

Los Altos Town Crier

May 7, 2014

Simitian pushes for tighter oversight of Lehigh

Town Crier Staff Report

Santa Clara County Supervisor Joe Simitian recently advised the county to keep a closer watch on the activities of the controversial Lehigh Southwest Cement Co. quarry south of Los Altos and Los Altos Hills.

“My conversations with community members, public officials, county planning staff and representatives of Lehigh, in addition to my own research and history with this facility, lead me to believe that it would be in everybody’s interest if the county asserted its oversight role more fully,” Simitian said in a memo last month to County Executive Jeffrey Smith.

Simitian, who represents District 5 – which includes Los Altos, Los Altos Hills and Mountain View – has proposed monthly site visits by county staff. Historically, annual visits were mandated, but last year the visits were upped to quarterly.

“I have been struck during this past year by the very different perspectives of concerned community members and representatives of the Lehigh facility,” Simitian noted in the memo. “Lehigh representatives continue to assert exemplary performance. On the other hand, a significant segment of the community and a number of locally elected officials are skeptical at best. It seems to me that the basic compliance questions – what is or isn’t happening on site – should be easy enough to answer.”

The former Kaiser Permanente facility, located on 3,500 acres in the unincorporated county area south of Los Altos and Los Altos Hills and west of Cupertino, has been mining limestone and making cement since 1939. The process is



Santa Clara County Supervisor Joe Simitian advised the county to keep a close eye on the Lehigh cement quarry.

TOWN CRIER
FILE PHOTO

environmentally hazardous, requiring Lehigh to answer to several regulatory agencies, including the Bay Area Air Quality Management District, the San Francisco Regional Water Quality Control Board and the state Office of Mine Reclamation. The U.S. Environmental Protection Agency mandates limits on the plant’s emissions.

Reassuring the public

The number of regulators presents a problem, Simitian said, because “the left hand and the right hand aren’t well coordinated.” He suggested that representatives from all the regulatory boards meet twice a year to “give the public some reassurance that the various regulatory bodies are in regular conversation.”

“I have two goals here. One is substantive – that they do what they’re supposed to do,” Simitian told the Town Crier, adding that the second goal, more frequent and coordinated visits, would offer “assurances to the public.”

Smith agreed to implement Simitian’s request – the other super-

visors do not have to approve the proposal.

“The cost should be modest and fully recoverable from Lehigh,” Simitian said. “To my knowledge, Lehigh has not indicated any objection to covering the costs of such site visits.”

“If Joe wants to arrange those meetings, we’re happy to oblige,” Lehigh spokesman Jay Reed said. “We’re happy to pick up those costs.”

The latest action underlines the volatility of the relationship between the working quarry and the residential homes that surround it. Lehigh officials said they have minimized environmental impacts as much as possible while continuing to contribute the lion’s share of cement for structures around the Bay Area.

Opponents range from those who claim Lehigh could do more to those who want nothing less than the plant shut down. The 2012 county approval of Lehigh’s reclamation plan amendment ensures that the quarry is certified to operate at least another 25 years.



Cupertino
COURIER

November 25, 2016

RESIDENTS GET UPDATE ON LEHIGH CEMENT PLANT FROM SUPERVISOR SIMITIAN

*Annual meeting
with regulators*

BY KRISTI MYLLENBECK

More than 100 people were in attendance at a recent public meeting to hear from the many organizations that monitor the Lehigh Hanson Cement Plant and its associated facilities.

The informational meeting, which was hosted by Santa Clara County Supervisor Joe Simitian, was held the evening of Nov. 16 at Cupertino Community Hall.

Officials from eight different agencies were in attendance to answer questions from Simitian and the community related to the cement facility located not far from Cupertino homes. In attendance were the Bay Area Air Quality Management District, San Francisco Regional Water Quality Control Board, Santa Clara County Department of Environmental Health Santa Clara County Planning and Development Department, Santa Clara Valley Water District, U.S. Environmental Protection Agency, Santa Clara County Counsel and California Department of Fish and Wildlife.

