

Water Board staff review and response to Lehigh's letter of December 13, 2010, in response to our "13267" letter of November 29, 2010

SUMMARY

Lehigh's response to our requirement for a technical report is inadequate. In this document, we correct Lehigh's mistaken assertions and we reiterate and clarify the requirements, which Lehigh has not satisfied.

Sampling Requirements

Lehigh's sampling proposal is unacceptable. Instead, we require the following:

1. Sampling locations will be selected in the field by Water Board staff, date TBD.
2. Lehigh must sample daily for two consecutive weeks in a period of time in which there is rain as well as dry days in the forecast. All sampling must be completed by April 15, 2011, and all results must be submitted to the Water Board no later than April 30, 2011.
3. In addition to the parameters indicated in the November 29, 2010, 13267 letter, Lehigh must continually monitor and report flow rate during the non-storm water discharge. Also, Lehigh must continually monitor and report flow rate in Permanente Creek above and below the outfall of each sample location.
4. All sampling must be conducted by a qualified third party (paid for by Lehigh) acceptable to Water Board staff.

Correction of Lehigh's False Assertions

In the letter, Lehigh repeatedly asserts that the Facility's discharges of quarry bottom water, wash-down water, and dust suppression water are in compliance with the Industrial General Storm Water Permit. All three of these self-admitted discharges from the Lehigh facility are specifically prohibited by the Industrial General Storm Water Permit. Lehigh is grossly mistaken in its assertion that the Facility is permitted to discharge these three types of non-storm water flows.

Lehigh states that quarry bottom water is discharged continuously (except when the system is shut down for repair as it was prior to the observed increase of flow to the creek in September 2010). Lehigh estimates the daily volume of discharge to range from 250,000 gallons to 2,500,000 gallons. This is a significant input of prohibited non-storm water to Permanente Creek.

Questioning Lehigh's Response

Lehigh further asserts that the other two types of non-storm water discharge—dust suppression and wash down water—happen daily, but the flows are negligible and

impossible to estimate. Furthermore, Lehigh asserts that the dust suppression and wash down water only discharge to Ponds 9 and 17. However, these assertions are contrary to what Water Board staff observed during our May 2010 inspection:

During our inspection, we observed dust suppression water discharging into Pond 13 and in a ditch that discharges to Ponds 20 and 21. Neither of these discharge locations drain into or are treated by Ponds 9 and 17. Also, we dispute that Lehigh is unable to estimate the volume of these waters discharged since Lehigh knows the volume of its wash down truck and knows how many passes the trucks make each day in each location of the Facility. Lehigh staff is capable of observing runoff and estimating the flow rate of the runoff from the dust suppression and wash-down activities.