

## **Resolution on the Lehigh Southwest Cement Company Permanente Quarry Reclamation Plan**

WHEREAS, the Permanente Quarry is within five miles from over 200,000 residents of Santa Clara County<sup>1</sup>.

WHEREAS; Lehigh Southwest Cement Plant and Permanente Quarry have a history of alleged local and federal violations; potentially exposing residents to air, water, and noise pollution; contaminating Permanente Creek, which leads to the San Francisco Bay Estuary; and threatening the environment.<sup>1,2,3,4,5,6,7</sup>

WHEREAS; the 2019 Lehigh Reclamation Plan Amendment proposes a drastic deviation from the existing County-approved 2012 Reclamation Plan Amendment<sup>8</sup>. For example, instead of using available onsite materials to backfill the main quarry as described in the 2012 plan, the 2019 plan could add about “666 truck trips per weekday<sup>9</sup> for 30 years. This increase of truck traffic and the resulting impacts to greenhouse gas emissions, public safety and congestion, likely constitute significant impacts under CEQA”, as stated in a Santa Clara County letter to Lehigh regarding the application for 2019 Reclamation Plan Amendment<sup>10</sup>.

WHEREAS; the letters from the Midpeninsula Regional Open Space District<sup>11</sup>, the cities of Cupertino<sup>11</sup>, Los Altos<sup>11</sup>, and Los Altos Hills<sup>11</sup>, and the Sierra Club<sup>12</sup> demonstrate that the existing County-approved 2012 Permanente Quarry Reclamation Plan is the superior to the 2019 Reclamation Plan Amendment. These letters indicate that the 2012 plan protects the ridgeline between the quarry and Rancho San Antonio Park, as dictated in the 1972 Ridgeline Protection Easement Deed<sup>13</sup>, preserves the surrounding community’s scenic views<sup>14</sup>, removes current and future waste-material visual impacts<sup>15</sup>, minimizes traffic, and restores Permanente Creek in a timely manner<sup>16</sup>.

WHEREAS; we believe Lehigh should be required to minimize the adverse impact of their operations on our community and provide good, union jobs, with wages, benefits, and working conditions that meet our local community's standards and expectations, and we believe that Lehigh can continue to operate under the 2012 reclamation plan while being held to uphold such standards.

THEREFORE BE IT RESOLVED that the Santa Clara County Democratic Party asks the Santa Clara County Government to assure that Lehigh Southwest Cement Plant and Quarry comes into full compliance with its outstanding noticed violations.

BE IT FURTHER RESOLVED that the Santa Clara County Democratic Party urges the Santa Clara County Government to deny the 2019 Permanente Quarry Reclamation Plan Amendment, uphold 1972 Ridgeline Protection Easement Deed, and retain the existing approved 2012 Lehigh Permanente Quarry Reclamation Plan which minimizes traffic, preserves scenic vistas, and restores Permanente Creek in a timely manner.

