

County of Santa Clara

Department of Planning and Development
Planning Office

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www.sccplanning.org



June 20, 2008

Marvin E. Howell
Hanson Aggregates West, Inc.
P.O. Box 639069
San Diego CA 92163-9069

John Giovanola
Hanson Permanente Cement
24001 Stevens Creek Blvd
Cupertino CA 95014-5659

Subject: NOTICE OF VIOLATION (PRC §2774.1)

Dear Mr. Howell and Mr. Giovanola:

On April 3, 2008, the County of Santa Clara received a complaint alleging Hanson Permanente Quarry was storing stockpiles of petroleum coke on land owned and operated by the quarry. Subsequently, staff from the County Planning Office met with Hanson personnel in the field on April 8, 2008, to locate the stockpiled material in the field. Following this field inspection staff also met with the County Geologist and a consultant from the geology firm retained by the Planning Office to assist with the 2007 SMARA inspection of Hanson Permanente. Based on this field review and subsequent discussion with the County Geologist and consultant, both of who participated in the most recent SMARA inspection, the County has determined the following:

1. The material shown in the photographs included with the complaint is not petroleum coke.
2. The material is stockpiled overburden from the mine.
3. The location where the stockpiled materials were found is within an area included in the boundary of a proposed reclamation plan amendment, but is not located within the boundary of the current, approved reclamation plan boundary.

The County of Santa Clara previously issued a combined Order to Comply/Notice of Violation (NOV) to Hanson on October 10, 2006, for having areas of disturbance outside the approved reclamation plan boundary. Hanson subsequently applied for a reclamation plan amendment to address this issue. The NOV effectively placed Hanson on notice that work outside the reclamation plan boundary is not authorized. For this reason, the County views this additional stockpiling as an intensification of an existing violation.

In keeping with the requirements of SMARA §2774.1, the County hereby issues a Notice of Violation for mining related disturbance outside the approved reclamation plan, and specifically for stockpiling in an area east of the approved reclamation plan.

Because the approved reclamation plan provides for an area to receive overburden in the portion of the mined land identified as "Area A," which has space available to receive such material, you are hereby required to accomplish the following:

- (1) cease depositing the material in the location described above, and
- (2) submit a proposal for either
 - (a) removing the material, or
 - (b) providing for interim erosion control and re-vegetation of the stockpile in order to retain the material while the reclamation plan amendment continues to be processed.

The County Planning Office must receive the abatement proposal, identified in item #2 above, on or before July 21, 2008.

If you have any questions regarding this matter please contact me via email at Gary.Rudholm@pln.sccgov.org, or by telephone at (408) 299-5747.

Sincerely,



Gary Rudholm
Senior Planner

cc: Cy Oggins, State Office of Mine Reclamation
Stephen Testa, Executive Officer, State Mining & Geology Board
Jody Hall Esser, Interim Director of Planning & Development
Michael M. Lopez, Planning Manager
Lizanne Reynolds, Deputy County Counsel