	11	0	0	11	6	5	54.55%	11	0	0	0	0	0	0	0	0	0	0	0	11	1	1	1	1	1	1	1	1				
DISTRICT 04	WV	4609154	Massey Energy Corporation	White Buck Coal Company	Pocahontas Mine	1	0	0	1	1	1	0.00%	1	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1				
DISTRICT 05	VA	4406469	Sinco, Inc	Denimmon Coal Corporation	Denimmon No 7	21	3	0	24	11	13	24	45.83%	21	0	0	0	0	0	0	0	0	0	0	24	1	1	1	1	1	1	1	1	1			
DISTRICT 06	KY	1517720	Robbey, Barney, Ted, Thornsberry	TPC Mining Corp	Mine #15A	26	2	1	29	13	15	28	46.43%	26	0	0	0	0	0	0	0	0	0	0	29	1	1	1	1	1	1	1	1	1			
DISTRICT 07	KY	1519048	James River Coal Company	Mccoy Elkhorn Coal Corp	Mine #15A	5	1	0	6	5	1	6	83.33%	4	0	0	0	0	0	0	0	0	0	0	6	1	1	1	1	1	1	1	1	1	1		
DISTRICT 08	IN	1202215	Hurace Garrison Hill	D & C Mining Corp	D & C Mining Corp	11	2	0	13	3	10	13	23.08%	11	0	0	0	0	0	0	0	0	0	0	13	1	1	1	1	1	1	1	1	1	1		
DISTRICT 09	CO	0504591	Alliance Resource Partners LP	GIBSON COUNTY GOAL LLC	GIBSON MINE	22	3	0	25	9	16	25	36.00%	22	0	0	0	0	0	0	0	0	0	0	25	1	1	1	1	1	1	1	1	1	1	1	
DISTRICT 10	KY	1517741	Robert E Murray	Bowie Resources LLC	Bowie No. 2	2	0	0	2	1	1	2	50.00%	2	0	0	0	0	0	0	0	0	0	0	2	1	1	1	1	1	1	1	1	1	1	1	
DISTRICT 11	AL	0100347	Walter Energy Incorporated	KenAmerican Resources Inc	Paradise #9	10	0	0	10	4	6	10	40.00%	4	0	0	0	0	0	0	0	0	0	0	10	1	1	1	1	1	1	1	1	1	1	1	1
						114	11	1	126	52	73	125	41.60%	113	0	1	4	7	1	0	0	0	0	4	2	2	3	2	2	5	2	6	3	3			
National Totals						114	11	1	126	52	73	125	41.60%	113	0	1	4	7	1	0	0	0	0	0	4	2	2	3	2	2	5	2	6	3	3		

Metal/Nonmetal																																							
District	Mine Information			Type of Issuance			S&S Information			Issuances - Type of Action				Justifications																									
	State	Mine ID	Controller Name	Operator Name	Mine Name	Clt	Orders	Safe -guards (Coal only)	Total	S&S	Non-S&S	Total	Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(2)	104(d)(1) Order	104(g)(1)	103(k)	103(j)	107(a)	1	2	3	4	5	6	7	8									
NC	112858	Richard L Nelson	Tri-Con Materials, Inc	Hennepin Pit	14	0	0	14	1	13	14	7.14%	14	0	0	0	0	0	0	0	0	0	0	14	1	1	1	1	1	1	1	1	1	1	1	1			
RM	020898	Cemex S A	Cemex Construction Materials South LLC	Cemex-19th Ave	1	2	0	3	1	2	3	33.33%	3	0	0	0	0	0	0	0	0	0	0	3	1	1	1	1	1	1	1	1	1	1	1	1	1		
SC	340098	Lafayette Properties, Inc	Lafayette Materials Company	Stringtown Crusher Plant #67	9	0	0	9	6	3	9	66.67%	9	0	0	0	0	0	0	0	0	0	0	9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
WE	CA	0404075	Heidelberg Cement AG	Lehigh Southwest Cement Co.	Lehigh Permanent Co.	30	6	0	36	21	14	35	60.00%	30	1	0	0	0	0	0	0	0	0	0	36	1	1	1	1	1	1	1	1	1	1	1	1	1	
WE	WA	4502518	Harbor Rock Inc	Harbor Rock Inc	Portable Harbor Rock	1	0	0	1	1	1	50.00%	1	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
WE	CA	0405222	American Sierra Gold Corporation	Discovery Day Mine	Discovery Day Mine	0	0	0	0	0	0	0.00%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
WE	NV	2601621	Yukon-Nevada Gold Corp	Queenstake Resources	Jerritt Canyon Mill	22	1	0	23	16	7	23	69.57%	21	1	0	0	0	0	0	0	0	0	0	23	1	1	1	1	1	1	1	1	1	1	1	1	1	1
WE	NV	2602535	Great Basin Gold	Rodeo Creek Gold	Hollister Mine	12	3	0	15	9	6	12	60.00%	12	0	0	0	0	0	0	0	0	0	0	12	1	1	1	1	1	1	1	1	1	1	1	1	1	1
NE	OH	3300172	Wysong Stone Company	Wysong Stone Co.	Wysong Stone Co.	103	11	0	114	61	52	113	33.96%	102	1	1	3	6	0	0	0	0	0	0	114	1	1	1	1	1	1	1	1	1	1	1	1	1	1
National Totals						103	11	0	114	61	52	113	33.96%	102	1	1	3	6	0	0	0	0	0	0	114	1	1	1	1	1	1	1	1	1	1	1	1	1	

