

Germinario, Lena@Waterboards

From: [REDACTED]
Sent: Monday, June 12, 2017 4:40 PM
To: Germinario, Lena@Waterboards
Subject: Tent. Ammending Order NPDES Permit/ Lehigh Water Treatment?SC Co Zoning Hearing
Attachments: Lehigh Water Treatment Facility - Zoning Administrator Hearing - May 4

Lena Germinario,

June 12, 2017

In regards RWQCB Tentative Orders Amending Order Nos. R2 2014-0010 (NPDES Permit CA0030210) and R2-2014-0011 (Cease and Desist Order), Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc. Permanente Plant, Santa Clara County, I am attaching details of Santa Clara County Zoning Officer's recent May 4 review of Lehigh Water Treatment Facility that I request be incorporated in record for RWQCB Tentative Orders Amending Order Nos. R2 2014-0010 and 0011 in continuation of my 6/8 comment.

This Santa Clara County Department of Planning and Development Architecture and Site Approval, Design Review, and Grading Approval - 2250-17A-17DR-17G (Lehigh Water Treatment Facility) of a 159.42 acre site is deemed ancillary and accessory to the Cement Plant, and includes a 9,100 square foot building, on a pad which necessitates 2,976.6 cubic yards (CY) of cut and 2,220.9 CY of fill for building footprint and associated outdoor equipment. My concerns in this matter is that no soils analysis is attached to order and site appears unvegetated which might be indicator of historical use associated with contaminants. Steepness of graded slopes could be mitigated with vegetated terraces to integrate with environmental integrity of the watershed. Trees would also serve to buffer bulk of 9000 square foot structure and auxiliary buildings visible from valley.

On page 8 of this transmitted staff report please note Technical Details of Facility Operation to be assured that details are in compliance with RWQCB NPDES Permit relative to water circulation from ponds to plant.

"Currently, water is collected at the Cement Plant primarily in Pond 1 and Pond 11. Pond 1 water is pumped to the Permanente Quarry Main Pit. Extraction wells surrounding the Main Pit draw water out of the ground and the water is currently sent to the Interim Treatment System at Pond 4A to be treated before being discharged into Permanente Creek. The capacity of the Interim Treatment System is only 400 gallons per minute. The proposal includes redirecting the water from the extraction wells to the proposed Facility, which will have a capacity of 1,200 gallons per minute. The proposed Facility will replace existing interim Treatment System located near the Main Pit at Pond 4A. See Attachment E for a Flow Schematic."

Is this increase in pump power critical to facility operations in consideration of its probable lethal impacts to Red-Legged Frog populations that inhabit full extent of Upper Permanente Creek watershed? What water rights are intrinsic to these extraction wells pumping of groundwater adjacent to main quarry pit? To increase pump power in extracting groundwater from wells will extend de-watering of underflow of Permanente Creek?

Please note that Santa Clara Planning's Zoning officer plan for Lehigh's Water Treatment Facility has yet to be reviewed by Santa Clara Planning Commission and was not referenced in May 25 Lehigh Pond 30 plan.

"Water entering the Facility is first sent through an Ultra-Filtration system, followed by Reverse Osmosis. Sodium Hypochlorite and Citric Acid are used to clean the Ultra-Filtration and Reverse Osmosis systems at an estimated frequency of 1 to 3 months, or as needed. An anti-scalant is also used to clean the Reverse Osmosis system. The water is further filtered using a bio-reactor. The biological system eat a nutrient and convert the metals dissolved in the water into a soluble form. The bio-reactor also creates sulfides. Hydrogen Peroxide is used to neutralize the sulfides in the water. Clean, treated water is finally discharged into Permanente Creek. Any liquid backwash that is not fully treated is sent back to Pond 11 to continue the treatment cycle. solid backwash, including metals and settled biological matter, is cleaned out and disposed of using tote bags." If this last item is the 'sludge' about which I was warned is greatest concern in process, then believe environmental compliance requires its disposal off site and remedial actions need to be specific.


"The chemical involved in the process include Sodium Hypochlorite (bleach), citric acid, Hydrogen Peroxide, a biological nutrient, and an anti-scalant. The chemicals are stored in the various tanks inside and outside the Facility.

In recommended and approved plant design these tanks of chemicals are stored within building. The only outside tank shown is to store backwash' Proximity to earthquake faults demands special integrity in design.

In subsequent "Notice of Exemption from CEQA" of this attachment it amplifies facility auxiliary structures to include "several process water tanks..be installed on concrete pad foundations outside of building...tanks would vary in height from 8 feet to 22.3 feet" On page 2 of document "7 process water tanks to be installed".

At any rate, documentation for Lehigh Water Treatment Facility is deficient in a number of critical elements to extent that fear it could mushroom into a facility with capability to convert Black Mountain water reserves that historically have supported Santa Clara Valley aquifers to a private source of industrial water supply.

Please condition this permit in strict water rights compliance language that cannot be misconstrued or in any way subverted for now or.in perpetuity Thank you for all considerations of my concerns in this Matter.

Libby Lucas, 

Germinario, Lena@Waterboards

From: Hoem, Christopher <christopher.hoem@pln.sccgov.org>
Sent: Friday, April 28, 2017 2:58 PM
To: Hoem, Christopher
Subject: Lehigh Water Treatment Facility - Zoning Administrator Hearing - May 4

Dear Interested Parties,

The Santa Clara County Zoning Administrator will be conducting a public hearing on May 4th, 2017 to consider several projects, including a proposed Water Treatment Facility at the Lehigh Cement Plant. The agenda for the meeting and staff report for the proposed Facility are located on our website here:

<https://www.sccgov.org/sites/dpd/Commissions/ZA/Pages/ZA.aspx> (see item #6).

Project plans and other documents are also available for public inspection during regular business hours at the Planning Office (Monday 9:30 to 5:00, Tuesday through Friday 8:00 to 5:00). Questions or comments should be directed to Christopher Hoem at Christopher.Hoem@pln.sccgov.org or 408-299-5784.

Thank you,

Christopher Hoem, AICP
Santa Clara County Associate Planner
408-299-5784

Please visit our website at www.sccplanning.org

To look up unincorporated property zoning information: www.SCCpropertyinfo.org

Questions on Plan Check Status?, please e-mail: PLN-PermitCenter@pln.sccgov.org

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF REPORT Zoning Administration May 4, 2017 **Item #6**

Staff contact: Christopher Hoem, Associate Planner *CH*
408-299-5784, Christopher.Hoem@pln.sccgov.org

2250-17A-17DR-17G (Lehigh Water Treatment Facility) Architecture and Site Approval, Design Review, and Grading Approval

Summary: A major modification to the existing Architecture and Site Approval (ASA) for the Lehigh Cement Plant to construct a Water Treatment Facility Building of 9,100 sq. ft., including Design Review and Grading Approval. Included in the project are water storage and chemical storage tanks, and other associated improvements.

Owner: Lehigh Southwest Cement Co.

General Plan: Urban Service Area:
Cupertino

Applicant: Sam Barket

Zoning: A-d1

Address: 24001 Stevens Creek Blvd., Cupertino

Project Area: ~159.42 acres

APN: 351-10-033

Present Land Use: Industrial/Cement Plant

Supervisorial District: 5

RECOMMENDED ACTIONS

- A. Approve the proposed categorical exemptions for CEQA.
- B. Grant the ASA Modification, including Design Review and Grading Approval, subject to conditions of approval outlined in Attachment B.

PROJECT DESCRIPTION

The project is to construct a Water Treatment Facility Building (Facility) and related equipment and improvements on a site located in the southern portion of the Lehigh Cement Plant property. The proposed Facility is required and being constructed to comply with a Cease and Desist order placed on the Lehigh Cement Plant by the Regional Water Quality Control Board (RWQCB) and to comply with the plant's site-specific National Pollutant Discharge Elimination System (NPDES) permit (Order No. R2-2014-0010) / NPDES CA0030210). The NPDES permit requires that all processed and storm water runoff generated from the Cement Plant area and the Permanente Quarry is treated prior to discharge to Permanente Creek. The project does not entail any changes to current levels of discharge or drainage into Permanente Creek. The Facility will only treat water that otherwise is discharging into the creek. The main constituent pollutant treated at the facility is selenium. Other constituents, such as mercury and nickel, are also treated.

The proposed Facility includes a metal building that is 9,100 sq. ft. in floor area and 30 feet in maximum height. The water treatment plant is to be housed in the building. The proposal includes 7 process water tanks to be installed on concrete pad foundations outside of the building. The tanks vary in height from 8 feet to 22.3 feet. The only employees that will use the building will be present on an intermittent basis as needed to monitor the operation of the treatment plant.

REASONS FOR RECOMMENDATION

The Zoning Administrator is the decision-making authority for ASA, Grading Approval, and Design Review. Pursuant to County Zoning Ordinance §5.20.200(B)(1), Modification of Permit Approval, Major, the construction of this proposed Facility constitutes a major modification to the existing ASA at the Lehigh Cement Plant, because it involves a substantive modification to the site plan of the existing facility.

The proposal does not necessitate any modification to the existing Use Permit for the Cement Plant because the Facility:

1. does not increase the capacity or output of the Cement Plant production or waste;
2. represents a fraction of the total structural mass of the Cement Plant site;
3. is ancillary and accessory to the Cement Plant; and,
4. will not conflict with or modify the Use Permit conditions of approval established for the Cement Plant.

The property and proposed Facility site is within the -d1 Design Review zoning district. Based on viewshed visibility analysis (see Attachment D), it is visible from the valley floor, and therefore subject to Design Review. Due to the 9,100 sq. ft. building size, the proposal is classified as a Tier 2 project per County Zoning Ordinance §3.20.040(A)(2).

The proposal also includes 2,976.6 cubic yards (CY) of cut and 2,220.9 CY of fill and thus requires Grading Approval per County Ordinance §C12-406(a). The total grading, excluding the building footprint and associated outdoor equipment, is approximately 2,921 CY of cut and 1,955 CY of fill. The net grading is approximately 755 CY of cut. The general purposes of the

grading are related to access road improvements, and terrain modifications in the immediate vicinity of the project necessary to establish the facility.

A. Environmental Review and Determination (CEQA)

This project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and it has been determined that Class 1 (CEQA Guidelines 15301 – “Existing Facilities”) and Class 3 (CEQA Guidelines 15303 – “New Construction or Conversion of Small Structures”) exemptions are applicable to the project. The Class 1 exemption applies because the Facility includes a water treatment plant, which is an addition of a health or safety device for use in conjunction with the existing structures of the Cement Plant. Also, the project is exempt pursuant to the Class 3 exemption (“new construction”) because the Facility is accessory and appurtenant to the Cement Plant.

Furthermore, Staff finds that the project can be exempt from CEQA because the project does not have potential for causing a significant effect on the environment [CEQA Guidelines 15061(b)(3)].

B. Proposal

The Zoning Administrator may grant the proposed Architecture and Site Approval, Design Review, and Grading Approval to comply with NPDES permit requirements by the RWQCB, subject to the applicable findings as listed below, and project conditions outlined in Attachment B.

Architecture and Site Approval Findings:

The Zoning Administrator may issue Architecture and Site Approval if able to make all of the following findings listed in §5.40.040 of the County Zoning Ordinance. Listed below are the individual findings together with a discussion (in italics) relating to how the proposed project conforms to each respective finding.

- A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

The proposal is located within the Lehigh Cement Plant site and does not affect traffic safety. Proposed on-site circulation includes a new fire access driveway surrounding the Facility. There is sufficient ingress and egress to the Facility for employees. There are no proposed parking spaces and none are required because there is no permanent workplace within this industrial building and the Facility is not open to public access. There is sufficient area for trucks to transport and deliver treatment chemicals to the Facility. The proposal would add up to approximately 4 daily vehicle trips to and from the Lehigh Cement Plant and therefore does not have any significant effect on the traffic movement in the area.

- B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;

The surrounding area includes industrial buildings and operations. The proposal is industrial in nature and fits the character of the surrounding industrial area. There are no signs proposed. Furthermore, as conditioned for conformance with the requirements of the -d1 zoning district, the project will conform to the Design Review requirements of the -d1 zoning district for Tier 2 projects.

- C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

The surrounding area is industrial with no public access. There is no proposed landscaping and none is required for project approval.

- D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

There will not be any significant environmental impacts, as no known biological or environmental issues were identified on site.

- E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;

The proposed project will not have any significant impact to flood control, storm drainage, and surface water drainage as the proposal was reviewed by Land Development Engineering. Runoff from the additional impervious surface area will be adequately managed and treated as required through the conditions of approval.

- F. Adequate existing and proposed fire protection improvements to serve the development;

The proposed project was reviewed by the County Fire Marshal and the road design is in conformance with the Fire Marshal's Office standards, subject to conditions of approval outlined in Attachment B.

- G. No significant increase in noise levels;

The proposed project will not result in a significant increase in noise levels in the area, because the treatment plant equipment is completely housed within the proposed enclosed building.

- H. Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance;

The proposed project satisfies all of the required zoning standards for setbacks and height as stipulated in the County Zoning Ordinance. The zoning district for subject

parcel is A-d1. No proposed modification to these standards is required.

- I. Conformance with the general plan and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city's urban service area; and

The General Plan designation for subject parcel is Urban Service Area (Cupertino). The Cupertino City General Plan designates the project area as County and there are no General Plan policies applied by the City of Cupertino. Therefore, the project does not conflict with the applicable general plan.

- J. Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and any other applicable guidelines adopted by the County.

The proposal will be required to adhere to all stipulations set forth in this staff report as well as all conditions of approval required by the Zoning Administrator. The intent of the "Guidelines for Architecture and Site Approval" is to "secure the general purposes of this ordinance and the General Plan and to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, and encouraging the most appropriate development and use of land in harmony with the neighborhood." As the industrial character of the proposal is in harmony with its industrial surroundings, and there is no significant effect on traffic or congestion, the proposal secures such general purposes.

Design Review

The proposal is located within the –d1 (Santa Clara Valley Viewshed) combining zoning district, and therefore specific conditions and findings related to Design Review are applicable. The Zoning Administrator may grant approval of Design Review applications if able to make all of the following determinations listed in County Zoning Ordinance §5.50.040, Scope of Review, and the project conforms to all applicable requirements of the –d1 zoning district, pursuant to Section 3.20.040 of the Zoning Ordinance. Listed below are the Design Review Scope of Review considerations followed by a discussion relating to the Design Review of the proposed project.

§5.50.040 Scope of Review

- A. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;
See applicable ASA findings.
- B. Compatibility with the natural environment;
See applicable ASA findings.
- C. Conformance with the "Design Review Guidelines," adopted by the Board of Supervisors;
See discussion below regarding conformance with –d1 Design Review requirements. The project is atypical from the projects to which the Design Review Guidelines typically apply, such as new residences, accessory buildings, retaining walls, decks, and similar

- buildings and structures. It is an industrial accessory building intended to house equipment and facilities required by a state agency to meet water quality requirements.
- D. Compatibility with the neighborhood and adjacent development;
See applicable ASA findings.
 - E. Compliance with applicable zoning district regulations; and
See applicable ASA findings.
 - F. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines adopted by the Board of Supervisors or Planning Commission. See applicable ASA findings.

§3.20.040 Design Review -d1 Zoning District Requirements

Siting: The specific project site is located where natural topography, existing site development, and other features provide a significant measure of visibility mitigation and screening.

Story Poles: The story poles for the proposed project were installed and verified by staff by means of site visit a full seven days prior to the public hearing.

Building Form and Massing: Staff has analyzed the overall visibility of the proposal (see Attachment D) in order to evaluate the project's conformance with Design Review requirements specific to this section. Based on a comprehensive visual analysis including photo-simulations, use of the story poles, and site and field analyses, staff has determined that the proposed Facility is minimally visible from the valley floor and has "demonstrably low visibility.". Based on these analyses, staff has determined that the proposed Facility can only be readily seen from a single vantage point within the valley floor viewshed area, and only a portion of the building is visible from that vantage point. The vantage point is on top of the overpass of State Route 85 over Fremont Avenue in Cupertino. Drivers may see the Facility for a brief moment as they travel Southbound on State Route 85 as it overpasses Fremont Avenue. The distance from the proposed Facility to the vantage point is greater than 3 miles. No other visual vantage points were found.

The additional factors that contribute to the low visibility of the proposed Facility include its location on the site, the orientation of the Facility on a slope facing away from the valley floor, and several large industrial structures that visibly shield the Facility from the valley floor. Consequently, staff recommends that the project qualifies for a waiver from the Building Form and Massing standards of the -d1 zoning district §3.20.040(C).

Furthermore, pursuant to County Zoning Ordinance §3.20.040(B), visual impacts will be further minimized by painting the structure to satisfy the light reflectivity value requirements (45 LRV or less) Recommended conditions of approval are to limit LRV to a maximum of 35.

Landscaping requirements are considered unnecessary, given the low visibility of the site, the distance from the valley floor and other proposed conditions.

Requirements related to Sections 3.20.040(D)-(I) do not apply except for (H), Ongoing Compliance, which is satisfied by standard conditions of approval.

Grading Approval

The Zoning Administrator may issue Grading Approval if able to make all of the following findings listed in Section C12-433 of the County Ordinance. Listed below are the required findings followed by a discussion relating to how the proposed project conforms to the findings.

- (a) The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.
- (b) The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.
- (c) Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.
- (d) For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.
- (e) Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.
- (f) Grading conforms with any applicable general plan or specific plan policies; and
- (g) Grading substantially conforms with the adopted 'Guidelines for Grading and Hillside Development' and other applicable guidelines adopted by the County.

A total of 2,976.6 cubic yards (CY) of cut and 2,220.9 CY of fill are associated with the proposed project. The fire access road constitutes the majority of the grading with approximately 2,921.2 CY of cut and 1,955.4 CY of fill. The treatment plant building consists of 256.4 CY of fill. Estimated quantities of 55.3 CY of cut and 9 CY of fill are associated with the various process water tanks and miscellaneous site improvements. The amount, design, location and nature of proposed grading are necessary to construct the Facility. There will be no excessive grading deposited onsite. No grading is proposed to be near the existing Permanente Creek. No trees exist in the project area.

The proposed grading is in conformance with specific findings and policies identified in the County General Plan as well as with the adopted "Guidelines for Grading and Hillside Development."

BACKGROUND

The first use permit for the Cement Plant was approved in 1939 and later amended in 1950 and 1955. In 1982, the Cement Plant was granted approval for an expansion of an existing aluminum manufacturing plant through an Architecture and Site Approval (ASA). Approval of the expansion took place at a public hearing on March 23, 1982. On November 17, 1983, a major

modification of the 1982 ASA was approved, allowing the addition of a 5,016 sq. ft. warehouse. The proposed Facility is a modification of the ASA approved in 1982.

The Regional Water Quality Control Board (RWQCB) issued a cease and desist order (No. R2-2014-0011) in 2014 that required the construction of a “Final Treatment System” (FTS) to address the water quality issues at the Lehigh Cement Plant and Permanente Quarry. The proposed Water Treatment Facility is the FTS required by the RWQCB. The cease and desist order indicates October 1, 2017 as the date to begin discharging water from the Water Treatment Facility.

Technical Details of Facility Operation

Currently, water is collected at the Cement Plant primarily in Pond 1 and Pond 11. Pond 1 water is pumped to Pond 11, which is further pumped to the Permanente Quarry Main Pit. Extraction wells surrounding the Main Pit draw water out of the ground and the water is currently sent to the Interim Treatment System at Pond 4A to be treated before being discharged into Permanente Creek. The capacity at the Interim Treatment System is only 400 gallons per minute. The proposal includes redirecting the water from the extraction wells to the proposed Facility, which will have a capacity of 1,200 gallons per minute. The proposed Facility will replace the existing Interim Treatment System located near the Main Pit at Pond 4A. See Attachment E for a Flow Schematic.

Water entering the Facility is first sent through an Ultra-Filtration system, followed by Reverse Osmosis. Sodium Hypochlorite and Citric Acid are used to clean the Ultra-Filtration and Reverse Osmosis systems at an estimated frequency of 1 to 3 months, or as needed. An anti-scalant is also used to clean the Reverse Osmosis system. The water is further filtered using a bio-reactor. The biological system eat a nutrient and convert the metals dissolved in the water into a soluble form. The bio-reactor also creates sulfides. Hydrogen Peroxide is used to neutralize the sulfides in the water. Clean, treated water is finally discharged into Permanente Creek. Any liquid backwash that is not fully treated is sent back to Pond 11 to continue the treatment cycle. Solid backwash, including metals and settled biological matter, is cleaned out and disposed of using tote bags.

The chemicals involved in the process include Sodium Hypochlorite (bleach), citric acid, Hydroden Peroxide, a biological nutrient, and an anti-scalant. The chemicals are stored in the various tanks inside and outside the Facility.

