



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 31 2012

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

RE: Kaiser Cement Corp Permanente Plant
EPA ID No.: CAD009109539

Dear Mr. Vickers:

Enclosed is a Preliminary Assessment of the Kaiser Cement Corp Permanente Plant site. This site is also known as the Lehigh Southwest Cement Permanente Plant. This report contains the results of an evaluation conducted by Weston Solutions, Inc. for the U.S. Environmental Protection Agency (EPA) under Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended [42 U.S.C. 9404], commonly known as Superfund. The purpose of the Preliminary Assessment is to determine if additional investigation of possible air, water, or soil contamination is warranted under CERCLA.

EPA conducted the Preliminary Assessment as a result of our receipt and acceptance of a citizen's petition. CERCLA Section 105(d) allows any person who may be affected by a release or threatened release of a hazardous substance, pollutant or contaminant to petition EPA to perform a Preliminary Assessment of the hazards to human health and the environment associated with such release.

The Preliminary Assessment determined that there are potential impacts to Permanente Creek and the San Francisco Bay from the site's discharges. 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, 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.

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, we will consider appropriate action at that time.

Please forward any written comments on the enclosed report to:

Karen Jurist
Site Assessment Manager
U.S. Environmental Protection Agency
75 Hawthorne Street, SFD-6-1
San Francisco, CA 94105

If you have any questions, please call Karen Jurist at 415/972-3219.

Sincerely,



Deborah Schechter, Chief
Brownfields and Site Assessment Section
Superfund Division

Enclosures

cc: Scott Renfrew, Lehigh
Daniel Murphy, DTSC
Thu Bui, BAAQMD
Christine Boschen, RWQCB
Gary Rudholm, SCC
Cathy Helgerson, petitioner