



ENVIRONMENTAL COMMISSION MEETING

MONDAY, FEBRUARY 11, 2019 – 7:00 P.M.

Community Meeting Chambers, Los Altos City Hall
1 North San Antonio Road, Los Altos, California

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Commission's attention any item that is not on the agenda. Please complete a "Request to Speak" form and submit it to the Staff Liaison. Speakers are generally given two or three minutes, at the discretion of the Chair. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "the Brown Act") items must first be noticed on the agenda before any discussion or action.

ITEMS FOR CONSIDERATION/ACTION

1. Approve minutes of the regular meeting of January 14, 2019
2. Review and discuss updates on 2018/19 Environmental Commission Targets and Work Plan
 - a. Single-use plastic subcommittee update
 - b. Stevens Creek Reservoir water quality
 - c. Discuss accomplishments for 2018/19 and brainstorm goals for 2019/20 Work Plan
3. Brainstorm Los Altos Community Foundation Environmental Education Fund ideas

INFORMATIONAL ITEMS

4. Receive reports and updates on Silicon Valley Clean Energy Authority (SVCEA)
 - a. Member Agency Working Group and Customer Program Advisory Group
5. Receive information and announcements from City staff

COMMISSIONERS' REPORTS AND COMMENTS

POTENTIAL FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk at least 48 hours prior to the meeting at (650) 947-2720.

Agendas, Staff Reports and some associated documents for the Environmental Commission items may be viewed on the Internet at <http://losaltosca.gov/committees-commissions/environmental/meetings.html>.

If you wish to provide written materials, please provide the Commission Staff Liaison with **10 copies** of any document that you would like to submit to the Commissioners in order for it to become part of the public record.

For other questions regarding the meeting proceedings, please contact the City Clerk at (650) 947-2720.

**MINUTES OF THE MEETING OF THE ENVIRONMENTAL COMMISSION OF
THE CITY OF LOS ALTOS, HELD ON JANUARY 14, 2019, AT 7:00 P.M. AT LOS
ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS,
CALIFORNIA**

ROLL CALL

PRESENT: Chair Weiden, Vice Chair Yuan, Commissioners Bray, Halkola (left at 7:59 P.M.), and Teksler

ABSENT: Commissioners Klein and Martin

PUBLIC COMMENTS:

The following members of the public provided public comment: Dhaval Bhatt and Cheryl Weiden.

ITEMS FOR CONSIDERATION/ACTION

1. Commission Minutes

Action: Upon a motion by Commissioner Teksler, seconded by Commissioner Bray, the Environmental Commission unanimously (5-0) approved the minutes of the regular meeting of December 10, 2018.

2. Reviewed and discussed updates on 2018/19 Environmental Commission Targets and Work Plan

- a. Received update from Chair Weiden on the single-use plastics subcommittee efforts; additional updates will come in February
- b. Received update from Chair Weiden on the anti-idling subcommittee efforts and educational campaign at the schools

3. Discussed Los Altos Community Foundation Environmental Education Fund (Item taken out of order)

Public Comments: The following individuals provided public comment: Robin Chapman, Jane Packard, and Joe Eyre.

INFORMATIONAL ITEMS

4. Received reports on Silicon Valley Clean Energy Authority (SVCEA)

- a. Received update on Member Agency Working Group and Customer Program Advisory Group meetings

5. Received information and announcements from City staff

COMMISSION REPORTS AND COMMENTS

POTENTIAL FUTURE AGENDA ITEMS

- Use of environmental education fund
- Brainstorm goals for 2019/20 and distill to top 3 items to focus the 2019/20 work plan

ADJOURNMENT

Chair Weiden adjourned the meeting at 8:37 P.M.



DATE: February 11, 2019

AGENDA ITEM # 2

TO: Environmental Commission

FROM: Sarah Henricks, Interim Staff Liaison

SUBJECT: Review and discuss updates on 2018/19 Environmental Commission Targets and Work Plan

RECOMMENDATION:

Review and take action, as appropriate, on 2018/19 Environmental Commission Targets and Work Plan; Identify accomplishments of 2018/19 and goals for 2019/20

BACKGROUND

The Environmental Commission met in a Joint Meeting with the City Council on May 1, 2018 to review its 2017/18 Environmental Commission Accomplishments and Draft 2018/19 Target areas and discuss issues and projects for the upcoming year. Based on this discussion, the Targets were finalized, and the 2018/19 Work Plan was developed. The Targets and Work Plan are intended to focus the Commission's agenda items and will serve as a roadmap for projects and actions, as appropriate, during the 2018/19 year.

DISCUSSION

Environmental Commission Targets and resulting Work Plan for 2018/19 are:

1. Climate Action Plan
2. Visioning process
3. Community outreach and education
4. Water Conservation and stormwater management
5. Solid waste diversion

The Commission will review the Targets, projects, and status updates at each of its monthly meetings and act appropriately.

The Commission will begin discussion of accomplishments for its 2018/19 Annual Report to Council in early 2019 and start developing a 2019/20 Work Plan for discussion with Council at the Joint meeting on May 7, 2019.

Attachments:

- A. Memo to Environmental Commission from Single-use Plastics Subcommittee
- B. Correspondence regarding Stevens Creek Reservoir water quality
- C. February 11, 2019- 2018/19 Targets and Work Plan

February 5, 2019

To: Environmental Commission

From: Single Use Plastics Subcommittee
Halkola, Weiden, Yuan

Subject: Environmental Commission
2018/2019 Targets & Work Plan
Project: Plastic Straw / Single-Use Food Containers

Proposal for Discussion and Consideration:

1. Rename Project to Single Use Plastics
2. Continue research efforts
3. Evaluate potential for local legislation

Background:

1. CA Assembly Bill No. 1884
 - a. Signed by the Governor and filed on September 20, 2018
 - b. Adds Chapter 5.2 to Part 3 of Division 30 of the Public Resources Code which prohibits a full-service restaurant from providing single-use plastic straws unless requested by the customer.
 - c. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1884
2. CA Senate Bill No. 1335
 - a. Signed by the Governor and filed on September 20, 2018
 - b. Adds to Chapter 6 to Part 3 of Division 30 of the Public Resources Code which the setting and maintenance of standards for sustainable food service packaging at state facilities by 1/1/2021 (does not include straws, cup lids, plastic bags and utensils)
 - c. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1335
3. City of Berkeley
 - a. Has been working on a Single Use Disposable Foodware and Litter Reduction Ordinance for about a year.
 - b. Unanimously passed first reading of an ordinance on January 22, 2019, item 25a https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/City_Council_01-22-2019_-_Regular_Meeting_Agenda.aspx
 - c. Article in San Jose Mercury News Monday January 28, 2019 by Ali Tadayon.
4. City of Sunnyvale Sustainability Commission
 - a. The Sunnyvale Sustainability Commission met on 1/22/2019 and discussed their study requests and ranked Single Use Plastics as their top priority.
 - b. The Commission's study request seems to have some support on the Sunnyvale City Council.
 - c. The City Council will evaluate and rank study requests from all departments and commissions for funding of studies at its March 7, 2019 meeting
 - d. Description of proposed Single Use Plastics study is available at <https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=3677772&GUID=A2155A97-2EB5-46DF-85DA-76662FBC2AEE&Options=&Search=> some interesting attachments

- e. Contacts include Kristel Wickham and Doug Kunz
- 5. City of Cupertino Sustainability Commission
 - a. May have interest in working with other cities in Santa Clara County
 - b. Contact is Gary Latshaw
 - c. <https://www.cupertino.org/our-city/commissions/sustainability-commission>
- 6. Town of Los Altos Hills Environmental Initiatives Committee
 - a. May have interest in working with others
 - b. Contacts include Pat Lang and Peter Evans
 - c. <http://www.losaltoshills.ca.gov/159/Environmental-Initiatives>
- 7. Town of Los Gatos and City of Saratoga do not have Environmental or Sustainability Commissions
- 8. City of Mountain View calls meetings of its Council's Environmental Subcommittee or appoints Advisory Bodies when needed (Environmental Sustainability Task Force 2 is an example)
 - a. <https://www.mountainview.gov/council/default.asp>
 - b. Carbon Free Mountain View could have interest or provide assistance in advancing initiative with Mountain View City Council
- 9. City of Palo Alto Department of Sustainability
 - a. <https://www.cityofpaloalto.org/services/sustainability/default.asp>
 - b. See Palo Alto's Zero Waste Plan dated August 2018 page 15 item 13, page 19 item 26, <https://www.cityofpaloalto.org/civicax/filebank/documents/66620> .
 - c. Preliminary contacts are underway
- 10. City of Santa Clara
 - a. Preliminary contacts yielded referral to Public Works / garbage service
 - b. Mission Trails provides disposal services
- 11. Santa Clara County
 - a. <https://www.sccgov.org/sites/cpd/programs/fsp/Pages/New%20Food%20Legislation/AB1884-Single-Use-Plastic-Straws.aspx>
 - b. See Consumer Protection Division (CPD)
<https://www.sccgov.org/sites/cpd/about/Pages/home.aspx>
 - c. Preliminary contacts are underway

From: [Lynette Lee Eng](#)
To: [Sarah M. Henricks](#)
Subject: Fwd: Potential water quality degradation at Stevens Creek Reservoir due to County allowing Stevens Creek Quarry to import Lehigh Hanson materials for processing
Date: Saturday, January 26, 2019 5:48:54 PM
Attachments: [Stevens-Creek-Quarry-General-concerns.pdf](#)
[ATT00001.htm](#)
[Santa Clara County Negligent in Oversight of Mines.pdf](#)
[ATT00002.htm](#)
[Stevens Creek Quarry 13267 letter and attachments 11-08-18 signed.pdf](#)
[ATT00003.htm](#)

Sarah,
Please share with the environmental commissioners.
Thank you,
Lynette

Begin forwarded message:

From: "Rhoda Fry " <>
Date: January 26, 2019 at 1:48:42 PM PST
To: <council@losaltosca.gov>, <cjordan@losaltosca.gov>, <shendricks@losaltosca.gov>
Subject: Potential water quality degradation at Stevens Creek Reservoir due to County allowing Stevens Creek Quarry to import Lehigh Hanson materials for processing

Dear City Council, City Manager Jordan, and Deputy City Clerk Sarah Henricks,

Thank you for adding the issue of potential water quality degradation at Stevens Creek Reservoir due to a future Environmental Committee agenda. In my opinion, the County should have fully vetted the change in and expansion of operations of both quarries before allowing Stevens Creek Quarry to import Lehigh Hanson materials for processing.

The myriad of issues are addressed in the three attachments, the first two are written by me and the third is the full Technical Report Order from the Water Boards (I provided hard copies of the first 5 pages at the Council meeting on Tuesday January 22).

I have also forwarded the Water Boards report to our own Santa Clara Valley Water District Board, which had not previously been aware of it.

While many of the issues attached pertain to Cupertino residents, we are all affected by degradation in water quality. Even if we choose to not look at these issues from an environmental perspective, we might all wind up paying more for our water. And I think that's something that we can all agree about.