It was the second annual community informational meeting since Simitian requested an increase in oversight at the plant in 2014. The facility and quarry are

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A truck heads up to Lehigh Hanson Cement in unincorporated Cupertino.

FILE PHOTOGRAPH BY
JACQUELINE RAMSEYER

Lehigh

located in the foothills of unincorporated Santa Clara County just outside Cupertino city limits and city jurisdiction.

"Given that almost a dozen regulatory agencies have a role to play at the site, I thought it was a good idea to create a forum where the agencies can all talk to each other," Simitian said in a press statement announcing the meeting. "The solution to a right left hand not communicating problem is to communicate. We're doing that now."

Most questions from residents centered on environmental concerns related to the facility: water pollution, air pollution and particulates in the air.

Simitian asked Wayne Kino, director of compliance and enforcement with the Bay Area Air Quality Management District, if a new stack that was installed at the cement facility is helping with air quality. Lehigh converted its more than 32 stacks into a single stack, Kino told the audience.

"What the stack did for us, and for you, was put all emissions into one location where Lehigh could install monitors to monitor what is coming out of their process," he said. "In that, it gave us certainty in what is coming out."

Kino said overall, the emissions situation at Lehigh is better than it was last year. He said the new stack is also higher, which causes more dispersion and waft, meaning fewer emissions reach the ground level.

As far as particulate matter settling on cars in neighborhoods near the facility, Kino said Lehigh developed a dust mitigation plan, and a "fugitive dust rule" is also in the works for the Bay Area at large, which would affect Lehigh. He said much of the dust is probably caused by trucks hauling materials in and out of the facility. He added that particulate matter can be a health risk to susceptible individuals such as children and seniors.

Some residents claimed that noise from Lehigh has increased since the new stack went in, especially between the hours of 11 p.m. and 6 a.m.

Michael Balliet, director of the Santa Clara County Department of Environmental Health, said since January, the department has gone to Lehigh 10 times to monitor noise levels in neighborhoods around the plant.

Two of those times, the facility was in violation, and the department issued citations.

"The plant has obligated themselves to a much more formal noise monitoring program," Balliet said. "At the end of the day, we just want to see the noise go down. They do have several projects that are already in the works to make that actually happen."

Balliet said the county will soon implement its own formal noise mitigation program, which could provide another avenue for people who are experiencing noise issues to get in touch with the county.

"I think that there's a lot that's being done, and we're hopeful that a lot of that is going to be

implemented at the beginning of next year in January," he said.

Water quality was also another popular issue with residents.

"There continues to be a concern about general impacts on wildlife, particularly endangered species, particularly with respect to pollution and selenium levels that have been identified in the water," Simitian said.

Dave Johnston, an environmental scientist with the California Department of Fish and Wildlife, gave a brief update on the creek restoration efforts at Permanente Creek, which begins just north of the facility. He said the effect of selenium on endangered species, including the California red-legged frog, can be difficult to identify.

"The indications are that prior to the quarry, the levels of selenium that naturally occurred in the system were very, very low and difficult to detect," Johnston told the audience. "Selenium levels in the water column (now) can be very high during high flow."

He added that a better way to measure the selenium in the water is to measure it in the sediment. However, Johnston said that research and literature surrounding selenium's effect on organisms is "all over the place." He said the only way to be sure that selenium is having a negative effect on the red-legged frog would be to do a long-term study.

Brett Calhoun, associate water resources specialist for the Santa Clara Valley Water District, said residents should not be concerned about any contaminants reaching drinking or groundwater.

Los Altos Town Crier

October 28, 2020

County planning pressed on Stevens Creek Quarry

Town Crier Report

The Santa Clara County Board of Supervisors Oct. 20 voted unanimously to direct county staff to develop and implement a plan for better monitoring and enforcement of use-permit conditions at Stevens Creek Quarry.

The vote came after an independent review by Harvey Rose Associates, at the request of Supervisor Joe Simitian, identified several deficiencies in the County Department of Planning and Development's oversight of the quarry. The site is located in the unincorporated area just outside Los Altos and Cupertino.

"The review pointed out multiple concerns with the department's oversight," said Simitian, who represents the district that includes Stevens Creek Quarry.