ATTACHMENTS INCLUDED

Attachment A – Notice of Exemption from CEQA

Attachment B – ASA Preliminary Conditions of Approval


Attachment C – Viewshed Visibility Analysis

Attachment D – Correspondence from the Public

Attachment E – Flow Schematic

Attachment F – Plan Set: Includes Vicinity Map, Site Plan, Floor Plan, and Elevations

STAFF REPORT REVIEW

Prepared by: Christopher Hoem, Associate Planner 
Reviewed by: Bill Shoe, Principal Planner/Zoning Administrator
Rob Eastwood, Planning Manager

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
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Notice of Exemption from CEQA

To: County Clerk-Recorder
County of Santa Clara

Office of Planning & Research
PO Box 3044, Room 222
Sacramento, CA 95812-3044

Project Title Lehigh Water Treatment Facility	Project Approvals Architecture and Site Approval, Design Review, Grading	File No. 2250-17A
Project Location APN 351-10-033 at 24001 Stevens Creek Blvd., Cupertino, CA (see Figure 1)		
Public Agency Approving Project / Person or Agency Carrying Out Project County of Santa Clara / Lehigh Southwest Cement Co.		
Project Description Major modification to the existing Architecture and Site Approval, with Design Review, and Grading Approval to allow construction of a 9,100 sq. ft. water treatment facility building, process water tanks and other associated site improvements at the Lehigh Cement Plant. The treatment plant is required to comply with the plant's site-specific National Pollutant Discharge Elimination System (NPDES) permit		
CEQA (Guidelines) Exemption Sections: (a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA. (b) A project is exempt from CEQA if: (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260). (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2. (3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (see Article 5, Section 15061(b)(3)).		
Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080(b), 21080.9, 21080.10, 21084, 21108(b), 21151, 21152(b), and 21159.21, Public Resources Code; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68.		
Qualified Exemptions: The project qualifies for 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15061(b)(3) (Review for Exemption). See attachment below.		
County Contact Person	Title	Telephone Number
Christopher Hoem	Associate Planner	(408) 299-5784

Date: 4/28/17

Signature: 

Name/Title: Christopher Hoem / Associate Planner

Description of Project

The project would construct a water treatment facility located in the southern portion of the Lehigh Cement Plant site near an existing storage warehouse. Figure 1 shows the location of the facility in relation to the regional setting. The site plan is shown on Figure 2. The proposed facility is being constructed to comply with a cease and desist order placed on the Lehigh Cement Plant by the Regional Water Quality Control Board (RWQCB) and to comply with the plant's site-specific National Pollutant Discharge Elimination System (NPDES) permit (Order No. R2-2014-0010) / NPDES CA0030210). The NPDES permit requires that all process and stormwater generated from the cement plant area is treated prior to discharge to Permanente Creek. The project does not entail any changes to current discharge or drainage into Permanente Creek. The facility's only function is to reduce the concentration of selenium from the process and storm water that currently is already being discharged into the creek. The plant will also reduce other constituents, such as mercury and nickel.

The proposed facility would include a 9,000-square-foot metal building, 30 feet in height that would house the treatment equipment. Several process water tanks would also be installed on concrete pad foundations outside of the building. The tanks would vary in height from 8 feet to 22.3 feet. The treatment plant would be unoccupied except for intermittent visits by employees to monitor the operation.

Reasons to support exemption findings:

15061(b)(3) ("Common Sense Exemption"):

The activity covered is by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The project is exempt from CEQA review under the common sense exemption in Section 15061(b)(3) because there is no potential for causing any significant effect on the environment. The water treatment facility must be constructed to treat process and storm water that would otherwise be discharged into Permanente Creek without treatment. As such, there is no possibility that the activity may have a significant effect on the environment.

In addition, two categorical exemptions—15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures)—each independently apply to the project, as discussed below.

15301 (Existing Facilities)

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

The project would qualify for the Class 1 exemption, with specific reference to example (f), because the proposed water treatment facility is a health protection device for use in conjunction with the existing cement plant and adjacent quarry operations. The water treatment facility would cause no expansion of the existing cement plant use. The production and waste of the cement plant would remain unchanged.

15303 (New Construction or Conversion of Small Structures):

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The project would qualify for the Class 3 exemption, with specific reference to example (e), because it involves the construction of a water treatment facility that would be accessory and appurtenant to the existing cement plant. The proposed facility would be a single, 9,100 sq. ft. building with associated process water tanks located in the near vicinity. Although the building would be 9,100 sq. ft., it is a small component in the overall cement plant site and therefore is accessory to the cement plant in terms of function, size, and scale. The building would house the water treatment system to treat process and storm water collected at the cement plant and adjacent limestone quarry. The addition of this structure would not exceed the maximum number of structures allowed on the subject parcel.

Exceptions

State CEQA Guidelines Section 15300.2 establishes exceptions to use of categorical exemptions. The County has determined that none of the exceptions disqualify the ordinance from using the Class 1 or Class 3 exemptions. The exceptions are discussed below in relation to the project.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). No critical resources, including historic or scenic resources or threatened or endangered habitat, have been identified on the project site. The project site is adjacent to Permanente Creek. The process water that would be treated by the plant is currently already being discharged into the creek through an existing outtake.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

No significant impacts of the project have been identified. In addition, no other projects of the same type (other temporary structures) would occur on or within the vicinity of the project site.

Therefore, there are no incremental effects of the proposed project that would be cumulatively significant when viewed in context of successive projects of the same type in the same place.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The County has not identified unusual circumstances that would have a significant effect on the environment stemming from construction and operation of the proposed water treatment facility. Treatment plants are commonly used as part of industrial and/or mining operations to remove contaminants from process water and are often required to comply with regulations intended to reduce water quality impacts to receiving waters. The nature of the proposed facility fits the surrounding area in terms of industrial use and intensity.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

The project site is not located in the vicinity of a highway officially designated as a state scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code contain such facilities.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

No historic resources are located on the project site.

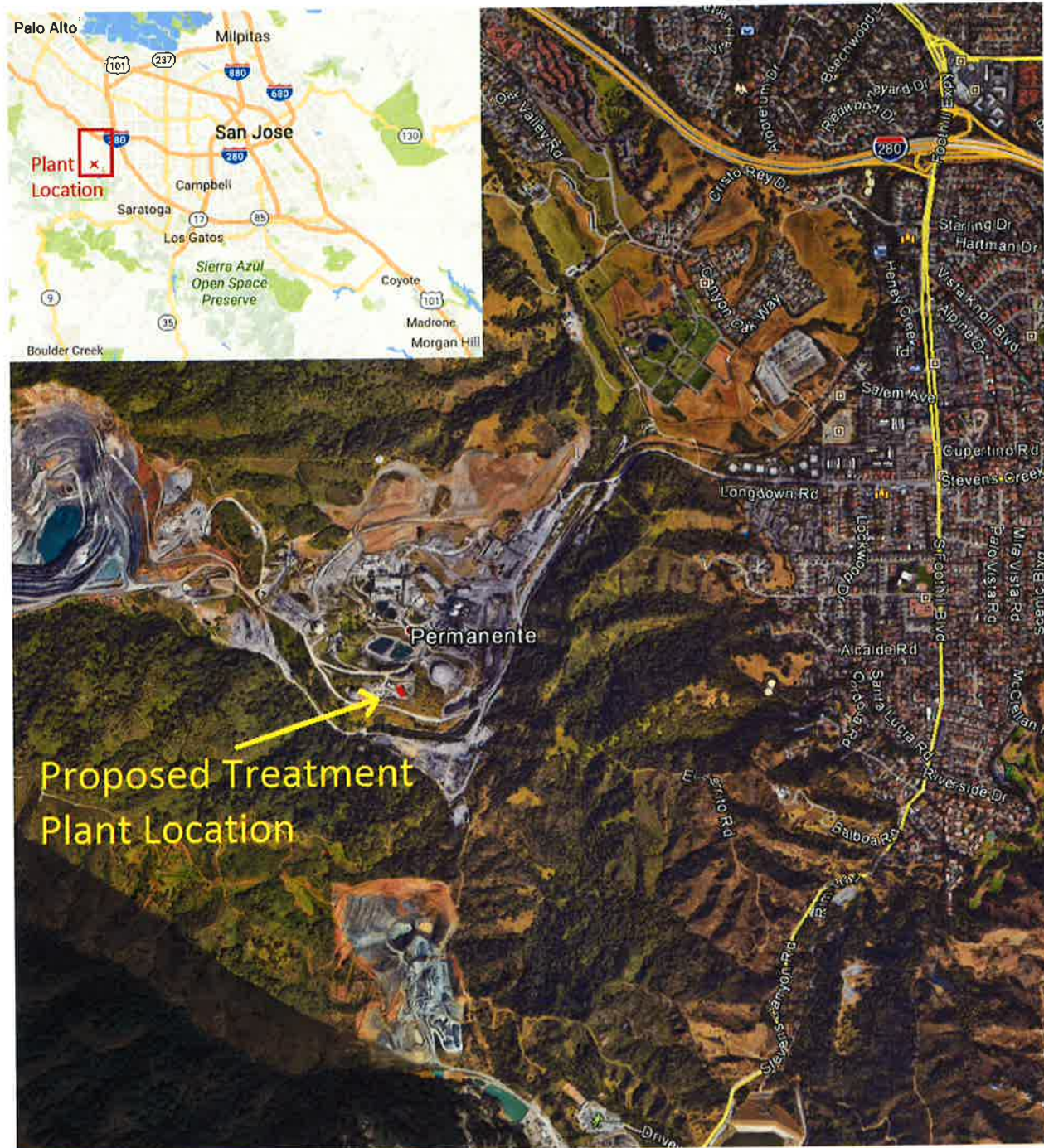
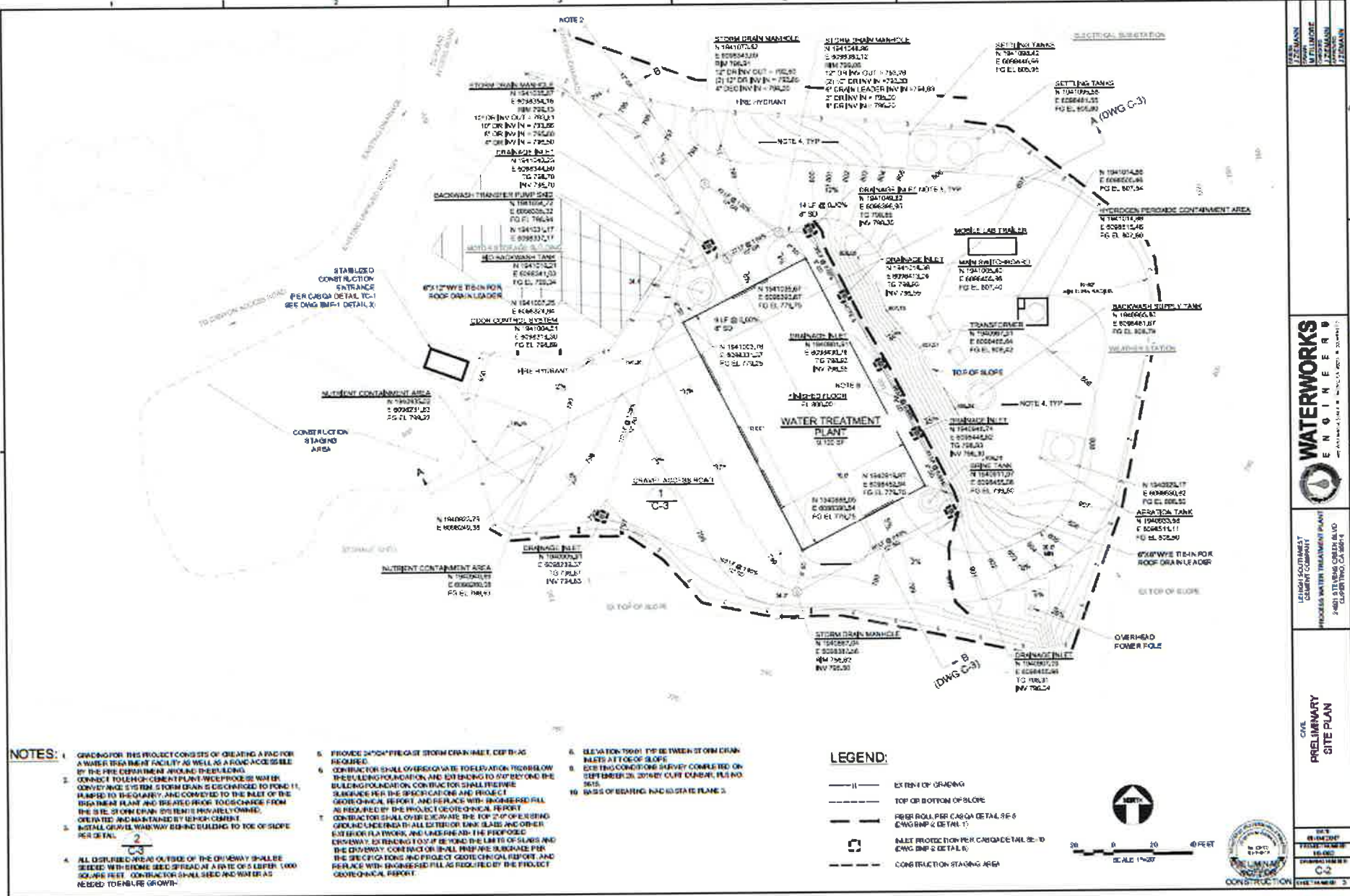
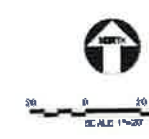


Figure 1 – Project Location Map



- NOTES:**
1. GRADING FOR THIS PROJECT CONSISTS OF CREATING A PAD FOR A WATER TREATMENT FACILITY AS WELL AS A ROAD ACCESSIBLE BY THE FIRE DEPARTMENT AROUND THE BUILDING.
 2. CONNECT TO EXISTING CONCRETE PLANT WASTEWATER WATER CONVEYANCE SYSTEM. STORM DRAIN IS TO BE CONNECTED TO FLOOD TANK, PUMPED TO THE QUARRY, AND CONVEYED TO THE INLET OF THE DRAINAGE PLANT AND TREATED PRIOR TO DISCHARGE FROM THE SITE. STORM DRAIN SYSTEMS PREVIOUSLY OWNED, OBTAINED AND MAINTAINED BY SENIOR-CENTRAL.
 3. INSTALL GRAVEL WALKWAY BEHIND BUILDING TO TOP OF SLOPE PER DETAIL 2.
 4. ALL DISTURBED AREAS AT TOP OF THE DRIVEWAY SHALL BE SEEDS WITH STRAW MULCH APPLIED AT A RATE OF 5 LBS PER 1,000 SQUARE FEET. CONTRACTOR SHALL SHEED AND WATER AS NEEDED TO ENHANCE GROWTH.
 5. PROVIDE 20"x24" PRECAST STORM DRAIN INLET, CEILING AS REQUIRED.
 6. CONTRACTOR SHALL OVERSEE ALL ELEVATION TIE-BACKS FOR THESE UTILITIES AND THE EXISTING TO VERIFY THE LOCATION OF THE BUILDING FOUNDATION. CONTRACTOR SHALL PROVIDE SURVEY FOR THE SPECIFICATIONS AND PROJECT GEOTECHNICAL REPORT, AND REPLACE WITH ENHANCED FILL AS REQUIRED BY THE PROJECT GEOTECHNICAL REPORT.
 7. CONTRACTOR SHALL OVERSEE AND MAINTAIN THE TOP 2" OF EXISTING GROUND UNDER ALL EXISTING AND NEW SLABS AND OTHER EXISTING FOUNDATIONS, AND MAINTAIN THE PROPOSED DRIVEWAY, EXTENDING TO, IF BEYOND THE LIMITS OF SLABS AND THE DRIVEWAY, CONTACT ON-SITE FIRM TO REPLACE PER THE SPECIFICATIONS AND PROJECT GEOTECHNICAL REPORT, AND REPLACE WITH ENHANCED FILL AS REQUIRED BY THE PROJECT GEOTECHNICAL REPORT.
 8. ELEVATION 1900' ELEVATION BETWEEN STORM DRAIN INLETS AT TOP OF SLOPE.
 9. EXISTING CONDITION SURVEY COMPLETED ON 08/12/2019. SURVEY CLIENT DRAWING NO. 1615.
 10. BASIS OF BEARING AND IS STATE PLANS 3.

- LEGEND:**
- EXTENT OF GRADING
 - - - - - TOP OR BOTTOM OF SLOPE
 - PAPER ROLL PER CAGQA DETAIL 3E-0 (DWG BWP 2 DETAIL 1)
 - MULEY PROTECTIVE PER CAGQA DETAIL 3E-10 (DWG BWP 2 DETAIL 1)
 - CONSTRUCTION STANDING AREA



DATE: 08/12/2019	PROJECT NUMBER: 1615	PROJECT NAME: WATER TREATMENT PLANT	CLIENT: SENIOR-CENTRAL	CLIENT ADDRESS: 1600 STEVENSON AVENUE, CLARK COUNTY, CALIFORNIA 95611
DESIGNED BY: J. ZEMANN	DRAWN BY: J. ZEMANN	CHECKED BY: J. ZEMANN	APPROVED BY: J. ZEMANN	SCALE: AS SHOWN
WATERWORKS ENGINEERS				
CALIFORNIA LICENSED PROFESSIONAL ENGINEER				
PROJECT: WATER TREATMENT PLANT				
DATE: 08/12/2019				
PROJECT NUMBER: 1615				
PROJECT NAME: WATER TREATMENT PLANT				
CLIENT: SENIOR-CENTRAL				
CLIENT ADDRESS: 1600 STEVENSON AVENUE, CLARK COUNTY, CALIFORNIA 95611				
SCALE: AS SHOWN				
SHEET NUMBER: 3				

Figure 2 – Site Plan

ATTACHMENT B

Preliminary Conditions of Approval

2250-17A-17DR-17G

ARCHITECTURE & SITE APPROVAL, DESIGN REVIEW, AND GRADING APPROVAL

Owner / Applicant: Lehigh Southwest Cement Co. / Sam Barket, Environmental Manager
File Number: 2250-17A-17DR-17G
Location: 24001 Stevens Creek Blvd., Cupertino, CA 95014
Project Description: A major modification to the existing Architecture and Site Approval (ASA) at the Lehigh Cement Plant to construct a Water Treatment Facility, and Design Review of the Water Treatment Facility.

APPLICATION APPROVED SUBJECT TO CONDITIONS STATED BELOW IN ACCORDANCE WITH PLANS AS SUBMITTED.

Items marked with one asterisk (*) must be completed prior to issuance of building permit.

Items marked with a double asterisk (**) must be completed prior to Final Inspection of subject building permit.

Items marked with a single asterisk (***) must be completed prior to grading permit issuance.

Items marked with a double asterisk (****) must be completed prior to Grading Completion or release of bond.

PLANNING

For more information regarding the following conditions, contact Christopher Hoem at 408-299-5784 or Christopher.Hoem@pln.sccgov.org.

1. Development of the site shall take place in accordance with approved plans dated January 5, 2016. The project includes a 9,100 sq. ft. water treatment facility with associated process water tanks and a fire access road surrounding the facility.
2. Maintain the following setbacks and height restriction of all buildings associated with the subject approval. Front, Side, and Rear: 30 feet. Maximum height: 35 feet.
3. * To limit the potential for spillover lighting and glare to adjacent properties, all exterior lighting shall incorporate a full cut-off lighting standard which directs the light down onto the property. Provide a Lighting Plan to the Planning Office that identifies all proposed exterior lighting for the parking area, buildings, and site landscaping for review and approval. The plan shall include manufacturer's details for all light fixtures and light shields.

4. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.
5. * Submit color samples for all exterior surfaces, including walls, trim and roof for the proposed building in accordance with Section 3.20.040(B) of the County Zoning Ordinance. The light reflectivity value (LRV) shall not exceed 35.
6. * A "Notice of Design Review Approval and Conditions" shall be recorded with the Office of the Clerk-Recorder in accordance with recording requirements, to ensure that present and future property owners are aware of their obligation to comply with condition #5 above.

Grading

7. *** All excess fill shall be taken off-site to an approved disposal location. A note of this requirement shall be incorporated into the grading plans.
8. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs, in accordance with the provisions of state law and Chapter B6-18 of the County Ordinance Code. If artifacts are found on the site, a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.
9. ** Prior to final inspection, schedule a final site inspection to verify that Planning conditions have been constructed and installed according to this approval and the approved plans. Contact Christopher Hoem at (408) 299-5784 at least two weeks prior to schedule the final site inspection.
10. ** & **** Any fees due to the County of Santa Clara Department of Planning and Development associated with staff time spent on the planning approval shall be paid prior to issuance of any permits for this project.

LAND DEVELOPMENT ENGINEERING (LDE)

For more information regarding the following conditions, contact Ed Duazo at 408-299-5733 or Ed.Duazo@pln.sccgov.org.

11. * Obtain a Grading Permit from LDE prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits can be applied for concurrently). The process for obtaining

a Grading Permit and the forms that are required can be found at the following web page:
<https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/GP.aspx>

If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, the application for the encroachment permit will be submitted to the Land Development Engineering Office with the grading permit submittal. For your convenience, the grading and encroachment permits will be processed concurrently under one set of improvement plans.

Please contact LDE at 408-299-5734 for additional information and timelines.

12. * Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, and contour grading for all access roads/driveways, grading (slopes, pads, etc.), drainage, and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The access road shall be in conformance with County Standard Detail SD1 (20-foot minimum width). The following standards are available online:

Standards and Policies Manual, Volume I – Land Development Engineering
<https://www.sccgov.org/sites/dpd/PlansOrdinances/LDE/Pages/LDE.aspx>

2007 Santa Clara County Drainage Manual
https://www.sccgov.org/sites/dpd/DocsForms/Documents/DrainageManual_Final.pdf

13. * Final plans shall contain standard notes and certificates as shown on the County Standard Cover Sheet. Plans shall be legible, and neatly and accurately drawn at a scale sufficient for reproduction (scanning and copying).

<https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/GP.aspx>

14. * Improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. Include the County Standard Best Management Practice Plan Sheets (Sheets BMP-1 and BMP-2) in the Erosion Control Plan. These sheets are available on-line at the following links:

https://www.sccgov.org/sites/dpd/DocsForms/Documents/ErosionControl_Template_EC_1.pdf

https://www.sccgov.org/sites/dpd/DocsForms/Documents/ErosionControl_Template_EC_2.pdf

15. * All applicable easements affecting the parcel with benefactors and recording information shall be shown on the improvement plans.
16. * Survey monuments shall be shown on the improvement plans to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade

shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyors' Act. The Land Surveyor/Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8672 or 8771 of the Land Surveyors' Act with the County Surveyor.