Thanks Again,
Rhoda Fry
Cupertino Resident



Virus-free. www.avg.com

From: Rhoda Fry (), Date: January 3, 2019

RE: Chronic Mismanagement of Mining Oversight in Santa Clara County

To: John Laird, California Natural Resources Agency; David Bunn, Department of Conservation; Pat Perez, Assistant Director, Paul Fry, Manager, Engineering and Geology Unit Division of Mine Reclamation; Jeffrey Schmidt, Executive Director, Amy Scott, Executive Assistant, and board members of the State Mining and Geology Board; CC: City, County, State Representatives

Dear State of California Responsible Agencies for Mining,

I am writing to request that the Department of Conservation launch a full investigation of Santa Clara County's oversight of its mines; the State Mining and Geology Board (SMGB) revoke Santa Clara County's authority to manage its mines under the State Mining and Reclamation Act (SMARA); and the Division of Mine Reclamation (DMR) remove mines that are out of compliance from the AB 3098 list (the list of compliant mines approved to sell product to State of California projects). In 2018, once again, we have been reminded of the County's inability and unwillingness to manage our natural resources.

Stevens Creek Quarry (California Mine ID 91-43-0007) The County is allowing the Quarry to continue operating even though it has been out of SMARA compliance for three years and cannot renew its conditional use permit which expired in 2015.¹ This is in violation of the Surface Mining Ordinance Part 1 E § 4.10.370.² Why does the DMR allow this quarry to remain on the AB 3098 list?³

Permanente Quarry (California Mine ID 91-43-004) Lehigh Hanson / Heidelberg Cement Group The County allowed the continuation of multiple violations and illegal grading of land outside of the well-marked reclamation plan area boundary for seven weeks after it was first discovered.^{4,5} Additionally, satellite images confirm that construction of an illegal haul road connecting to Stevens Creek Quarry commenced in April 2018, at least three months prior to when it was first reported on June 28, 2018 (see page 3). The December 20, 2018 Planning Commission suggested a retroactive approval of this road.

These recent transgressions follow an eighteen-year pattern established in 2000 of willful negligence in allowing irreparable harm to occur and later legitimizing it without penalty:

- From 2000 to 2003, the County failed to conduct any inspections of their mines and subsequently was lax in their oversight. In 2006, in response to ongoing complaints from neighbors of Lexington Quarry (Mine ID# 91-43-0006), the SMGB threatened to assume oversight of all County mines.^{6,7}
- Beginning in 2006, the County allowed an unpermitted mountain of mining waste (EMSA) to be erected over many years without the benefit of appropriate planning. For years, the County ignored concerns from both citizens and public agencies; now we have permanent water pollution.^{8,9}
- In October 2009, without levying fines, the County orchestrated a land swap between Lehigh and the Open Space District to resolve a 2001/2002 landslide near a limestone deposit at the property line.¹⁰

¹ Compliance Agreement and Stipulated Order to Comply, page 2

https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2018_ComplianceAgreement_StipulatedOrdertoComply.pdf

² "no person shall conduct a surface mining operation unless a use permit is approved by the Planning Commission"

³ December 2018 AB 3098 list: <ftp://ftp.consrv.ca.gov/pub/omr/AB3098%20List/AB3908List.pdf>

⁴ Santa Clara County NOV https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_NOV_20180817.pdf

⁵ For relevant Conditions of Approvals, photos of markers, and map, refer to pages 29, 30, 222, and 58 from the December 20, 2018 Santa Clara County Planning Commission Packet <http://sccgov.igmp2.com/citizens/FileOpen.aspx?Type=1&ID=9357&Inline=True>

⁶ July 13, 2006 SMGB status report on 45-day notice to Santa Clara County to conform to SMARA <https://www.cupertino.org/home/showdocument?id=4158>

⁷ Skipartes, Connie. State Moves to Take Over Quarry Inspections. Mercury News, 4 Sept. 2006.

⁸ July 27, 2016 Letter to Santa Clara County from the Midpeninsula Regional Open Space District

https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_PC_20160728_Item5_Supplemental_MROSD.pdf

⁹ Sample letter from the San Francisco Bay Regional Water Quality Control Board

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/Lehigh/LDRoWD/Lehigh.pdf

- In October 2010, the Office of Mining Reclamation (OMR, now DMR), projected that the County had allowed non-compliance at the Hanson Permanente Quarry for at least 10 years.¹¹
- In February 2011, the County gifted vested rights to Lehigh Southwest while the company's own maps did not consider some of that land vested. Among others, the County made an egregious error of considering land that had been acquired in 1990 from Kaiser Aluminum, a separate publicly-traded company established in 1941 as Permanente Metals, which manufactured magnesium metal, incendiary bombs (during WWII), phosphate fertilizer, and later aluminum products. Any potential for mining activity had been superseded by unrelated land uses.^{12,13} Paradoxically, Hanson Aggregates argued that the co-located cement plant was not a mined land.¹⁴ A group of concerned citizens, supported by amicus briefs from Los Altos, Los Altos Hills, Portola Valley, Sunnyvale, Midpeninsula Regional Open Space District, Committee for Green Foothills, and Breathe California, challenged the decision but ultimately lost in appeals in July 2016.¹⁵ Additionally, the County has failed to inspect demolished buildings with a toxic history which could be buried on the property.¹⁶
- In July 2011, due to the County's ongoing mismanagement and failure to bring the Permanente Mine into compliance for at least five years, the Department of Conservation issued a 30-day notice to prohibit the quarry to supply mined materials to public projects per AB 3098.^{17,18}
- In December 2011, the Sierra Club sued Hanson Permanente Cement, Inc., HeidelbergCement, Inc, and Lehigh Southwest Cement Company, for polluting Permanente Creek and settled in 2013.^{19,20}
- In 2012, the Midpeninsula Regional Open Space District, which manages County land, challenged the Santa Clara County's approval of the quarry's EIR and settled out of court.²¹
- In 2015, EPA, U.S. Department of Justice, and State of California settled with Lehigh over water pollution.²² The San Francisco Regional Water Quality Control Board has continued to be challenged by this site due to the County's chronic recalcitrant behavior.²³

Had the County engaged in appropriate oversight, the above environmental damage and burdens upon our public and private organizations could have been prevented. I sincerely hope that this condensed summary will convince the California Department of Conservation to finally take meaningful action.

Sincerely, Rhoda Fry

¹⁰ This letter's author has an electronic copy of the certified land trade.

¹¹ OMR (now called DMR) presentation to SMGB, October 2010
<http://www.southbayquarrylibrary.org/Catalog/OMR%20Staff%202011-02-10%20Report%20on%20Lehigh%20to%20State%20Mining%20Board.pdf>

¹² Wilson, Matt. Mining Firm's Grandfather Rights Preserved. Mercury News. 10 Feb, 2011.

¹³ Fry, Rhoda. Letter to County Board of Supervisors pertaining to vested rights 2011.
http://www.southbayquarrylibrary.org/Catalog/S10_TMPKeyboard203395757.pdf

¹⁴ Letter from Hanson Aggregates to OMR as part of Appendix H Compliance History 2011 Vested Rights page 10.
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_VEST_20110104_Letter_AppH_ComplianceHistory.pdf

¹⁵ Citizen's Group, "No Toxic Air," and Midpeninsula Regional Open Space District attorney letters
https://www.sccgov.org/sites/dpd/DocsForms/Documents/PCArchive/PC2012_05_31_supplement3_2.pdf

¹⁶ This letter's author has a list of incomplete demolition permits and Google Earth has other missing structures

¹⁷ Wilson, Matt. Lehigh Sues over Reclamation Plan. Mercury News. 24 Aug, 2011.

¹⁸ July 20, 2011 Letter from Office of Mining Reclamation to Lehigh Hanson
<https://www.cupertino.org/home/showdocument?id=4952>

¹⁹ Wilson, Matt. Lehigh Cement, Sierra Club reach settlement on Permanente Suit. 2 May, 2013.

²⁰ Copy of the Sierra Club Consent Decree submitted to the Water Boards
https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/Lehigh/10-15-13/5MiscDocuments/4-24-2013ConsentDecreewithSierraClub.pdf

²¹ November 29, 2012, Press Release Midpeninsula Regional Open Space District
http://www.openspace.org/CGI-BIN/press_releases/121129_LehighPR.pdf

²² EPA, U.S. Department of Justice, and State of California settle with Lehigh over water pollution
<https://archive.epa.gov/region9/mediacenter/web/html/index-25.html>

²³ San Francisco Regional Water Quality Control Board website for Lehigh Southwest (now Lehigh Hanson)
https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/lehigh.html

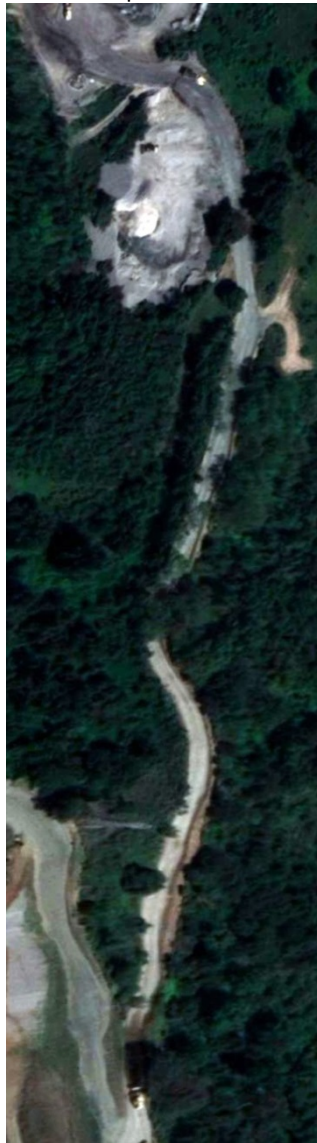
2018 Progression of Illegal Grading at Lehigh Hanson / HeidelbergCement and New Business Traffic

- On June 28, 2018, the County first reported illegal grading. Why didn't the monthly inspections detect disturbances prior to April 2018? Why did illegal grading proceed unabated through August 15, 2018? Why did the Planning Commission suggest legitimizing this new road which cuts through City (not County) non-vested land instead of the new RPA? Why didn't Lehigh seek permission to build the road that was outside of the reclamation plan boundary and on their City non-vested land?
- In 2018, Lehigh Hanson and Stevens Creek Quarry (SCQ) started a new business relationship which has not been explicitly approved by the County. Up to 1300 trucks of overburden are being shipped daily upon City streets to SCQ for processing as aggregate.²⁴ This traffic is contrary to the 2011 Lehigh Southwest Reclamation Plan's anticipation of no new traffic.²⁵ The County has ignored complaints about dust clouds blowing from these trucks and is refusing to provide any mitigations.²⁶ According to annual SMARA reports, portions of SCQ is finished mining, consequently it appears that SCQ might be operating as a processing facility which should be separately permitted.²⁷

September 2017



April 2018



May 2018



August 2018



²⁴ City Meeting: <https://patch.com/california/cupertino/mining-truck-traffic-stevens-creek-be-discussed-week>

²⁵ 2011 Lehigh Reclamation Plan, see .pdf page 44

https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_RPA_20111213_AmendedMainDoc.pdf

²⁶ California Vehicle Code 23114, contents must be prevented from escaping the vehicle

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH§ionNum=23114

²⁷ SCQ annual SMARA reports <https://www.sccgov.org/sites/dpd/Programs/SMARA/Pages/StevensCreek.aspx>

Problems with Processing Lehigh Hanson's Materials at Stevens Creek Quarry (SCQ)

Santa Clara County has allowed two polluting businesses, Lehigh Hanson and Stevens Creek Quarry, to change and expand their operations without the benefit of planning or explicit permitting. This document explains the problems associated with their inaction, which affects traffic, enforcement, land use, and water pollution. The Stevens Creek Quarry (SCQ) at 12100 Stevens Canyon Rd, Cupertino, mines rock and manufactures construction aggregate.¹ Manufacturing construction aggregate requires unprocessed aggregate, massive equipment, and water.^{2,3} The manufacturing process generates a waste product called filter cake that is stored and later sold as levee fill.⁴ In May 2018, SCQ expanded its operations by importing overburden from the Lehigh Hanson Permanente Quarry limestone mine at 24001 Stevens Creek Blvd, Cupertino, to use as a source of unprocessed aggregate.⁵ Santa Clara County has not explicitly permitted this new business operation.

