

January 9, 2019

Jacqueline Onciano  
Planning Director  
Department of Planning and Development  
County of Santa Clara  
70 W. Hedding Street, 7th Floor  
San Jose, CA 95110

Roger Lee  
Assistant Director of Public Works  
Department of Public Works  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

**Re: Permanente Quarry, Mine ID # 91-43-0004  
Proposed voluntary measures in response to the December 19, 2018  
neighborhood meeting**

Dear Ms. Onciano and Mr. Lee:

This letter provides Santa Clara County (“County”) and the City of Cupertino (“City”) with a list of present and future actions that Lehigh is committed to implement in response to the concerns expressed by Cupertino residents at the December 19, 2018 neighborhood meeting regarding the transportation of aggregate material between Lehigh and Steven’s Creek Quarry (“SCQ”).

As background, on August 17, 2018 the County issued a Notice of Violation (“NOV”) because Lehigh allowed SCQ to use an existing, unpaved access road to enter the Permanente Quarry and retrieve aggregates purchased from Lehigh under a commercial agreement. We made this road available to SCQ because it was the shortest route between the quarries and avoided the use of surface streets. The road was not new, it had existed for decades and was modified to support heavy trucks. SCQ used the road for months in 2018 to transport aggregate purchased from Lehigh.

Since the NOV was issued, Lehigh, at the County’s request, ceased the use of the existing road, implemented all the requested actions like hydro seeding and submitted all the documentation requested by the County, including a Reclamation Plan Amendment (RPA) that includes an additional road within the boundaries of the reclamation plan to continue transporting aggregates sold to SCQ without using local streets. To be clear, Lehigh did not and does not

believe that an RPA is necessary for a road that is used for customer access to Lehigh's quarry, and Lehigh remains hopeful that the County will reconsider its position. Nonetheless, Lehigh is cooperating with County staff and will of course continue to observe the County's directives.

The County is reviewing the submitted documentation including the Reclamation Plan Amendment addressing the portion of the access road within the County's jurisdiction. In the meantime, the City of Cupertino organized a neighborhood meeting on December 19, 2018 to understand all the concerns raised by neighbors regarding the transportation of aggregate material over public roads from Lehigh to SCQ.

2019 marks the 80<sup>th</sup> anniversary of the Permanente facility operations. Annually, we produce millions of tons of cement and aggregate for local projects. We produce 70 percent of the cement in the County and 50 percent in the greater Bay Area. Trucks operated by Lehigh's customers, such as SCQ, are the primary means of distributing these materials locally and within the region. Operational and reclamation traffic originating from Lehigh has existed for decades and will continue in the future. We have the legal right to receive this traffic consistent with our land use rights.

Lehigh is mindful of the potential impacts related to truck traffic, and the need to ensure that traffic is properly managed to minimize impacts on the community. Over the years Lehigh has adopted measures to help alleviate these impacts. We understand the concerns raised at the neighborhood meeting, and we want to reiterate our commitment to be a responsible operator and a good neighbor to the local community. We believe it is important that the community is aware of the actions that Lehigh is already undertaking to address its concerns:

- We have worked for years to ensure that drivers visiting us comply with all laws. We want to understand the nature of the violations and will consider measures within our power to curb abuses. Speed is strictly limited to 25 mph for trucks leaving on Stevens Creek Road. We have installed a radar, illuminated speed monitor, and automatic camera to warn drivers that break this rule. Lehigh is in the process to update the technology for this system and should be operational as soon as the vendor can install the new equipment. We revoke the privileges of drivers that break our policies.
  - Over the years, we have provided appropriate training, on-site enforcement and signage to ensure compliance with the posted speed limit.
  - We water unpaved roads in our property as needed as a fugitive dust control measure.
  - We have a truck-washing system that all outgoing vehicles that traveled on unpaved roads must use.
  - We have a street sweeper dedicated to keeping dust off the road, which patrols Stevens Creek Blvd between the entrance and Foothill Blvd.
  - All tank trucks are closely examined to prevent leakage during transit
  - We have contributed to the construction of sound walls on the neighborhood.

These are some of the actions related to truck traffic and dust control that Lehigh implements every day. In addition to these daily efforts to mitigate impacts of truck traffic, over the last several years Lehigh has made substantial investments on storm and process water treatment, emissions controls, and sound monitoring and reduction.

It is our intent to continue to be part of the fabric of Silicon Valley's development for years to come. We will continue our operations in an environmentally and socially sustainable manner which includes listening to the concerns of our neighbors and community leaders. To this effect, and in response to the issues brought up by our neighbors at the neighborhood meeting, and as a testament to our Company's effort to go beyond compliance and be a good neighbor, Lehigh proposes the following additional voluntary measures to address the requests made by our neighbors at the meeting:

- We will construct a concrete sidewalk along Stevens Creek Blvd. adjacent to the Bateh Brothers establishment. This is in response to the concern of lack of safe pedestrian access in that area. We have talked to the property owners and they are in agreement with this proposal.
- In response to the complaint of mud and track out at the intersection of Stevens Creek and Foothill Boulevards, we will install gates to prevent cars and truck from taking a shortcut through the unpaved parking lot. This also has been approved by the property owner.
- We are in the process of improving the shoulders of Stevens Creek Boulevard near our premises where significant amounts of dirt has the potential to be dragged onto the roadway.
- In addition to the sweeping that is part of our normal daily operations, we have agreed to provide additional sweeping of local roads in coordination with the City.
- We have asked SCQ to stagger the dispatch times of their trucks, particularly during morning rush hour to prevent bottlenecks at the intersections. We will monitor the loading and departure of aggregate trucks to support this effort.

At Lehigh, we believe and greatly value open respectful dialogue with our neighbors and community leaders. We appreciate that the City of Cupertino facilitated the community meeting, we listened, we are taking voluntary measures and we remain open to further discussions with our neighbors.

Lehigh appreciates the opportunity to provide this response and to provide any further information that may be requested. Please do not hesitate to contact me if you have questions or comments.

Sincerely,

*Erika Guerra*

Erika Guerra  
Environmental and Land Management Director  
Lehigh Southwest Cement Company

.cc Joe Simitian, Board President, Board of Supervisors, Santa Clara County  
Rob Eastwood, Planning Manager, Santa Clara County  
Steven Scharf, Mayor, City of Cupertino  
Liang-Fang "Liang" Chao, Vice-Mayor, City of Cupertino  
Rod Sinks, Councilmember, City of Cupertino  
Darcy Paul, Councilmember, City of Cupertino  
Jon Willey, Councilmember, City of Cupertino  
Timm Borden, Interim City Manager, City of Cupertino