17. ** Existing and set permanent monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors' Act with the County Surveyor.
18. * Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (See Section 6.3.3 and Appendix L for design requirements). The on-site drainage shall be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation for the project site can be found using the Online Property Profile at the following website:
<http://www.sceplanning.org/gisprofile/>
19. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
20. * This project is located within the San Francisco Bay Watershed and is a Regulated Project per the 2016 Municipal Regional NPDES Storm Water Permit (MRP). The project shall include Low Impact Development (LID) treatment measures, source control measures (as applicable), and site design measures in compliance with Provision C3 of the 2016 MRP. For additional information, please refer to the MRP and the C.3 Stormwater Handbook available on-line:

2016 Municipal Regional NPDES Storm Water Permit (MRP) http://www.scvurppp-w2k.com/npdes_permit.shtml

C.3 Stormwater Handbook (2016)
http://www.scvurppp-w2k.com/c3_handbook.shtml
21. * Enter into an Operations and Maintenance Agreement for Stormwater Quality Improvements with the County per Section C11.5-23 of the County Ordinance Code.
22. * Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification Number (WDID No.)

The WDID No. shall be shown on the final improvement plans. Additional information can be found at the SWRCB website at:

https://www.waterboards.ca.gov/water_issues/programs/#runoff

23. * Submit one copy of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to Land Development Engineering.
24. * Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical issues identified in the above geotechnical report have been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Land Development Engineering.
25. * All new utilities, mains and services to residences shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans submitted to the Land Development Engineering Section for review. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
26. ** Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

GEOLOGY

For more information regarding the following conditions, contact Jim Baker at 408-299-5774 or Jim.Baker@pln.sccgov.org.

27. * & *** Submit a Plan Review Letter that confirms the plans conform with the intent of the recommendations presented in the approved report.
28. ** & **** Submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans.

DEPARTMENT OF ENVIRONMENTAL HEALTH

For more information regarding the following conditions, contact Rich Owens at 408-918-1979 or Richard.Owens@cep.sccgov.org.

29. A construction installation permit for the storage and conveyance of hazardous substances and chemicals will be needed from the contractor who will perform the work on the installation of the hazardous materials system(s) (e.g. storage areas, tanks, piping, etc.) to comply with Santa Clara County Hazardous Materials Storage Ordinance (HMSO).
30. During construction, all hazardous materials stored & used on site by the contractor (e.g. compressed gases, fuels, generators, propane, batteries, hazardous wastes, etc.) must be identified and submitted on a Hazardous Materials Clearance Form along with obtaining a Temporary Hazardous Materials Storage Permit (refer to Cover Sheet, General

Construction Specifications – Air Quality Landscaping & Erosion Control Note 18, BMP-1 Standard BMP Notes 2, 3, 4). Visit www.ehinfo.org/hazmat for guidance.

31. Provide a chemical safety data sheet (MSDS, SDS) for the (non-toxic) soil stabilizer.
32. If any concrete slabs are used as secondary containment for hazardous substances or chemicals in tanks or containers, then concrete must be coated with a chemically resistant coating (refer to Geotechnical Investigation Report for the Lehigh Water Treatment Building section 6.4 - Concrete Slabs). If not done by the grading contractor, this will need to be done by the contractor who later installs the hazardous substances/chemical storage system(s).
33. If the contractor who installs the hazardous materials storage system(s) is different than the grading contractor, then they will also need to submit required documentation identified in #29 above.
34. Provide chemical safety data sheets (MSDS, SDS) for any chemicals or substances used/stored in the hydrogen peroxide containment area, odor control system, nutrient containment area, bio backwash tank, brine tank, mobile lab trailer, & transformer (refer to Drawings C-2, 10-AS1, 10-AS3)
35. All liquids (chemicals, process liquids) that are hazardous shall be stored in product-tight vessels (containers, tanks) within chemically compatible, properly-sized secondary containment that can be properly monitored (visually, or electronically). Piping that conveys hazardous liquids from storage vessels to process introductory points shall also be secondarily contained and monitored. Systems (tanks, piping) shall be constructed to also allow post-transportation installation integrity testing (hydrostatic, vacuum, or pressure) to achieve project sign-off.
36. Plan check guidance and applications for the permanent installation of the hazardous materials systems at the water treatment facility can be obtained by visiting www.ehinfo.org/hazmat.

FIRE MARSHAL'S OFFICE

For more information regarding the following conditions, contact Mac Bala at 408-299-5763 or Mac.Bala@pln.sccgov.org.

GENERAL:

37. The scope of this review is for fire protection water supply and fire department access only. An additional review for further compliance with the California Fire and Building Code will be performed by this office when a complete set of construction drawings is submitted for building permit application.
38. A written construction site safety plan per CFMO C7 shall be submitted along with the Building Permit set for review and approval. Building Permit approval will be based on

the completeness of the construction site safety plan. DO NOT SUBMIT CAL OSHA DOCUMENTS.

FIRE PROTECTION WATER SUPPLY:

IMPORTANT: Fire protection water system shall be maintained in good working order and accessible throughout construction. A Stop-Work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

39. Minimum fire-flow for this facility/structure shall be 1,875 gallons per minute at 20 psi for 2 hours. (Note the fireflow is the reduced flow based on table B105.2).
40. Standard hydrant(s) shall be provided within 400-ft. of all portions of the structure. The number of hydrants shall be determined by Table C102.1 and the number needed to meet the distance requirement. Hydrant placement shall be approved by this office.
41. At the time of plan submittal for building permit, provide written verification from the water company that these condition can be satisfied.
42. A separate permit shall be obtained from the Fire Marshal's Office by a state licensed contractor prior to installation of hydrant system and any listed fire pump. Please allow for a minimum of 30 days for plan review.

FIRE SPRINKLERS:

43. The building shall be equipped with an approved automatic fire sprinkler system complying with NFPA 13.
44. The fire sprinkler system shall be installed and finalized by this office prior to occupancy. A separate permit shall be obtained from the Fire Marshal's Office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans.

FIRE DEPARTMENT ACCESS

IMPORTANT: All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation and shall be maintained throughout construction. A Stop-Work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained.

45. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply. Construction of access roads and driveways shall use good engineering practice.
46. See CFMO-C7 for minimum requirements for access roads/driveways during construction.
47. Fire department Access Roads shall be provided within 150-ft. of all exterior portions of all structures. Access roads shall comply with the following:

- a. Width: Clear width of drivable surface of 20-ft.
- b. Vertical Clearance: 15-ft.
- c. Inside Curve Radius: 42-ft.
- d. Grade: Maximum grade shall not exceed 16%.
- e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
- f. Gates: Gates shall not obstruct the required width or vertical clearance of the driveway, and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.
- g. Dead-end Roads: Dead-end roads in excess of 150-ft. in length shall be provided with an approved turnaround meeting County Standard SD-16. Acceptable turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
- h. All fire apparatus access roads meeting the minimum width shall have permanent "no parking fire lane" signs located so that all access roads are clearly identified and the required clearance maintained as per CFC 503.3.

MISCELLANEOUS:

- 48. Property is located within the Santa Clara County Fire Department response area.

MAINTENANCE:

- 49. Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.
- 50. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

SANTA CLARA VALLEY WATER DISTRICT

For more information regarding the following conditions, contact Usha Chatwani at 408-630-2731 or uchatwani@valleywater.org.

- 51. A Santa Clara Valley Water District permit is not required.

52. This project will not modify or use a District facility or easement, however, Permanente Creek is located on or next to the site.
53. The site may be subject to flooding in the event of a 1% or 100 year flood. For more information please contact 408-265-2607, or contact the County's flood plain administrator
54. District records indicate the site contains 1 well(s). Any abandoned wells, or wells that are no longer in use, must be properly destroyed. Any wells in use that will be impacted by project activities must be protected. As required by District Ordinance 90-1, an application must be filed with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet. Contact the District's Wells and Water Measurement Unit at 408-630-2660, for more information.
55. Per FEMA Firm Panel 06085C0204H, the site is located in flood zone D, areas in which flood hazards are undetermined, but possible.

Viewshed Visibility of Lehigh's Proposed Water Treatment Plant

Santa Clara County Planning Office

April 2017

Methodology

- Google Earth Pro used
- Created two models of the Water Treatment Plant with differing heights: 30' and 1000'
- Created a point in space at the location of the Northwest Corner of the 30' tall Treatment Plant at the roofline
- Google Earth Pro Viewshed tool was used at this Corner
- Visibility further analyzed from multiple locations

Methodology (cont.)

- Locations were searched for and chosen based on maximizing visibility of the Water Treatment Plant
- “Standing height” is eye elevation at 6-7 feet above ground level
- 1000' tall model used to help orient and point the camera perspective towards the actual location of the Treatment Plant
- Plant model colored red for analytical purposes only—the structure is not proposed to be painted red



30' tall model of the Water Treatment Plant

Google Earth Pro

File Edit View Tools Add Help

Search

ev: 94943

Get Directions History

Places

- My Places
- Treatment Plant
 - Corner Visibility
 - Treatment Plant 30 feet tall
 - Treatment Plant 1000 feet tall
- Other
- Sightseeing Tour
 - Make sure 3D Buildings layer is checked
- Temporary Places

Layers

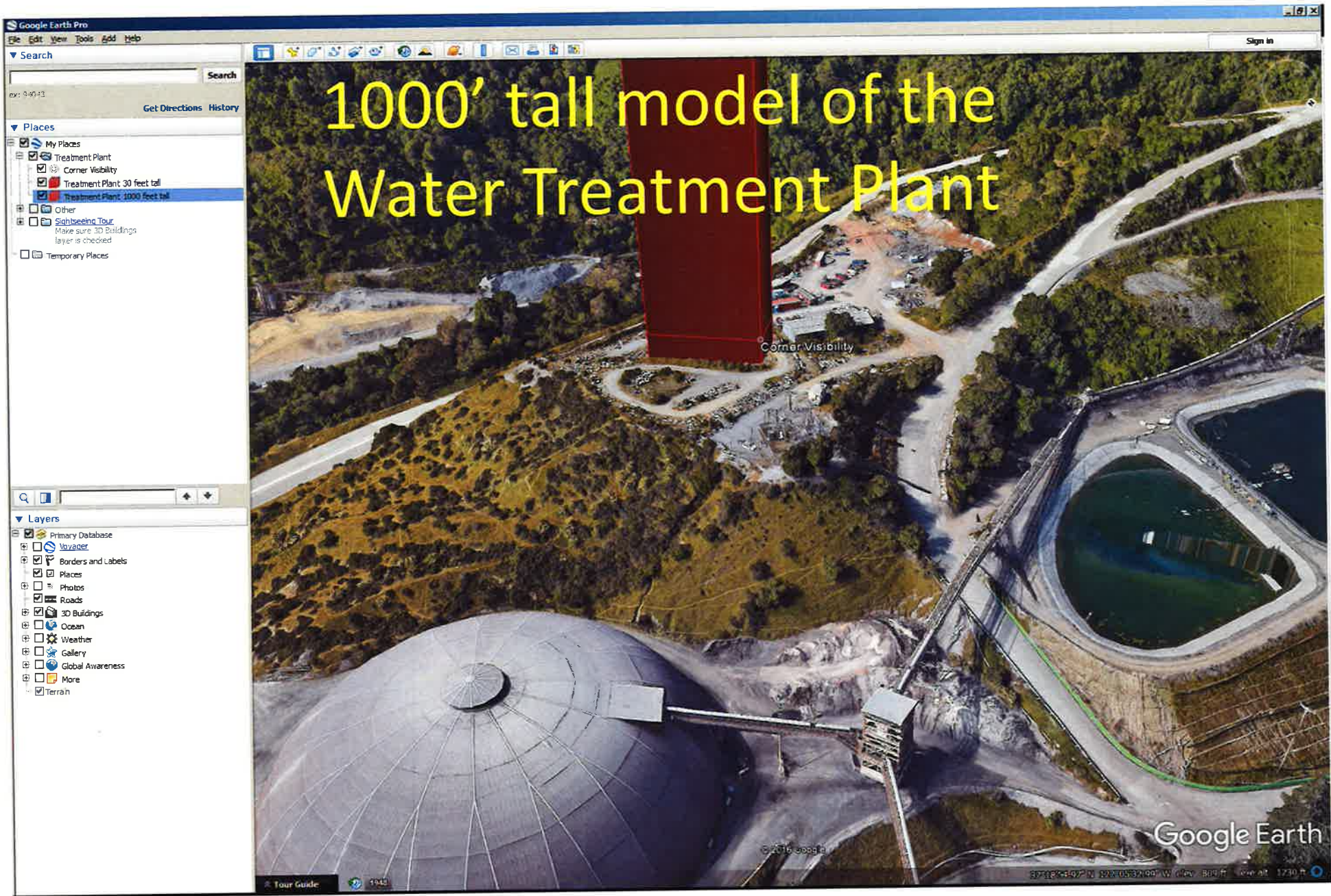
- Primary Database
- WVager
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Ocean
- Weather
- Gallery
- Global Awareness
- More
- Terrain

Tour Guide

Google Earth

© 2016 Google

33°18'00.00" N 102°20'00.00" W City 802 ft elev alt 1230 ft



1000' tall model of the Water Treatment Plant

Google Earth Pro

File Edit View Tools Add Help

Search

Search

Get Directions History

Places

- My Places
 - Treatment Plant
 - Corner Visibility
 - Treatment Plant 30 feet tall
 - Treatment Plant 1000 feet tall**
 - Other
 - Sightseeing Tour
 - Make sure 3D Buildings layer is checked
 - Temporary Places

Layers

- Primary Database
- Voyager
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Ocean
- Weather
- Gallery
- Global Awareness
- More
- Terrain

Google Earth

37°18'44.97" N 92°08'32.99" W Elev: 800 ft View Alt: 1730 ft

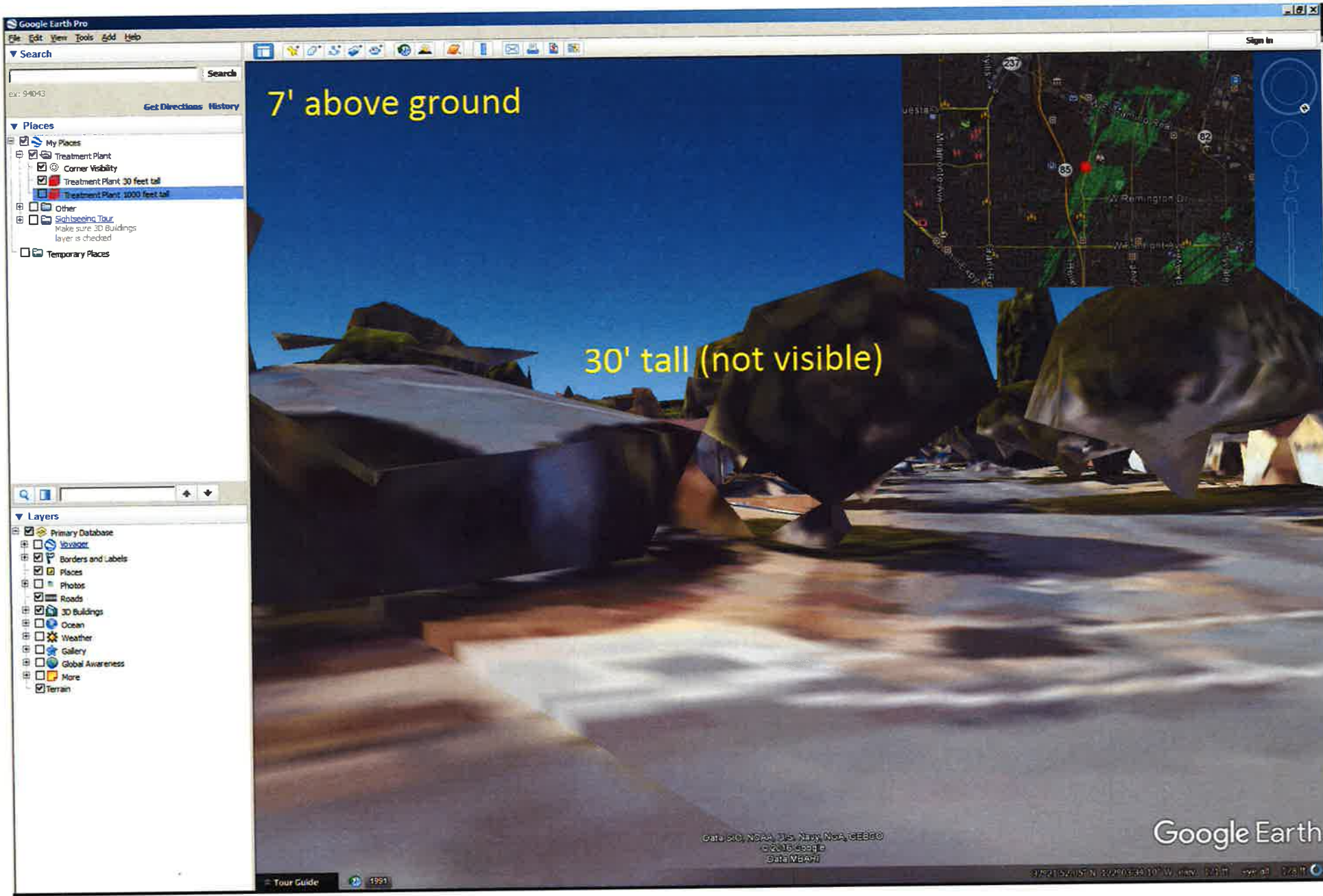
6' above ground



Data MBARI
© 2016 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Google Earth





7' above ground

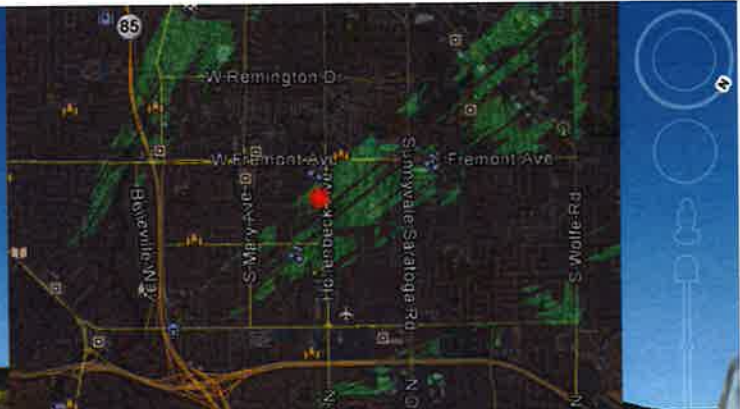
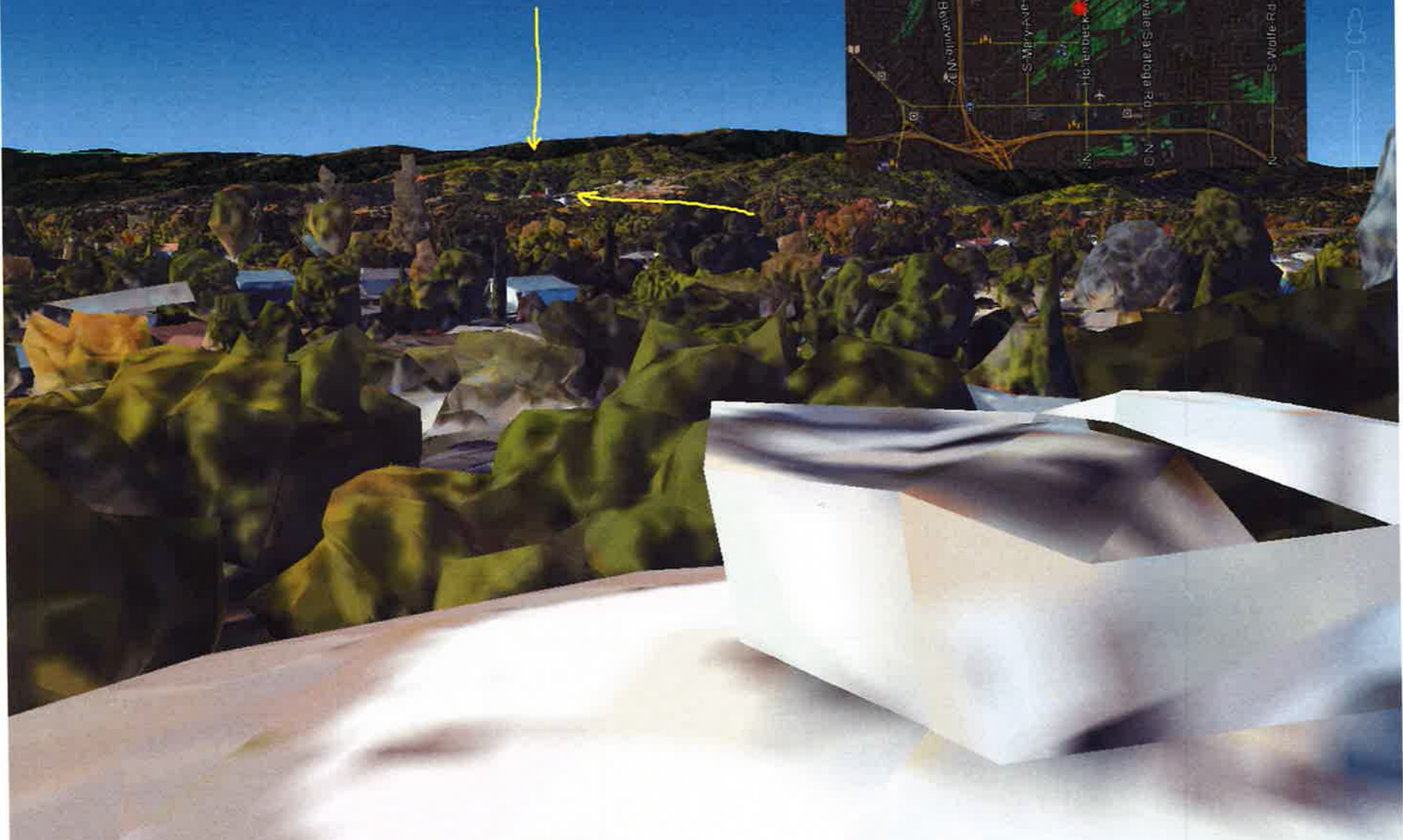
30' tall (not visible)