The quarry is a bluestone aggregate mining operation that consists of two areas, Parcel A and Parcel B. Parcel A contains offices, a truck scale, a recycling facility for concrete and asphalt, and the city of Cupertino's compost distribution facility, with operations governed by a conditional-use permit. Parcel B contains surface mining activities, including crushing of rock mined at the quarry, with operations guided by a mediated agreement.

The permit and agreement include conditions that must be adhered to for regular operations to continue.

The auditor's review found six conditions from the use permit that require ongoing monitoring with no record of being monitored or enforced at the time of the audit. Additionally, the audit found the quarry operator out of

compliance with one of the conditions in the mediated agreement, with no enforcement action taken by the planning department. The deficiencies are related to noise monitoring and an accounting of trucks, truck trips, daily loads and equipment inventories.

"Local residents need some assurance that Santa Clara County is on the job; that our planning department is rigorously monitoring and enforcing the conditions of approval, as we should," Simitian said.

Rhoda Fry, a longtime observer of local quarry activity at Stevens Creek and the adjacent Lehigh quarry, applauded the action.

"The county has now revealed what we have always known – the county's oversight of mines has been inadequate," she said in an email last week.

The Mercury News

June 19, 2021

SANTA CLARA COUNTY

Quarry puts Cupertino ridgeline in danger

Santa Clara County, environmental group to fight plans to expand the Lehigh Permanente Quarry

By Maggie Angst
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Santa Clara County officials are bringing in reinforcements to stop one of the Bay Area's top industrial polluters from "chopping the top" off a ridgeline full of trees and wildlife in the Santa Cruz Mountains just west of Cupertino.

The county is planning to give the Midpeninsula Regional Open Space District — which uses local property taxes to acquire and manage open spaces — the legal authority to help enforce a longstanding agreement between the county and owners of the Lehigh Permanente Quarry to permanently preserve a ridgeline above

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The Midpeninsula Regional Open Space District will have the legal authority to help enforce an agreement between the county and owners of the Lehigh Permanente Quarry to permanently preserve a ridgeline.

STAFF FILE PHOTO

Quarry

the 2,500-acre quarry. The county says giving the open space district enforcement power will provide the ridgeline with a second line of defense in case a different board of supervisors down the road tries to scuttle the deal.

"There is a clear and present danger that we're going to lose those hillsides," Supervisor Joe Simitian said during a news briefing Thursday. "And as a practical matter, in terms of protection of the easement and the ridgeline and hillside, we would now have not one but two agencies with the legal authority to do that."

The quarry's owners, Lehigh Southwest Cement Co., submitted an application in May 2019 to ex-

county and jeopardizes the scenic green foothills.

"It's pretty clear if we have a lawsuit on our hands and a proposal to gut the easement that is just built into the application, we need to make the statement: Not gonna happen. Don't chop the top. Protect the hillsides. Honor the commitment that has been in place for 50 years," Simitian said.

Lehigh's environmental director, Erika Guerra, said in an emailed statement Thursday that the company plans to help protect the area's natural resources. She said its proposal lays out a plan for enhancing vegetation in areas of the site visible from surrounding communities after the mining ends some years from now.

"Despite statements made to the contrary, Lehigh has proposed solutions to the ridgeline through our current appli-

cation," she said. "... The County must stop delaying the robust environmental review and community outreach process we have initiated and move forward on our application."

The targeted ridgeline separates the quarry from the most visited preserve on the Peninsula, Rancho San Antonio Open Space Preserve, which is owned and managed by Mid Pen. It not only shields park visitors and nearby residents from the quarry's dust, noise and visual blight, but also helps protect critical wildlife and prevent landslides, according to Mid Pen leaders.

Over the years, the ridgeline has eroded because of landslides that county officials, in part, chalk up to the quarry operation. The county and Mid Pen want to ensure it doesn't erode further.

"By sharing enforce-

ment authority with Mid Pen, Santa Clara County Board of Supervisors can ensure that the ridgeline will be protected for its open space and conservation values and for water and air quality in perpetuity for the benefit of all," said Mid Pen board member Yoriko Kishimoto.

