

BD. SUP. 11 JAN 5PM 1119



CUPERTINO

OFFICE OF THE MAYOR

CITY HALL
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(408) 777-3212 • FAX (408) 777-3366

December 22, 2010

Hon. Ken Yeager
President
Santa Clara County Board of Supervisors
70 W. Hedding St.
San Jose, CA 95110

B/S Chair _____
BD of Supv. ✓
Clerk _____

Dear Board President Yeager,

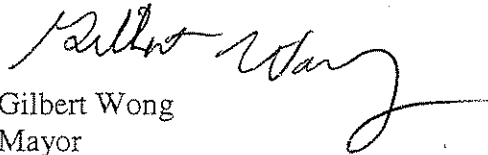
On behalf of the entire Cupertino City Council, I am sending this letter to report that our City Council has once again received abundant and passionate testimony from our residents regarding wide-ranging concerns about operations at the Lehigh cement plant and quarry.

At our meeting on Tuesday, December 21, 2010, over 50 residents addressed our City Council seeking reassurance that every possible step is being taken to protect their health and safety. While there are profound differences of opinion within our community regarding the extent to which health and safety is already being protected, there is absolute agreement among all parties that health and safety be the highest priority when addressing issues associated with Lehigh.

It is with the unanimous consent of our City Council that I encourage the County of Santa Clara to look carefully into this issue in a timely manner so that we may provide the greatest possible clarity to our mutual constituents. The breadth of public concerns clearly indicates the need for an inclusive and complete public process.

Thank you for the County of Santa Clara's continued work on this matter.

Sincerely,


Gilbert Wong
Mayor

cc:
Santa Clara County Board of Supervisors
EPA
BAAQMD
SFRWQCB
Hon. Paul Fong
Hon. Joe Simitian
Hon. Mike Honda

*cc: each supervisor
Jeff Smith, CEO
Miguel Marquez
Jody Hall Esq., Planning*

Districts I II III IV V
rec'd

23350 Sereno Court
 Villa 27
 Cupertino, CA 95014

B/S Chair _____
 BD of Supv. _____
 Clerk _____ ✓

November 16, 2010

Ms. Maria Marinos, Clerk
 Board of Supervisors
 County of Santa Clara
 San Jose, CA 95110-1770

Dear Ms. Marinos:

I am enclosing a copy of a letter I wrote in 2007 to the Board of Supervisors regarding LeHigh Cement Quarry. Now that a hearing is imminent as to their status I would like to add a personal note.

My late husband and I moved to the Forum in October of 1999. He suffered from chronic pulmonary disease. Soon after moving to the Forum he started to require supplemental oxygen. His death occurred after 7 years here. He succumbed to liver cancer. The prior year I had surgery for colon cancer. Now I have chronic allergies that worsen each year and grow an amazing number of polyps in my colon. As soon as I leave for a period of time, even just to visit family close by, the allergy symptoms lessen.

I cannot but think that the residue that accumulates daily on my patio from the Quarry has a hand in this. Having had a tour up there and observed employee vehicles completely shrouded in dust, and the clouds that occur each time a truck is filled, I wonder how they have managed to remain in business so long. Certainly, to close them down would make construction costs higher, but it might mean a lowering of medical claims from local residents.

Thank you for considering my opinion.

Sincerely yours,

Shirley A. Leisses

Shirley Leisses
 Enclosure

cc: OACH SUPRV 11/18/10 *erg*



September 6, 2007

Santa Clara County Planning Commission
County Administration Building
70 West Hedding Street
East Wing, 7th Floor
San Jose, CA 95110

Attention: Mr. Mark Connolly

Gentlemen:

It has recently come to our attention that Hanson Permanente Quarry owners have filed a Reclamation Plan Amendment whereby they wish to continue their operations beyond the current 2010 ending date until 2025 and at a greatly expanded rate.

The Forum at Rancho San Antonio, a retirement community, has approximately 500 elderly residents, many of whom are concerned about the implications of a continued and expanded quarry:

1. We are constant recipients of particulate matter on our outdoor furniture, decks and cars far greater than we experienced in our prior homes in the County. Obviously, we are also inhaling this material when we walk outside, especially when we enjoy the Park that was one of the features that drew us to this area. Helicopters are frequent visitors to the Quarry, both day and night, vehicles of delivery. They also deliver more particles to our area, blown into the atmosphere by their blades. Recent studies published by scientists at reputable universities have shown a close relationship between fine particle pollution in the environment and aggravation of high cholesterol, heart disease, lung disease and strokes.

