



# California Regional Water Quality Control Board San Francisco Bay Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

*Sent via certified Mail - Return Receipt Requested*

Date: November 29, 2010

Lehigh Southwest Cement Co.  
c/o Mr. Henrik Wesseling  
24001 Stevens Creek Boulevard  
Cupertino CA 95014

**SUBJECT: Requirement for Technical Report to Document Non-Storm Water Discharge(s) Pursuant to California Water Code Section 13267**

**Facility: Lehigh Southwest Cement Company (formally Hanson Permanente Cement) Industrial Facility, Located at 24001 Stevens Creek Boulevard, Cupertino, Santa Clara County WDID No. 2 43I006267**

Dear Mr. Wesseling:

This Order requires Lehigh Southwest Cement Co. ("Lehigh") to submit a technical report, by January 7, 2011, containing the following information and analyses:

- A characterization of any and all non-stormwater discharge(s) that occurred during (but possibly not limited to) mid-to-late September, 2010; and
- A description of any and all non-stormwater discharges to Permanente Creek from the Lehigh facility and/or resulting from Lehigh's operations at the facility during the past three years.

This Order is issued by the San Francisco Bay Water Board pursuant to its authority under Water Code section 13267. Your failure to comply with this Order could subject you misdemeanor charges and/or subject you to civil liability as provided for in Water Code section 13268.

### **Background**

On September 15, 2010, the Santa Clara Valley Water District (SCVWD) received a telephone call from a local resident claiming to have observed increased stream flows in Permanente Creek in the vicinity of Portland Drive and Miramonte Avenue in Los Altos. SCVWD notified us of the discharge. We then contacted Scott Renfrew, Lehigh Environmental Compliance Manager, by telephone on October 4, 2010, to ask about the discharge. During that conversation, Mr. Renfrew

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explained that the Lehigh facility was pumping water from the quarry bottom, routing the water through Pond #4, and discharging the water into Permanente Creek. Mr. Renfrew further explained that the discharge to Permanente Creek is a routine maintenance activity conducted during the summer months.

**Specific Requirements of This Order**

You are required to submit a technical report no later than January 7, 2011, containing the all information described herein. The report must document the nature, volume, and duration of the discharge noted above, and the nature, volume, and duration of any and all other similar discharges that have occurred in the past three years or that are currently ongoing from the Lehigh facility. Specifically, you are required to provide the following information:

**1. Regarding the discharge(s) from Pond #4 that occurred in September 2010:**

- a) The specific time period of the discharge (total number of hours including start and end time).
- b) The total number of gallons discharged.
- c) A map showing, at a minimum, the locations of the source of discharged water, likely flow paths, associated structures and piping, pumping and treatment controls, and all discharge points into Permanente Creek. Any other records necessary to document the location and manner of the discharge must be included. The map must clarify whether the water discharged was into an in-stream pond constructed within Permanente Creek.
- d) Detailed aerial and ground level photographs and as-built drawings showing the features listed above in (c).
- e) A detailed description of the methods used to monitor and observe the discharge.
- f) All available records pertaining to the discharge, such as and including those for inspections, maintenance, flow rate monitoring, pollutant monitoring. All records must be dated. Documents such as inspector's field notes, visual monitoring data, sampling data, laboratory analytical data, continuous and/or automated monitoring data, if they exist, must be included. If they do not exist, you must submit a statement to that effect under penalty of perjury.
- g) Prior to sampling and no later than December 13, 2010, Lehigh shall propose a sampling plan aimed at characterizing the quality of water discharged on September 15, 2010. The plan must address any variability in the discharged waters and justify sample locations and sampling methods. The samples must be analyzed for the full California Toxics rule (CTR) constituent list (Attachment B), and additional constituents common to discharges from aggregate mining facilities (Attachment C).

- 2) Regarding all other non-stormwater discharges that occurred in the last 3 years:** Provide all information as described above.

This requirement for a report is made pursuant to California Water Code Section 13267, which allows the Regional 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. Under Section 13267 of the Water Code, Lehigh must furnish such required technical reports under penalty of perjury. Attachment D provides additional information about Section 13267 requirements. Failure or refusal to submit this technical report, and/or submittal of falsified information, may subject you to a misdemeanor and/or up to \$5,000 per day of violation in civil liabilities, while submittal of late or inadequate reports may result in the imposition of civil liability of up to \$5,000 per day of violation per Section 13268 of the Water Code.

If you have any questions, please contact Cecilio Felix of my staff at (510) 622-2343, or by e-mail at [cfelix@waterboards.ca.gov](mailto:cfelix@waterboards.ca.gov).

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

**Attachments**

- A. Mailing List
- B. California Toxics Rule (CTR) constituent list
- C. Additional Constituents Common to Discharge from Aggregate Mining Facilities
- D. Fact Sheet: Requirements for Submitting Technical Reports under Section 13267 of the California Water Code