The Lehigh Permanente Quarry has operated since 1903 and at times has produced up to 80% of the cement used in the county and 50% in the Bay Area, according to the company.

It's also one of the region's major polluters, ranking eighth in 2017 for total emissions among top Bay Area industrial sites, according to data from the U.S. Environmental Protection Agency.

The Sierra Club in 2013 won a settlement that required Lehigh to install an interim wastewater treatment system. Two years

later, the company agreed to pay \$7.5 million to the EPA to settle charges of dumping millions of gallons of toxic wastewater into a nearby creek.

Lehigh for years has drawn the ire of its neighbors, who have grown frustrated by dust, noise and traffic generated at the quarry, especially after the business began hauling trucks of crushed rock on city streets.

County officials say the company's current expansion plans would require approximately 600 additional truck trips on Cupertino streets five days a week over the next 30 years, depending on available supply.

Los Altos Mayor Neysa Fligor said that bringing in Mid Pen as a second agency to keep Lehigh in check "makes a lot of sense and is exactly what our residents have been asking for."

June 25, 2021

County, Midpen fight cement plant

That aims to 'chop the top' off hillside

BY EMILY MIBACH
Daily Post Staff Writer

Both the Santa Clara County Board of Supervisors and the Midpeninsula Regional Open Space District Board have unanimously agreed to team up to enforce an easement that protects the ridge line that borders the Lehigh Cement Plant and Quarry.

A battle has begun between county officials and the quarry, which is just south of Los Altos. The quarry wants to remove a chunk of a foothills ridge line as part of a proposed expansion.

protected our hillside views and habitat. Now there's a proposal by Lehigh Southwest Cement to essentially 'chop the top' off the ridge line," said Simitian. "Violating the easement is something we can't let happen. Having an enforcement partner with a strong commitment to open space protection will help ensure it doesn't."



"Violating the easement is something we can't let happen. Having an enforcement partner with a strong commitment to open space protection will help ensure it doesn't."

Joe Simitian,
Santa Clara County supervisor

Meeting about issue

The two entities will now meet over the summer to work together on the grant and how to enforce the easement. It is expected to be discussed at the Board of Supervisors' Aug. 17 meeting.

But County Supervisor Joe Simitian contends the expansion would break a promise made 50 years ago to preserve the ridge line.

Midpen's board voted Wednesday and the supervisors voted Tuesday to work together to protect the hillside.

Simitian says Lehigh's proposal would "chop the top" off the ridge line, removing more than 20 acres of hillside.

Lehigh is suing the county over delays in processing its proposal, which was submitted in May 2019.

"For five decades this easement has

The Mercury News

February 11, 2022

CUPERTINO

Quarry and cement plant may be bought and closed

County Supervisor Simitian pushes for public ownership of site

By Paul Rogers
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A major quarry and cement plant in the hills west of Cupertino that has built freeways, dams and buildings across Northern California for generations — but also sparked controversy over pollution and noise — could be purchased and shut down by Santa Clara County under a plan made public Thursday.

Santa Clara County Supervisor Joe Simitian announced a proposal to require Santa Clara County officials to issue a report



FILE: DAI SUGANO — STAFF PHOTOGRAPHER

Lehigh Hanson's cement quarry near Cupertino, seen here in 2009.

in 90 days spelling out options with its owners or seizing the land by eminent domain. Calling the quarry “a historical property, including negotiating

cal anachronism,” Simitian said at a midmorning news conference that the site could be better used for open space, with potentially some housing.

“This is an opportunity to respond to the very legitimate concerns of the community, which we’ve been hearing about over the years,” said Simitian, whose district includes the quarry.

“It’s an opportunity to conserve the land,” he said, “in a way that is consistent with the open space values that I think are essential to the place that we are here in Silicon Valley.”

Any public purchase of the property, also known as the Permanente quarry, likely would cost tens of millions of dollars. A forced sale could spark years

QUARRY » PAGE 3

Quarry

FROM PAGE 1

of legal battles. Simitian said funds could be raised through a parks bond, through housing development proceeds or other methods.