Running Total		21		240	113	125	238	47.48%	215	1	2	7	13	1	0	1	0	0	0	0	0	0	240	3	4	3	3	3	6	3	13	3	3	3	3
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Note: 04-05222 Discovery Day Mine Under MSHA Closure Order
 * Caldwell Stone's Danville Mine & Mill (Mine ID: 15-00009) has been removed
 Prepared 01/07/2011



News Release

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U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 11-1137-NAT

For Immediate Release

July 28, 2011
Contact: Amy Louviere
Phone: 202-693-9423
Email: louviere.amy@dol.gov

MSHA announces results of June impact inspections

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that federal inspectors issued 194 citations, orders and safeguards during special impact inspections conducted at 12 coal mines and two metal/nonmetal mines last month. The coal mines were issued 154 citations, 12 orders and three safeguards, while the metal/nonmetal operations were issued 21 citations and four orders.

These inspections, which began in force in April 2010 following the explosion at Upper Big Branch Mine, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazard complaints or hotline calls; plan compliance issues; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions and inadequate ventilation.

“The impact inspection program has been an invaluable tool for identifying and addressing mines with serious compliance issues,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “While we are still finding mines with chronic problems, we are cautiously optimistic that the majority of operators are getting the message.”

As an example from last month’s impact inspections, MSHA conducted an impact inspection June 13–16 at Lehigh Southwest Cement Co.’s Lehigh Permanente Cement Co. This is a large cement facility located in Santa Clara County, Calif., employing approximately 106 miners. MSHA issued 21 citations and four unwarrantable failure orders during the inspection.

Inspectors noted a number of hazardous conditions, including tripping hazards in workplaces, passageways, storerooms and service rooms; safety defects not repaired in a timely manner, including not securing inspection doors on a kiln and sharp metal roofing hanging down in a travelway; miners working at elevation without proper scaffolding or working platforms; warning signs not readily visible to prohibit smoking and open flames where a fire or explosion hazard exist, and not securing guards while operating machinery. These are conditions commonly associated with injury or death in the mining industry. This is the third impact inspection at this mine. Previous inspections were conducted in January and April 2011.

As a second example from last month, an inspection party arrived during the evening shift on June 3 at S&H Mining Inc.’s S and H Mining Inc. mine in Anderson County, Tenn. Inspectors immediately captured the mine phones on the surface to prevent advance notification. They issued 32 citations and orders, nearly half of them designated as significant and substantial. This is the second impact inspection conducted at this mine; the first was conducted in March 2011.

-- more --

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US DEPARTMENT OF LABOR NEWS RELEASE – PAGE 2

MSHA issued five 104(d)(1) closure orders and one 104(d)(1) citation for unwarrantable failure of the operator to conduct and record on-shift inspections of its belt lines. Timely on-shift examinations are necessary for the protection of miners from hazards and conditions that may develop during the shift and cause a mine fire.

One 104(d)(1) citation was issued for unwarrantable failure of the mine operator to install a male disconnecting device for a battery charger. One 104(d)(1) order was issued for unwarrantable failure of the mine operator to maintain the continuous mining machine in permissible condition. A 104(b) closure order was issued for failure to abate a previously cited violation for not being able to calibrate the methane monitor on the continuous mining machine. These conditions, if left unchecked and in concert with other conditions, could potentially cause a mine fire, explosion or electrocution of miners.

Inspectors issued other citations for inadequate roof support, electrical violations and accumulation of combustible materials. Additional violations included failing to record that a search was conducted for smoking articles, a nonpermissible roof-bolting machine, an inadequate fire suppression system on a surface belt drive, and an inoperative methane monitor on the continuous mining machine.

Since April 2010, MSHA has conducted 292 impact inspections, which have resulted in 5,186 citations, 483 orders and 19 safeguards.

Editor's note: A spreadsheet containing the results of impact inspections in June 2011 accompanies this news release.

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MSHA Monthly Impact Inspection List
(June 2011)