The Water Boards have demanded water testing by May 15, 2019 to determine whether SCQ operations, including processing newly imported materials, pollute the adjacent creeks and Stevens Creek Reservoir. Their report states that “We also understand that the Quarry has recently started accepting aggregate materials from the Lehigh Permanente Quarry for processing and sale. Those materials may contain pollutants, including selenium, that are different from the ones previously at the facility ... In addition, materials transported to the facility from other facilities (e.g., Lehigh Permanente Quarry) may be sources of selenium, nickel, and other metals to storm water runoff.”⁶

Around April 2018, in order to expedite shipping mined materials to SCQ, Lehigh Hanson built an illegal private road between the two companies beyond the designated well-marked reclamation boundary⁷ during prime bird-nesting season. On June 28, 2018, the County first noticed illegal grading but Lehigh Hanson denied access for further inspection, which is counter to PRC §2207 (b)(2): “The owner or operator of a mining operation shall allow access to the property to any governmental agency.” On August 17, 2018, after the road was completed, the County issued a Notice of Violation (NOV)⁸ and, according to the County Planning Department, Lehigh Hanson closed access to the illegal road located on a PG&E easement.

Subsequently, up to 1300 trucks a day of mined materials traveled from Lehigh Hanson to SCQ⁹ on City of Cupertino streets, creating dust and traffic, and adding approximately 6 miles per truckload or up to 7800 miles of diesel traffic per day. The County has not explicitly approved this haul route, the hauling of unprocessed aggregate, or the processing of non-native mined materials.

This document provides background information and addresses concerns about these operations:

- Lehigh Hanson / HeidelbergCement Business and Stevens Creek Quarry (SCQ) Business
- Ten Problems with Stevens Creek Quarry (SCQ) Processing Lehigh Hanson Materials
- Conclusions, End Notes
- Attachment: County History of Lax Oversight of Mines

Lehigh Hanson / HeidelbergCement Business

HeidelbergCement is one of the world's largest suppliers of building materials. The Company's Lehigh Hanson Cupertino location manufactures and sells cement. Cement is made with limestone (mined on site) and other materials that are processed in a kiln which is fueled by petroleum coke. According to their website, the Cupertino location does not list “unprocessed aggregate” or “construction aggregate” among their products.¹⁰ In the past, the company manufactured and sold construction aggregate using the overburden obtained during limestone mining at their onsite Permanente Quarry.

The Permanente Quarry “subsurface characteristics consist of non-marine sedimentary rocks, gray to red-brown gravel conglomerate with sandstone and mudstone, gray to buff claystone and siltstone with gravel to boulder-size conglomerates of chert, greenstone, grey wacke (greywacke), schist, serpentine, and limestone in a sandy matrix.”¹¹

Following multiple Water Boards orders to prevent water pollution from its operations, the company ceased manufacturing and sales of construction aggregate in October 2011, the same month as the mass murders at the company.^{12,13,14,15} In 2018, instead of restarting its construction aggregate manufacturing facility (and dealing with water pollution and processing waste), Lehigh Hanson’s usable non-limestone mined materials were shipped to SCQ for processing as construction aggregate. Exporting mined materials represents a change in and expansion of operations for Lehigh Hanson.

Stevens Creek Quarry (SCQ) Business

SCQ is a privately-owned company with multiple Bay Area locations. Cupertino Parcel A recycles concrete and other materials, and Parcel B mines rock and manufactures construction aggregate. Neither parcel is vested.¹⁶ SCQ operates under a special County agreement because it is out of SMARA compliance and cannot renew its Conditional Use Permit which expired in 2015.¹⁷ A Reclamation Plan Amendment (RPA) is four years overdue; since 2015, each annual SMARA Inspection Report has promised a new RPA.^{18,19,20,}²¹ A year after SMARA action items remained unresolved, the County issued an NOV on September 27, 2017.²² The 2018 Report lists violations such as slope failures and lack of water protections. Importing mined materials and processing them represents a change in and expansion of operations for SCQ.

Ten Problems with Stevens Creek Quarry (SCQ) Processing Lehigh Hanson Materials

Cupertino residents first became aware of the problem when materials were shipped using surface streets. The County did nothing to warn the residents or to ensure that minimal BMPs (Best Management Practices) were used. Because traffic and the illegal road were the first manifestations of the problems, they are listed first; these lead into the broader issues of land use and water quality.

1. Illegal Road to Nowhere?

The road begins in unincorporated County APN 350-10-033 and ends in City APN 351-10-017, a 40-acre parcel at an unpermitted entrance to SCQ Parcel B. The proposed new road alignment also enters SCQ at an unpermitted location on Parcel B. SCQ Conditional of Approval lists only three entrances to the quarry at Parcel A on Stevens Canyon Road.²³ As of January 18, 2018, the County has not issued an NOV for use of an unapproved entrance at Parcel B.

Lehigh Hanson’s current haul road application²⁴ and RPA²⁵ propose a new road alignment that avoids the Cupertino parcel but appears to extend the Reclamation Plan Boundary far beyond what would normally be expected. Because we have previously witnessed multiple overlapping plans from HeidelbergCement, we are concerned that an expanded reclamation boundary could turn into something else. To wit, on December 20, 2018 Santa Clara County Planning Commissioner Lefaver suggested approving the original road’s alignment through City land, making this new boundary unnecessary.

The City will need to adjudicate the illegal grading and tree removal within its limits where approximately 35 trees were removed.²⁶ With respect to ground disturbance and tree removal on the County parcel, the 2012 RPA Conditions of Approval #46 through #54, provide specific instructions, including submitting pre-construction surveys to the Planning Manager, pertaining to birds, bats, and the Dusky Footed Woodrat.²⁷

2. Will Using an Internal Road Solve the Traffic Problem?

No, an internal road will not solve the traffic problem in the long term. Instead it could create an unlimited supply of materials to process into construction aggregate for sale by SCQ. SCQ's 1300 truck-limit per day, which pencils out to over 185 trucks per hour, 7 hours a day, is in effect no limit at all.

3. Is Lehigh Hanson Permitted to Export Unprocessed Mined Materials?

No, Lehigh Hanson's 2011 Permanent Quarry Reclamation Plan Amendment (RPA)²⁸ only mentions customers picking up processed materials; there is no mention of unprocessed materials. SMARA ensures that mining occurs in such a way that when the mine is exhausted, sufficient funds (determined by a Financial Assurance Cost Estimate, FACE) are available to reclaim the land to a secondary beneficial use, such as open space. The Division of Mine Reclamation (DMR) requires that the Reclamation Plan describe how mining operations proceed. Specifically, the contents of the surface mining plan must list truck routes per CCR 14.04.080 (J). RPA section 3.3 clearly states that customer haul trucks pick up aggregate products at the Rock Plant, and section 3.7 goes into great detail as to how the Rock Plant consists of equipment and facilities that screen, wash, sort and temporarily store processed materials prior to distribution off-site. Note, while the quarry is vested (grandfathered for mining), exporting mined materials is not considered to be mining. Consequently, sale and transportation of unprocessed materials is an unpermitted activity.

4. What is Lehigh Hanson's Haul Route?

The 2011 Permanent Quarry RPA section 3.14 Off-Site Traffic describes the haul route as follows, "customer haul trucks visiting the Rock Plant utilize Stevens Creek Boulevard, Foothill Boulevard, Highway 280, and the Foothill Expressway." There is no description of a right turn onto Foothill Expressway as is being done now. The section continues, "No change in existing traffic levels is anticipated while mining operations continue." That Lehigh Hanson is creating more traffic now than it has in the past is undisputable. Regardless, this new haul route is not permitted because the shipping of unprocessed aggregate is not permitted per #3 above.

5. What is SCQ's Haul Route?

According to Condition #13 of the Parcel B Mediated Conditions, the "approved haul route is Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. No other route to be used,"²⁹ implying that empty trucks pick up construction aggregate products. This is different from what is happening now where trucks deliver unprocessed material.

6. Can Two Quarry Haul Routes be Combined into One Route?

To ask whether the two quarry haul routes can be combined into one is absurd. Trucks on approved haul routes travel downhill. The unapproved route forces loaded trucks uphill, creating more air pollution. Their loads of unprocessed materials are more likely to spill and cause dust. Road pollution would be reduced with an internal road (or if SCQ stopped importing unprocessed aggregate). Spillage from trucks is not permitted but enforcement is lacking. At a December 19, 2018 community meeting, hosted by the Cupertino Department of Public Works, about the additional truck traffic between the two quarries, residents demanded no spilling, covered loads, street cleaning, and no queueing, which are Best Management Practices (BMPs) that should have already been in place. The County should also consider installing air and noise monitoring equipment.³⁰

7. What is Lehigh Hanson Shipping?

The Lehigh Hanson Permanent Quarry limestone mine is shipping overburden as described by PRC §2732. It is unclear as to whether this overburden is the same as or similar to the Group B mining waste at its permanent waste material areas, EMSA and WMSA (which also contain aggregate processing waste).³¹ Title 27, CCR defines Group B mining waste as "mining wastes that consist of or contain

nonhazardous soluble pollutants of concentrations which exceed water quality objectives for, or could cause, degradation of waters of the state.” If the exported material is characterized as Group B mining waste, then it would need to be regulated as WMUs (waste management units) subject to WDRs (waste discharge regulation). However, it is possible that its end-use as a processed product has put it in a different category. Nevertheless, the pollution concerns remain the same, particularly with respect to the dusty materials which have never been previously shipped on City streets. Additionally, the Permanente Quarry site is known to have soil and groundwater pollutants, as to whether these are present in the shipped materials is unknown.^{32,33}

8. Is SCQ Permitted to Process Imported Materials?

The 2008 SCQ RPA,³⁴ Conditions of Approval, SMARA inspection documents, and information on the County’s website, make no mention of processing imported materials for manufacturing new construction aggregate. Parcel A imports concrete to make recycled aggregate; this is very different from the processing activities on Parcel B. While the quarry is already beginning reclamation in its transition toward open space; portions of the quarry have been fully mined and some areas are being filled in. As the quarry stops mining it will become an idle mine and require an Interim Management Plan (IMP) per PRC §2770(h) and §2727.1. If Parcel B processes mainly imported mined materials, then Parcel B will no longer be considered a mine and would require an industrial permit per PRC §2714. The County should review the new operations at Parcel B in the context of the Conditional Use Permit and PRC §2714.