Google Earth

Data SIO, NOAA, U.S. Navy, NGA, GEBCO © 2015 Google DataMART

Tour Guide 1991

Standing on Resurrection Catholic Church



Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2016 Google
Data MBARI

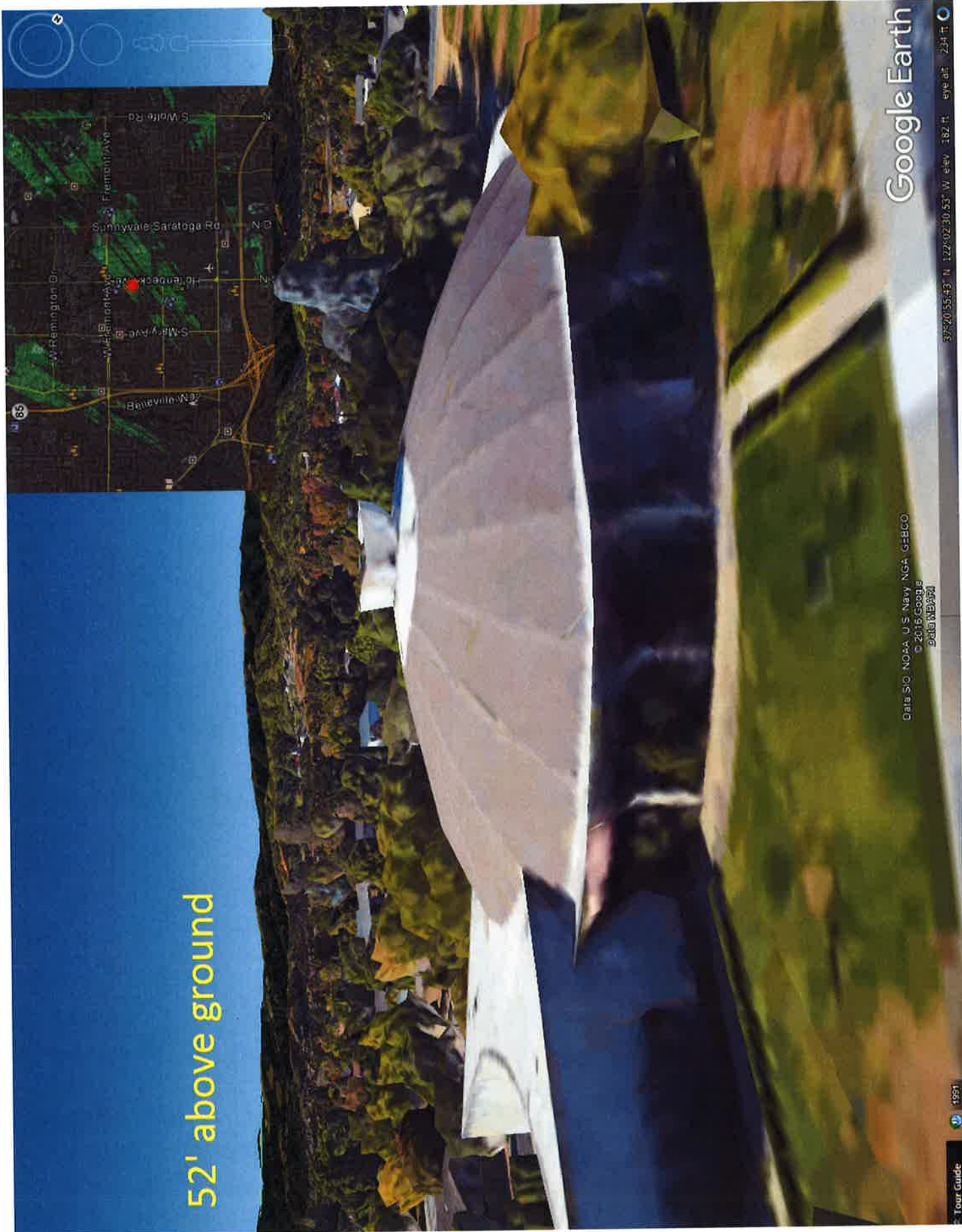
Google Earth

37°40'54.14" N 122°40'23.52" W elev 186 ft eye alt 283 ft

Tour Guide

1991

52' above ground



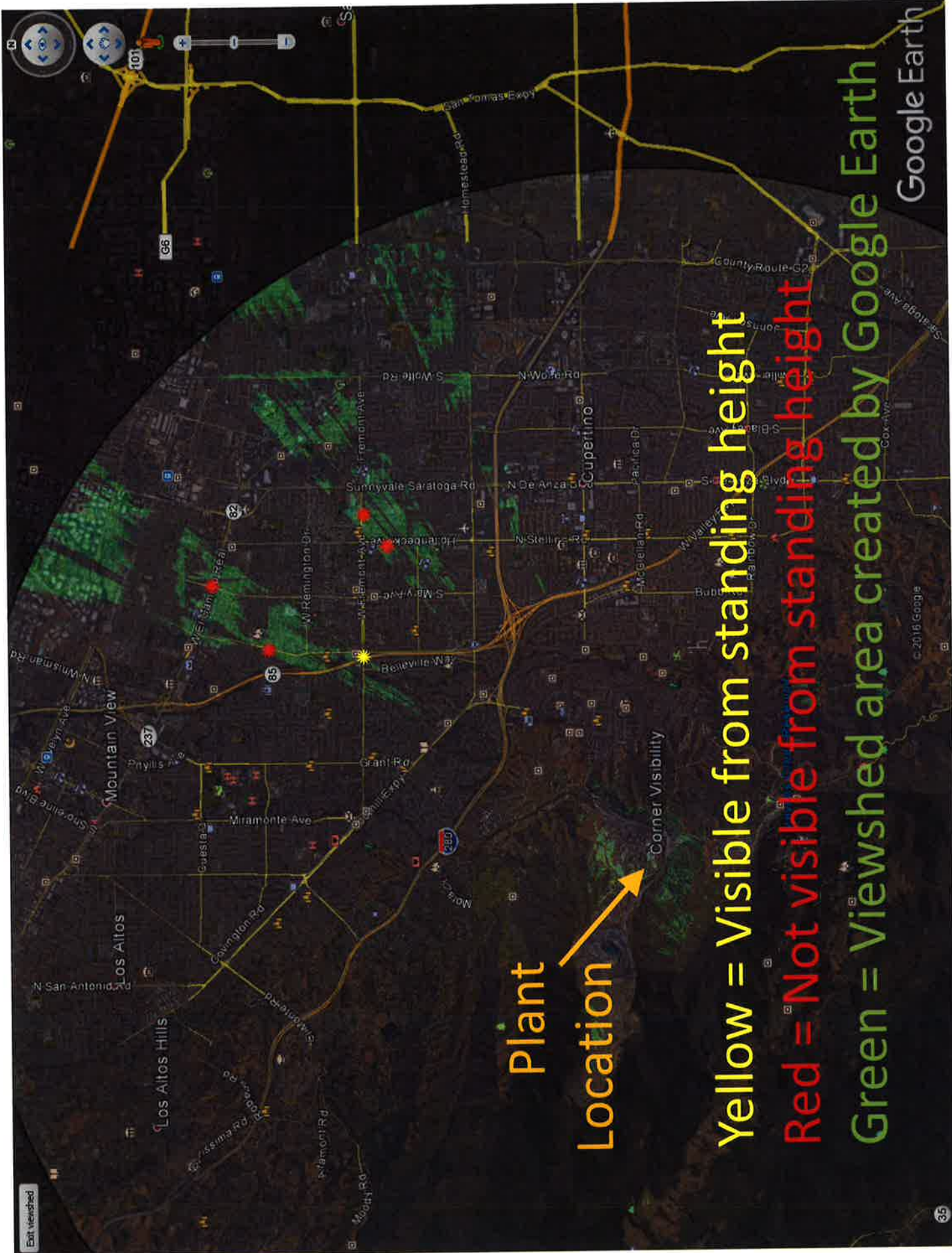
Data SIO NOAA US Navy NGA G-BCO
© 2016 Google
20161229

Google Earth

39°20'55.43" N 122°02'30.53" W elev 182 ft eye alt 234 ft

Tour Guide

1991



Plant
Location

Yellow = Visible from standing height

Red = Not visible from standing height

Green = Viewshed area created by Google Earth

Analysis

- Plant visible from standing height at only one location from the five samples
- Plant visible when standing on rooftop of 40'+ tall structure, but not visible when standing next to said structure

To: Santa Clara County Planning & Zoning Administration

From: Cathy Helgerson – CAP- Citizens Against Pollution

Subject: Lehigh Southwest Cement and Quarry Treatment Plant Application and Information – Cathy Helgerson - Comments

Environmental Information Form – Project Application or Representative

Name: Lehigh Southwest Cement Company – Representative – Sam Barket

1. Address – 24001 Stevens Creek Boulevard, Cupertino, Ca. 95014

2. Describe the project – (i.e., What will be constructed? Proposed use? Projection objectives?): Lehighs Response – A process water treatment facility is being constructed that will treat cement plant process water in compliance with the facility’s NPDES permit prior to discharge of water from the site.

Comment- The answer to this item on the application is not complete very little information is submitted no mention of the items of pollution and the chemicals that will treat this pollution. There are very specific types of treatment for Selenium which is a poison and must be treated in a certain way this must be looked at and mentioned. The other pollutants are also as important and the public wants specifics. Dyan Whyte at the State Regional Water Quality Department has mentioned that she will check on this and let me know. The public needs all of the information and they also need to know how will future testing be conducted to make sure the public is protected and who will do the testing and provide information to all concerned.

3. Is the project part of a master plan, or a phase of a larger project? Lehigh stated Yes If yes, describe the project’s situation/role in the master plan or larger project (e.g. project is phase 2 of 4, brief description of what each phase entails): Lehigh’s response – The process water treatment facility is part of an overall project that includes modified conveyance of storm water and process water on the facility site for compliance with the facility’s NPDES permit. Other components of the project include water storage reservoirs, conveyance punps, and sitewide conveyance piping.

Comment – Lehigh has not broken this description of the project part of a master plan, or a phase of a larger project must be described in detail no mention specifically of phase 2 or 4 as requested on their application. Their answer is not complete and needs to be drawn out in detail in order to submit this application.

4. Where on site will project construction and activities occur (describe and show on site plan construction footprint and staging areas)? Lehigh's Response- The process water treatment plant will be constructed on an existing storage yard area, as shown on the overall site plan.

Comment – There has been no mention of any soil samples taken from the propose treatment plant site prior to any removal of any soil this needs to be part of the application and it is not. The construction will be on shaky ground and even if the soil is replaced there is a strong possibility that the ground will be subjected to earth quakes and shifting ground. There is a steep drop of 100 ft. that could cause a serious life hazard for the persons working in the treatment plant this needs to be addressed. There is more said on this topic in the Geological Report but this information needs to be added to the application in order to comply with the application. The storage yard is full of old metal and rusted out equipment and has been used as a dumping ground this needs to be addressed because it has probably been adding to the soil and water pollution from Lehigh.

5. Site project area information

(a) Parcel size (acres or square feet): Lehigh's Response – 159.42 AC

Comment: No mention of square feet here it is mentioned in B

(b) Describe all buildings (existing and proposed) associated with the proposed use: Lehigh's response – Existing Motor Storage Building – stores used motors 4,576 sq. ft. height 20' 8 ridge

Comment: Will this building be destroyed if so no mention here why not? Is there any pollution associated with this building and how will the removal of the building be handled? If the building is to be kept how will it be renovated or cleaned?

(c & d) mention Lehigh Responded- There will be no designated parking areas.

Comment: I wonder should there not be some parking and road near the building just in case there is a fire safety issue involved the Fire Department will need to be able to pull up near the building to put out a fire. The employees should also have to have a place to park their cars why is Lehigh leaving this all out?

(e) Indicate total area (sq. ft) of buildings, driveways, patios, walkways and other impervious surfaces: Lehigh's Response – 11,386 sq. ft.

Comment: There is no clear picture here of the 11,386 sq. ft. in (c & d) they state there will be no designated parking area number of parking spaces N/A what is going on here this needs to be addressed.

(f) Describe any other outdoor areas dedicated to activities of the proposed use (e.g. sales, storage, animal confinement, etc). Include land area (sq. feet or acres). Lehigh's Response – Outdoor chemical containment area hydrogen peroxide and nutrient chemical used in treatment process, and outdoor treatment process tanks and pumping equipment on concrete pads.

Comment: The public needs to know what other chemicals are to be used at the treatment plant to treat the pollution and what is a nutrient chemical? Storing of any chemical outside is a hazard we need to know what the Fire Department is doing to list the hazards at the treatment plant this is important. It is very important that the public know what chemicals are used at the proposed treatment plant to treat the pollution a list should be added to the application.

(g) Indicate total area (sq. feet or acres) of vacant or undeveloped land, and land not devoted to the proposed use: Lehigh's Response – N/A

Comment: I am not very sure that there is no land around the proposed site that should be looked at as being disturbed in some way and how will this land be maintained? Undeveloped land is and can be a hazard especially during the dry season there needs to be some considerations for upkeep because grasses can grow around the Treatment plant which can cause a fire hazard. Stating N/A is not acceptable and this needs to be looked into because Lehigh is not maintaining a clean environment overall anyone touring the grounds can see what a lack of overall upkeep is missing.

6. Will grading (cut and/or fill) be required as part of the project? Lehigh's Response – Yes – If yes, a licensed civil engineer or land surveyor must complete the following information. If no proceed to question 7. There is a breakdown of the excavation I did not list it. They noted 1: 3,292 CY of existing soil needs to be over excavated, and replaced/recompacted.

Comment: Lehigh answered this question with a yes but they did not have a civil engineer or land surveyor complete this portion it is not certain there needs to be some sort of sign off in order to make it legal. My question why does the soil need to be over excavated? The ground/soil at this site is sandy and it will take a certain process to make it suitable of any such treatment building to be erected. This site is not safe again with a 100 FT. drop next to the building and the earth quake possibility it should not be built and I am against it.

(a) If volume of cut exceeds fill, where will excess soil be disposed? Lehigh's Response – Excess material will be taken to the plant's East Material Storage Area, and reused on-site as needed. (b) Lehigh's Response - No

Comment: The excess material should not be taken to the plant's East Material Storage Area because there could be a mix up of old soil and new taken to the East Material Storage Area which would definitely cause more pollution. How can anyone determine that the old soil from the site will not be carried over to the EMSA please do not let this happen because I am very sure that the soil is contaminated from the pollution from the Lehigh Cement Plant. The dust is every place on the Lehigh grounds and the soil is highly contaminated with Mercury, Selenium, Lead and more if at all the old soil needs to be trucked out and delivered to an authorized site for disposal. I am not sure about a retaining wall of any kind except to contain the noise that the treatment plant will be emitting.

7. Lehigh's – Response- No

8. This item just wants to know about the personnel who will be working at the site 1-2 plant operators. Number of employees 4

Comment: Lehigh should mention the hours of operation and if there are any restrictions on days and times they can operate. The treatment plant should not be making any noise especially at night and this should be look at and considered especially after all of the problems they are already having with noise at the Cement Plant.

9. Indicate the water source serving the proposed use. Include providers name if applicable. Lehigh's Response – Onsite cement plant water with supply service from City of Cupertino.

Comment: The City of Cupertino will supply a great deal of water to this plant and this will be a problem with the new coming drought and the water shortages. The Lehigh Treatment Plant will use too much water to treat the polluted water the community cannot risk the lack of water due to this plant. This Lehigh Waste Water Treatment plant will pollute the Permanente Creek with this chemically treated water which will end up finally in our aquifer and out to the bay polluting the SF Bay Area. I am totally against this Lehigh Water Waste Treatment Plant. There is no need for this plant the water should be trucked off of the site and disposed of maybe at the San Jose Treatment Plant as an alternative. The San Jose Water and the California Water Company treat the aquifer water that is pulled up through the City of Cupertino wells and their wells. We the public cannot allow this treated water from Lehigh get into

the aquifer below the Silicon Valley and then have it treated again by the San Jose Water Company and the California Water Company. The most important point here is that we do not need a new Lehigh Treatment Plant and it should not be built. The Permanente Creek should be allowed to flow without any pollution or chemically treated water in it so my recommendation is to close down the Lehigh Cement Plant and Quarry by not renewing their permit. If the cement plant is allowed to continue there will be more air, water and soil pollution we the people cannot allow this to happen it will be a total disaster.

10. If there are existing wells on the property- Lehigh's Response – There are no portable water wells on the site.

Comment: Lehigh Southwest Cement and Quarry has wells on the site how close they are to the proposed Lehigh Treatment Facility I am not sure of and I hope that SCC and the State Regional Water Control Department will look into this. There sure could be some contamination from abandoned wells that have not been closed down properly so we want to make sure that there is no problem. I wonder why Lehigh did not mention wells in general instead they just stated no portable water wells on site. They did not answer the question and just twisted it around to portable wells this needs to be looked at.

11. What is the distance to the nearest water line? Lehigh's Response – 100 feet to fire suppression water line for motor storage line.

Comment: There will need to be a closer line in case of a fire and it needs to be also accessible to the Fire Department. There needs to be an area that the Fire Truck can pull up to and park in the parking lot especially with the chemicals at the site that could cause a fire.

12. Indicate the method of sewage disposal for the proposed use. Include sewer district name if applicable. Lehigh's Response – Facility will not have a restroom or sewage disposal. All process by-product water, floor drains, and on site storm drains will return to pond 11 for retreatment.

Comment: I am really amazed that there will not be restroom or sewage disposal at the Lehigh Treatment Plant seems this is really an inconvenience to the employees that are working at the Treatment Plant I have to wonder what OSHA Mining and Tunneling would have to say about all of that it would be something that Santa Clara County sure needs to look into. I am also amazed with Lehigh who tells everyone they really care about the employees that work for them so why are they not putting in a bathroom?

13. If a septic system is being proposed, have percolation tests been done?

If yes, who conducted the tests and what were the results? Lehigh's Response – N/A

Lehigh's Response – not yes or no blank why is that?

Comment: Lehigh should have put a NO in the Yes and NO area. I think if they are going to put in a bathroom with a septic system than there needs to be some testing done under the ground before they can do that. I know this sounds dirty but guys will go outside to go to the bathroom instead of walking to the nearest bathroom I don't think we want that to happen.

ENVIRONMENTAL SETTING:

1. Describe the natural characteristics (e.g., topography, vegetation, drainage, soil stability habitat, etc.) on the project site. Lehigh's Response – The water treatment plant is being constructed on a leveled pad that is currently used as a storage yard. The building site is divided by an existing approximately 2:1 slope with a 9 foot drop. Existing soils are silty sand, and the site has sparse vegetation. There are approximately 2:1 slopes with a 100 ft. drop on the south and east edges of the project site.

Comment: I am confused it states that the Lehigh Treatment plant will be constructed on a leveled pad that is currently used as a storage yard this I assume is a dirt pad please mention that. I will mention again I am very concerned about the pollution in the soil and I would not want any of that soil to be brought over to the East Material Storage Area. I wonder how far down does the silty soil go down there is nothing in the paperwork that tells us why is that? I am concerned about any propping up of the building with concrete massive blocks to support the building and keep it from falling over into the 100 ft. drops and 9 ft. drop. I will mention here that we need to be looking at the great possibility of an earth quake the San Andres Fault line and other Fault lines are very close to this building and to the Lehigh Southwest Cement and Quarry which is a very great problem. We must also look at the possibility that Lehigh will want to mine a new quarry because they are running out of Limestone we must not let this happen. The new mine will be very close to the Permanente Creek and to the San Andres Fault line and other Fault lines I believe it will trigger the next major earth quake in California. This information should be considered by the Zoning Administration and the Santa Clara County Board in making any decision to allow for this Lehigh Treatment plant to be built.

2. Describe the existing land uses on the project site. Lehigh's Response – The existing project site is used as a storage yard for miscellaneous equipment used in the mining and cement plant site.

Comment: I have viewed the pictures of the proposed site and the storage yard it is a disgrace a dumping ground for old rusted out equipment that is releasing pollution to the ground and the ground water same on Lehigh. I suppose a company can dump anything they want on their own property this should not be especially with the Permanente Creek right nearby much of the pollution probably went into the Permanent Creek and our ground water.

3. Describe the existing uses adjacent to the project site (note location in relation to the project site). Lehigh's Response – The project site is surrounded by the larger quarry and cement plant facility and not adjacent to other land uses.

Comment: The proposed Lehigh Waste Pollution Treatment plant is and will be subject to the pollution coming from the Lehigh Cement Plant and Quarry it will enter and pollute the site and the Ventilation Systems thus harming the people in the building. It has been going on 90 years of the operation that Lehigh Southwest Cement Plant continues to pollute the Air, Water and Soil on their property and in the Silicon Valley. The property is full of pollution old buildings no longer in use and the only thing that they seem to hold is a place for the birds to nest. The ventilation systems are full of dust and pollution no one seems to care the agencies will not do anything about this problem and the workers suffer as well as the community.

4. Are there any known technical reports that evaluate the property or the proposed project (e.g., geologic, biological, archaeological, environmental impact reports, etc.)? Indicate which reports will be submitted with this application: Lehigh's Response – A geotechnical report has been completed for the project site and is being submitted with this application.

Comment: I do not see an EIR with this application nor any indication that there is and EIR Report there needs to be one it is very important that there is one. The geotechnical report is not enough I will review and comment on that report.

ENVIRONMENTAL ASPECTS OF THE PROJECT –

1. Geology: (a) Are there any known geologic hazards on the site or in the immediate area. (e.g., earthquake faults, landslides, subsidence, steep slopes.

etc.)? Lehigh's Response – Yes if yes describe: The project site is within 0.2 km of the Berrocal fault, refer to Project Geotechnical Report.