District		State	Mine ID	Controller Name	Operator Name	Mine Name	Type of Issuance		S&S Information			Issuances - Type of Action						Justifications																		
Coal							Cit	Orders	Total	S&S	Non-S&S	Total	S&S Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(2)	104(d)(1) Order	104(g)(1)	103(k)	103(l)	107(a)	1	2	3	4	5	6	7	8						
District 02	PA	3608138	J Clifford Forrest III	Rosebud Mining Company	Dulch Run Coal Preparation Plant		3	0	3	3	0	3	100.00%																							
District 03	MD	1800748	Fredelis A Taylor	ARJ Construction Company Inc	Taylor # 1		15	3	18	0	12	18	33.33%																							
District 04	WV	4604236	Walter Energy Incorporated	Maple Coal Co	Maple Eagle No 1 Mine		16	0	16	6	3	9	56.25%																							
District 04	WV	4605437	Patriot Coal Corporation	Speed Mining, LLC	American Eagle Mine		10	1	11	6	3	9	54.55%																							
District 05	VA	4607273	Massey Energy Company	Independence Coal Company Inc.	Justice #1		5	1	6	6	0	6	100.00%																							
District 06	VA	4403317	Cecil Nichols	Apple Jacks Coal Company, Inc.	Apple Jacks No. 7 #11		16	0	16	7	9	16	100.00%																							
District 07	TN	1519153	Greg Darron; Henry Chaney	Cheyenne Mining Co Inc	S and H Mining, Inc.		22	0	22	6	18	22	100.00%																							
District 07	TN	4003143	James C. Justice II	North Fork Coal Corporation	Mine No 4		24	7	31	14	10	24	77.42%																							
District 07	KY	1518340	Mark Clements	D&C Mining Corporation	Gateway Mine		17	0	17	3	14	17	100.00%																							
District 08	IL	1102408	Peabody Energy	Peabody Midwest Mining, LLC	Gateway Mine		16	0	16	4	12	16	100.00%																							
District 09	UT	4202233	WEST RIDGE RESOURCES INC	West Ridge Resources Inc	West Ridge		14	0	14	3	11	14	100.00%																							
National Totals							154	12	169	61	104	165	36.97%																							

June 2011

Metal/Nonmetal

District		State	Mine ID	Controller Name	Operator Name	Mine Name	Type of Issuance		S&S Information			Issuances - Type of Action						Justifications																			
Metal/Nonmetal							Cit	Orders	Total	S&S	Non-S&S	Total	S&S Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(2)	104(d)(1) Order	104(g)(1)	103(k)	103(l)	107(a)	1	2	3	4	5	6	7	8							
District WE	CA	0404075	Heidelberg Cement AG	Lehigh Southwest Cement Co.	Lehigh Permanente Cement Co.		21	4	25	8	17	25	32.00%																								
District NE	ME	1700687	Dennis Durgin	Durgin Sand & Gravel Inc	Durgin Sand & Gravel Inc		0	0	0	0	0	0	0.00%																								
National Totals							21	4	25	8	17	25	32.00%																								
Total							175	16	194	69	121	190	36.32%																								

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Labor Data from MSHA from the mine followed by the cement plant obtained from:
<http://www.msha.gov/drs/drshome.htm>

**The current operator Lehigh Southwest Cement Co. has been the operator
since 7/1/2008**

Year	103(k)	104(a)	104(b)	104(d)(1)	104(d)(2)	104(g)(1)	107(a)	Proposed Penalties (\$)	Current Penalties (\$)	Amount Paid To Date (\$)
2002	0	19	0	0	0	0	0	1,537.00	1,537.00	1,537.00
2003	0	4	0	0	0	0	0	382.00	382.00	382.00
2004	0	15	0	0	0	0	0	1,381.00	1,381.00	1,381.00
2005	0	9	0	0	0	2	2	1,003.00	1,003.00	1,003.00
2006	0	17	0	0	0	0	0	1,306.00	1,306.00	1,306.00
2007	1	30	1	0	0	1	0	8,655.00	8,585.00	8,585.00
2008	0	18	0	0	0	0	0	4,334.00	2,316.00	2,116.00
2009	0	12	0	0	0	0	0	1,506.00	1,506.00	1,506.00
2010	0	28	0	0	0	3	0	13,899.00	10,216.00	3,301.00
2011	0	30	0	4	2	1	0	73,577.00	72,139.00	2,680.25
2012	0	15	0	0	0	0	0	2,330.00	2,330.00	0.00

Note: Vacated Citations are not included in any reports on the DRS.

**The current operator Lehigh Southwest Cement Co. has been the operator
since 7/1/2008**

Year	103(k)	104(a)	104(b)	104(d)(1)	104(d)(2)	104(g)(1)	107(a)	Proposed Penalties (\$)	Current Penalties (\$)	Amount Paid To Date (\$)
2002	0	12	0	1	0	1	0	11,308.00	9,408.00	9,408.00
2003	0	9	0	0	0	0	0	540.00	540.00	540.00
2004	0	30	0	0	0	0	0	2,290.00	2,290.00	2,290.00
2005	0	3	0	0	0	0	0	120.00	120.00	120.00
2006	0	48	1	0	0	0	0	5,381.00	5,036.00	5,036.00
2007	0	58	1	0	0	0	0	35,676.00	35,476.00	35,356.00
2008	0	44	1	0	0	0	0	4,691.00	4,691.00	4,691.00
2009	0	24	0	0	0	0	0	45,395.00	38,497.00	38,497.00
2010	1	189	7	6	7	1	1	224,195.00	214,426.00	28,244.40
2011	0	138	2	0	35	2	2	385,080.00	382,580.00	22,704.84
2012	0	98	0	0	0	2	0	53,363.00	53,363.00	0.00

Note: Vacated Citations are not included in any reports on the DRS.