



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)

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.

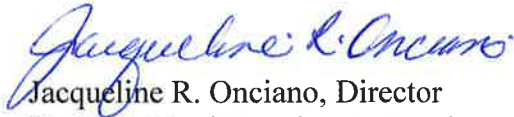
Notice of Violation and Public Nuisance; Intent to Record
Re: 24001 Stevens Creek Blvd.
Mailed and Posted on June 11, 2019

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



Main Quarry Pit

PERMANENTE CREEK

Violation Area

Area of Sediment Discharge

WMSA

PERMANENTE CREEK

**Map of Violation Area
Lehigh Quarry**



This map created by the State Office Planning Office. The data was compiled from various sources including the State Office Planning Office, the State Office Planning Office, and the State Office Planning Office.