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CITY COUNCIL STAFF REPORT

Meeting: February 15, 2022

Subject

Options for Acquisition of Lehigh Cement Plant and Quarry by Santa Clara County

Recommended Action

Provide direction to the City Manager and City Attorney to prepare a letter in support of, and otherwise regarding, efforts by Santa Clara County to explore options for the acquisition of the Lehigh Cement Plant and Quarry and the termination of plant and quarry operations

Discussion

The Lehigh Cement Plant and Quarry is located on 3,510 acres, primarily within unincorporated Santa Clara County. Portions of the Lehigh property extend into the incorporated cities of Cupertino and Palo Alto. Large-scale mining and manufacturing began on the site in 1939.

The Plant's eight decades of operation have resulted in numerous violations of environmental regulations. A few recent examples include illegal discharges of sediment to Permanente Creek; exceedances of Regional Water Quality Control Board waste discharge requirements for selenium; and the illegal grading of haul road that ran from the Plant to the Stevens Creek Quarry. The Plant also contributes to dust, traffic, and noise in residential areas of Cupertino that are immediately adjacent to the Plant.

On February 15, 2022, the Santa Clara County Board of Supervisors will consider a referral from Supervisor Joseph Simitian to County staff to report to the Board within 90 days with options for consideration relating to the potential acquisition of the Lehigh Plant. (Attachment A.) Supervisor Simitian's referral recognizes that dramatic changes in the County over the last 80 years, including the development of residential communities near the plant, warrant a reevaluation of the plant's continued operation. His referral would allow the County and West Valley cities to consider how to transition to new land uses that would benefit the surrounding communities. Separately, Supervisor Simitian has asked County staff to provide more information on the long history of environmental violations at the Lehigh Plant.

Council placed monitoring pollution from the Lehigh and Stevens Creek Quarries on the FY 2021-22 Work Program as a high priority (ranked No. 5). Supporting County efforts to explore the acquisition and conversion of the Lehigh Plant to a new land use, such as open space, would be consistent with the Work Program's goals and would address long-standing community concerns about traffic and pollution from plant and quarry operations.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Environmental Impacts

The proposed action is not a project under the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 *et. seq.*, and the State CEQA Guidelines, California Code of Regulations Section 15000 *et. seq.* (collectively, "CEQA"), because it has no potential for resulting in physical change in the environment.

Prepared by: Christopher D. Jensen, City Attorney
Reviewed by: Dianne Thompson, Assistant City Manager
Approved for Submission by: Jim Throop, City Manager

Attachment:

A - Lehigh Cement Plant and Quarry Acquisition Options (Santa Clara Board of Supervisors Agenda Item No. 13, Feb. 15, 2022)