



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX – PACIFIC SOUTHWEST REGION  
75 Hawthorne Street  
San Francisco, CA 94105-3901

MAY 22 2012

CERTIFIED MAIL NO. 7000 0520 0021 5665  
RETURN RECEIPT REQUESTED

David Vickers  
President  
Lehigh Southwest Cement Company  
12667 Alcosta Blvd.  
Bishop Ranch 15  
San Ramon, CA 94583

Dear Mr. Vickers:

On March 26, 2012, staff from the U.S. Environmental Protection Agency (“EPA”), Region 9, conducted a site visit of the Lehigh Southwest Cement Company’s (“Lehigh”) Permanent Plant located at 24001 Stevens Creek Boulevard in Cupertino, CA (hereinafter referred to as the “site” or “facility”). The primary purpose of EPA’s visit was to assess the quality of the facility’s discharges to Permanente Creek.

As a follow up to EPA’s site visit, and to obtain additional information, EPA requests that Lehigh, pursuant to Clean Water Act (“CWA”) section 308, 33 U.S.C. § 1318, provide additional information detailed below. Section 308 of the CWA authorizes the Regional Administrator of EPA to require those subject to the CWA to furnish information, conduct monitoring, and provide entry to the facility and make reports as may be necessary to carry out the objectives of the CWA. Within thirty (30) days of receipt of this information collection request Lehigh shall submit to EPA Region 9 information related to the site as detailed in Attachment 1.

All submissions pursuant to this letter shall be signed by a principal executive officer of Lehigh pursuant to 40 C.F.R. § 122.22 and shall include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to properly respond to this Section 308 information collection request could subject Lehigh to a civil action for appropriate relief pursuant to CWA section 309, 33 U.S.C. § 1319, including civil penalties not to exceed \$37,500 per day for each violation and/or criminal penalties.

Lehigh cannot withhold from EPA what it may consider to be confidential business information. However, Lehigh has the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with Lehigh's submission, EPA may make the information available to the public without further notice. All confidentiality claims are subject to EPA verification.

This information collection request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

All submissions shall be mailed to the following address:

U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
Attn: Greg Gholson (WTR-7)

If you have any questions, please contact Greg Gholson at (415) 947-4209 or at [gholson.greg@epa.gov](mailto:gholson.greg@epa.gov), or you may have your counsel contact Samuel Brown, an attorney in the Office of Regional Counsel, at (415) 972-3923 or at [brown.samuel@epa.gov](mailto:brown.samuel@epa.gov).

Sincerely,



Nancy Woo, Acting Director  
Water Division

Enclosure (1): Attachment 1 - Information Collection Request

cc via E-mail: Scott Renfrew, Environmental Manager, Lehigh Southwest Cement Company  
Nicole Granquist, Downey Brand LLP  
Julie Macedo, Counsel, California State Water Resources Control Board  
Ellen Howard, Counsel, California State Water Resources Control Board  
Christine Boschen, California Regional Water Quality Control Board