Applications of Lehigh & Stevens Creek Quarry to Expand Operations and Amend Reclamation Plans

Study Session January 19, 2021
Presentation Outline

• Status of applications to County submitted by both quarries
  • Lehigh has submitted a Reclamation Plan Amendment (RPA)
  • Stevens Creek Quarry (SCQ) has applied for a Use Permit and RPA
• Overview of each application and associated approvals
Presentation Outline - continued

- Vested rights evaluation for Lehigh
- Overview of CEQA process
- Opportunities, timelines for public input
- Other compliance concerns
- Summary of City’s comments and concerns about each application
Intro to Reclamation Plans

- Surface Mining and Reclamation Act (SMARA) requires restoration after extraction concludes.
- Reclamation plan identifies an area to be reclaimed, methods, and end land uses.
- SMARA also requires financial assurances to ensure reclamation.
Lehigh Quarry

- Limestone and aggregate quarry since 1939
- 24001 Stevens Creek Boulevard, Cupertino
- West of City of Cupertino
Stevens Creek Quarry Video
Background

• In 2011, Board of Supervisors (BOS) determined Lehigh has vested rights to mine on certain parcels

• 2012 RPA specifies how the quarry shall be reclaimed
  • Revegetation of the site
  • Backfill the main pit using onsite material
• Lehigh also operates a cement plant under separate Use Permit

• The cement plant is not a component of the 2012 RPA
Lehigh Applications

- County is Processing
  - Permanente Creek Restoration Project – Grading Approval
  - Mining Expansion RPA
Permanente Creek Restoration Project

- Creek restoration identified in 2012 RPA
- Grading Approval application submitted in 2017
- Scope and bid for Supplemental Environmental Impact Report (EIR) preparation
- Department is waiting for funds from Lehigh for EIR
2019 Mining Expansion RPA

- Replacement of the 2012 RPA
- Import of fill to reclaim main pit
- Modify the 1972 Ridgeline Easement
2019 Mining Expansion RPA (con’t)

• 20 million cubic yards of clean fill for reclamation
• Up to 600 truck trips per day, 5 days per week
• 1 million CY per year
2019 Mining Expansion RPA (con’t)

- Modification of 1972 Ridgeline Protection Easement
  - Lowers ridge approximately 100 feet to allow mining and stabilization
- New quarry area
- Export unprocessed greenstone to SCQ
Vested Rights Consistency Evaluation

• 2011 BOS Vested Rights Determination – Geographic Area

• BOS will consider consistency of the proposed RPA with Vested Rights Determination
Project Schedule

• Consultants retained for environment review
• Currently negotiating scope with Lehigh
Project Schedule (con’t)

• Next Steps
  • Finalize EIR scope
  • Publication of Notice of Preparation
  • Public Scoping Meeting
  • Preparation of Draft EIR
  • Vested Rights consistency hearing
  • EIR public comment period
  • Planning Commission comment meeting
Project Schedule (con’t)

• Final EIR

• BOS consideration hearing
  • EIR certification
  • Reclamation Plan Amendment
  • Ridgeline Protection Easement
Opportunities for Public Input

- EIR Scoping Meeting
- Notice of Preparation
- Vested Rights Hearing
- EIR Comment Period
- Planning Commission (PC) / BOS Hearing
Compliance Issues

- County Notice of Violation (NOV) for sediment discharge into Permanente Creek (abated)
- Regional Water Quality Control Board (RWQCB) NOV for sediment discharge into Permanente Creek (abated)
- SF Bay Regional Water Quality Control Board violation for selenium exceedances
City Compliance Issues

• City of Cupertino NOV for Haul Road

• City NOV in May 2019 for grading, tree removal.
  • Tree planting, restoration complete.
  • Regrading anticipated Summer 2021
City Comments

- January 2019—export of aggregate, truck traffic
- July, October, December 2019—RPAs
- May 2020—vested rights determination
Stevens Creek Quarry

- Active aggregate quarry since 1950
- 12100 Stevens Canyon Rd, Cupertino
Status of SCQ Applications for Use Permit and RPA

- 1996 Use Permit (expired in 2015)
- 2002 Mediated Agreement, and current Reclamation Plan
- 2018 Compliance Agreement
- Pre-application for Use Permit and RPA submitted in May 2019
Status of SCQ Applications for Use Permit and RPA (con’t)

- Use Permit and RPA submitted in September 2020; deemed incomplete
- Use Permit and RPA resubmitted in December 2020; deemed incomplete
Overview of SCQ Use Permit and RPA

• Expansion of mining operations
• Relocation of settling basin
Overview of SCQ Use Permit and RPA (con’t)

- Update Reclamation Plan boundary
- Correct slope instability issues
- Import fill for reclamation
Overview of SCQ Use Permit and RPA (con’t)

• Up to 1 million tons annually from Lehigh
• Up to 400 truck trips per day
• Process 2 million tons aggregate per year
• Import 3.7-12.5 million cubic yards of fill for reclamation for 30 years
Overview of SCQ Use Permit and RPA (cont)

- Zoning Interpretation to allow importation of greenstone from Lehigh for processing and sale
- Importation and processing is not an allowed use under the Zoning Ordinance
Project Schedule

- Review forthcoming UP and RPA resubmittal for completeness
- Finalize EIR scope
Project Schedule (con’t)

- Publication of Notice of Preparation
- Preparation of Draft EIR
- EIR public comment period
- Planning Commission comment meeting
- Final EIR
- Planning Commission consideration meeting
Opportunities for Public Input

• EIR Scoping Meeting
• Notice of Preparation
• EIR Comment Period
• Planning Commission Hearing
  • Use Permit, RPA and EIR
Compliance issues

- 2017 NOV and 2018 Compliance Agreement
  - Slope failures
  - Water quality issues
  - Ground disturbance outside boundary
Compliance Issues (con’t)

• 2019 NOV
  • Import, processing, and resale of aggregate from Lehigh
  • Zoning Interpretation submitted to allow import from Lehigh
City Comments

- January 2019—export of aggregate, truck traffic
- July 2019—pre-application
- October, December 2020—completeness of applications
To Access Information

City: https://www.Cupertino.org/quarry information

County: https://www.sccgov.org/sites/dpd/Programs/SMARA/Pages/SMARA.aspx
Questions

Save the date for Supervisor Joseph Simitian’s annual meeting with regulatory agencies about Lehigh on March 3, 2021 from 6:30-8:30 p.m.