It has been reported that on days when fine particle pollution increases, so do deaths from the above diseases.



2. Diesel trucks form a procession along Foothill Expressway, sometimes a dozen at a time. Increasing this traffic would, of course, increase the pollution in our air and deteriorate the beautiful area in which we live. From some of these trucks come flying stones that can crack our windshields.

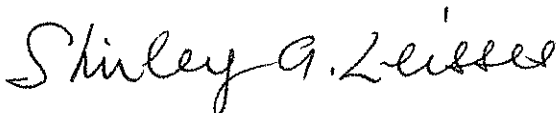
At times as we drive by the Quarry we observe clouds of "matter" pouring out and wonder how poisonous it is. There have been times when professional car wash companies cannot remove material from cars left outside without multiple washes. The City of Cupertino has been called, but say they cannot do anything unless they observe the occurrence. Unfortunately, it seems to happen in the dark of night.

3. In the early eighties there was a petition to turn some of the property into a dump, during which it came to light that the hills contain serpentine, the rock from which asbestos is emitted during grinding. Do we want more of this? How effective are their filters?

4. We have also learned that each time a blasting session occurs, tremors of the earth in excess of one point on the Richter scale result.

5. Some nights residents in the right (or wrong) direction are kept awake by a series of blasting. What is this doing to the stability of the earth, not to mention that of the residents?

Very truly yours,



Shirley A. Leisses, Secretary
Retirement Housing Corporation
Board of Directors

Cc: Bay Area Air Quality Management District
439 Ellis Street
San Francisco, CA

B/S Chair _____
 BD of Supv.
 Clerk _____

Attention: Santa Clara County Board of Supervisors
 Supervisor Liz Kniss
 Supervisor Mike Wasserman
 Supervisor Dave Cortese
 Supervisor George Shirakawa
 Supervisor Ken Yeager

70 W. Hedding, 10th Floor
 San Jose, CA. 95110
 January 7, 2011

Dear Sirs/Madam,

We recently learned of the Lehigh Cement Company LLC proposal to expand its current operations in Cupertino, CA. We are very concerned about this expansion and the toxic air and water pollution effects that these Cupertino operations have on our families and our community.

The Lehigh Southwest Cement Plant (Lehigh) impacts over 1.78 million of us who live in the Santa Clara County. In 2009, it ranked as the 5th highest Mercury polluter in the nation out of more than 100 cement plants according to the Environmental Protection Agency (EPA). In addition, the plant also emits high levels of SO2, NO2, CO2 and other toxic chemicals.

The Lehigh plant has, in our opinion, had a dismal environmental track record over the past 10 years, and we see no evidence of improvement as is evidenced by the following example. In August, 2010, the EPA issued new regulations to limit mercury and other pollutants from cement plants. The EPA stated that the new regulations limits, which take effect in 2013 and would reduce mercury and other toxic emissions, could result in avoiding up to 2,500 premature deaths each year and save \$6.7 to \$18 billion annually in health costs. Apparently, Lehigh's plant manager and environmental affairs director said that Lehigh wants to be a good neighbor and will follow the new rules; however, in November 2010, a cement industry association representing Lehigh and other plant operators has filed a lawsuit to block the new EPA regulations.

In order to make the Santa Clara residents' health and safety a top priority, we demand that the Santa Clara County Board of Supervisors (SCC BOS) take the following actions:

- 1) The SCC BOS must stipulate that Lehigh end and be fined penalties for stockpiling of its mining material in the East Materials Storage Area (EMSA).
- 2) The SCC BOS should not approve vested rights for the EMSA as, in our opinion, it would effectively be a declaration of legal non-conforming use and will circumvent the need to obtain a land use permit for EMSA.
- 3) The SCC BOS should not approve a permit allowing Lehigh to open a new 200 acre open pit mine.
- 4) The SCC BOS should make it a high priority to communicate and inform the residents of Santa Clara County of critical upcoming decisions and actions regarding the Lehigh's expansion plans and environmental regulatory issues that impact the residents such as, but not limited to, storage of waste material and plant emissions.

Sincerely,

*cc: each Supervisor
 Jeff Smith, CEO
 Miguel Marquez, CEO
 Jody Hull-Esler, Planning
 1/12/11 CJM*

Signature: Carole Ryan

Name: Carole Ryan

Address: 717 Carlisle Way, Sunnyvale 94087

Signature: Robert Cullenbine

Name: Robert Cullenbine

Address: 717 Carlisle Way, Sunnyvale 94087