



CITY MANAGER'S OFFICE

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February 18, 2022

VIA ELECTRONIC MAIL

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Re: Lehigh Hanson Quarry

Dear Honorable Members of the Board of Supervisors:

We write on behalf of the City of Cupertino to express strong support for the Board's efforts to explore the acquisition of the Lehigh Hanson Quarry and Cement Plant and to facilitate the cessation of quarry and plant operations.

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As you know, the Lehigh Plant is located primarily within the County's jurisdiction, immediately to the west of residential neighborhoods in the City of Cupertino. As the Plant's nearest neighbors, Cupertino residents bear the brunt of the traffic, pollution, and other environmental impacts caused by quarry and plant operations.

The Leigh Plant has operated as a limestone and aggregate quarry since 1939, almost 16 years before the City of Cupertino was incorporated. At that time, the total population of Santa Clara County was about 175,000. The history of mining at the site dates back even earlier, to the beginning of the 20th Century.

The Plant's decades of operation have caused significant environmental damage to Santa Clara County and the City of Cupertino. A few recent examples include illegal discharges of sediment to Permanente Creek; exceedances of Regional Water Quality Control Board waste discharge requirements for selenium; and the illegal grading of the haul road that ran from the Plant to the nearby Stevens Creek Quarry. The Plant also contributes to dust, traffic, and noise in residential areas of Cupertino that are immediately adjacent to the Plant. Cupertino continues to use City resources to monitor and respond to the impacts of Lehigh's operations on the City's residents and its infrastructure.

Lehigh seeks not only to continue these polluting operations, but to expand them. Lehigh is currently seeking amendments to its Reclamation Plan that would allow it to restart export of aggregate to Stevens Creek Quarry, lower the ridgeline between its property and the Midpeninsula Open Space District's Rancho San Antonio Preserve, add a new pit to existing mining operations, and eventually restore the Lehigh property with fill that would require more than 500 truck trips through City streets every day for decades.

On February 15, 2022, the Board of Supervisors approved a referral to County staff, authored by Supervisor Simitian, to report to the Board within 90 days with options for the potential acquisition of the Lehigh Plant. The Board's referral recognizes the dramatic changes in land use surrounding the Plant over the past eight decades and the need for a new vision for protecting natural resources and Santa Clara County residents. The City of Cupertino strongly supports these efforts.

Also on February 15, 2022, the Cupertino City Council approved a motion to support the County's efforts to move forward with exploring the acquisition of the property. The City looks forward to working with the County as part of a collaborative

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process. Recognizing that part of the property is within Cupertino's urban service area and Cupertino is the community most directly impacted by the Plant's operation, we anticipate Cupertino residents and policymakers will have a prominent voice in any future land use decisions.

We also appreciate that there will be challenges as the process of exploring acquisition of the property moves forward. Of particular concern are environmental issues arising from more than a century of mining and manufacturing activity at the site. The City expects a full investigation and remediation of environmental contamination at the site, as well as restoration of the site in a manner consistent with the Surface Mining and Reclamation Act and the approved Reclamation Plan. The exploration of future uses of the site must also reflect the presence of environmental contamination, as well as fire risk and other public safety issues. In addition, any future use of the site should mitigate the impact on historic resources such as the Snyder-Hammond House.

Finally, we note that the operation of the Lehigh Plant is intertwined with the operations of the Stevens Creek Quarry, located south of the Lehigh Plant in the foothills west of Cupertino. We urge the County to consider options for acquisition and restoration of the Stevens Creek Quarry as part of the process that the Board of Supervisors has initiated.

These concerns should not overshadow Cupertino's strong support the County process. Cupertino residents have been adversely affected by the Lehigh Plant's operations for decades, and the process that has been initiated by the County is an opportunity to move beyond a century of pollution and industrial activity, and to convert the Plant property to a new use that is beneficial to the community. Thank you for your initiative and leadership in these efforts.

Sincerely,



Jim Throop
City Manager

Christopher D. Jensen

Christopher D. Jensen
City Attorney

cc: Cupertino City Council