Comment: We must not forget that the San Andres Fault is also nearby and so are other Faults putting this treatment plant in is a big mistake and along with the possibility of a new pit being mined it probably will cause the next major earth quake in California. The public needs to be made aware of the dangers and they need to have a voice in this matter my solution is do not build a Lehigh Waste Water Treatment Plant. I propose not giving them the permit and denying their application in order to protect the public from any further pollution via the treatment used to treat the pollutant and the pollutants themselves. I have mentioned many times in my comment to the universe that Lehigh Southwest Cement and Quarry and the Stevens Creek Quarry should be shut down completely and a Super Fund Site should be required in order to clean up the terrible pollution. The Permanente Creek could someday run clean and fish could actually swim in the creek the land could be turned into a State or Federal Park and the air, water and soil would now be clean. I have a dream and so should all of us please make it come true. The levels set to treat the pollution do not completely clean up the water released into the Permanente Creek. The pollution is still in the water just at a lower level they is no mention of the cumulative effect and this water goes down into the aquifer and is pulled up by the San Jose Water Company, California Water Service Company and maybe other. The water now at Lehigh Cement, the Quarry and the ponds can be treated by the portable units for now or it can be also trucked out of the area for treatment maybe at the San Jose Water Treatment Plant that is already available. San Jose Water and the California Water Company also treat the aquifer water and so if the Lehigh Waste Water Treatment Plant is treating Lehigh water and it is going into the aquifer via the Permanente Creek it could be treated twice this is a problem and should be looked at. The Lehigh Waste Water Treatment Plant water being released into the Permanente Creek could also damage the SF Bay area water and this should not be allowed.

(b) Will construction occur on slopes greater than 10% cut %? Lehigh Responded – Yes. If yes , indicate percent of slope: 50% cut %; and describe how erosion/siltation will be prevented? Lehigh Responded – The slope in the middle of the existing site will be cut to 2:1.Slope will be protected with fiber rolls. Surface material is mostly exposed rock.

Comment: Lehigh's Response is crazy fiber rolls and that the surface of the land is mostly exposed rock how can that be they talk of taking soil out and replacing it with another soil what is going on? The answer given is not clear and the process of the fiber rolls is not clear what again is going on? Lehigh

seems to feel they can throw any old thing on the paper and no one will question them well I am questioning them right now. There should be a solid foundation for any project building and building this one up with who knows what is dangerous and foolish please don't allow Lehigh to do this.

2. Trees: No Response from Lehigh

Comment: This area was not responded to I was told by Santa Clara County that the site has no trees I am not sure can someone check?

3. Agriculture: A through F Lehigh answered No

4. Drainage/Flooding/Riparian: Lehigh answered No – **Comment** I am not sure can someone check?

5. Transportation: Lehigh's Response is that one person hired shall make 2 trips a day to the Treatment Plant their regular weekday commute and that there is no traffic congestion.

Comment: Cathy Helgeson has no comment.

6. Safety Health:

(a) To your knowledge, do potentially hazardous materials exist on either this site or nearby property? (e.g., fuels, chemicals, industrial residue, etc.) If yes, describe: Lehigh's Response – Water Treatment Chemicals: sodium hypochlorite, citric acid, anti-scalant, hydrogen peroxide

Comment: This answer speaks of more chemicals used to clean the polluted waste water which means more chemicals going into the Permanente Creek and our aquifer. We must remember that the Lehigh Waste Water Treatment plant is not cleaning the water down to 0 pollution no only to what the regulations feel is necessary this should not be allowed and the public must object. If the water cannot be completely cleaned than it should not be allowed to flow down the Permanente Creek to our aquifer and to the SF Bay area. I am extremely concerned overall how all of the water in the Silicon Valley and the SF Bay Area is really being treated and I sure hope someone will look into this matter. This should be a matter for the EPA Region 9 and the State Regional Water Resource Department we the public need answers and want them soon.

(b) Will the project require the use, storage or disposal of hazardous material such as toxic substances, flammables, or explosives (e.g diesel generator), underground storage of chemicals)? Lehigh's Response – Yes If Yes, describe: Sodium hypochlorite, citric acid, and anti-scalant stored indoors, these are not

toxic, flammable, or explosive per California Building Code. Hydrogen peroxide stored outdoors in separate containment per California Fire Code.

Comment: Lehigh responded to the question yes but did not state what California Building Code and what Fire Code they need to give numbers. I am very concerned about is Safety and Health hazard especially because of the two condo complexes that are right down the road from the Lehigh Cement Plant and Quarry. There are also many individual homes down the road as well and all of them could be threatened by a fire or chemical spill with serious consequences. There have been fires at the Lehigh property one costing over \$200,000 dollars so it is very possible that there can be more. If there was to be a fire or a spill then people would have to be evacuated. The EPA Region 9 has made Lehigh provide the local Fire Department with Haz Mat suits because the feel that it is necessary to have them available in case there is a problem. I would like the public to know what a Safety/Health hazard Lehigh Southwest Cement and Quarry is and that adding this Treatment Plant will create even more of a hazard to the public.

7. Air/Noise:

(a) Describe the types (and numbers) of construction equipment that will be used during project construction? (e.g. grader, backhoe, pile driver, jackhammer).

Lehigh's Response – Construction will be completed with excavators and backhoes for grading, and cranes for building erection and equipment placement.

Comment: There will be a great deal of noise and dust pollution during the construction of this project and will not benefit anyone living nearby. I would like to add here that no one has mentioned the noise coming from the Lehigh Wastewater Treatment Plant if it is allowed to be built and there will be noise. There is also a problem right now with other noise at the Lehigh Cement Plant that has not been contained and is a nuisance Santa Clara County and the City of Cupertino are working on that matter and it still has not been resolved. The public is very tired of all of the problems at the Lehigh Southwest Cement and Quarry and adding a Treatment Plant will only make things much worse and I am against it.

(b) Will the ongoing operation of the proposed use generate dust, smoke, fumes, odors, or noise (such as outdoor amplified noise or industrial activity)? Lehigh's Response No.

Serious Comment: Lehigh is not telling the truth there will be all of the above especially noise how can this treatment plant operate without noise do they really want us to believe this unreal. The process of cleaning water has to make

noise cleaning and moving the water around unless the plant is enclosed in a sound proof building and I think that is not happening. There will also be odors chemicals have odors and they will probably have an exhaust system HVAC System releasing the fumes from the building. The ventilation air system must vent to the outside and it could contain dust, smoke or fumes we are dealing with pollution and it will be coming out of the building into the air as well as in the water. The equipment in the process will have to be powered by something I do not see what the building is using for power can anyone tell me? Lehigh will need to be more specific about this process.

8. Aesthetic: (a) Does the property contain natural features of scenic value or rare or unique characteristics (e.g., rock outcropping, mature trees)? If yes, describe Lehigh's Response - No

Comment: I have not visited the site I am not allowed so I am not sure if there are any trees that will be affected by the treatment plant project. I am concerned that if there are any wildlife that reside at this location that they not be harmed can anyone check this out?

(b) Will construction occur at or near a ridgeline or hilltop Lehigh's Response Yes

Comment: I am confused I do not understand Lehigh's Response how can this building be near a ridgeline or hilltop show a picture of this for the public to view. It would seem that the 100 ft. drop as mentioned prior would mean that this project is on a hilltop but it is still not clear a picture needs to be taken for the public to see exactly what it is.

(c) Will the project include visual impact mitigation (e.g. new landscaping, light reflectivity value of exterior surfaces less than 45, etc.)? Lehigh's Response No

Comment: Lehigh's Response is no well I think that could be a problem are there lights at night if so could this also be a problem for the neighborhood will they be exposed to this light someone needs to look into this. I do not take Leigh's word for it there are condos and homes nearby that will be affected by this.

9. Historical/Archaeological:

Comment: I am not sure about this there could be something but someone would need to check in the records or in the ground.

10. Habitat for endangered, threatened, or rare wildlife or plants:

(a) Does the property contain critical habitat for special-status species (e.g., California Tiger Salamander, Bay Checkerspot Butterfly, Red Legged Frog)?

Lehigh's Response No

Comment: There very well could be other animals that this project could actually affect this should be looked into by the Fish, Game and Wildlife Department before any project should take place. I know there are all kinds of animals up at the Lehigh Property and it is really a good idea that before any project takes place that they do not displace any of them or destroy any of them. I want to add here that if Lehigh decides to put in a new pit and destroy 30 thousand trees and 600 acres that they would be displacing many animals and also destroy/killing them and taking away their homes this should not be allowed to happen. The Mid Pen preserve will be in danger with all of the animals running away from the terror of the Lehigh new pit how can this be allowed to take place. The use permit that Lehigh holds was started back in 1939 and had amendment to it but it has never has been rewritten and it should have been. There were only orchards and some farms here in the valley and no one really cared or understood what the Cement Plant and the Quarry could do to the valley now we do. There are homes and businesses and people living here and we can no longer let this Lehigh Cement and Quarry continue to pollute us to death. Lehigh employees, managers and supporters always use the excuse that they were here first well I say so what now we need to end this constant disregard for human and animal life the public asks to be protected and the Lehigh terror must end. Cupertino is growing much faster than some people would like and the pollution from that growth with Lehigh's pollution will be very hard to imagine. I believe Lehigh causes the Spare the Air Days they do not shut down during this time and the Bay Area Air Quality Management District will do nothing about this problem.

(b) Is the property in or adjacent to a mapped occurrence of a special-status species as reported in the California Natural Diversity Database (CNDDDB)?

Lehigh's Response- Yes – California Red Legged Frog was found in the Cement Plant's Stormwater Pond 9.

Comment: I continue to be worried about the California Red Legged Frog how can Lehigh actually stop the frog or frogs from jumping into the ponds all of the ponds whenever it feels like it can anyone tell me. The ponds are all polluted and why are there so many of them seems like Lehigh is using them for their personal toilet this needs to end. How can this treatment plant treat all of the ponds at Lehigh? The pollution is in the air, water and soil the cement plant and the quarry cannot stay open if they do not pollute it is impossible. I will

say it again close down the Lehigh Southwest Cement and Quarry and never ever let them put in another quarry or mine cement.

REDUCTION OR AVOIDANCE OF IMPACTS:

Discuss possible actions that could reduce or avoid any adverse environmental affects raised in the previous section (Environmental Aspects of Project. Use appropriate reference numbers. Lehigh's Response Stormwater from the project site is being piped to pond 11 for re-treatment instead of flowing to Pond 9 to prevent any impacts to the Red Legged Frog.

Comment: I must add again I am concerned about the Red Legged Frog how can anyone make sure that this endangered species will not be destroyed especially later in the life of the frog and ponds. I suppose that the pollution in all of the ponds seems to evade everyone completely well that just can't happen frog or no frog if Lehigh shut their doors tomorrow the frog could go on crooking and so could we. This is no laughing matter really but I could not resist. I want to remind everyone that concerning yourselves with the frog or frogs is of course important but so is human and animal lives the pollution is causing many sicknesses and even death cancer is on the rise no one is immune. The Lehigh Southwest Cement and Quarry is also responsible for climate change and the drought so please stop this terrible happening to our planet and to our community.

Lehigh Cement Process Water Treatment Plant Site – Picture

Comment: I see two Pond 11 ponds I did not know there were two and no one ever talked about two why is that? The Project site maybe a problem also because it can be seen from the homes not far from the Lehigh property someone needs to look into this? Building Pad Area and Upper Pad Area is also confusing how does this work the public needs to know can anyone find out?

Building Pad Area Looking North – Picture

Comment: This is a junk yard with all kinds of rusting junk that is polluting the ground water, ponds and the Permanente Creek Lehigh needs to be sited for this problem.

Building Pad Area Looking East - Picture

Comment: My God what a mess junk yard Santa Clara County should have sited Lehigh for this after all they are up at Lehigh doing inspections is it ok to leave all of this junk out there for it to rust and contaminate our water.

Building pad Area Looking South - Picture

Comment: I am looking at the picture and wonder if there is a house or houses people living near close by and near the Lehigh Wastewater Treatment Plant can anyone tell me? There seems to be a dirt road and a shake looking at the picture on the right what is that? I want to mention again how this area is being used for a toilet with all of the junk laid out on the ground this pollution from the rusted out equipment and machine parts is a health and safety hazard something should have been done with it long ago. I would like to know if there is any Zoning or SCC Ordinances that have been broken if so Lehigh should be held accountable. I am sure with building the Treatment plant there will be a great deal of dust, noise and emissions coming from the trucks and later the Treatment Plant.

Upper Pad Area Looking North – Picture

Comment: I am looking at the picture and again wonder why has Lehigh not been a better house keeper there is a structure on the left side of the picture what is that? I can see the stake sticking out and part of the dome so it looks as if the structure Lehigh Wastewater Treatment Plant will be on a hill I am really sure this is a very bad idea. I also wonder because it is on a hill that maybe it can be seen from the Steven Creek Blvd. and maybe from homes, schools and businesses in the area this would not be a good idea. We have enough from the Lehigh Southwest Cement and Quarry we do not need any more visual pollution from this Lehigh Company.

Upper Pad Area Looking East – Picture

Comment: Again rusted out machinery left to rot and decay it would take years and maybe never this water, air and soil pollution needs to stop.

Upper Pad Area Looking West – Picture

Comment: What in the world is all this junk, why was it not carried away and disposed of? There seems to also be some piles of rock left out in the open back view near the trees what is this? There are many trees next to this open space with the road leading to the mess of junk and a worker just looking at the old rotting equipment poor guy I suppose he will be in charge of disposing it.

I have many issues about the proposed Lehigh Wastewater Treatment Plant and I wonder why does Santa Clara County Planning Department not have a workshop or meeting explaining all of the issues before this matter is taken up

by the Zoning Administration can any one set something up? This is a very important matter and will affect the whole Silicon Valley and the SF Bay area it seems that Lehigh would love to push it through without a lot of trouble. I will not allow that to happen, the public, agencies and the press will and shall be notified and they will be allowed to comment and protest this project. I will be commenting on the other items I received from the SCC ASAP.

I have mentioned many problems, solutions, and questions I would like to see them answered by Santa Clara County Planning Department and the other agencies involved.

Thank you,

Cathy Helgerson – 408-253-0490 – CAP – Citizens Against Pollution

To: Santa Clara County Planning & Zoning Administration – Christopher Hoem
From: Cathy Helgerson – CAP – Citizens Against Pollution – Comments
Subject: Lehigh Southwest Cement and Quarry Treatment Plant Geotechnical Report
Date: November 29, 2016

1. Introduction

1.1 General - Cal Engineering and Geology, Inc. has provided geotechnical engineering service for design of a new metal building to be located at the Lehigh Hanson Cement Company Facility (Project) in unincorporated Santa Clara County, California. More

1.2 Purpose and Scope of Service – The investigation was undertaken to assess the existing subsurface conditions in the area of the new building pad and adjacent areas where associated improvements will be located in order to provide geotechnical parameters for design of the foundation for the proposed new water treatment building and associated improvements. More

2. Site and Project Descriptions

2.1 Site Description – Summary – The project area consists of two relatively level areas that are separated by a north-trending fill over-steepened slope with approximately 10 feet elevation difference, with the west pad area at an elevation of approximately 800 feet above sea level and the east pad area at an elevation of approximately 810 ft. The project site is currently utilized for equipment storage. The project area is bordered on the south and east sides by over-steepened fills slopes with slope gradients ranging from 2 to 1 to 1 to 1 (horizontal to vertical) and over 100 feet high. The west side of the project area is adjacent to an existing metal structure. The ground surface on the north and west sides of the project area slope gently downward toward an access road. More

Comment: I am very concerned about the elevation of the proposed Lehigh Water Treatment Building with over 100 feet drop slope if there was an earth quake it would take the building and the employee or employees inside to their death. I would like to know what the metal structure is and what is inside of the building please let the public know. What is the north-trending fill no description of what it is and what will it be used for. The report so far does not mention what dirt will be removed and what dirt will replace that dirt this needs to be added so the public will know in the description.

2.2 Project Description – The plan for the new water treatment plant was provided by Water Works Engineers and shows a prefabricated building to be constructed in the central portion of the building area, adjacent to the existing building. The southern portion of the structure will be set back from the existing top of the slope approximately 45 Feet. More

Comment: I am concerned about the set back from the existing top of the slope approximately 45 feet this may not be enough. The anchoring of this building will be necessary due to the type of soil used or replaced with the slopes as they are no telling what could happen to the building and the

employees inside. The earth quake that may happen could cause also a fire and it seems that the project is preparing for such a disaster due to the water tank of 500 gallons on site to fight a fire with. There is no mention here as to what the chemicals and the containers of the chemicals could do to the health and safety of the people who live around the Lehigh Southwest Cement and Quarry and the proposed Lehigh Wastewater Treatment Plant. There is mention that the structure of the treatment plant building will be made out of metal not sure why that is can anyone tell the public? This building and the treatment plant mechanisms the wheels that make it work will surely cause a great deal of noise and will become very irritating to the people who live around this facility.

3. Geology

3.1 Regional Setting – Description More

3.2 Site Geology – The geologic setting is shown on their map Regional Geologic Index Map (Figure 2)

Regional geologic compilation mapping the Brabb (2000) show the site as being underlain by Santa Clara Formation lower Pleistocene and upper Pliocene bedrock depositionally overlaying Plio-Pleistocene age sheared rock (Melange) to the northwest the underlying Plio-Pleistocene Santa Clara Formation bedrock consists of non-marine sedimentary rocks, gray to red-brown gravel conglomerate, with sandstone and mudstone, gray to buff claystone and siltstone, with gravel boulder size conglomerates of chert, greenstone, greywacke, schist, serpentinite, and limestone in a sandy matrix according to Dibbler (2007)

Comments: I am concerned that this location maybe of a historical value no one has mentioned this at this point and there needs to be an investigation. The enormous amount of Limestone that has been taken out over 90 years by the present Quarry Pit is and should have been looked at for its historical value again no one checked. There is mention of Limestone at the site in this Limestone is Selenium it is all over the Lehigh properties this should be investigated and dealt with for treatment as soon as possible even if the building is not built. The runoff into the groundwater and the Permanente Creek is still a problem with Selenium at the EMSA here is another situation and problem SCC please look into this matter.

3.3 Aerial Imagery and Topographic Map Review. More

Comment: I see that the information is dated new pictures and information must be acquired in order to fully know what the conditions are involved.

3.4 Surface Fault Rupture Hazard Setting

According to Bryant and Hart (2007) and CGS (1982) the site is not located within an AlquistPriolo Earthquake Fault Zone, as mapped by the State of California.

In contrast, the County of Santa Clara Planning Department Geologic Hazard Zone Maps (assessed September 2016) shows the eastern boundary of a fault hazard zone as being a short distance just west of the site. Therefore, the project area is outside of this fault hazard zone. This fault hazard zone is

associated with the contact between Franciscan Greenstone and Santa Clara Formation rocks. An excerpt of this map is shown on Figure 3.

Comment: I am again concerned the State of California mapped the site as part of the AlquistPriolo Earthquake Fault Zone how can anyone disregard what the State of California has as a legal record can anyone tell me? I think it is time to contact the State of California and get this matter resolved before any building is done. The site is surrounded by fault lines and so is the all of the Lehigh Southwest Cement and Quarry and during the mining of limestone drilling and explosions there have been many earthquakes already but at low levels this does not mean that the new pit they would love to mine will not cause the next major earthquake in California and the SF Bay area. This matter is very serious to the Health and Safety of all so SCC initiate and investigation.

3.5 Regional Groundwater

Groundwater was not encountered during subsurface exploration.

Comment: I am concerned there are ground water issues especially when it rains and this should be looked into how it flows and in what direction down to what catch all and drainage area. The Geotechnical Report should know and investigate this matter. I also want the State Regional Water Resource Department to look onto this matter all of the water issues at the Lehigh Cement Plant and Quarry need to be investigated by SCC and SRWRD. There so many ponds and these ponds are there to catch the water waste and groundwater/rainwater so please include this in your work and investigation it is very important.

3.6 Faulting and Seismicity

The project is located within the greater San Francisco Bay Area which is recognized as one of the more seismically active regions of California. The right-lateral strike-slip San Andreas Fault system controls the northwest-southwest structural grain of the Coast Ranges and the Bay Area. The fault system marks the major boundary between two of earth's tectonic plates, the Pacific Plate on the west and the North American Plate on the east. The Pacific Plate is moving north relative to the North American plate at approximately 40 mm/yr in the Bay Area (WGCEP, 2003).

Studies have shown that the Pacific Plate is slowly moving to the northwest relative to the more stable North American Plate (Page, 1992). The differential movements between the two crustal plates caused the formation of a series of active fault systems with the transform boundary. The transform boundary between the two plates extends across a broad zone of the North American Plate within which right lateral strike-slip faulting predominates. In this broad transform boundary, the San Andreas Fault accommodates less than half of the average total relative plate motion. Much of the remainder of the plate movement in the greater South Bay Area is distributed across the Monte Vista-Shannon, Sargent, Hayward south, Calaveras, Zayante-Vergeles, Berrocal, and Ortigalita fault zones. The project is in the seismically active San Francisco Bay Area. Therefore, the site will likely experience minor earthquakes and possibly a major earthquake (moment magnitude greater than 7.0) from one or more of the nearby active faults. The major active faults near the site, the distance from the site are summarized in Table 1.

It should be noted that the Berrocal fault is relatively close to the project site. The Santa Clara County Fault Hazard Map indicates the project area to be just east of the Berrocal fault hazard map is shown on Figure 3, Fault Hazard Map. Table 1 Distances to Selected Major Active Faults as follows: Berrocal 0.2 km southwest, Monte Vista-Shannon 1.2 km northeast, San Andreas 4.3 km southwest, Zayante-Vergeles 19 km southwest, Hayward (Southern segment) 24 km northeast, San Gregorio 25 km southwest, and Calaveras (Central segment) 29 km northeast.