9. What are the Potential Effects on Water Quality?

Mined materials from the Lehigh Hanson Permanente Quarry are known to contain pollutants. It is possible that fines, which would otherwise be captured during processing, spill from trucks during transportation. Consequently, spillage from trucks might impair water quality in the storm drain system (along with the air we breathe). Pollution from processing Lehigh Hanson Permanente Quarry materials has impacted the Permanente Creek. It would make matters even worse, if processing and storing Lehigh Hanson’s materials at SCQ impacted Stevens Creek and Stevens Creek Reservoir. We will not have pollution results from the Water Boards until May 15, 2019, a full year after these unapproved operations began.

10. What Happens with Waste from Construction Aggregate Manufacturing?

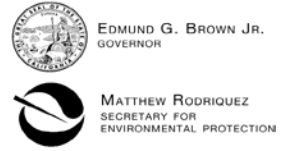
Because Permanente Quarry materials may contain pollutants, the waste cake might also contain pollutants. Lehigh Hanson previously dumped their aggregate processing waste onsite. SCQ stores and sells its waste cake. Consequently, the new waste cake made from imported materials should be analyzed to determine how to store it and whether it is suitable for resale. The County is allowing a potentially polluting new business without appropriate planning.

Conclusions

The above demonstrates many of the problems created by the County’s de facto approval of Lehigh Hanson and Stevens Creek Quarry’s new business operations. The County’s failure to appropriately regulate these mines follows an 18-year pattern of lax oversight which disregards impacts on the environment and surrounding communities; the attached letter to the Department of Conservation provides a summary. Presently, the County’s focus is on the illegal road, while the broader issues of the two quarries’ change and expansion in operations are being ignored. The County must consider the full ramifications of these operations before permitting them, especially when our drinking water resources are at risk.

End Notes

- ¹ Stevens Creek Quarry Company Website <http://scqinc.com/>
- ² SCQ Equipment <https://www.mclanahan.com/resource-library/stevens-creek-quarry-case-study-on-settling-pond-elimination>
- ³ SCQ Processing <https://www.aggregateresearch.com/news/waste-busting-water-recycling-quarries/>
- ⁴ SCQ Waste cake is sold as levee fill: 11/30/2018 SWPPP (from SMARTS database) p 19
- ⁵ SCQ Processes Lehigh Hanson material since 5/18 SCQ 11/30/2018 SWPPP (from SMARTS database) pp 28
- ⁶ SCQ Waterboards Report 11/8/2018, pp 2,4 <https://www.cupertino.org/home/showdocument?id=23484>
- ⁷ Lehigh Reclamation Plan COA #22 requires visibly marked boundary, COA #23 confirm #22 with GPS and Aerial Data annually. pp 29, 30, 58, 222 <http://sccgov.igm2.com/citizens/FileOpen.aspx?Type=1&ID=9357&Inline=True>
- ⁸ Santa Clara County 8/17/2018 Notice of Violation (NOV) for illegal grading and road construction https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_NOV_20180817.pdf
- ⁹ SCQ Mediated Conditions Parcel B, #34 1300 trucks per day (unprocessed aggregate not mentioned) https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_Agreement_ParcelB_COA.pdf
- ¹⁰ Lehigh Hanson Website <https://www.lehighhanson.com/home/locations>
- ¹¹ Lehigh Hanson 12/8/2016 SWPPP (from SMARTS database) p 15
- ¹² Lehigh Hanson 2011 Waterboards request for technical reports https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/Lehigh/10-15-13/3Workplans&TechnicalReports/11-30-2011ReportofWasteDischarge.pdf
- ¹³ Lehigh Hanson 2013 Workplan for Pond Characterization https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/Lehigh/04-13-13/Pond_Workplan.pdf
- ¹⁴ Lehigh Hanson 2017 Settlement Agreement https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2016/December/Lehigh/R2_2017_1001.pdf
- ¹⁵ Lehigh Downey Brand Letter, closure of Rock Plant 10/11 and Rock Plant Fines dumped at EMSA p6 https://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/Lehigh/06-26-13/3_EMSA%20WMSA%20workplan%20022113.pdf
- ¹⁶ SCQ County web page <https://www.sccgov.org/sites/dpd/Programs/SMARA/Pages/StevensCreek.aspx>
- ¹⁷ SCQ 2018 Compliance Agreement https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2018_ComplianceAgreement_StipulatedOrdertoComply.pdf
- ¹⁸ SCQ 2015 SMARA, p 13 https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2015_MRRC.pdf
- ¹⁹ SCQ 2016 SMARA p 15 https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2016_MRRC.pdf
- ²⁰ SCQ 2017 SMARA p 3 https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2017_MRRC.pdf
- ²¹ SCQ 2018 SMARA – enclosure #2, MRRC-1, need new RPA, pdf p 3 https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2018_MRRC.pdf
- ²² SCQ 2017 NOV https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_2017_NOV_AndAttachments.pdf
- ²³ SCQ Conditions of Approval, ingress and egress locations only at Parcel A, condition #13 https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_UsePermit_ParcelA_COA.pdf
- ²⁴ Lehigh Hanson 2018 Permanente Haul Road Application https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_HaulRoad_AppForms.pdf
- ²⁵ Lehigh Hanson 2018 Permanente Haul Road RPA https://www.sccgov.org/sites/dpd/DocsForms/Documents/2250_HaulRoad_RPA.pdf
- ²⁶ Lehigh Hanson 10/31/18 Proposed Order to Comply Response, estimated number of trees removed .pdf p 5 <https://www.cupertino.org/home/showdocument?id=23406>
- ²⁷ Lehigh Hanson 6/26/2012 RPA Conditions of Approval 1253-16-62-07P https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_20120607_COA_Final.pdf
- ²⁸ Lehigh Hanson 2011 Permanente Quarry Reclamation Plan Amendment https://www.sccgov.org/sites/dpd/DocsForms/Documents/Lehigh_RPA_20111213_AmendedMainDoc.pdf
- ²⁹ SCQ Mediated Conditions Parcel B https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_Agreement_ParcelB_COA.pdf
- ³⁰ Cupertino Community Meeting on Traffic <https://www.cupertino.org/home/showdocument?id=23402>
- ³¹ Lehigh Water Boards Staff Summary Report June 13, 2018 Appendix A, Revised Tentative Order, pp 9, 10 https://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2018/June/7_ssr.pdf
- ³² Lehigh Waterboards 13267 INVESTIGATIVE ORDER No R2-2013-1005, soil and ground water pollutants pdf p 14 https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2013/R2-2013-1005.pdf
- ³³ Lehigh DEIR Comments from Waterboards to County 2013 https://www.waterboards.ca.gov/rwqcb2/water_issues/hot_topics/Lehigh/10-15-13/5MiscDocuments/2-21-2012LettertoSantaClaraCountyPlanningOffice.pdf
- ³⁴ SCQ 2008 RPA https://www.sccgov.org/sites/dpd/DocsForms/Documents/1253_SCQ_RPA.pdf



San Francisco Bay Regional Water Quality Control Board

*Sent via email and certified mail
Certified Mail No. 7014-0510-0001-3749-9412*

November 8, 2018
WDID No. 2 43I006687

Stevens Creek Quarry, Inc.
Attn.: Jason Voss
12100 Stevens Canyon Road
Cupertino, CA 95014

Subject: Technical Report Order Per Water Code Section 13267, Stevens Creek Quarry, Inc., Santa Clara County

Dear Mr. Voss:

This Water Code section 13267 order requires Stevens Creek Quarry, Inc. (Quarry) to submit a technical report of monitoring results for its discharges to Rattlesnake and Swiss creeks **by May 15, 2019**. As explained below, we require monitoring information to evaluate the nature and extent of potential impacts to Rattlesnake Creek, Swiss Creek, and waters downstream from the Quarry, and to determine whether the current Industrial Stormwater General Permit¹ (Permit), another permit, or a combination of permits is appropriate to regulate this facility.

Background

The Quarry owns and operates an industrial facility at 12100 Stevens Canyon Road, Cupertino, Santa Clara County. Facility operations include quarrying, processing, and hauling aggregate materials, and recycling construction and landscaping materials. Rattlesnake and Swiss creeks, which are both waters of the United States, merge within the facility and discharge to Stevens Creek Reservoir, a drinking water reservoir.

The Quarry is currently enrolled under the Permit, which requires enrollees to develop and implement site-specific stormwater pollution prevention plans (SWPPPs) to minimize or prevent pollutant discharges, to monitor stormwater, and to improve management practices over time. Where particularly high levels of those pollutants for which the permit has established numeric action levels are found in a facility's stormwater discharges, the facility must improve management practices through an "exceedance response action." The Quarry has reported stormwater discharges that frequently exceed numeric action levels for total suspended solids, iron, and nitrate.

¹ State Water Board Order No. 2014-0057 DWQ, General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES Permit No. CAS000001.

