



COMMUNITY  
DEVELOPMENT (925) 673-7340  
ENGINEERING (925) 969-8181

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250  
TELEPHONE (925) 673-7300 FAX (925) 672-4917

*City Council*  
JULIE PIERCE, MAYOR  
JEFF WAN, VICE MAYOR  
TUIJA CATALANO, COUNCILMEMBER  
JIM DIAZ, COUNCILMEMBER  
CARL C.W. WOLFE, COUNCILMEMBER

Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road Martinez, California 94553  
Attention: Francisco Avila

April 14, 2020

RE: NOP for a Draft EIR on the proposed CEMEX Clayton Quarry Reclamation Plan Amendment  
County File No.: LP15-2030/31

Dear Mr. Francisco Avila,

Please accept this City Council letter from the City of Clayton in response and comment on the Notice of Preparation (NOP) prepared by Contra Costa County (Lead Agency) for the application for an amendment to the CEMEX Quarry Reclamation Plan as submitted by the applicant of record and on file. This letter is one of three that you should have received from the City as a collective front. This document supplements the letter submitted by Dana Ayers, Interim Community Development Director on March 16, 2020, which is supported by City Council's letter submitted on April 14, 2020.

The understood scope of work includes an amendment of the already approved Reclamation Plan. The amendment would remove the filling in the quarry pit and allow for future developments of varying types, including housing, commercial, and industrial land uses. The amendment would include allowing the quarry pit to remain and be utilized as a collection basin for storm water and water shed runoff and removes any future development of the land except for natural open space and/or conservation land. IN addition, the amendment also changes the timeline of the reclamation to an earlier date.

This City Council letter serves to respond with comments the "NOP" by the "Lead Agency". The City of Clayton is requesting that the City of Clayton be recognized as an "interested party" and "stakeholder" in the "lead Agency" process. The City of Clayton has a vested right and interest in the environmental assessment and mitigation that is to be conducted by the "Lead Agency". The environmental impacts have a direct and indirect affect the City of Clayton.

The City of Clayton is requesting the following in response and comment to the "NOP":

- The Scope of Work to be revised to fully capture what is being applied for. The current scope of work is vague and does not fully capture or identify the proposed changes or alterations. In addition the scope of work does not fully capture or identify the how an amendment will or will not change the operations of the quarry as permitted. If there are changes to the operations of the quarry as permitted, that must be included and identified and analyzed as a part of the environmental assessment.
- The Scope of Work needs to include a full description of the amendment to the Reclamation Plan. The description needs to include the already approved and the proposed in a descriptive narrative and chart.

- The Scope of Work needs to include the proposed landscaping. The proposed landscaping is not an amendment to the Reclamation Plan, rather this is a property change that needs to be included in the scope of work and fully analyzed.
- The Scope of Work needs to include alternative access points (entrance and exits) that include the possible removal of the existing structures. Any proposed access points are to fully described and analyzed.
- The Scope of Work needs to include any possible removal of any structures. Any possible removal of structures needs to be fully describes and analyzed, include any potential historic analysis.
- The Scope of Work needs to include the operating mitigation measures that are or will be implemented. This includes, but not limited to: PM 10, PM5, PM2, and any other dust control mitigation measures; water quality mitigation measures; internal traffic circulation; light control; and any other mitigation controls to be implemented. The mitigation measures/controls can have environmental impacts that need to be included with a full description and analysis.
- The Scope of Work needs to include the development of alternatives with full analysis. The scope of work needs to include a narrative of the exploration of alternatives and that each alternative is to be analyzed.

The City of Clayton requests that the responses/comments provided above to the “Lead Agency” be included in the “NOP” as a part of the Scope of Work for the Draft Environmental Impact Report (“DEIR”). In addition, the record shall be made clear that the City Clayton is an “Interested Party” and “Stakeholder”.

Should the “Lead Agency” not include the City of Clayton responses/comments, then as a “Stakeholder” and “Interested Party”, a request and requirement for an extension of 45 days for responses/comments for the “NOP”. This would allow the “Lead Agency” to respond and time for the City of Clayton to respond/comment to the “Lead Agency” response. If the “Lead Agency” accepts and incorporates these responses/comments into the Scope of Work for the “NOP”, then no extension will be needed at this time.

The City of Clayton encourages the applicant (CEMEX) to engage in community meetings to help explain and answer concerns and comments from the citizens of Clayton. The City of Clayton encourages the “Lead Agency” to facilitate these meetings within Clayton boundaries in coordination with City staff.

The City of Clayton thanks Contra Costa County for the opportunity to respond/comment to the “NOP”. The City of Clayton looks forward to the response/comments being incorporated into the Scope of Work or the 45 day extension.

Respectfully,

/s/ Mathew Feske  
Community Development Director  
City of Clayton