Comment: I suppose as anyone can see we are living in an explosive area for earthquakes and the more we disregard the dangers the worse the destruction will be. The issue is not how far away the Fault lines are but will there also be a danger of one triggering the others and causing more destruction we must consider this as a possibility. Lehigh Southwest Cement and Quarry has always been a strong catalysis agent adding to possibilities of a major horrifying earth quake. I ask the public, SCC and the agencies to look at this realistically.

4. Site Investigation

4.1 Site Reconnaissance and Visual Assessment

A reconnaissance of site was conducted and the site was marked for Underground Service Alert (USA) prior to subsurface exploration.

Comment: I am not sure what they are declaring here can anyone make this clear to the public what is an Underground Service Alert can anyone tell the public? Seems that it was conducted than what were the results, was it good or bad? What exactly are they looking for? Prior to this Site Investigations it was noted that the area had limestone at the site and with limestone comes selenium pollution was the site tested for that? If in future it is tested and selenium is found what will SCC, State Regional Water Control Board do about this and how will the site be cleaned up?

4.2 Subsurface Exploration

Comment: I would like to ask why nothing was added here should there not been some subsurface exploration especially with the selenium and the pollution coming from the Lehigh Cement Plant and Quarry. The dust is every place all over the Lehigh property site and the Quarry and no one seems to care to do something about it why is that? The dust is all over the Silicon Valley and our homes it has become impossible to keep up with cleaning the dust and it is also taking the paint off of my car. The dust and pollution to the Air, Water and Soil is causing all kinds of sicknesses including death something has to be done to stop this from continuing.

4.2.1 Scope of Exploration - More

Comment: I am not sure what all of this probing is accomplishing because it is not stated in this report. There is mention of test pits dug reflecting Surface Conditions at the test pit locations consisted of soil and loose gravel again what is this all about anyway what are the tests accomplishing? Please look at my 4.2 Comment

4.2.2 Logging and Sampling - More

Comment: This portion of the report is confusing and does not really report what condition is the soil quality good or bad for this project? I wonder does this soil need to be replaced in the Application it talks about soil replacement what kind of soil will be needed to make sure that the Treatment Plant is put up on sturdy ground. They stated there is soil and loose gravel than this needs to be addresses to see what can be done.

4.2.3 Soil Conditions Encountered

Following is a summary of soils and bedrock encountered in the Test Pits.

Artificial Fill – Report stated – Artificial Fill Soil was encountered – Artificial Fill primarily consisted of grayish brown and yellowish brown, stiff to very stiff lean sandy clay and loose to dense clayey sand.
More

Comment: In reading the report Soil Conditions Encountered I am very concerned about the quality of the soil and can it sustain this Treatment Plant building this must be discussed and stated in the report this needs to be added and documented.

4.2.4 Groundwater Condition Encountered – More

Comment: It is stated that there was no issue about the groundwater how do they know they did not test anything? The tests done on the soil where during dry season so of course the report did not see any groundwater issues up front but what about now during the wet continuing rainy period tests need to be done. I wonder if the State Regional Water Control Board and SCC can run some test to make sure there will be no problem going forward with this project.

4.3 Geotechnical Laboratory Testing – More

Comment: I am very concerned about the gravel and silty sand reported in the report not sure how deep it goes and wonder if it can sustain and hold this heavy Lehigh Wastewater Treatment Plant the report seem to measure it cannot.

5. Conclusions and Discussions

5.1 General

Based on the results of our investigation, it is our opinion that from a geotechnical viewpoint, it is feasible to develop the site as proposed, provided the recommendations presented in this report are incorporated in the project design and construction. The most significant geotechnical factors to consider at the subject site are; 1) The presence of undocumented fill soil across the building pad area; 2) Excavation difficulty in areas underlain by weathered bedrock; 3) Over-steepened fill slopes adjacent to building pad; and 4) The moisture sensitivity of the surficial soils.

These factors are discussed below. In addition, a discussions of soil permeability is included below for purposes of assessment of storm water infiltration on the site.

5.2 Undocumented Fill Soil – More Please Read the Report.

Comment: The information supplied is not complete will they add more soil of a differenct kind which would hold more weight and contain rock? The paperwork states that they recommend that these soils be subexcavated and recompactd as engineered fill. This soil has not been evaluated for any pollution such as selenium which could be in the soil because of any limestone that may be in the rocks and soil this needs to be done. There is also a groundwater issue the area needs to be tested to see where rain water goes after a rain can anyone check?

5.3 Excavation Difficulty – More Please Read the Report

Comment: Statement about Sandstone bedrock was encountered and that the bedrock can be excavated with expensive equipment I suspect this is not a good spot for this project. The rock or sandstone may have limestone in it and therefore possibly have selenium in the rocks or rock this needs to be evaluated and tested. If there is selenium than this must be treated prior to any building of a Lehigh Wastewater Treatment Plant in order to protect our groundwater. I would further say that it is impossible to build any building especially a metal Lehigh Wastewater Treatment Plant at this site. I see also that this site has never been considered for any building to be built in over 90 years and it has only been used as a trash area for Lehigh's garbage polluting the groundwater.

The Geo Report mentions that harder material maybe encountered which would require special excavation techniques. The report continues to add that perched ground water may be encountered in excavations during the winter and spring months and may need to be pumped from the excavation. The contractor should be aware of the potential to encounter shallow groundwater in the area. I am very concerned again about the ground water and the selenium pollution possibility very large rocks can contain selenium and maybe it has not been a problem but digging them up could cause a problem. I would remind everyone about what happened at the EMSA lets not repeat that disaster.

5.4 Over-Steepened Fill Slopes –

There are existing fill slopes that are steeper than 2 to 1 (horizontal to vertical). Which is what is recommended for the site soils.

Comment: I think more information needs to be added here regarding the slopes and how they will be addressed and just what difference they make in the project.

5.5 Moisture Sensitive Soils

Soils encountered during our subsurface exploration had moisture contents generally higher than the laboratory optimum below a depth of approximately 3 feet. Higher than optimum moisture contents should be expected during the majority of the winter and spring in the upper 3 feet as well. From our previous experience on sites in the vicinity with similar soil conditions, the site soils are moderately

sensitive to moisture conditions and may become unstable during grading operations, if they are significantly higher than optimum moisture content. Avoiding grading operation during the wet season along with limiting heavy equipment traffic, especially rubber-tired equipment, on the over-saturated soils is recommended.

Comment: I am again upset with this project it would seem that the soil conditions are very difficult to handle and a project at this site should not be allowed. The limiting of heavy equipment traffic should send up a red flag to anyone with any sense or brain this project should not be allowed to go forward. There has never been anything built on this site and I for one can see why not please do not allow this to happen.

5.6 Soil Permeability – More please read report

Comment: The Geo team stated that the permeability of the on-site was not tested they used some other method of their own from past work I guess in the past and they were using estimates. I am not happy with that nothing states exact information and needs to be looked at by all concerned parties.

6. Recommendations

6.1 Site Grading – More please read report

Comment: The Geo Team stated that Site grading plan has not been developed yet why is that? They anticipate what will be done and have stated it but it is not enough and complete please SCC request this information from Lehigh.

6.1.1 Excavations – More please read report

Comment: The Geo Team stated that excavations for this site are anticipated to be 6 feet or less in depth I am not very sure that is enough they state it could be less I would not recommend that. They mention that shallow spread footings will be used for support of the building and for structure support drilled piers and recommended subexcavation is not required. I am very worried about this type of support and think that SCC should hire someone to evaluate this method to see if in fact it is safe and the right way to go. The Geo Company was hired by Lehigh and I am concerned about what they are saying. I also would like to ask is the building going to have a 40 ft. leeway all around the building or just on the drop sides please let the public know? I see that if the building needs a 40 ft. leeway that is placed in a dangerous area and could be a serious safety issue for the employees working in the building. The issue of utility lines is also a problem and will continue to be a problem with this project because of the rock you can read prior information. The building pad is underlain by fill soil and it is stated that there are no records for that. The subgrade fill soil issue should be evaluated by a representative in the field but by an outside authority contracted by SCC. There is mention of trench excavations adjacent to existing or proposed shallow spread foundations should be above an imaginary plane having an inclination of 1-1/2: 1 (horizontal to vertical) extending down from the bottom edge of the foundation. The ground at this proposed site is unstable and prone to

moisture there needs to be a drainage system of some kind imposed in many areas of the foundation and locations.

6.1.2 Subgrade Preparation - More please read the report

Comment: The Geo Report mentions when the construction schedule does not allow for air-drying, other means such as lime or cement treatment of the soil or excavation and replacement with suitable material may be considered. Geotextile fabrics may also be used to help stabilize the subgrade. The method to be used should be determined at the time of construction based on the actual site conditions. I am very concerned about again the stability of the Lehigh Wastewater Treatment plant using all kinds of treatments to the soil could very well result in problems with the building and the groundwater this must be carefully examined prior to any planned schedule to build. I will add here I do not think this is a good place to build this building and hope this will not happen.

6.1.3 Material for Engineered Fill - More please read the report

Comment: I am not so sure what is even proposed is sufficient and SCC needs to look into this.

6.1.3 Material for Engineered Fill – More please read the report

Comment: In reading the report at this junction it is more than evident that stabilizing the site soil is of great concern and that it would take a great deal of work to prepare the soil if one could and that the weight of the soil is also a problem this all needs to be looked at with great scrutiny SCC please do so. I will mention again that the groundwater contamination should be looked at here and the possibility that there is limestone rock or limestone selenium contamination which must be addressed. I see no tests that were done to determine if there is selenium but it was stated by the Geo Report that there is limestone in the soil please SCC look into this I do not think you want problems later after this building is built. I will add here I am totally against the building of the Lehigh Wastewater Treatment Plant due to all of the problems mentioned before and ask SCC not to allow for the permit to do so.

6.1.4 Engineered Fill Placement and Compaction – More please read the report

Comment: I am fully against the recommendation by the Geo Staff that engineered fill should be placed in horizontal lifts each not exceeding 8 inches in thickness and mechanically compacted to the recommendations below at the recommended moisture content. The concern of Shrinkage is evident in the soil what if there is a problem here it could cause a serious issue and expensive especially if an employee is hurt because of a building issue. It was just released on the news of a building issue by a contractor and a problem this happens all the time. I will add that is site is not safe and there should not be anything built here.

6.1.5 Cut/Fill Slopes – More please read the report

Comment: I am not sure any of this is safe and need SCC to hire a consultant to evaluate all of the planes to make sure that it is safe which at this time seems impossible.

6.1.6 Utility Trench Backfill – More please read the report

Comment: There seems to be a great concern here Pipe zone backfill seems to be a great problem and reading the paperwork makes one feel as if this is really going to be a great problem to solve. Trench backfill and compact soil issues could upset the building itself initially and later once it is built again I am against this building being built.

6.1.7 Considerations for Soil Moisture and Seepage Control – More please read the report

Comment: Geo Report states the use of Subgrade soil is there a better grade of soil that could be used? The site is it seems very prone to moisture in so many ways and I am not so sure that whatever is done will be enough because the building is on a hill and everything runs down into the groundwater so there is a strong risk that the water will be contaminated as stated in the other comments. It seems that this building site is not your usual building site and it needs all kinds of help in stability going through all this trouble is a waste this building should not be built here.

6.1.8 Wet Weather Construction – More please read the report

Comment: I agree with Geo Report team any work should be done in the dry season I have been told that Lehigh would like to build in October I am not so sure that would be alright SCC would have to check on the weather conditions.

6.1.9 Erosion Control – More please read the report

Comment: I agree with this disturbing areas around the building project should be avoided. I would like to add here that if any animals have their home on the site that they be moved to another place and not destroyed. The need to contact the State Fish, Game and Wildlife Departments maybe necessary to determine what animals could be effected by this building site SCC please do so.

6.2 Foundation Design Recommendations

Staff Geo – Stated we understand the new structure's foundation will be designed with shallow footings. We recommend the following: - More please read the report

6.2.1 Geotechnical Design Parameters – Shallow Footings – More please read the report

Comment: It is mentioned that footings will be used I feel this to be a great problem this project is full of very dangerous possibilities and anything that is used to brace it will be a problem not matter how you choose to look at it. The possibility of soil shifting, moisture, drainage issues, type of rocks and soil used that could be contain limestone and selenium are all red flags and I hope that SCC Zoning Administration will look at all of this and do not approve the project. I see all of this work that is being done and proposed as a total waste of money, time and work please again do not approve this project.

6.2.2 Mat Foundation Design – More please read the report

Comment: I do not agree with the Total post –construction settlement of the structure is anticipated to be less than 1/2 inch this makes no real sense SCC please have someone else check this a consultant coming in to evaluate this project important.

6.2.3 Seismic Design Parameters – More please read the report

Due to the proximity of the site to the numerous active fault systems which traverse the greater San Francisco Bay Area, it is likely that the project site will be subjected to the effects of a major earthquake during the design life of the proposed improvements. The effects are likely to consist of significant ground accelerations. These ground type movements may cause damage to the proposed improvements. We therefore recommend that at a minimum the structural systems for the proposed improvements be designed in accordance with the requirements of Chapter 16 of the 2013 California Building Code for Site Class D type soils. The California Building Code seismic design parameters for the site are included in Table 2.

Comment: It is very evident that this project will be in danger due to Seismic issues as taken up in prior areas of this report. I do not see how these building codes will help in any way there are just some places in the Silicon Valley that should not be built on an this is one of them SCC please do not approve this project. I will stress here that there need not be a Lehigh Wastewater Treatment Plant built and that there are other alternatives that should be considered I will mention this later in another comment paper.

6.3 Retaining Walls

Comment: What a project that needs retaining walls this should send up a red flag to SCC please do not allow this project to move forward in any way. If there is an earth quake and it looks most likely the retaining walls will fall, and someone will get hurt. The possibility that Lehigh will put an application to mine a new pit is evident and if they do this new pit mined will cause the next major earth quake in California here in the Silicon Valley and the SF Bay Area. I ask no I beg SCC Planning, SCC Council, and the Zoning Administration not to allow this disaster to take place turn down Lehigh's application. I am not sure what these retaining walls are for nothing in the paperwork states this information I for one would like to request more information form the Lehigh Geo Team and SCC.

6.3.1 Active Soil Pressure, 6.3.2 Retaining Wall Foundations, 6.3.3 Retaining Wall Drainage – More please read the report. Question – see above not sure what Retaining Walls are for.

6.4 Concrete Slabs-On Grade – please read the report

Comment: This building project is for a Lehigh Wastewater Treatment plant it and the other building, and all of the items on the site are subject to water issues. The building will be a heavy metal type and the process of water treatment will weigh even more to the structure as a whole stabilizing this building will be really impossible. SCC must take into consideration that this building can be put some place else with a lot less effort Lehigh seems to want to destroy the area with this building and the

animals residing in this area are not even considered please do not let this happen. The public will suffer with the noise and visual effects and Lehigh and SCC will have to deal with that problem in the future. It seems that water proofing the site is necessary why is that no one seems to tell us in this report can SCC please let the public understand this issue.

6.5 Pavements

6.5.1 Gravel Pavements – More please read the report

Comment: It seems that a support of 75,000 pounds for fire trucks is needed and that pavements must be “all-weather”. I would like to see more done with these gravel driveways issue I do not think they will hold up and will be unsafe for all concerned. There needs to a paved road that will sustain the fire trucks and any other vehicles that may use the road SCC please look into this matter the safety of personnel and others is important. I still want to add I am not in favor of this building project.

6.5.2 Asphalt Pavement – More please read the report

Comment: I am not so sure that an R-Value of 10 is enough because of the problems with the soil the highest standard should be imposed as is regulated for our City Streets. The trucks coming down from Lehigh via the Steven Creek Blvd. and you can see what a toll they have taken due to the weight they need repair. The roads for the project need special care or they will be unsafe and the will not hold up as they should SCC please review this issue with Caltrans Standard Specification but impose even stronger requirement.

Surface Drainage – More please read the report

Comment: It seems to me and anyone that surface drainage is very important rain coming down creating our groundwater which is released into the Permanente Creek is the issue here how will that be handled. The water coming from Lehigh Water Treatment Plant and the other items on the site will be a very big challenge for all concerned nothing in the report really specifies how this will be handled can SCC please find out we do not need any more contamination to our ground water and the Permanente Creek.

7. Limitations – More please read the report

The statement by the Geo team regarding the evaluation or identification of the potential presence of hazardous materials at the site was not required and is beyond the scope of this project.

Comment: I must ask someone to tell me why the potential presence of hazardous material at the site was not required can SCC tell me why? I suspect that SCC will make sure that Lehigh adheres to the recommendations and also that the SCC hire consultants to make sure that what is in the report is accurate and feasible.

No further comments on remaining paperwork.

To: Santa Clara County Planning Department – Christopher Hoem

From: Cathy Helgerson – CAP – Citizens Against Pollution

Subject: Lehigh Water Waste Treatment Plant Project – Cathy Helgerson's comments

Fire Protection Information

Lehigh Southwest Cement Co. Process Water Treatment Plant Project

Letter from Joe Ziemann, P. E. – Water Works Engineer

To: Santa Clara County Planning Office

The following is a summary of the fire protection information for the Lehigh Southwest Cement Company's Water Treatment Plant Project – More See letter Dated January 5, 2017

Comment: The proposed water treatment facility is 9,100 sq. ft. and is a waste water treatment plant and should be noted as such. The proposed facility is a metal building (steel structural framing, siding, roofing), Type VB construction. The existing adjacent motor storage building is also a metal building, Type VB construction. These building are heavy and there are all kinds of building problems associated with both not to mention the pollution on the site. The City of Cupertino will provide water to Cement Plant that has a 500,000 gallon water storage tank located approximately 1,250 ft. from the site will be the source of fire protection water. The City will also provide water for the Lehigh Waste Water Treatment Plant this should be mentioned here and at other points in the overall paperwork and is not. I am not sure how much water will be used from the City and during a drought as we have had it will be a hardship for the people living in Cupertino and the Silicon Valley. I am sure we do not want this Treatment plant built. The mention that they need a 500,000 gallon water storage tank to handle a fire should send up a red flag to everyone there seems to be a great fire hazard here and we need to understand how the chemicals stored and the treatment plant can be subject to a serious fire issue. Lehigh has had a fire once on site that cost \$200,000 dollars so you can see how there could be a problem. The EPA Region 9 via a violation settlement with Lehigh of a large amount also asked them to provide the Fire Dept. with 12 hazmat suites in case anything happened up at Lehigh so we the public are in constant danger. The chemicals on site are extremely hazard and we the public do not want this danger so close to the two condo units next to the Lehigh property. The pollution is in the Air, Water and Soil the dust is everywhere and this dust if full of pollution from the Lehigh Southwest Cement and Quarry this has to end.

I would like to ask Santa Clara County, Santa Clara Planning and the Zoning Administration not to approve this application for a Lehigh Wastewater Treatment Plant.

Thanks,

To: Santa Clara County Planning & Zoning Administration – Christopher Hoem

From: Cathy Helgerson – CAP – Citizens Against Pollution – Comments

Subject: Lehigh Southwest Cement Co. Process Water Treatment Plant Project –Stormwater Treatment Measures & Lehigh Southwest Cement Company Settlement Agreement and Stipulation for Entry of Administration Civil Liability Order No. R2-2017-1001

This is a letter from Joe Ziermann, P.E. – Water Works Engineers to Santa Clara County Planning Office

I have read the letter and in the letter it states that discharge of stormwater from the site limited to the treatment capacity of the Process Water Treatment Plant, which is 1,200 gpm the project is replacing the interim treatment system with a final treatment system, with again a capacity of 1,200 gpm, as required by the sit-specific NPDES permit.

The California Regional Water Quality Control Board has just recently issued a Settlement Agreement and Stipulation For Entry of Administrative Civil Liability Order No. R2-2017-1001 against Lehigh Southwest Cement Company Santa Clara County discharges in violation of effluent limits and interim effluent limits.

The Settlement Agreement Stipulated Order resolves the violations alleged herein by the imposition of administrative civil liability against Lehigh in the amount of \$465,500.00 dollars this Settlement Agreement should be read by Santa Clara County Planning office and the Zoning Administration. These violations date back to the year 2014 but I assure you that it has been taking place since Lehigh first opened its doors in 1939 and continues to this day. The Settlement Agreement amount is not enough and should have been in the very high millions of dollars but even with the payment it does not make any difference to the company who can afford to pay it.

I am not sure about the portion of the letter that states 1,200 gpm is the stormwater discharge limit to the processed water treatment plant how can that be because in the Attachment A of the Settlement Agreement it states violations much higher levels of discharging water pollution. I was told by Christopher Hoem Santa Clara County Planning Department that the 1,200 gpm stormwater discharge limit is gallons per minute which comes out to 52 million gallons released per month 60 minutes in an hour and 24 hr. period for (30 days per month). The Lehigh Southwest Wastewater Treatment Plant will process a great deal of polluted water and I am very concerned about the weight of the building and the water that will add to the weight of the building is it safe can the building sink due to all this weight? I was also told by that issues regarding the building will be taken up when Lehigh applies for a building permit this is not acceptable the Zoning Administration should consider this now because of the safety issue, pollution issues, and the feasibility of allowing this Lehigh Southwest Waste Treatment Plant application and other paperwork to pass. I believe that both Zoning Administration and the Building Department should look at this as a whole instead of separately in order to make sure that the public is protected.

Information on the California Regional Water Quality Control Board San Francisco Bay Region – Lehigh Southwest Cement Company Santa Clara County – Settlement Agreement and Stipulation for Entry of Administration Civil Liability – Order No. R-2-2017-1001

Note: The information below is part of the Settlement Paperwork I have already supplied to Christopher Hoem for review.