Data Requirements

The Quarry shall conduct the monitoring described in Table 1, which sets forth monitoring locations, analytes, field parameters, and sampling frequencies. The Quarry shall use monitoring and analytical methods capable of achieving the minimum levels discussed in Attachment 1 and listed in Tables 2 through 6. The Quarry shall follow the toxicity testing requirements discussed in Attachment 2. The bases for these data requirements are explained below:

- Monitoring constituents in the Permit that have exceeded numeric action levels (listed in Table 2) is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. Stormwater samples taken during the 2016-17 rainy season exceeded the numeric action levels for iron in 10 of 12 samples and for nitrate in 9 of 12 samples. Samples taken during the 2017-18 rainy season exceeded the numeric action levels for total suspended solids in 5 of 7 samples, for iron in 5 of 5 samples, and for nitrate in 5 of 5 samples. The sampling required here is intended to help us determine the source of these constituents within the Quarry property and provide a comparison to background data so we can determine whether there may be off-site sources of these constituents. These data may also be of use to the Quarry to evaluate changes in runoff quality as new management practices are implemented.
- Monitoring conventional analytes (listed in Table 3a) and field parameters (listed in Table 3b), and monitoring or estimating volumetric flow rates is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. The conventional analytes and field parameters affect how metals and other chemicals behave in water and how, in turn, biota are affected. For example, changes in total dissolved solids and hardness affect the toxicity of dissolved metals in water. We will use the flow estimates to understand the approximate volume of stormwater discharged from the facility and the proportional contributions from each outfall to the total discharge flow, and to evaluate the effectiveness of management practices in the runoff areas associated with these outfalls. We will also use flow information, in combination with suspended solids measurements, to assess the total discharge of suspended solids from the facility and how that compares with the suspended solids discharged from the watershed above the facility.
- Monitoring total and dissolved concentrations of metals and metalloids (listed in Table 4) is required at outfalls OF-1 through OF-6 (Figure 1) for a minimum of three runoff-generating storms during the 2018-19 rainy season. Metals and metalloids naturally occur at the facility and on adjacent land, and may be present in runoff. In addition, materials transported to the facility from other facilities (e.g., Lehigh Permanente Quarry) may be sources of selenium, nickel, and other metals to stormwater runoff. We will use these data to determine whether facility operations are increasing metals and metalloids in Rattlesnake and Swiss creeks above background conditions, and whether the concentrations in facility discharges are potentially toxic to freshwater organisms (i.e., above the concentrations listed in Table 3-4 of the San Francisco Bay Water Quality Control Plan [Basin Plan]).²

² The Basin Plan can be accessed at: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html

- Monitoring priority pollutants specified in the California Toxics Rule³ (listed in Table 5) and pollutants with Basin Plan water quality objectives for municipal supply⁴ (listed in Table 6) (some of which are also priority pollutants) is required at outfalls OF-1, OF-2, and OF-4 (Figure 1) for a minimum of one runoff-generating storm each during the 2018-2019 rainy season. These three outfalls are associated with discharges from the upper, middle, and lower facility areas. These data are needed to determine whether the discharges pose a reasonable potential to cause or contribute to exceedances of water quality objectives because monitoring by the Quarry and the Water Board has indicated that facility operations may be discharging pollutants to creeks and the Stevens Creek Reservoir. These data will allow the Water Board to determine if the facility requires an individual, site-specific discharge permit.
- Monitoring of background and receiving waters is required at locations BG-1, BG-2, RW-1, and RW-2 (Figure 1) for the constituents listed in Tables 2, 3a, 3b, and 4 for a minimum of two runoff-generating storms during the 2018-19 rainy season. In addition, the Quarry shall monitor or estimate volumetric flow rates at stations BG-1 and BG-2 during the monitored runoff-generating storm events. The background measurements will represent water quality in portions of the creek from watersheds not affected by facility operations. The receiving water measurements will represent how the facility affects background and downstream water quality.
- Testing for acute toxicity to water fleas (*Ceriodaphnia dubia*), fathead minnows (*Pimephales promelas*), and green algae (*Selenastrum capricornatum*) is required for water discharged from outfalls representing the upper, middle, and lower facility (OF-1, OF-2, and OF-4, Figure 1) for one storm during the 2018-2019 rainy season. Water samples from the three sampling locations shall be tested individually, not combined prior to testing. The Surface Water Ambient Monitoring Program measured toxicity to each of those species in Stevens Creek during an assessment of nine San Francisco Bay Area watersheds in 2002-2003.⁵ That study prompted additional toxicity testing, the designation of Stevens Creek as an impaired water body in 2010⁶, and ongoing efforts by the Water Board and others to identify the sources of toxicity to Stevens Creek. Water Board staff also measured toxicity to the water flea in 2018 using water collected in Rattlesnake Creek adjacent to Quarry property.⁷ We will use the required toxicity measurements to evaluate whether the facility contributes to the observed toxicity adjacent to and downstream of the facility.

Technical Report Requirements

The Quarry shall submit a technical report by May 15, 2019, that provides the results of the monitoring described above and in this Order's attachments, figure, and tables. The technical report shall include a description of field and laboratory procedures; copies of monitoring, sampling, and analytical records; and a summary and discussion of the results relative to facility operations. For volumetric flow rates, the Quarry shall provide information on the procedures and methods used to measure or estimate flows, start and end times for measurements and estimates, and estimates of the proportion of total facility stormwater runoff discharged from each of the six outfalls (OF-1 through OF-6). The Quarry shall

³ See <https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criteria-priority-toxic-pollutants-state>

⁴ Basin Plan Table 3-5.

⁵ Water Quality Monitoring and Bioassessment in Nine San Francisco Bay Region Watersheds in 2001-2003 (June 2007), Surface Water Ambient Monitoring Program, State Water Resources Control Board.

⁶ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/stevenscktoxicity.html

⁷ Draft Surface Water Ambient Monitoring Program Contract Progress Report #1, dated May 4, 2018 (final pending).

include a map of the facility and surroundings showing the catchment areas and drainage pathways flowing to each outfall.

Statutory Authority

These requirements are made pursuant to California Water Code section 13267, which allows the Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. This sampling is necessary because existing data show exceedances of total suspended solids, iron, and nitrate numeric action levels in facility discharges, aquatic toxicity adjacent to and downstream of the facility, and potential impacts to water quality in the Stevens Creek Reservoir, which includes municipal and domestic supply as a beneficial use. The Water Board has considered the facility's operations and communicated with facility owners, operators, and consultants to arrive at an appropriate scope of sampling. The burden, including costs, of this report bears a reasonable relationship to the benefits to be obtained from it. Specifically, the report is necessary to ensure protection of human health and the environment. For more information regarding the Water Board's authority to require technical reports, please refer to the attached fact sheet (Attachment 3).

Failure to respond or late response may subject the Quarry to civil liability imposed by the Water Board up to a maximum amount of \$1,000 per day. Any extension to the above deadline must be confirmed in writing by Water Board staff.

Industrial Stormwater General Permit Compliance

The rainy season has started, and the Quarry must ensure that all required erosion and sediment control management practices are in place and appropriately maintained in preparation for upcoming storms. Water Board staff plan to inspect the facility in November to evaluate compliance with the Permit and preparations for the monitoring required by this directive.

You informed Water Board staff on September 21, 2018, that the Quarry was expanding Pond 5 to detain additional runoff from the upper quarry and is planning to create a new detention pond to the northeast of the former sediment pond #4 in Rattlesnake Creek. We also understand that the Quarry has recently started accepting aggregate materials from the Lehigh Permanente Quarry for processing and sale. Those materials may contain pollutants, including selenium, that are different from the ones previously at the facility. The facility's July 16, 2018, SWPPP, in Section 7.5, states that total selenium is not being monitored because it has not been identified at the facility. Pursuant to Permit Section X.B, a facility's SWPPP shall be revised whenever necessary, and significant revisions must be uploaded to SMARTS within 30 days of the revision. For more minor revisions, the SWPPP must be uploaded at least once every three months. The Quarry shall upload an amended SWPPP by December 1, 2018, that addresses any changes at the facility since the July 16 SWPPP, including to drainage paths, the composition, processing, and storage of material imported to the facility, the potential impacts of imported materials to the quality of stormwater runoff, and the management practices implemented to address those impacts. The amended SWPPP must also include a revised monitoring program consistent with Permit requirements.

Conclusion

This Water Code section 13267 order requires the Quarry to submit a technical report of monitoring results for its discharges to Rattlesnake and Swiss Creeks **by May 15, 2019**. It also orders the Quarry to comply with Permit requirements for the Quarry to update and file in SMARTS its facility SWPPP, and sets a

deadline of no later than December 1, 2018, for submittal of an updated SWPPP. The information above explains the requirements and the reasons for them.

If you have any questions about this letter, please contact Jack Gregg at (510) 622-2437 or by e-mail to Jack.Gregg@waterboards.ca.gov.

Sincerely,

Lisa Horowitz McCann
Assistant Executive Officer

cc: Christopher Hoem, Santa Clara County, Christopher.Hoem@pln.sccgov.org
Kirsten Struve, Santa Clara Valley Water District, KStruve@valleywater.org
Brenda Blinn CA Dept. Fish and Wildlife, Brenda.Blinn@wildlife.ca.gov
Greg Gholson U.S. Environmental Protection Agency, Greg.Gholson@epa.gov
Patrick G. Mitchell, Mitchell Chadwick, pmitchell@mitchellchadwick.com

Figures

Figure 1. Monitoring locations

Tables:

Table 1. Monitoring locations, constituents, and minimum sampling frequencies

Table 2. Analytes that exceeded the Industrial Stormwater General Permit numeric action levels

Table 3a. Conventional analytes

Table 3b. Field measurements

Table 4. Metals and metalloids (total and dissolved analysis)

Table 5. Priority pollutants list based on the California Toxics Rule, suggested methods and acceptable minimum detection limits

Table 6. Water Quality Objectives for Municipal Supply

Attachments:

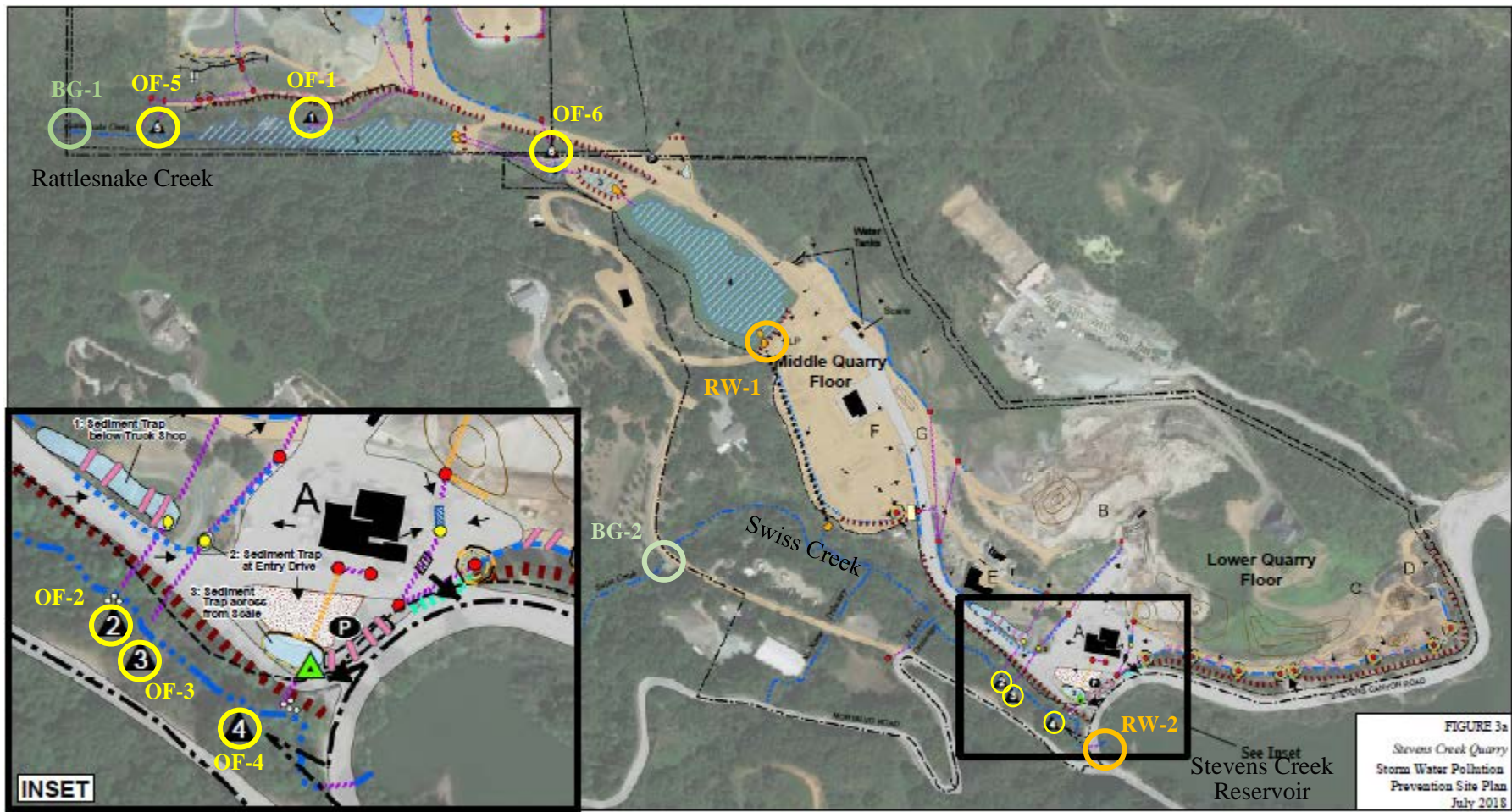
Attachment 1 - Monitoring and Flow Measurement Requirements