Lehigh Hanson owns 3,510 acres around the quarry, an area three times the size of San Francisco's Golden Gate Park.

The company, based in Irving, Texas, is owned by Heidelberg Cement, a multi-billion-dollar German company. It is willing to talk, it said Thursday afternoon.

"The Permanente cement plant and quarry have been and remain key contributors to the local economy and vital suppliers to critical Bay Area construction projects," Lehigh Hanson

spokesman Jeff Sieg said in a statement. "As we evaluate optimal reclamation approaches and the future of the property in general, we look forward to hearing the county's ideas that respect both the community interests and Lehigh's property rights, as well as help create a more sustainable future."

The Lehigh plant opened in 1939 and was established by industrialist Henry J. Kaiser. In recent decades, it has produced more than half the cement used in the Bay Area and 70% of the cement used in Santa Clara County.

Its cement built Shasta Dam, Highway 101, Highway 85 and other major Northern California landmarks.

But the facility, whose kilns heat limestone to 2,750 degrees, also has been one of the Bay Area's largest

polluters, ranking at or near the top of Bay Area industrial sites for emissions of greenhouse gases and airborne mercury.

Its current permit requires the large open pit limestone mine to be "reclaimed," or restored, by 2032. In 2019, the company applied to the county for an extension, seeking to expand the quarry. The county has not granted it, and last February, the company sued the county over the delays.

On Thursday, Simitian noted that other quarry projects have been converted into impressive public facilities.

He cited the Dumbarton Quarry in Fremont, a former gravel pit that was 320 feet deep, and in operation from the 1950s until 2007. The vast hole was filled in and last August opened as a

new public campground after years of debate.

Fremont city officials agreed to allow the Dumbarton Quarry to operate 10 years past its permitted 1997 closure date in exchange for the owner, Dumbarton Quarry Associates, designing, constructing and paying for a park and campgrounds at the site. The campground today is run by the East Bay Regional Park District. It has 63 spaces for tents and RVs, picnic areas, a playground, 200-seat amphitheater, restrooms, showers and trails.

Local officials joined Simitian Thursday to endorse the idea of the public acquiring the Cupertino quarry.

"Over the years we've had a tremendous amount of truck traffic on a regular basis," said Cupertino Mayor Darcy Paul. "There

are fumes associated with the mines, and when you go to our communities, people wake up in the morning and see a really thick layer of dust on their vehicles. Water quality has been an issue. For us it's a matter of health."

Environmentalists endorsed the plan. They said they hope some or all of the property, which abuts the Rancho San Antonio Open Space Preserve, can be acquired for parkland.

"Protecting the open space would have great benefits for wildlife, and for people hiking in appropriate areas," said Brian Schmidt, legislative advocacy director of Green Foothills, an environmental group in Palo Alto. "Even more dramatically, this is a chance to re-

turn hundreds of acres from moonscape conditions to vibrant habitat."

In recent decades, other

Bay Area quarries that once built roads, dams, airport runways and other facilities have closed. Today about a dozen remain in the Bay Area, with cement also coming from others in Redding, Southern California and Canada.

Several labor leaders also supported Simitian's plan, which will be taken up Tuesday by the Santa Clara County Board of Supervisors. They said the number of union jobs at the Cupertino quarry has dwindled.

"The Teamsters have been running trucks at this plant for 80 years," said Eddie Venancio, business representative with the Teamsters Local 853. "Our workers also live in the community and look forward to the restoration of the property, which will create good-paying jobs for many years."

The Mercury News

November 16, 2022

POLLUTION SOURCE

Cement plant near Cupertino closing

Company says mining operation, distribution center will continue

By Aldo Toledo

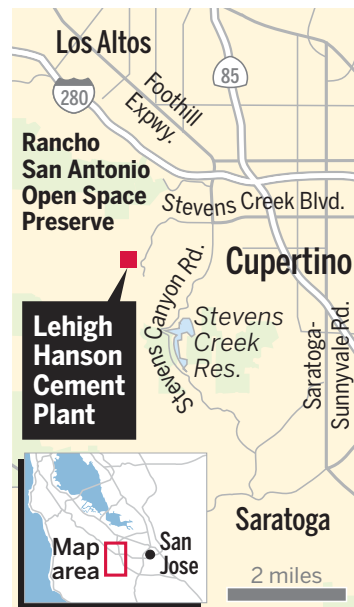
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The Lehigh Hanson cement plant — a major quarry in the hills west of Cupertino and a foundation of many key construction projects across Northern California for nearly a century — is shutting down, a huge victory for advocates hoping to stop industrial activity in the area.