## References – provided for background and not incorporated into the resolution text

1. “Detailed Facility Report | ECHO | US EPA.” EPA, Environmental Protection Agency, 18 Mar. 2020, <https://echo.epa.gov/detailed-facility-report?fid=110000484039>.
2. “Lehigh Cement Settlement to Reduce Air Emissions in Cupertino.” Bay Area Air Quality Management District A Healthy Breathing Environment For Every Bay Area Resident, 3 Dec. 2019, <http://www.baaqmd.gov/news-and-events/page-resources/2019-news/120319-settle-lehigh>.
3. “Civil Enforcement Case Report | ECHO | US EPA.” EPA, Environmental Protection Agency, 16 Dec. 2019, <https://echo.epa.gov/enforcement-case-report?id=09-2010-0503>.
4. Harrison, Laird. “KQED News: KQED Public Media for Northern CA.” KQED, 19 Sept. 2012. <https://www.kqed.org/news/76301/rules-tightened-on-cupertino-cement-plant-a-big-source-of-bay-area-Mercury-pollution>
5. “Attorney General Kamala D. Harris Announces \$7.5 Million Settlement With Lehigh Cement For Environmental Violations.” State of California - Department of Justice - Office of the Attorney General, 25 July 2016, <https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-announces-75-million-settlement-lehigh-cement>.
6. Huennekens, Rachele. “Steelhead in Santa Clara: Loma Prieta Chapter Wins Legal Clean-Water Victory - The Planet.” Sierra Club, Loma Prieta Chapter, 2 May 2013, <https://blogs.sierraclub.org/planet/2013/05/steelhead-in-santa-clara-loma-prieta-chapter-wins-legal-clean-Water-victory.html>.
7. “Lehigh Southwest Cement Company Faces Legal Challenge to Environmental Impact Report .” Midpeninsula Regional Open Space District, 29 Nov. 2012. [https://www.openspace.org/CGI-BIN/press\\_releases/121129\\_LehighPR.pdf](https://www.openspace.org/CGI-BIN/press_releases/121129_LehighPR.pdf)
8. Barton, Bruce. “Los Altos Declares Opposition to Latest Lehigh Quarry Plan.” Los Altos Town Crier, [www.losaltosonline.com/news/sections/news/297-news-features/60611-los-altos-declares-opposition-to-latest-lehigh-quarry-plan](http://www.losaltosonline.com/news/sections/news/297-news-features/60611-los-altos-declares-opposition-to-latest-lehigh-quarry-plan).
9. “Environmental Information Form submitted to Santa Clara County by Lehigh .” County of Santa Clara, 2019. Page 8 “666 one-way trips (333 loads) for soil import and outbound empty trucks”  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_2019RPA\\_Application.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_2019RPA_Application.pdf)
10. July 22, 2019 Santa Clara County letter to Lehigh regarding incomplete application for Reclamation Plan Amendment – see page 5 “666 truck trips per weekday for 30 years. This increase of truck traffic and the resulting impacts to greenhouse gas emissions, public safety and congestion, likely constitute significant impacts under CEQA.”  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_2019RPA\\_Incompleteletter\\_20190722.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_2019RPA_Incompleteletter_20190722.pdf)
11. “ Letters from the Midpeninsula Regional Open Space District and the Cities of Cupertino, Los Altos, and Los Altos Hills.” Silicon Valley Democratic Club, 2020.  
<https://www.siliconvalleydemclub.org/resources/Documents/Group%20of%20Letters%20from%20Agencies%20about%20Lehigh%202019%20Reclamation%20Plan%20o.pdf>
12. Ferreira , Mike. “Lehigh Southwest Cement Company’s Application for Permanente Quarry Reclamation Plan Amendment, May 2019 .” Silicon Valley Democratic Club, 2020.  
<https://www.siliconvalleydemclub.org/resources/Documents/Letter%20to%20SC%20County%202019%20Lehigh%20Amendment.pdf>
13. July 22, 2019 Santa Clara County letter to Lehigh regarding incomplete application for Reclamation Plan Amendment – see page 3 “The Application proposes to lower the height of the ridgeline protected by the 1972 Easement”  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_2019RPA\\_Incompleteletter\\_20190722.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_2019RPA_Incompleteletter_20190722.pdf)
14. Kaiser Cement and Gypsum Corporation, “Ridgeline Protection Easement Deed.” County of Santa Clara, 1972.  
<http://www.southbayquarrylibrary.org/Catalog/Kaiser%20Cement%20&%20Gypsum%20Corp%201972%2008%2018%20Ridgeline%20Protection%20Easement%20Deed.pdf>
15. “Lehigh Permanente Quarry Reclamation Plan Amendment 4.7-1 ESA / 211742 Draft Environmental Impact Report December 2011 .” County of Santa Clara. Page 29 “...Approximately 60 million short tons of overburden obtained from a combination of continued mining in the Quarry pit and the excavation of the WMSA would be backfilled into the Quarry pit, thereby buttressing existing areas of instability, establishing positive drainage into Permanente Creek, and lowering slope heights and ultimate gradients within the WMSA...” [https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh\\_DEIR\\_201112\\_Ch4\\_07\\_Geology.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_DEIR_201112_Ch4_07_Geology.pdf)
16. July 22, 2019 Santa Clara County letter to Lehigh regarding incomplete application for Reclamation Plan Amendment – see page 3, “potential extends this timeframe to approximately 2040, creating an unexplained delay of 10 years”  
[https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250\\_2019RPA\\_Incompleteletter\\_20190722.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_2019RPA_Incompleteletter_20190722.pdf)