Attachment 2 – Toxicity Testing Requirements

Attachment 3 - Water Code Section 13267 Fact Sheet

FIGURE

Figure 1. Monitoring locations



Outfall (OF) locations	
Background (BG) locations	
Receiving Water (RW) locations	

(Source: The original figure is Figure 3a from the facility SWPPP Site Plan, dated July 2018. Modified by Jack Gregg to show monitoring locations (colored circles and associated labels at left).

TABLES

Monitoring Location	Station Code	Location Description	TSS ¹ , Iron, Nitrate plus Nitrite	Conventional Analytes, Field Measurements	Metals, Metalloids	Priority Pollutants/ Municipal Supply	Acute Toxicity ²
			(Table 2)	(Tables 3a and 3b)	(Table 4)	(Tables 5 & 6)	
Outfall Monitoring							
Outfall #1	OF-1	Discharge to Rattlesnake Creek representing runoff from Upper Quarry conveyed through Pond 5, 37°18'3.4"N, 122°5'31.9"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #2	OF-2	Discharge to Swiss Creek representing runoff from Middle Quarry conveyed through Sediment Trap #1, 37°17'46.5"N, 122°5'6.9"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #3	OF-3	Discharge to Swiss Creek representing runoff from Recycle Plant area conveyed through Sediment Trap #2, 37°17'46.1"N, 122°5'6.6"W.	3 Storms	3 Storms	3 Storms		
Outfall #4	OF-4	Discharge to Swiss Creek representing runoff from Lower Quarry area conveyed through Sediment Trap #3, 37°17'44.8"N, 122°5'5.1"W.	3 Storms	3 Storms	3 Storms	1 Storm	1 Storm
Outfall #5	OF-5	Discharge to Rattlesnake Creek representing runoff from road between upper quarry and creek, approximately 37°18'3.4"N, 122°5'40.6"W.	3 Storms	3 Storms	3 Storms		
Outfall #6	OF-6	Discharge to Rattlesnake Creek representing runoff from Upper Quarry Sand Plant area discharged to former sediment pond #2, approximately 37°18'2.4"N, 122°5'25.5"W.	3 Storms	3 Storms	3 Storms		
Background Monitoring							
Rattlesnake Creek - Background	BG-1	Rattlesnake Creek within 100 feet upstream of Outfall #5, approximately 37°18'3.5"N, 122°5'41.5"W.	2 Storms	2 Storms	2 Storms		
Swiss Creek - Background	BG-2	Swiss Creek, upstream of quarry discharges, approximately 37°17'49.7"N, 122°5'21.5"W.	2 Storms	2 Storms	2 Storms		

Monitoring Location	Station Code	Location Description	TSS ¹ , Iron, Nitrate plus Nitrite	Conventional Analytes, Field Measurements	Metals, Metalloids	Priority Pollutants/ Municipal Supply	Acute Toxicity ²
			(Table 2)	(Tables 3a and 3b)	(Table 4)	(Tables 5 & 6)	
Receiving Water Monitoring							
Rattlesnake Creek - Receiving Water	RW-1	Rattlesnake Creek at the weir that discharges from former sedimentation pond #4, approximately 37°17'56.7"N, 122°5'17.0"W.	2 Storms	2 Storms	2 Storms		
Swiss Creek - Receiving Water	RW-2	Swiss Creek more than 50 feet downstream of Outfall #4 and upstream of Stevens Creek Reservoir, approximately 37°17'44.1"N, 122°5'02.9"W.	2 Storms	2 Storms	2 Storms		

¹ TSS means total suspended solids.

² Acute toxicity for *Ceriodaphnia dubia*, *Selenastrum capricornutum*, and *Pimephales promelas* test species, at a minimum, as discussed in Attachment 2.

Table 2. Analytes that exceeded Industrial Stormwater General Permit numeric action levels

Analytes	Units
Total suspended solids	µg/L
Iron	µg/L
Nitrate + Nitrite (as N)	µg/L

Table 3a. Conventional analytes

Analytes	Units
Total dissolved solids	µg/L
Total Organic Carbon	mg/L
Total Alkalinity	mg/L
Hardness (as CaCO ₃)	mg/L

Table 3b. Field measurements

Parameters	Units
Volumetric Flow Rate (Discharge)	MGD
Turbidity	NTU
Dissolved oxygen	mg/L
Specific Conductance (EC)	µS/cm
pH	standard units
Temperature	Degrees Celsius

Table 4. Metals and metalloids (total and dissolved analysis)

Analytes	Minimum Level & Units
Arsenic	See Table 5, CTR No. 2
Cadmium	See Table 5, CTR No. 4
Copper	See Table 5, CTR No. 6
Chromium (total)	See Table 5, CTR No. 5
Lead	See Table 5, CTR No. 7
Mercury	See Table 5, CTR No. 8
Nickel	See Table 5, CTR No. 9
Selenium	See Table 5, CTR No. 10
Zinc	See Table 5, CTR No. 13

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
1	Antimony	204.2	10
2	Arsenic	206.3	20
3	Beryllium	Flame atomic absorption	20
4	Cadmium	200 or 213	10
5a	Chromium (III)	SM 3500	5
5b	Chromium (VI)	SM 3500	5
	Chromium (total) ¹⁰	SM 3500	50
6	Copper	200.9	5
7	Lead	200.9	5
8	Mercury	245.1 or 245.2	0.2
9	Nickel	249.2	5
10	Selenium	200.8 or SM 3114B or C	5
11	Silver	272.2	10
12	Thallium	279.2	10
13	Zinc	200 or 289	20
14	Cyanide	SM 4500 CN ⁻ C or I	
15	Asbestos	0100.2 ¹¹	
16	2,3,7,8-TCDD and 17 congeners (Dioxin)	1613	
17	Acrolein	603	2.0
18	Acrylonitrile	603	2.0
19	Benzene	602	0.5
33	Ethylbenzene	602	0.5
39	Toluene	602	0.5
20	Bromoform	601	0.5
21	Carbon Tetrachloride	601	0.5
22	Chlorobenzene	601	0.5
23	Chlorodibromo methane	601	0.5
24	Chloroethane	601	0.5
25	2-Chloroethylvinyl Ether	601	1
26	Chloroform	601	0.5
75	1,2-Dichlorobenzene	601	0.5
76	1,3-Dichlorobenzene	601	0.5
77	1,4-Dichlorobenzene	601	0.5
27	Dichlorobromomethane	601	0.5
28	1,1-Dichloroethane	601	0.5
29	1,2-Dichloroethane	601	0.5
30	1,1-Dichloroethylene or 1,1-Dichloroethene	601	0.5
31	1,2-Dichloropropane	601	0.5
32	1,3-Dichloropropylene or 1,3-Dichloropropene	601	0.5
34	Methyl Bromide or Bromomethane	601	1.0
35	Methyl Chloride or Chloromethane	601	0.5

⁸ California Toxics Rule (<https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criteria-priority-toxic-pollutants-state>)

⁹ The suggested method is the U.S. EPA Method unless otherwise specified (“SM” means “Standard Methods”). Stevens Creek Quarry, Inc. may use another U.S. EPA-approved or recognized method if that method has a level of quantification below the applicable water quality objective. Where no method is suggested, Stevens Creek Quarry, Inc. has the discretion to use any standard method.

¹⁰ Analysis for total chromium may be substituted for analysis of chromium (III) and chromium (VI) if the concentration measured is below the lowest hexavalent chromium criterion (11 µg/l).

¹¹ Determination of Asbestos Structures over 10 [micrometers] in Length in Drinking Water Using MCE Filters, U.S. EPA 600/R-94-134, June 1994.

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
36	Methylene Chloride or Dichloromethane	601	0.5
37	1,1,2,2-Tetrachloroethane	601	0.5
38	Tetrachloroethylene	601	0.5
40	1,2-Trans-Dichloroethylene	601	0.5
41	1,1,1-Trichloroethane	601	0.5
42	1,1,2-Trichloroethane	601	0.5
43	Trichloroethene	601	0.5
44	Vinyl Chloride	601	0.5
45	2-Chlorophenol	604	2
46	2,4-Dichlorophenol	604	1
47	2,4-Dimethylphenol	604	1
48	2-Methyl-4,6-Dinitrophenol or Dinitro-2-methylphenol	604	10
49	2,4-Dinitrophenol	604	5
50	2-Nitrophenol	604	
51	4-Nitrophenol	604	5
52	3-Methyl-4-Chlorophenol	604	5
53	Pentachlorophenol	604	1
54	Phenol	604	1
55	2,4,6-Trichlorophenol	604	10
56	Acenaphthene	610 HPLC	1
57	Acenaphthylene	610 HPLC	10
58	Anthracene	610 HPLC	10
60	Benzo(a)Anthracene or 1,2 Benzanthracene	610 HPLC	10
61	Benzo(a)Pyrene	610 HPLC	10
62	Benzo(b)Fluoranthene or 3,4 Benzofluoranthene	610 HPLC	10
63	Benzo(ghi) Perylene	610 HPLC	5
64	Benzo(k)Fluoranthene	610 HPLC	10
74	Dibenzo(a,h) Anthracene	610 HPLC	10
86	Fluoranthene	610 HPLC	10
87	Fluorene	610 HPLC	10
92	Indeno(1,2,3-cd) Pyrene	610 HPLC	10
100	Pyrene	610 HPLC	10
68	Bis(2-Ethylhexyl)Phthalate	606 or 625	10
70	Butylbenzyl Phthalate	606 or 625	10
79	Diethyl Phthalate	606 or 625	10
80	Dimethyl Phthalate	606 or 625	10
81	Di-n-Butyl Phthalate	606 or 625	10
84	Di-n-Octyl Phthalate	606 or 625	10
59	Benzidine	625	5
65	Bis(2-Chloroethoxy)Methane	625	5
66	Bis(2-Chloroethyl)Ether	625	10
67	Bis(2-Chloroisopropyl)Ether	625	10
69	4-Bromophenyl Phenyl Ether	625	10
71	2-Chloronaphthalene	625	10
72	4-Chlorophenyl Phenyl Ether	625	5
73	Chrysene	625	10
78	3,3'-Dichlorobenzidine	625	5
82	2,4-Dinitrotoluene	625	10
83	2,6-Dinitrotoluene	625	5