The company will continue other ongoing operations, including running its distribution center, after the plant shuts down, the Irving, Texas-based company said in its announcement Monday. Opened in 1939 as a vital source for building materials in the booming Bay Area, the plant has not been operating its cement kiln since April 2020.

“The Permanente cement plant has literally provided the foundation for many significant construction projects in the region, including sports arenas, offices for technology companies, distribution centers, educational facilities and hospitals,” said Greg Ronczka, Lehigh Hanson’s vice president of environment and sustainability. “The Permanente cement plant has made many valuable contributions to Northern California over the years, and we are now working on a long-term

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Plant

strategy for this site so that it can continue to provide value in the future.”

From the Golden Gate Bridge to San Jose’s airport and Santa Clara County’s many stadiums, universities, hospitals and schools, cement from Lehigh’s Permanente plant in Cupertino has been the most accessible local construction material. But the quarry and cement plant have also been a source of controversy for the pollution and noise it caused in the area, as well as its environmental impact on the Santa Cruz Mountains ecosystem and wildlife.

In the last decade alone, Lehigh has committed over 2,000 environmental violations and has paid about \$2.5 million in fines, including for attempting to expand its mining areas and polluting the soil, water and air around the area, a Santa Clara County report shows.

For Santa Clara County Supervisor Joe Simitian, who has long championed efforts by the county to purchase and rehabilitate the area, the shutdown announcement comes as a victory, though he acknowledged much more still needs to be done.

“After 83 years of operations, the environs surrounding the cement plant have changed considerably, and it simply no longer works to have a large industrial use like a quarry and cement plant in proximity to the suburban communities of Cupertino, Los Altos, Los Altos



JIM GENSHIMER — STAFF ARCHIVES

Lehigh Hanson’s Permanente cement plant near Cupertino, seen in 2014, is shutting down, the Texas-based company has announced.

Hills and Palo Alto,” Simitian said. “While I am gratified by Lehigh’s announcement, there is clearly more to do.”

Lehigh Hanson spokesperson Jeff Sieg said in a statement Tuesday that operations at the site will include processing of existing rock aggregate stock as well as distribution and sales of cement. He said that “there will not be any extraction of materials or expansion of the pit” and added that there was no impact on the site’s current staffing.

While Lehigh Hanson said it will not restart clinker production — lumps of material produced in the manufacture of Portland cement — mining is set to continue, though the company did not specify the use for that material.

The plant’s closure comes less than a year after Santa Clara County announced that it would consider buying the property and shutting down its industrial uses. The county

ty’s proposed plan calls for area to be used as open space and rehabilitated for public use and preservation.

Any public purchase of the property, also known as the Permanente quarry, would likely cost tens of millions of dollars, and a forced sale could spark years of legal battles.

But the latest plant closure and plans for the quarry’s future are just pieces of a larger history spanning decades of building booms, environmental concerns, legal battles and even a tragic triple homicide.

In October 2011, Shareef Allman, a worker at the quarry, opened fire on his co-workers at the Lehigh quarry, killing three people and wounding six others. Allman was killed the next day when three deputies said they found him crouching behind a vehicle, displaying a handgun in a threatening manner.

Lehigh Hanson owns just over 3,500 acres around the

quarry, an area about three times the size of Golden Gate Park in San Francisco. In recent decades, it has produced more than half the cement used in the Bay Area and 70% of the cement used in Santa Clara County.

Back in the day, it was more: Cement from the plant was used on massive projects such as the Shasta Dam and Highway 101. But the kilns that Lehigh Hanson said will not be restarted were one of the Bay Area’s worst polluters, ranking at or near the top of regional sites contributing to greenhouse gas emissions and specifically airborne mercury.

