

EPA ID: CAD009109539 Site Name: KAISER CEMENT CORP PERMANENTE PLANT

State ID:

Alias Site Names: LEHIGH SOUTHWEST CEMENT PERMANENTE PLANT  
KAISER CEMENT CORP PERMANENTE PLT

City: PERMANENTE

Refer to Report Dated: 5/1/2012

County or Parish: SANTA CLARA

State: CA

Report Developed By: Weston Solutions

Report Type: PRELIMINARY ASSESSMENT 003

1. Further Remedial Site Assessment Under CERCLA (Superfund) is not required because:

2. Further Assessment Needed Under CERCLA:

Low priority for further assessment

**Discussion/Rationale:**

The Kaiser Cement Corp Permanente Plant site occupies approximately 3,500 acres in unincorporated Santa Clara County, just west of the City of Cupertino. The site currently operates under the name of Lehigh Southwest Company, Permanente Plant. The site consists of open land, a quarry, and the cement plant production facility. The facility has operated since 1939, with discharges to the air, surface water and soils. Discharges of up to 2.5million gallons of water daily can contain selenium, arsenic, mercury and other constituents of concern. Permanente Creek, which receives these water discharges, flows from headwaters in the Santa Cruz Mountains through the facility, the Rancho San Antonio Open Space Preserve and the communities of Los Altos and Mountain View before entering the San Francisco Bay. Permanente Creek supports habitats necessary for the preservation of rare, threatened, or endangered species. There are no drinking water intakes in Permanente Creek or the San Francisco Bay within the target distance limit from the site. The site is also a major air pollution source for the federal air permitting programs for nitrogen oxides, sulfur oxides, carbon monoxide, and air toxics.

Mercury, PCBs, cadmium, and selenium have been detected at elevated concentrations in site soils. Mercury, arsenic, beryllium, cadmium, chromium, and lead have been detected at elevated concentrations in cement kiln dust from the site. Cadmium, selenium, and arsenic have been detected in on-site monitoring wells. Antimony, arsenic, hexavalent chromium, barium, boron, cadmium, copper, manganese, nickel, selenium, thallium, vanadium, and zinc have been detected in surface water collected from the quarry bottom. Based on the results of the quarry water sampling, the facility concluded that water in the quarry may contain concentrations of selenium that exceed water quality standards and, when discharged through the quarry dewatering system pursuant to the Storm Water Pollution Prevention Plan, could be contributing to exceedances of the water quality standards for selenium in Permanente Creek.

Potential hazardous substance sources at the site include, but may not be limited to, quarry waters contaminated with arsenic, cadmium, hexavalent chromium, copper, nickel, selenium, and zinc; on-site soils contaminated with arsenic, barium, chromium, cadmium, mercury, selenium, and PCBs; and emissions to ambient air of chromium, lead, and mercury.

The Lehigh PA evaluated a release of contaminants to ambient air based on self-reported TRI information, and mobile atmospheric mercury trailer data. In 2008, the San Francisco Estuary Institute conducted monitoring using EPA R9's mobile atmospheric mercury trailer. Atmospheric mercury was monitored at three locations: at the fence-line of the site, at an urban site, and at a rural site. Although mercury was detected, the results at the Lehigh site were significantly below Regional Screening Levels for mercury.

The PA did not indicate any impact to drinking water supplies. The nearest drinking water well is located approximately 2 miles from the site and meets federal and state standards for drinking water quality.

The PA determined that there are potential impacts to Permanente Creek and the SF Bay from this facility's discharges, based on sampling data from the quarry bottom and from Permanente Creek downstream from the facility. The California Red-Legged Frog, Steelhead trout, and rainbow trout have been documented in Permanente Creek. Selenium is the main pollutant of concern discharging from the facility. New permits under the Clean Water Act may force the facility to better manage their selenium discharges.

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Ongoing discharges from the site are regulated by the Regional Water Quality Control Board (RWQCB) and EPA under the Clean Water Act, which is the most effective way to address potential impacts from the facility. The San Francisco RWQCB has issued multiple Notices of Violations to the site since 2010. In partnership with the RWQCB, the Water Division of EPA conducted sampling at the site in March 2012. The sampling results are expected in summer 2012 and will be made available to the public. On May 22nd, 2012 EPA issued the facility an information collection request for the purpose of gathering additional information to assess the facility's compliance with the requirements of the Clean Water Act.

The Bay Area Air Quality Management District (BAAQMD) is the lead permitting authority for controlling air pollution from facilities in the Bay Area, and EPA oversees implementation of BAAQMD's federally approved permitting programs. The title V permit regulates air emissions and incorporates all Clean Air Act requirements. The title V operating permit was renewed by BAAQMD in April 2012. In addition, this facility is part of the California Air Toxics Hot Spots (AB 2588) Program. As part of this state program, the facility prepared a comprehensive Health Risk Assessment. BAAQMD reviewed the Health Risk Assessment and can be contacted directly to obtain the results as well as the BAAQMD's conclusion regarding the assessment. Continued regulatory oversight by the BAAQMD and EPA's Clean Air Act will continue to ensure that current standards for controlling air toxics are effectively implemented and enforced. On May 23rd, EPA issued Lehigh an information collection request for the purpose of gathering additional information to assess the compliance of the three Lehigh facilities in California, including the Cupertino plant, with the requirements of the Clean Air Act.

The EPA's Toxics Release Inventory, commonly referred to as TRI provides communities valuable information on more than 650 toxic chemicals that are managed or released by various industries. The chemical information in the inventory is estimated by industrial facilities and reported to the EPA, as required by Emergency Planning and Community Right-to-Know Act (EPCRA), Section 313. The TRI's enforcement program inspects facilities to ensure they comply with EPCRA requirements. EPA may issue a civil administrative complaint to any person or company who violates EPCRA. The complaint may impose a civil penalty, including recovery of any economic benefit of non-compliance, and may also require correction of the violation. On May 10th, the program sent a letter to request information from the Lehigh Cupertino facility about its estimates of TRI chemicals manufactured, processed, or otherwise used and about its releases of those chemicals.

Because this facility is being actively regulated by the programs and agencies described above, further evaluation under Superfund is not warranted at this time. However, if air and water regulatory activities reveal new information that suggests that additional work under Superfund may be needed to protect public health or the environment, EPA will consider appropriate action at that time.

Site Decision Made by: K.JURIST

Signature: \_\_\_\_\_



Date: 05/31/2012