Table 5. Priority pollutants list based on the California Toxics Rule

CTR ⁸ No.	Pollutant/Analyte	Analytical Method ⁹	Minimum Level (µg/L)
85	1,2-Diphenylhydrazine (note) ¹²	625	1
88	Hexachlorobenzene	625	5
89	Hexachlorobutadiene	625	5
90	Hexachlorocyclo-pentadiene	625	5
91	Hexachloroethane	625	5
93	Isophorone	625	10
94	Naphthalene	625	10
95	Nitrobenzene	625	10
96	N-Nitrosodi-methylamine	625	10
97	N-Nitrosodi-n-Propylamine	625	10
98	N-Nitrosodiphenylamine	625	10
99	Phenanthrene	625	5
101	1,2,4-Trichlorobenzene	625	5
102	Aldrin	608	0.005
103	α-BHC	608	0.01
104	β-BHC	608	0.005
105	γ-BHC (Lindane)	608	0.02
106	δ-BHC	608	0.005
107	Chlordane	608	0.1
108	4,4'-DDT	608	0.01
109	4,4'-DDE	608	0.05
110	4,4'-DDD	608	0.05
111	Dieldrin	608	0.01
112	Endosulfan (alpha)	608	0.02
113	Endosulfan (beta)	608	0.01
114	Endosulfan Sulfate	608	0.05
115	Endrin	608	0.01
116	Endrin Aldehyde	608	0.01
117	Heptachlor	608	0.01
118	Heptachlor Epoxide	608	0.01
119-125	PCBs: Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260	608	0.5
126	Toxaphene	608	0.5

¹² Measurement for 1,2-diphenylhydrazine may use azobenzene as a screen: if azobenzene is measured at greater than 1 ug/l, then Stevens Creek Quarry shall analyze for 1,2-diphenylhydrazine.

Table 6. Pollutants with water quality objectives for municipal supply¹³

Analyte	Units
Aluminum	µg/L
Barium	µg/L
Chloride	µg/L
Fluoride	µg/L
Manganese	µg/L
Sulfate	µg/L

¹³ Basin Plan Table 3-5:
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/docs/bp_ch3+tables.pdf

Mr. Jason Voss
Stevens Creek Quarry, Inc.

November 8, 2018

ATTACHMENTS

ATTACHMENT 1 - MONITORING AND FLOW MEASUREMENT REQUIREMENTS

- 1) Obtain data by collecting grab samples for laboratory analytical analysis or through field measurements of water quality, using best professional practices. Volumetric flow rate shall be measured or estimated using a standard industry method.
- 2) Do not submit sampling data for storms that cause less than 0.75 inches of precipitation within a 24-hour period.
- 3) Conduct sampling and analyses as follows:
 - a) Use test methods approved under 40 C.F.R. part 136, required under 40 C.F.R. chapter 1, subchapter N, or specified explicitly within this directive. For the priority pollutants, use the analytical methods listed in Table 2.
 - b) Perform water analyses using only laboratories certified for the analyses in accordance with California Water Code section 13176.
 - c) Properly calibrate and maintain all monitoring instruments and equipment to ensure accuracy of measurements.
 - d) Ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
- 4) Use sufficiently sensitive test methods. Minimum levels (MLs) for priority pollutant tests are listed in Table 5. For other analytes and parameters (Tables, 2, 3a, 3b, 4 and 6) the method must meet the following criteria:
 - a) The method ML is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter, or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the sample is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
 - b) The method has the lowest ML of approved analytical methods for the measured pollutant or pollutant parameter.
- 5) Retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports for a period of at least three years from the date of the sample, measurement, or report. The Regional Water Board Assistant Executive Officer may extend this period.
- 6) Records of monitoring information shall include the following:
 - a) date, exact place, and time of sampling or measurements;
 - b) individuals who performed the sampling or measurements;
 - c) dates the analyses were performed;
 - d) individuals who performed the analyses;
 - e) analytical techniques or methods used; and
 - f) results of such analyses.
- 7) Report with each sample result the Reporting Level (RL) and Method Detection Limit (MDL) as determined by the procedure in 40 C.F.R. part 136. Report the results of analytical

ATTACHMENT 1 - MONITORING AND FLOW MEASUREMENT REQUIREMENTS

determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a) Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b) Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified" or "DNQ." The estimated chemical concentration of the sample shall also be reported.
- c) For purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ. The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (+/- a percentage of the reported value), numerical ranges (low to high), or any other means the laboratory considers appropriate.
- d) Sample results less than the laboratory's MDL shall be reported as "Not Detected" or "ND."
- e) Laboratories shall be instructed to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. Analytical data derived from extrapolation beyond the lowest point of the calibration curve may not be used.

ATTACHMENT 2 – TOXICITY TESTING REQUIREMENTS

A. Acute Toxicity

1. Take grab or composite samples during the first 6 hours of a storm that has at least 0.75 inches of precipitation during a 24-hour period.
2. Use fathead minnow (*Pimephales promelas*), green algae (*Selenastrum capricornatum*), and *Ceriodaphnia dubia* as test organisms.
3. Perform all bioassays according to the most up-to-date protocols in 40 C.F.R. part 136, currently *Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms*, 5th Edition (EPA-821-R-02-012). If these protocols prove unworkable, the Assistant Executive Officer may grant exceptions in writing upon request with justification.
4. If specific identifiable substances in the discharge are rapidly rendered harmless upon discharge to the receiving water, acute toxicity may be determined after test samples are adjusted to remove the influence of those substances. Written acknowledgement that the Assistant Executive Officer concurs that the adjustment will not remove the influence of other substances must be obtained prior to any such adjustment.
5. Before test initiation and water renewals, shake water samples thoroughly in their original sample containers for 60 seconds and filter sub-samples through a 53- μ m screen to remove debris and other organisms. Prior to test initiation and renewals, warm sample water to test temperature ($25 \pm 1^\circ\text{C}$) using a water bath maintained at $25 \pm 2^\circ\text{C}$ and aerate at a rate of 100 bubbles per minute until the DO concentrations fall below saturation levels.
6. Record and report water quality measurements, including pH, electrical conductivity, dissolved oxygen, hardness, alkalinity, and temperature, for all treatments at test initiation and termination. Measure dissolved oxygen and pH on fresh sample water prior to renewals.

B. Reporting Requirements

Include the following, at a minimum, for each test with toxicity test results:

- a. Sample data
- b. Test initiation date
- c. Test species
- d. End point values for each dilution (e.g., number of young, growth rate, percent survival)
- e. Mean percent mortality (\pm s.d.) after 96 hours in 100% effluent (if applicable)
- f. IC₅₀ or EC₅₀ values for reference toxicant tests
- g. Available water quality measurements for each test (e.g., pH, dissolved oxygen, temperature, conductivity, hardness, salinity)

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the Regional Water Board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

Are there limits to what the Regional Water Board can ask for?

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

Revised January 2014

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.

ENVIRONMENTAL COMMISSION

2018/19 Targets & Work Plan

January 14, 2019

Targets	Projects	Assignments	Target Date	City Priority related to	Status
Climate Action Plan & SVCEA	Continue to support SVCEA community outreach and education	<ul style="list-style-type: none"> Speakers and SVCE staff outreach efforts for residential and business (Staff) Customer Program Advisory Group (CPAG) (Weiden) Program development via MAWG 	Ongoing	CAP Goals	<ul style="list-style-type: none"> Chair attends CPAG meetings and provides status updates to EC Receive update from MAWG staff member EC identified and prioritized community objectives and provided them to SVCE MAWG as potential items for synchronization with other jurisdictions and for SVCE to provide support.
	Resource to Director Bruins	<ul style="list-style-type: none"> Policy & Program guidance (Staff & Commission) 	Monthly	CAP Goals	<ul style="list-style-type: none"> Review SVCE packet and recommendations with comments to Director Bruins as needed; request specific clarification from Dir. Bruins as needed MAWG staff to update Dir. Bruins as needed
	Single-use food containers	<ul style="list-style-type: none"> Discuss and formulate plan for educ. outreach (Halkola, Yuan, Weiden) (Tekler, alternate) 	New project	CAP Goals	<ul style="list-style-type: none"> Initiate Educational Outreach project Subcommittee meeting held 12/19/18 to determine action plan; report back 2/19
	Anti-Idling Community Education and Outreach Project	<ul style="list-style-type: none"> Develop Community Educational Plan (Weiden, Yuan, Klein) Partner with elementary and high school districts (Weiden, Yuan, Klein) City Program for civic properties 	Ongoing	CAP Goals	<ul style="list-style-type: none"> Email from Chair to Superintendents 5/18; 11/18 High school included bullet item about anti-idling in Pick up/Drop off Procedures memo to parents Fall 2018 EC subcommittee to develop general education plan City developed organization-wide anti-idling campaign, requesting compliance from staff and installing anti-idling signs in City facility parking areas, such as Civic Center Campus, MSC, and Parks GTLA to take over project and work with LASD to develop collateral for each campus

Climate Action Plan & SVCEA (cont'd)