As a result, neighboring cities and Bay Area environmental groups had long sought to return the area to nature. But that won’t be an easy feat and could take years to complete.

The Dumbarton Quarry in Fremont, a former 320-foot-deep gravel pit that operated from the 1950s to 2007, is one example of a giant industrial scar transformed into new public campgrounds after years of debate, rehabilitation and planning.

Simitian hopes the conversion can be steered to make the Permanente quarry an open space sooner than it did in Fremont.

“This is an opportunity to adapt and envision a new future for the site,” Simitian said. “A future that I hope will build on the three-pronged vision with which I began: cement plant closure, a cessation of quarry activities, and restoration of the site.”

Los Altos Town Crier

July 5, 2023

New plan details end of mining, cement production in foothills



COURTESY OF JOE SIMITIAN'S OFFICE

Mining has stopped at Permanente Quarry in the foothills south of Los Altos.

Town Crier Report

Residents tired of living near the high-polluting cement plant and quarry south of Los Altos may see the operator's latest plan as encouraging.

Santa Clara County planning staff Thursday shared Heidelberg Materials' newly proposed Reclamation Plan Amendment (RPA), which addresses the closure and restoration of the land at Permanente Quarry.

The plans were unveiled at the county's Housing, Land Use, Environment and Transportation Committee meeting Thursday. The 3,500-acre site is owned by Heidelberg and operated by Lehigh Southwest Cement Co.

County Supervisor Joe Simitian, vice chairman of the committee, said the latest proposal is a significant improvement on Lehigh's 2019 application, with the updated 2023 RPA in better alignment with his three stated goals: Close the cement plant; stop mining in the quarry; and

begin the restoration and reclamation of the property.

The new RPA addresses contentious aspects of the 2019 proposal that would have amended the existing 2012 RPA.

In its 2019 proposal, Heidelberg put forth a plan to mine additional limestone from the area and to cut back the slope of the north quarry wall for mining. Heidelberg had looked to set aside the county's ridgeline protection agreement to accomplish its goals, a proposal Simitian characterized as "a nonstarter."

The 2023 RPA application, however, indicates an intention to preserve the quarry north wall ridgeline and to forego new mining.

"The review of this newly proposed Reclamation Plan Amendment will undoubtedly be a lengthy and thorough process," Simitian said. "But what's important here is that this new RPA reduces the quarry footprint, puts an end to the mining of limestone and no longer 'chops the top'

off the ridgeline."

To protect the ridgeline and surrounding habitat that is part of the property, the county and the Midpeninsula Regional Open Space District entered into a memorandum of agreement in 2021 to share enforcement of the ridgeline preservation easement (granted in 1972) that protects the land adjacent to Rancho San Antonio County Park.

Lehigh's 2023 proposed RPA, if approved, would return the site to an open-space condition with appropriate contours and landscaping. Activities planned in alignment with this goal include grading steep areas for stability, backfilling the quarry, buttressing quarry walls with fill, removing aggregate stockpiles and revegetating to control wind and water erosion and assist in reclaiming viewsheds.

The Lehigh site no longer includes cement production or quarry mining, serving instead as a holding area for transporting aggregate for sale.

The Mercury News

August 11, 2023

Editorial

Polluting area quarry finally to be shut down

At long last, after thousands of environmental violations and more than \$2.5 million in fines, an agreement has been reached to shut down a 3,500-acre quarry that had sent wastewater laced with selenium into San Francisco Bay. The permanent closure of Lehigh Quarry and Cement's cement production in an unincorporated area of Santa Clara County near Cupertino is a long overdue environmental victory for the Bay Area.

For decades, Lehigh had provided more than half the cement used in Bay Area construction projects. Cement distribution will allow construction projects to continue without the massive regional environmental impact.

The hope is that the eyesore site in the Santa Cruz Mountains will eventually be restored to its former beauty.

As a model for the reclamation, planners should look to the successful conversion of

the 320-foot-deep Dumbarton Quarry gravel pit in Fremont into an East Bay family campground with 65 campsites.