Under Alleged

Violations it states:

Violation 1: December 2, 2104 discharge in violation of CDO interim effluent limits from Discharge Points No. 005 and 006 to Permanente Creek - On December 2, 2014, Lehigh violated Cease and Desist Order No R2-2014-0011 (CDO) by discharging a combined total of approximately 290,000 gallons of facility runoff to Permanente Creek with concentrations of total suspended solids (TSS) and turbidity above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 2: February 7, 2015 discharge in violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On February 7, 2015, Lehigh violated the CDO by discharging approximately 270,200 gallons of facility runoff to Permanente Creek with concentrations of settleable matter and TSS above and TSS above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 3: April 7, 2015 discharge in violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On April 7, 2015, Lehigh violated the CDO by discharging approximately 221,400 gallons of facility runoff to the Permanente Creek with concentrations of settleable matter and TSS above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 4: November 2 2015 discharge in violations f CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On November 2, 2015, Lehigh violated the CDO by discharging approximately 194,000 gallons of facility runoff to Permanente Creek with concentrations of settleable matter, TSS, and turbidity above the numeric interim effluent limits in the CDO, Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 5: November 9, 2015 discharge in violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On November 9, 2015 Lehigh violated the CDO by discharging approximately 28,300 gallons of facility runoff to Permanente Creek with concentrations of turbidity above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liability pursuant to Water Code section 13350, subdivision (e).

Violation 6: December 3, 2015 discharge in violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On December 3, 2015, Lehigh violated the CDO by discharging approximately 27,800 gallons of facility runoff to Permanente Creek with concentrations of TSS and

turbidity above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 7: December 13, 2015 discharge in violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On December 13, 2015, Lehigh violated the CDO by discharging approximately 52,200 gallons of facility runoff to Permanente Creek with concentrations of turbidity above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

Violation 8: December 19, 2015 discharge is violation of CDO interim effluent limit from Discharge Point No. 005 to Permanente Creek – On December 19, 2015, Lehigh violated the CDO by discharging approximately 8,900 gallons of facility runoff to Permanente Creek with concentrations of TSs and turbidity above the numeric interim effluent limits in the CDO. Lehigh is subject to administrative liabilities pursuant to Water Code section 13350, subdivision (e).

I have to ask the question how can the amount of water the proposed Lehigh Treatment Plant, which could reach 52 million gallons per month processed, a tremendous amount of water. The water processed would be extremely heavy and it could also be mixed with chemicals and water purchased from the City of Cupertino or the Water Companies. The weight of the building itself made out of metal adds to the problem great deal of overall weight and so I am very concerned that this could cause some structural problems and even add to the possibility of an earth quake.

The State Regional Water Quality Control Board needs to supply Santa Clara County Planning, the Zoning Administration and the public copies of the water tests that were conducted in the past and up till now so that we can see what pollution is really in the water. The public wants to know what pollution is in the water and what will the Lehigh Proposed Wastewater Treatment Plant treat and how will it be treated. The Selenium is a problem with the EMSA and other locations on site and this Selenium needs to be treated in a certain way SCC needs to find out exactly how it will be treated and also to ask that the treatments are a zero pollution limits.

Please add this to my comments from prior information I submitted to Christopher Hoem.

TO: Cupertino Sanitation Division

Attn: Richard Tanaka, Frank Quach, Julie Rodriguez and the Cupertino Sanitation Board

From: Cathy Helgerson – CAP – Citizens Against Pollution

Subject: Lehigh Southwest Cement and Quarry Wastewater Treatment Plant Proposal

I would first like to address this to Richard Tanaka and the Cupertino Sanitation Board for their review because I feel that this matter must be addressed immediately and that it is of a very urgent matter.

Lehigh Southwest Cement and Quarry are in the process of filing an application with Santa Clara County to build and operate a Wastewater Treatment Plant which they will eventually bring up to the Zoning Administration for review much to my dismay. I have reviewed the paperwork including the Geotechnical Report and feel that there are many problems with this Lehigh Wastewater Treatment Plant and that it would be a health and safety issue which could affect the public. I have commented on this with Santa Clara County and will also be commenting on their application again because SCC has asked them to add more information.

I have contacted the Cupertino Sanitation Department and discussed this with Frank Quach and Julie Rodriguez who have given me information regarding this matter so I do hope you Richard you will look into this matter immediately.

It seems that someone at Lehigh contacted the Cupertino Sanitation Department asking about connecting a pile line from Lehigh to the pipes already there at the Steven Creek Blvd., I am not sure what Lehigh was told but it seems Lehigh never got back to your office. Julie could not tell me who you Richard spoke to, and I guess that your office never got back to them to follow up in any way

San Jose – Santa Clara Wastewater Treatment Plant was also contacted by Lehigh about this and it seems there was a miscommunication and it seems Lehigh was told that connecting lines and directing wastewater to the San Jose- Santa Clara Wastewater Treatment Plant could not be done. I was also told this when I called but later found out due to my persistence I wanted to know why and so I found out there had been a miscommunication and was told by Amit Mutsuddy that it could be possible. He would like someone from Cupertino Sanitation Department to contact him about this and discuss the matter he is open to that.

I have been in contact with Santa Clara County Christopher Hoem who is reviewing Lehigh's application and who will be submitting it to the Zoning Administration once that people have commented on the matter. I discussed this matter with Christopher and told him I would contact Cupertino Sanitation Department and the San Jose – Santa Clara Waste Treatment Plant to see it is possible to save everyone a great deal of money by not putting in a Lehigh Wastewater Treatment Plant.

I would first like to make a suggestion instead of putting in larger pipes to handle the great amount of water that Lehigh has to process I would like to suggest that maybe the amount of water coming down from them could be regulated in some way and released slowly. I understand from Julie and Frank that

in order to handle .5 Million Gallons that a bigger pipe line would have to be installed because the pipes that are there are not enough. Julie says she can do modeling but it would have to clear from you. I hope if there is no other way but to put in a bigger pile line that your department would consider it.

Richard I would like to propose instead of all that expense how about doing what the Santa Clara Valley Water District does with the Steven Creek Reservoir they release water through a recharge pond behind the 7/11 store and this water goes into the aquifer below the valley. The water at Lehigh is now in the ponds and is also in the quarry it is treated by and goes through small treatment units and the water is released into the Permanente Creek and eventually ends up in the aquifer and the SF Bay and is eventually delivered to the public by the San Jose Water Company and the California Water Service Company. They set this up because of the Selenium that was going into the Permanente Creek from the East Material Storage Area which is still a problem and needs to be resolved. The water at Lehigh from the Cement Plant, Quarry and all the ponds on the site are polluted and must be treated. The Sierra Club filed a lawsuit against Lehigh for polluting the Permanente Creek, and it went to court and they won the judge instructed Lehigh to stop the pollution and that is how they decided to build a Wastewater Treatment Plant. I am sure that if a better system was suggested that Sierra Club and the judge could consider that alternative. I also see that Lehigh tried to find out if an alternative is possible in the past.

Lehigh could funnel the water from the quarry and the ponds into a central location and hook up to a line which could have a regulator so that only a certain amount of wastewater could go through as a given time. Santa Clara Water District with the Steven Creek Reservoir and the recharge pond is a perfect example of what can be done and it has been working. This water can be held in the quarry or the ponds not a problem this has already been going on all they need is a release system in place letting the limit of water at a time be released this saving installing larger pipes. Richard this needs to be coordinated by someone please can you take the lead in this?

Richard I know that this is work for you and your group, and that Julie tells me you are all very busy but this matter is of life and death to the valley and the SF Bay Area and cannot wait because Lehigh is submitting their application for a the Lehigh Wastewater Treatment Plant and it will be going to the Zoning Administration for approval and then once approved it will go to the Building Department.

I ask that your group coordinate this alternative with Lehigh, Santa Clara County, Santa Clara – San Jose Waste Treatment Plant, State Regional Water Quality Board, Sierra Club and the Judge to put this plan in action immediately.

There is a great deal of money to be saved for Lehigh but there is also a great deal of revenue to be gained for the Cupertino Sanitation Department and Santa Clara- San Jose Wastewater Treatment Plant who would be charging Lehigh for the service. I would think that this money is better spent than building an unwanted Treatment Plant. I also feel that Lehigh should not be allowed to monitor the treatment facility alone, and that whoever they hired to build and monitor the plant may not be the best company to do the job. The San Jose – Santa Clara Wastewater Treatment Plant is a massive treatment plant and they will also be making many wonderful upgrades to the facility over the years they are the best facility to do the job. I have looked on the web and the system they use to treat wastewater it is full proof and

they have been around for 50 years doing a great job. My question is why do we need the Lehigh Wastewater Treatment Plant when there is a professional highly responsible treatment facility in the valley already can anyone tell me? The fact that it seems that any company can just go ahead and put in a wastewater treatment plant should not be taking place and the agencies that regulate this wastewater should not be allowing it. I would hope that you can contact the State Regional Water Quality Control Dept. to see what part they will play in this matter I have given you Dyan Whyte as a contact person at the end of this message.

I am very interested in this matter because I see the Lehigh Wastewater Treatment Plant as a Health and Safety issue and also a waste of money that could be spent in a better way. I have been an advocate against the pollution at the Lehigh Southwest Cement and Quarry for 12 years and counting and have seen how much pollution they have been allowed to distribute in our community and I feel this needs to end.

The Lehigh Wastewater Treatment Plant would not treat the water down to zero emissions but only to what is required by the State Region Water Quality Board and the State Environmental Protection Agency this is not enough there is the cumulative affect we need to consider. I was told by the Santa Clara – San Jose Waste Treatment Plant representative that no wastewater treated or not should be going into the Permanente Creek or any other creek this truly makes a great deal of sense. They do not release any wastewater down any creek in San Jose.

Lehigh Southwest Cement and Quarry has been polluting the Silicon Valley and the SF Bay Area for over 90 years and counting and this needs to end. They are running out of limestone in the old quarry and they will need to mine a new pit this would be an absolute disaster for everyone and would cost many lives. The mining of a new pit would cost 30 thousand trees and 600 acres of land to be destroyed and it would also displace many animals that live in the woods there. The Mid-Peninsula Preserve is right next to Lehigh and the animals would run for their lives causing an over flow into the Preserve this should not be allowed to happen. It would be a tragedy, many animals would die who have their homes in the ground and in the trees this cannot be allowed to take place.

I am not discounting putting in new pipes to handle the Lehigh Wastewater load but it seems there could be a better way with what I suggested above in the paragraphs above.

I know there must be a way to work this out but I need everyone to help please get back to me ASAP because Santa Clara County will be processing Lehigh's application soon.

Contact People as follows:

Santa Clara County – Christopher Hoem Phone No. 408-299-5784 & Manira Sandhir Supervisor Phone No. 408-299-5787, Main No. 408-299-5770

San Jose – Santa Clara Regional Wastewater Facility – Amit Mutsuddy - Cell Phone 408-515-2021 Office phone 408-635-2007

State Regional Water Quality District – Dyan Whyte Phone Number – Main No. 510-622-2441 – Cell
Phone 510-926-2870

Date: April 25, 2017

To: Christopher Hoem, Planner County of Santa Clara

cc: Joe Simitian, County Supervisor

Re: Public Hearing May 4, 2017 for 2250-17A-17DR-17G Lehigh Southwest Cement Company

I am a local citizen concerned about contamination in water, soil and air from Lehigh Southwest operations. The public hearing on May 4, 2017 pertains to grading approval of 2976.6 cubic yards of cut and 2220.9 cubic yards of fill for a new water treatment facility. I am pleased to know about the construction of the water treatment facility but I am concerned about the management of the soils to be excavated. What assurance do I have that all topsoil and subsoils from the excavation will be segregated and stored for use in reclamation? Also, when will the reclamation plan be amended, if it hasn't been amended already, to ensure that, after operations cease and the treatment facility is no longer needed, the treatment facility will be removed and the related excavations will be restored to approximate original contour immediately after closure? Last, can you assure me that Lehigh's financial assurance to the County under SMARA has been increased to enable complete reclamation of these facilities if Lehigh fails or is otherwise unable to meet its reclamation obligations?

Please provide more information regarding the affects of the treatment facility, related excavations and amended reclamation plan.

Sincerely,

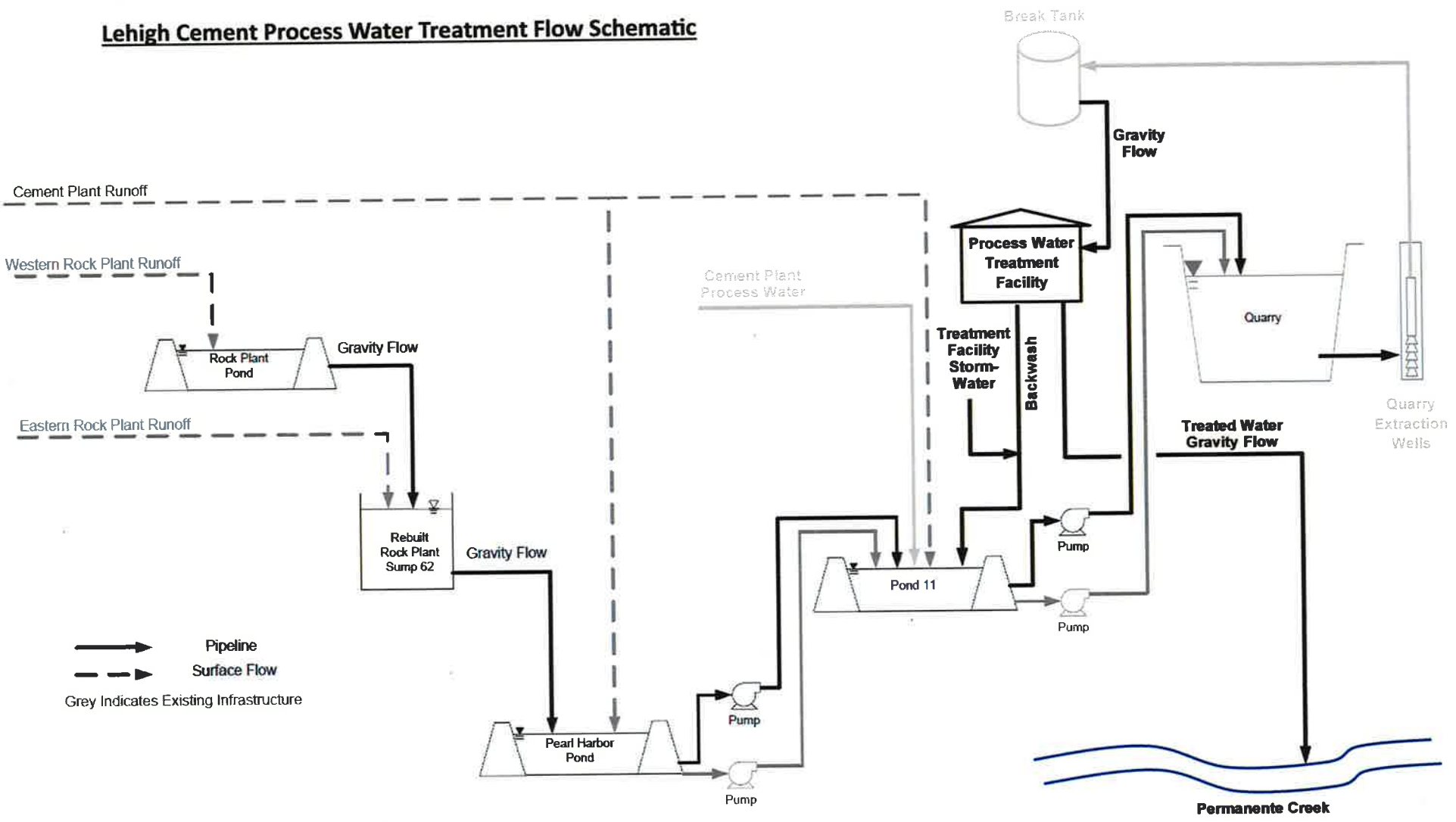
Kit Gordon

27800 Central Drive

Los Altos Hills, CA 94022

Lehigh Cement Process Water Treatment Flow Schematic

Attachment E



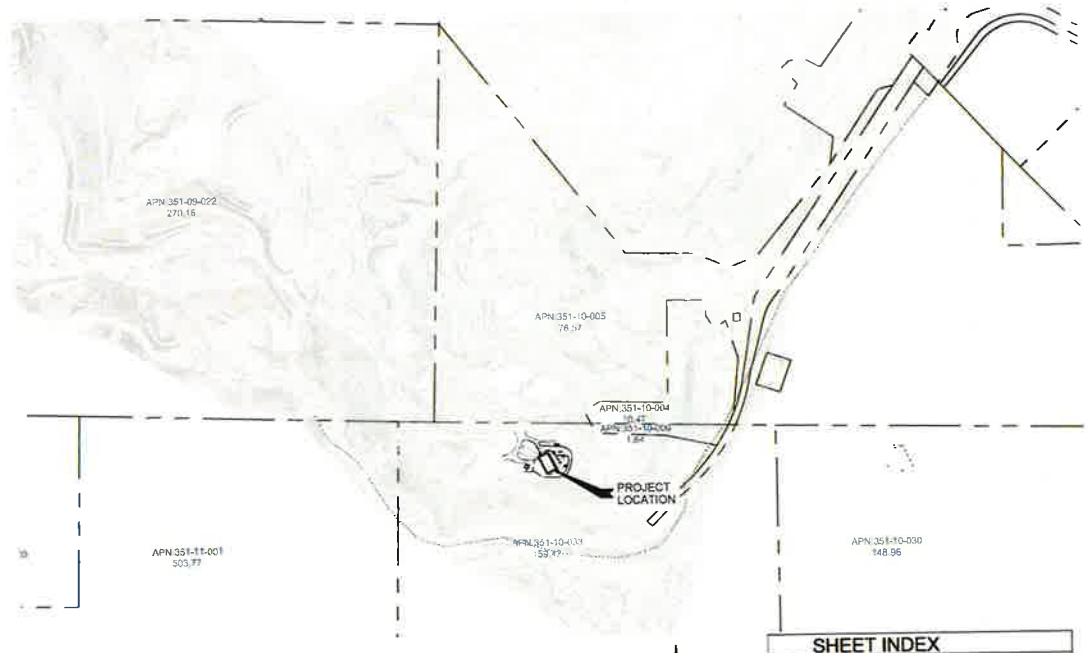
PROCESS WATER TREATMENT PLANT

LEHIGH SOUTHWEST CEMENT COMPANY
 PERMANENTE PLANT AND QUARRY
 24001 STEVENS CREEK BOULEVARD
 CUPERTINO, CALIFORNIA 95014

Attachment F



VICINITY MAP
1"=1500'



LOCATION MAP
1"=400'

JANUARY 2017
 ARCHITECTURAL AND SITE APPROVAL



SHEET INDEX	
C-0	COVER SHEET
C-1	OVERALL PLAN
C-2	SITE PLAN
C-3	GRADING SECTIONS
10-AS-1	FACILITY ELEVATIONS
10-AS-2	FACILITY ELEVATIONS
10-AS-3	FACILITY FLOOR PLAN

FOR MORE INFORMATION
 PLEASE CONTACT:
 JOE ZIEMANN, PE
 (916) 780-2888 EXT. 113

NOT FOR CONSTRUCTION

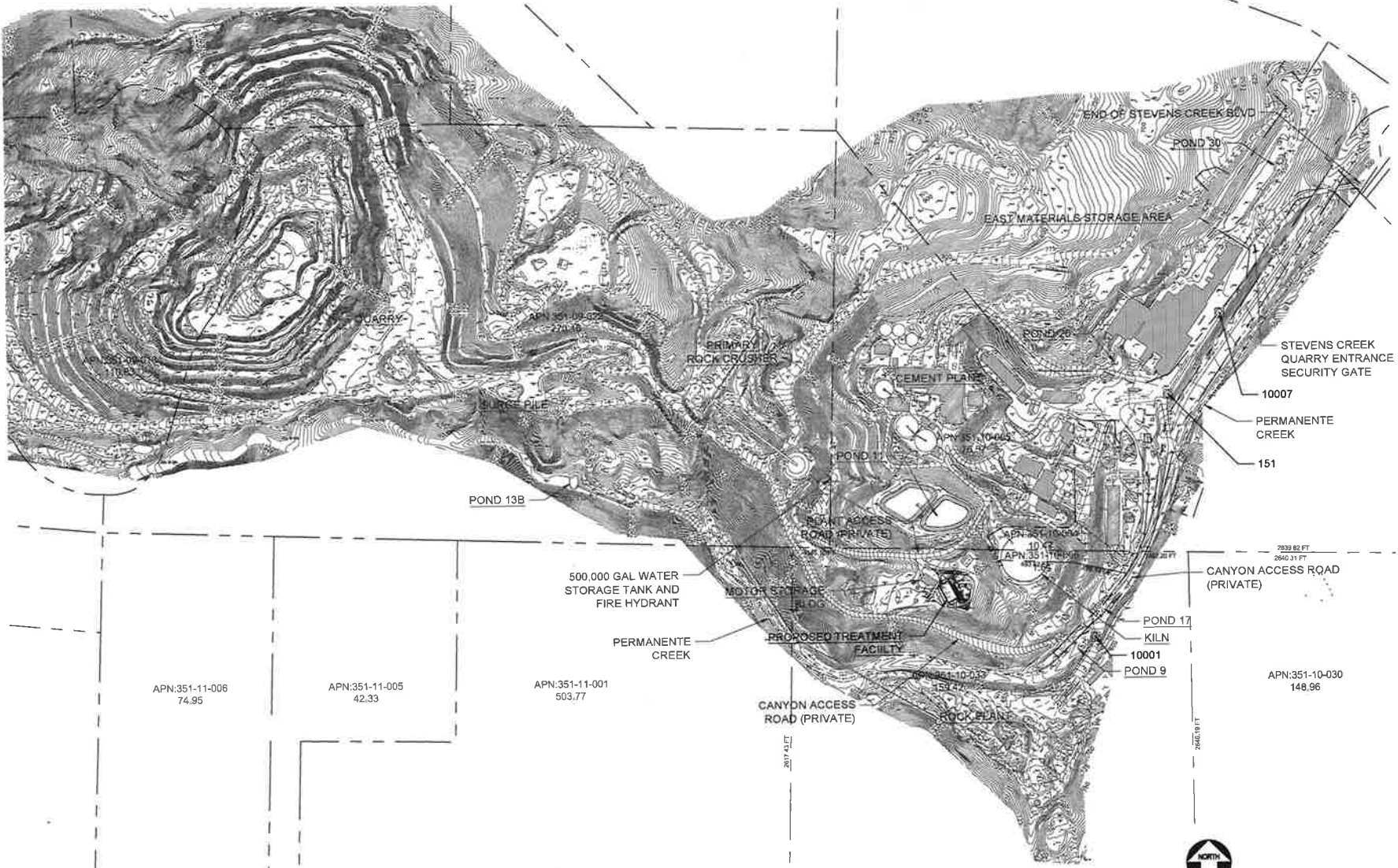
DRAWN BY J. ZEEMANN
 CHECKED BY J. ZEEMANN
 DATE 01/11/2017