Partner with Community Development Department on Green Building Initiatives	<ul style="list-style-type: none"> Staff and Commission to identify outreach efforts and discussion of potential reach codes for green building measures (Tekslar, Yuan, Bray) Subcommittee to reformat report to provide user-friendly checklist to go to City Council for 2019 priorities Subcommittee to seek out opportunities to educate PPC 	Quarterly	CAP Goals	<ul style="list-style-type: none"> Refined checklist for Green Building Enhancements SVCEA working on Reach Code project to electrify new development and align adoption with launch of 2019 State code, which will take effect January 1, 2020; EC participation to vet ordinances. Council directed staff to actively participate in Reach Code project and determine if there is potential for City to adopt codes SVCE webinar planned for January 15, 2019
Home Energy efficiency measure for community	<ul style="list-style-type: none"> Commission to explore and research programs offered by PG&E, Acterra, Energy Upgrade California, CA First (Unassigned-TBD) 	Annual	CAP Goals	<ul style="list-style-type: none"> Home Energy Efficiency Workshop presented by Santa Clara County Office of Sustainability staff: November 14, 2018; 6:30-8:00 pm, Hillview Multi-Purpose Room. Commissioner Martin provided opening remarks; 67 attendees
With staff, refine CAP GHG reduction measures to actionable strategies (Tekslar, Weiden)	<ul style="list-style-type: none"> Commission to support staff's efforts to update CAP with inventory & assess measures (Weiden, Bay, Halkola); Staff to assist Work with consultant or staff to update CAP Subcommittee to consider scope of CAP update 	Annual	CAP Goals	<ul style="list-style-type: none"> CAP Report with analysis of measures and data in CIP Budget SVCE released territory-wide data which can be used to update measurements and identify new targets (2018 data to be released May/June)
Environmental Resources (ER) Dashboard	<ul style="list-style-type: none"> Review and enhance GHG reporting and data on Green Initiatives pages of City website (Staff, Martin) 	Ongoing as data is available	CAP Goals	<ul style="list-style-type: none"> Data collection ongoing. Dashboard updated with data through 2017 if available (staff working with internal and external partners to obtain data) Commissioner Martin to analyze data and create graphics for dashboard once data is available (MTWS, CalWater, and SVCE data sent early January 2019)

Water Conservation & Stormwater Management	Support community and municipal water conservation related measures	<ul style="list-style-type: none"> Track water usage via ER Dashboard (Staff, Halkola) Monitor water rates and support CalWater conservation efforts as needed (Staff, Halkola) 	Summer/Fall focus with ongoing review	Water Conservation Resolution No. 2015-15	<ul style="list-style-type: none"> Monitor water use Update website CalWater annual presentation – Winter/Spring 2019 (waiting on hiring of new district representative)
	Stormwater management/shoulder paving policy	<ul style="list-style-type: none"> Final review from staff on shoulder paving policy and other emerging environmental issues (EC) 	As needed	Stormwater Master Plan and Water Conservation	<ul style="list-style-type: none"> Shoulder paving policy details revisions (May, June) Study session with City Council September 25, 2018 Council adopted policy (11/18) with revision to require permeable materials for first 3-feet of bioswale Is there potential for an educational campaign on the erosion patterns of base aggregate?
	Green Infrastructure Plan	<ul style="list-style-type: none"> Assist in development of plan to be adopted July 2019 (Unassigned) 			<ul style="list-style-type: none"> Staff/consultant to bring draft to EC in winter/spring 2019
Solid Waste Diversion	Review of progress toward diversion goals	<ul style="list-style-type: none"> Work with staff to review MTWS contract renewal Assist MTWS in achieving diversion goals Explore opportunities with staff for public outreach (Staff) 	Ongoing	Recycling and diversion	<ul style="list-style-type: none"> Renegotiation window for MTWS expected to take 6-9 months and be completed 2019 City is currently processing a contract with R3 Consultants to assist with negotiations R3/Staff plans to meet 1:1 with Councilmembers to determine priorities- opportunity to meet with EC as well Also, will conduct community outreach to determine community's priorities in a new franchise agreement – opportunity for EC to help with outreach Will visit with EC at least 2x during process (1st visit early in process to brainstorm; 2nd visit to evaluate proposed agreement before bringing to Council) Compost available at MSC Update on event recycling- add events to CM weekly updates

<p>Visioning Process for new Community Center and Downtown Vision Discussions</p>	<p>Provide environmental perspectives and sustainability goals to assist visioning process</p>	<ul style="list-style-type: none"> Environmental Commissioners 	<p>New Community Center design - Ongoing</p>	<p>Provide support to DDWG & Council on natural and built environment</p>	<ul style="list-style-type: none"> Participated in LEED Charrette 3-22-18 Continue to participate in DDWG as needed; advocating for all-electric, zero-carbon building 6/11/18- Public Works Director Susanna Chan provided update to EC on the electrification and LEED Gold achievement (looking at lighting studies, reducing water usage, managing rainwater, installing all-electric systems) to minimize carbon use of the new community center Staff shared solar options with Council at July 10, 2018 meeting; still exploring options Design Open House July 10, 2018 Design to Complete Streets Commission June 27, 2018 Design to Planning Commission August 2, 2018 Design approved by City Council September 11, 2018
			<p>Downtown Visioning - Ongoing</p>	<p>Contribute to downtown visioning process where applicable</p>	<ul style="list-style-type: none"> August 28, 2018, Council adopted the Downtown Vision plan as a guiding document to which the Council can aspire

Community Outreach & Education	<p>Support Green Initiatives project implementation by public outreach and education efforts</p> <p>Continue supporting project implementation that impacts the natural and built environment</p>	<ul style="list-style-type: none"> • City webpages; social media; engage with community groups (unassigned) • Invite speakers to EC meetings on Work Plan related topics (All Commissioners) 	Ongoing	Public outreach and education	<ul style="list-style-type: none"> • Partnership with GTLA, SVCEA, community non-profits, community organizations, County Office of Sustainability • GTLA to pick up educational campaigns addressing anti-idling and gas-powered leaf blowers
	<p>Update residents on special events (compost availability, recycling events, workshops)</p>	<ul style="list-style-type: none"> • Unassigned 	Ongoing	Public outreach and education	<ul style="list-style-type: none"> • SCC Home Energy Upgrade Workshop held November 14, 2018



DATE: February 11, 2019

AGENDA ITEM # 3

TO: Environmental Commission

FROM: Sarah Henricks, Interim Staff Liaison

SUBJECT: Review and discuss Los Altos Community Foundation Environmental Education Fund

RECOMMENDATION:

Review and take action, as appropriate, on funds available through the Los Altos Community Foundation Environmental Education Fund

BACKGROUND

In November 2003, the Los Altos Community Foundation, LACF, entered into a Donor Advised Fund Agreement with the Los Altos Environmental Commission (formerly the Los Altos Environmental Committee) for the purposes of creating and maintaining an Environmental Education fund, “the Fund”. The Fund is maintained and administered by LACF and was initially created for the purpose of funding the reprinting of the *Trees of Los Altos* booklet. Upon an initial grant of \$1,000 by LACF, the fund received donations from the public to aid in the printing and distribution of the *Trees* booklet. The books were printed and distributed, though LACF reports hundreds of copies remaining in storage. The current balance of the account is \$3,528 and is to be used specifically for “environmental education”.

DISCUSSION

LACF has informed the City that the \$3,528 balance remains available for environmental education efforts. The Environmental Commission has the authority to make recommendations to LACF for disbursement of the funds.

At the January 14, 2019 meeting, the Environmental Commission discussed potential uses for the environmental education fund. The Commission determined that a brainstorming session would help determine potential uses for the funds and directed Commissioners to bring ideas to the February meeting. The Commissioners will share their ideas and begin to narrow the focus of the environmental education fund.

Attachments:

None



DATE: February 11, 2019

AGENDA ITEM # 4

TO: Environmental Commission
FROM: Sarah Henricks, Interim Staff Liaison
SUBJECT: Receive report and updates on Silicon Valley Clean Energy Authority (SVCEA)

RECOMMENDATION:

Receive reports and updates on SVCEA Board of Directors and standing committee meetings

BACKGROUND

State and Local Mandates

Community Choice Energy

Council Actions

Implementation of SVCEA in the Los Altos Community

SVCEA Structure

SVCEA Sustainability Managers Roundtable updates (September 2017 to April 2018)

For a full review of the topics above, please access the following link

https://www.losaltosca.gov/sites/default/files/fileattachments/environmental_commission/meeting/43111/5_svcea_2018.pdf

To review **SVCEA Member Agency Working Group updates (May 2018 to December 2018)**, please access the following link:

https://www.losaltosca.gov/sites/default/files/fileattachments/environmental_commission/meeting/43119/item_3_svcea.pdf

DISCUSSION

The MAWG did not meet in December 2018. City staff will attend the SVCE County-wide Reach Code Working Group Launch on January 15, 2019 to learn more about the Reach Code project described above. Members of the City Manager's Office and Community Development Department will be in attendance.

At the January 24, 2019 MAWG meeting, the group discussed the potential for SVCEA to form a joint funding mechanism with BAAQMD and other agencies to fund EV infrastructure. SVCEA staff is currently developing an RFP and scope of work to secure a consultant to explore the EVSE market and identify barriers, forecast infrastructure needs, and establish a mechanism to pursue grant funding. SVCEA also updated the group on youth focused programs like the Bike to the Future event, taking in place in April 2019 and the creation of a student ambassador program, focused on educating students and schools about ways to reduce GHG emissions. SVCEA informed the group that the

Reach Code project is currently underway, and the consultant is working on the cost effectiveness study. The initial draft of the reach codes is scheduled to be released in March.

Staff will provide an update on the monthly MAWG meetings; Chair Weiden will provide an update on the CPAG meetings. Monthly SVCEA Board of Directors' meeting agenda and selected materials will be reviewed and discussed.

Attachments:

- A. February 13, 2019 SVCE BOD meeting agenda packet – selected materials (provided under separate cover)



DATE: February 11, 2019

AGENDA ITEM # 5

TO: Environmental Commission
FROM: Sarah Henricks, Interim Staff Liaison
SUBJECT: Receive information and announcements from City staff

RECOMMENDATION:

Receive staff report

BACKGROUND

Monthly staff reports and updates will be discussed as listed below.

DISCUSSION

1. Environmental Commission attendance at winter Council meetings, need Commissioners to attend
 - a. March 12, 2019:
 - b. March 26, 2019:
2. Reschedule March meeting
3. Climate Action Plan update

Attachment:

- A. 2019 City Council Meeting Attendance Assignments



**1 North San Antonio Road
Los Altos, California 94022-3087
M E M O R A N D U M**

DATE: February 11, 2019
TO: Environmental Commission
FROM: Sarah Henricks, Interim Staff Liaison

SUBJECT: TENTATIVE 2019 City Council Meeting Attendance Assignments

Please sign up to attend or view (Channel 26 or online) three (3) Regular City Council meetings for 2018. Tentative 2018 Schedule

2019 Regular City Council meeting dates:	Attendance by:
January 8, 2019	Don Weiden
January 22, 2019	Laura Tekster
February 12, 2019	Lei Yuan
February 26, 2019	Don Bray
March 12, 2019	
March 26, 2019	
April 9, 2019	
April 23, 2019	
May 14, 2019	
May 28, 2019	
June 11, 2019	
June 25, 2019	
July 9, 2019	
August 27, 2019	
September 10, 2019	
September 24, 2019	
October 22, 2019	
November 12, 2019	
November 26, 2019	
December 10, 2019	

The Joint Meeting with the City Council and the Environmental Commission is tentatively scheduled for Tuesday, May 7, 2019. All Commissioners are expected to attend. All-Commission training was on May 15, 2018, 10:00 A.M. Commissioners are to attend both meetings.

Regular City Council meetings are scheduled to begin at 7:00 p.m. and are held on the 2nd and 4th Tuesdays of the month. If you are unable to attend or view one of the City Council meetings to which you are assigned, please arrange for another Commissioner to attend in your place.