Mining at the Lehigh site first began in 1903. The Santa Clara County Board of Supervisors is scheduled to vote Tuesday on the proposed deal with the company to permanently shut down its cement production efforts.

The Texas-based company halted operation at its kiln during the pandemic but continued its cement distribution business. Since then, the county has been working to negotiate a legally enforceable agreement to prevent Lehigh from restarting its cement production.

Give Santa Clara County Supervisor Joe Simitian credit for spearheading the closure.

In 2019, Lehigh applied to amend its reclamation plan, approved by the Board of Su-

perisors in 2012, to increase total mining production at its quarry by approximately 600,000 tons a year. The expansion, Simitian said, would have required Lehigh to "chop the top" of its hillside operation.

Simitian and Cupertino city councilmembers were already feuding with Lehigh over its management of the site. Cupertino officials maintained that the company's plans would require more than 500 truck trips through Cupertino streets every day for years.

Simitian asked for a full accounting of Lehigh's violations. The ensuing county report uncovered 2,135 violations between 2012 to 2021.

Among them, Lehigh in 2015 had agreed to pay a civil penalty of nearly \$2.6 million to the U.S. Environmental Protection Agency and the state Regional Water Quality Control Board. EPA officials said

Lehigh illegally dumped millions of gallons of industrial wastewater laced with selenium and other metals into Permanente Creek, which flows into the San Francisco Bay.

Violations also included the unpermitted expansion of an emergency access road leading through Cupertino city property to the plant and the removal of 35 protected trees along the road.

Simitian used the county report to win Board of Supervisors support for the Planning Commission to study whether Lehigh's use permit should be revoked. The threat sparked the lengthy negotiations with Lehigh that eventually led to an agreement to permanently shut down its mining and cement production.

After more than a century of environmental damage, the reclamation and restoration of the Lehigh site can't start soon enough.

The Mercury News

August 17, 2023

CUPERTINO

Quarry won't restart production of cement

By Grace Hase

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Lehigh Hanson now will have to officially cease cement production at its quarry west of Cupertino in the wake of the company's legally binding agreement with Santa Clara County.

On Tuesday afternoon, the Santa Clara County Board of Supervisors voted unanimously to sign off on the agreement, moving one step closer to reclaiming and restoring the 3,510-acre site.

Supervisor Joe Simitian, whose district encompasses the plant and long has advocated for its closure, called it "the end of 84 years of cement manufacturing on the site."

Lehigh has played a large role in Bay Area construction projects since 1939, but in recent years, residents and environmentalists have pushed for its closure amid the pollution from the plant.

Last year, Lehigh announced that it wouldn't be restarting ce-

Quarry

ment production after it halted the use of the kiln in April 2020. And in April, the board asked the county's attorneys to make it official and draft up an agreement.

Tuesday's decision puts the county closer to achieving Simitian's three goals: Close the plant, stop any new quarrying activity and begin the restoration and reclamation process.

"That means one and two on the three-part to-do list will be done," Simitian said at the meeting.

Supervisor Otto Lee said he was "ecstatic" over the pact, which would stop "many dangerous and poisonous gasses and emissions."

"This is a long-overdue action to save our public's health," Lee said. "And for more than eight decades, these emissions have caused air and water pollution, like rainwater runoff, like selenium, smog, acid rain, climate change, and have certainly aggravated health conditions like asthma and emphysema."

In the past decade, Lehigh has been hit with more

than 2,100 violations and accrued millions of dollars in fines relating to pollution. In 2015, the company paid \$2,550,000 to the Environmental Protection Agency and the Regional Water Quality Control Board, and in 2020 it spent \$12 million on pollution control technology across 11 plants in eight states because it violated the Clean Water Act, the Clean Air Act, California water codes and other local laws.

Lehigh Hanson spokesperson Jeff Sieg said the company is "pleased to formalize our agreement not to restart the kiln at our Permanente cement plant."

"We remain focused on working collaboratively with the community and other stakeholders on the development of a long-term strategy for the property so that it can continue to provide value in the future," he said.