WATERWORKS ENGINEERS
 14500 Van Allen Drive • Irvine, CA 92618 • 949.261.1113

LEGAL COUNSEL
 LEGAL COUNSEL COMPANY
 PROJECTS WATER TREATMENT PLANT
 24001 STEVENS CREEK BLVD
 COSTA MESA, CA 92626

CIVIL
PRELIMINARY OVERALL PLAN

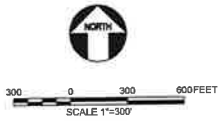
DATE 01/11/2017
 PROJECT NUMBER 16-002
 DRAWING NUMBER C-1
 SHEET NUMBER 2



BENCHMARK	DESCRIPTION	NORTHING	EASTING	ELEVATION
10001	PVC PIPE	1940651.09	6099374.73	584.40
151	TOP PVC CASING	1942270.96	6099880.51	555.16
10007	TOP PVC CASING	1942811.57	6100234.11	555.76

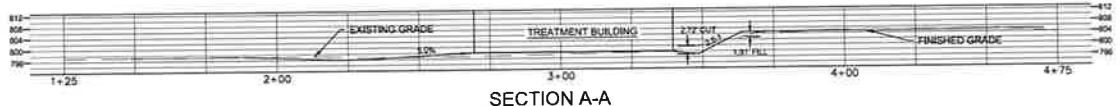
BASIS OF BEARING: NAD 83 STATE PLANE 3

OVERALL SITE PLAN
 1"=300'



EARTHWORK QUANTITIES

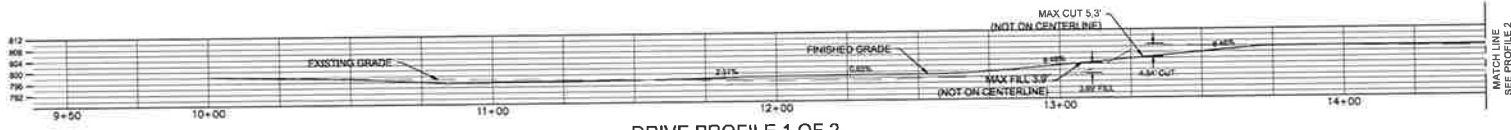
Improvement Area	Earthwork Quantity		Maximum Depth	
	Cut (CY)	Fill (CY)	Max Cut Depth (ft)	Max Fill Depth (ft)
Sanitation Tank	0.0	2.0	3.0	2
Retention Tank	2.8	0.0	3.2	2
Flow Equalization Tank	2.8	0.0	3.2	2
Filter Tank	0.0	2.7	3.2	2
Hydrogen Peroxide Tank	0.0	1.8	2.8	2
Rawwater Tank	0.0	0.0	3.2	2
Sludge Tanks	10.3	0.0	3.2	2
Order Control System	0.0	0.2	2.4	2
Backwash Transfer Pumps	0.0	0.0	2.4	2
Transformer	0.0	0.0	2.4	2
Building	0.0	179.2	2	8
Roof	129.5	129.5	3.2	3.9
Other Unshaded Areas	56.3	66.3	3.9	3.5
Totals (CY)	20.9	232		



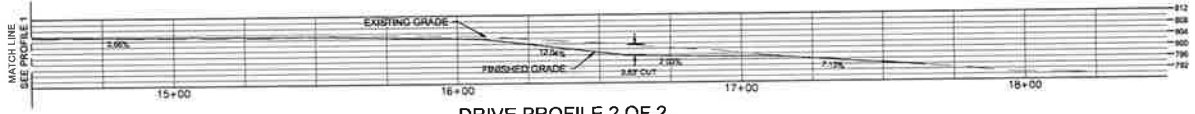
SECTION A-A



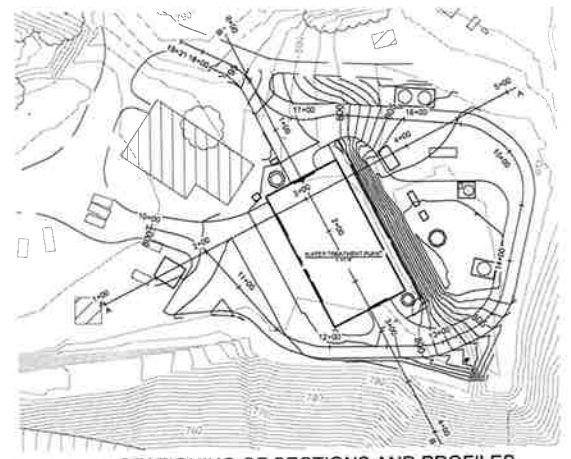
SECTION B-B



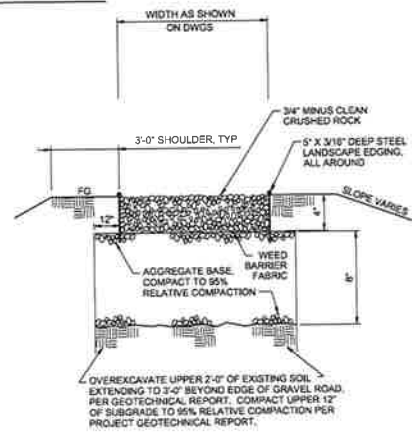
DRIVE PROFILE 1 OF 2



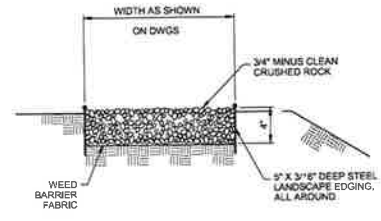
DRIVE PROFILE 2 OF 2



STATIONING OF SECTIONS AND PROFILES
SCALE 1"=50'



1 GRAVEL ROAD SURFACING
C-2 NTS



2 GRAVEL WALKWAY
C-2 NTS

DESIGN: J. ZEEMANN, J. WILLIAMS, M. WILLIAMS
 CHECKED: J. ZEEMANN, J. WILLIAMS, M. WILLIAMS
 DATE: 01/04/2017
 PROJECT NUMBER: 18-062
 DRAWING NUMBER: C-3
 SHEET NUMBER: 4

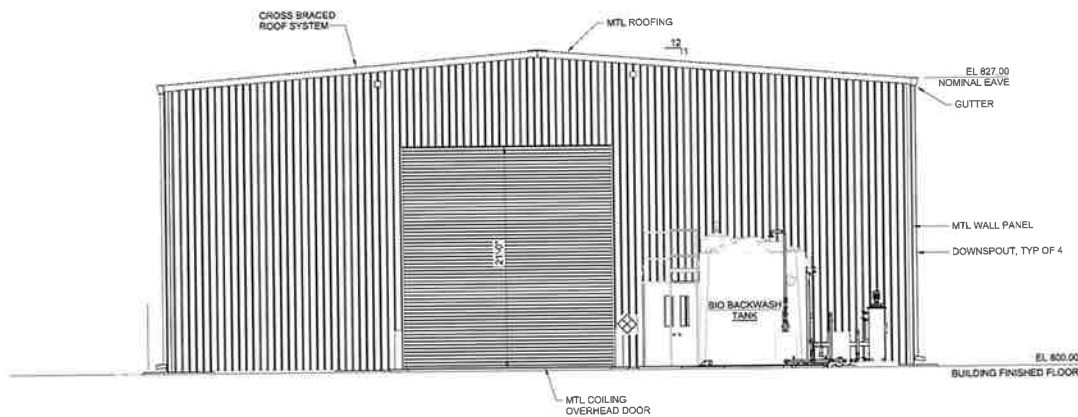
WATERWORKS ENGINEERS
 105 West Avenue 5, Suite 4 • Redding, CA 96002 • 530.247.1111

LEWIS & CLARK STREET
 PROCEEDS WATER TREATMENT PLANT
 2400 WEST LANE STREET, SUITE 110
 REDDING, CA 96001

CIVIL
 PRELIMINARY
 GRADING SECTIONS

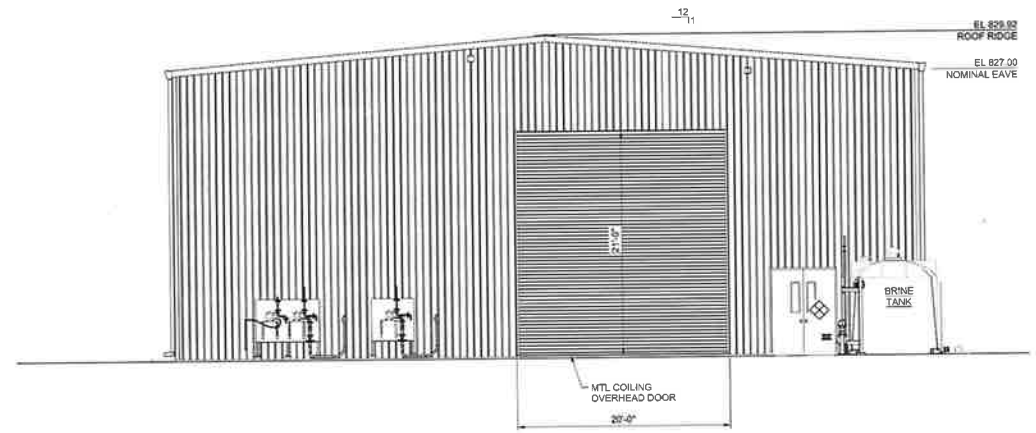
PRELIMINARY
 NOT FOR
 CONSTRUCTION

DESIGNED
J. ZEMANN
C. WOODRILL
CHECKED
J. ZEMANN
J. ZEMANN



A NORTH ELEVATION
3/16" = 1'-0"
10-AS-3

BUILDING CODE ANALYSIS	
BUILDING CODE	2015 CBC
OCCUPANCY CLASSIFICATION	F-2
HAZARDOUS MATERIALS	SODIUM HYPOCHLORITE, 12.5%: 400 GALLONS STORAGE CITRIC ACID, 50%: 400 GALLONS STORAGE VITEC 1400 ANTISCALANT: 200 GALLONS STORAGE ALLOWABLE STORAGE: 1,000 GALLONS (WITH FIRE SPRINKLER)
OCCUPANCY SEPARATION	N/A
TYPE OF CONSTRUCTION	V-8
NUMBER OF STORIES ABOVE GRADE	1 ACTUAL 3 ALLOWABLE
BUILDING HEIGHT ABOVE GRADE	30'-0" ACTUAL 60'-0" ALLOWABLE
BUILDING AREA	8,836 SF ACTUAL 52,000 SF ALLOWABLE W/O MODIFICATIONS
FIRE SUPPRESSION	ELECTRICAL ROOM: FM-200 REMAINDER OF BUILDING: FIRE SPRINKLERS
FIRE ALARM SYSTEM	NEPA 12
FIRE SEPARATION DISTANCE	24 FT TO EXISTING STORAGE BUILDING
FIRE-RESISTANCE RATING	BEARING WALLS AND STRUCTURAL FRAME: 0 HOURS REQUIRED FLOOR: 0 HOURS REQUIRED
OCCUPANT LOAD FACTOR	100 SF/PERSON
OCCUPANT LOAD	88 PERSONS
TRAVEL DISTANCE	100 FT MAXIMUM ACTUAL 400 FT ALLOWABLE



C SOUTH ELEVATION
3/16" = 1'-0"
10-AS-3

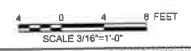
WATERWORKS
ENGINEERS



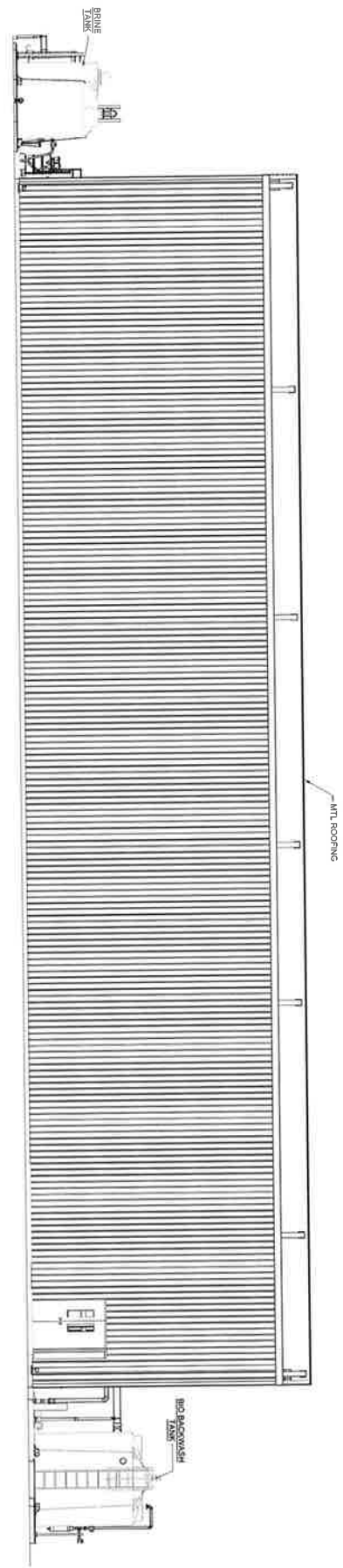
LEIGH SOUTHWEST
CEMENT COMPANY
PROCESS WATER TREATMENT PLANT
24044 CLEVELAND CREEK BLVD
CULBERTSON, CA 95014

ARCHITECTURAL
TREATMENT FACILITY
ELEVATIONS

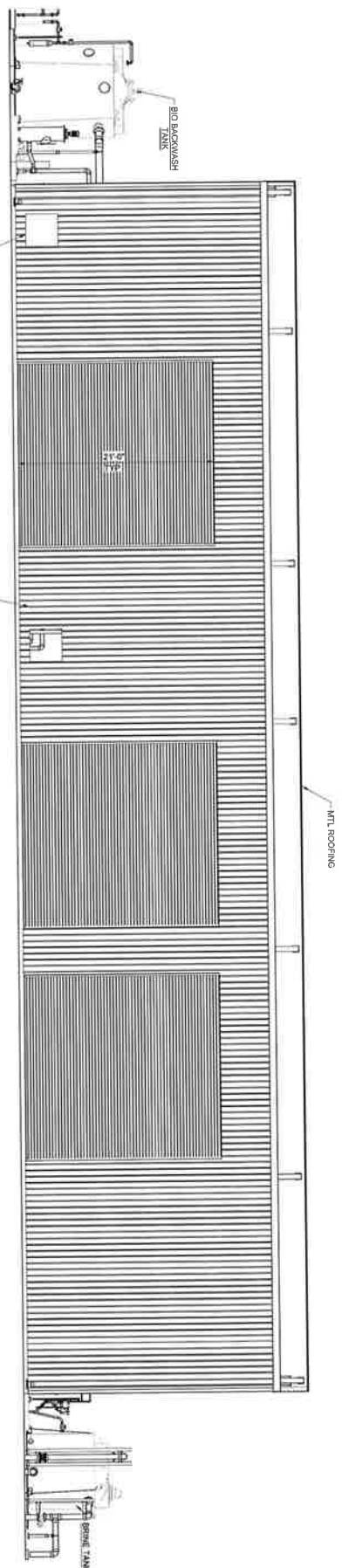
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1/4/2017
PROJECT NUMBER
16-062
DRAWING NUMBER
10-AS-1
SHEET NUMBER
3



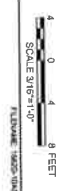
PRELIMINARY
NOT FOR
CONSTRUCTION



B
EAST ELEVATION
SHEET 1 OF 2
10-AS-3



D
WEST ELEVATION
SHEET 1 OF 2
10-AS-4



PRELIMINARY
NOT FOR
CONSTRUCTION

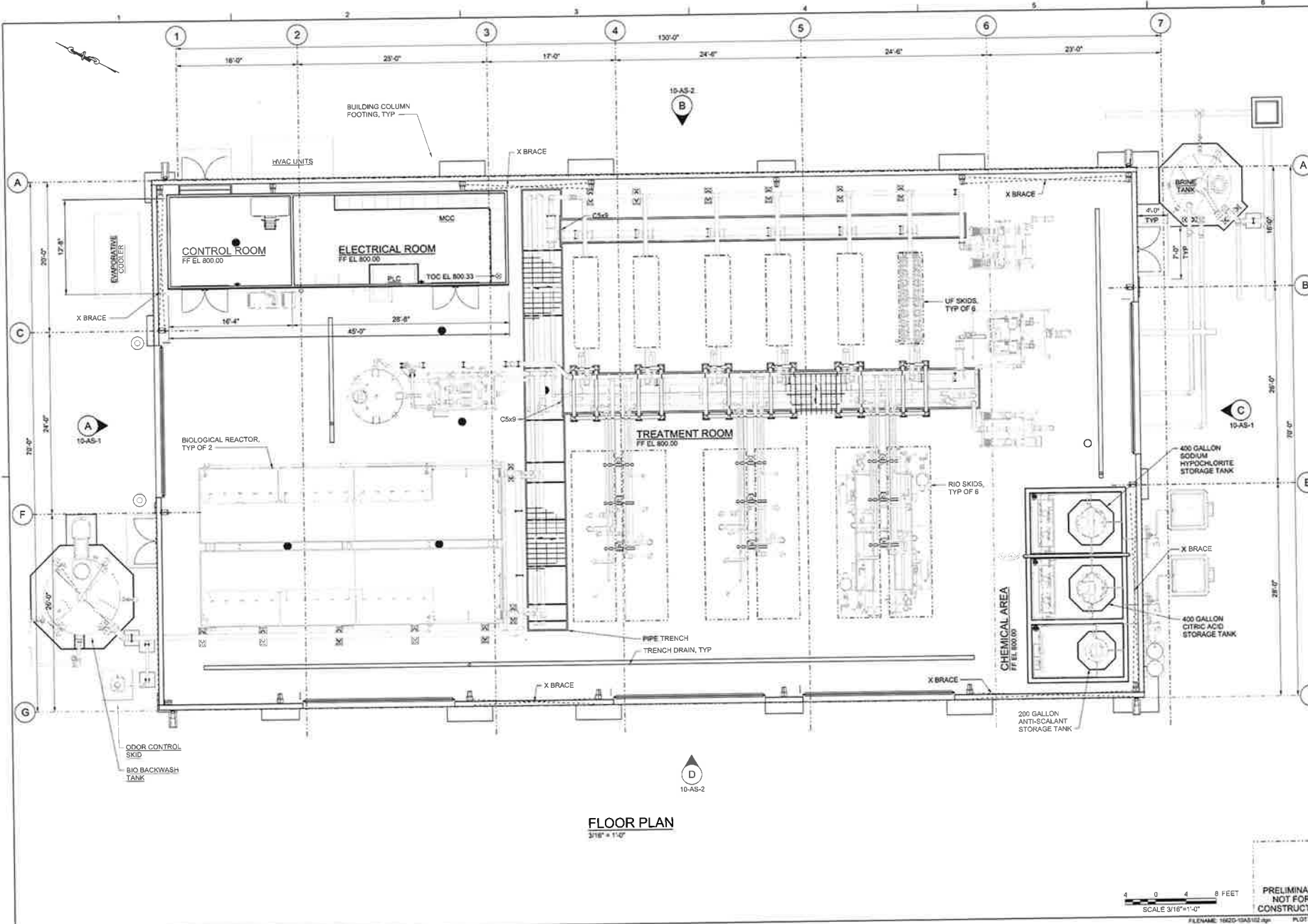
DATE	11/11/11
DESIGNED	J. ZIEMANN
DRAWN	C. WOODRALL
CHECKED	J. ZIEMANN
APPROVED	J. ZIEMANN

MECHANICAL/STRUCTURAL
TREATMENT FACILITY
ELEVATIONS

LEHIGH SOUTHWEST
CEMENT COMPANY
PROCESS WATER TREATMENT PLANT
24001 STEVENS CREEK BLVD
CUPERTINO, CA 95014

WATERWORKS
ENGINEERS
1818 West Avenue, Suite A • Redding, CA 96002 • (530) 243-2111

DESIGNED	J. ZIEMANN
DRAWN	C. WOODRALL
CHECKED	J. ZIEMANN
APPROVED	J. ZIEMANN



FLOOR PLAN
3/16" = 1'-0"



PRELIMINARY
NOT FOR
CONSTRUCTION

DESIGNED
J. FELLODO
CHECKED
J. MARTIN
DRAWN
UNIVERSITY
APPROVED
J. ZEMANN

WATERWORKS
ENGINEERS



LEHIGH SOUTHWEST
CEMENT COMPANY
PROCESS WATER TREATMENT PLANT
2400A STEVENS CREEK BLVD
CLIFTON, CA 95014

ARCHITECTURAL / STRUCTURAL
**TREATMENT FACILITY
FLOOR PLAN**

DATE
10/20/17
PROJECT NUMBER
16-002
SHEET NUMBER
10-AS-3
SHEET NUMBER
7

FILENAME: 16020-10AS102.dwg PLOT DATE: 10/20/17 2:38:35 PM