



Lehigh Southwest Cement Company

Permanente Plant  
24001 Stevens Creek Boulevard  
Phone (408) 996-4000  
Fax (408) 725-1019  
[www.lehighcement.com](http://www.lehighcement.com)

January 15, 2009

**Submitted via electronic mail: No hardcopy to follow**

Mr. Brian Wines  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

**Subject: Response to Cleanup and Abatement Order No. 99-018 [Item D.2]  
Fourth Quarter 2008 Status Report for Lehigh Southwest Cement Company  
(Formerly Hanson Permanente Cement Company)  
Located at 24001 Stevens Creek Boulevard, Cupertino, California**

Mr. Wines;

In accordance with the Cleanup and Abatement Order No. 99-018 (CAO) issued by the Regional Water Quality Control Board (RWQCB) on July 27, 1999, Lehigh Southwest Cement Company (Hanson) is submitting this 4th quarter 2008 Status Report for the period October 2008 through December 2008. This Status Report is submitted in response to Item D.2 (*Reporting Requirements*) of the CAO.

Item D.2 of the Order states that, "*On a quarterly basis, Hanson shall submit status reports, which may be prepared in letter format, documenting compliance with this Order, commencing on October 1, 1999. Thereafter, reports shall be due quarterly on the 1st of each ensuing October, January, April, and July until the tasks have been completed. Each quarterly report shall cover the previous calendar quarter and include, at a minimum, the following information:*

- a. *Summary of the work completed since the submittal of the previous report, and work projected to be completed before the submittal of the next report.*
- b. *Identification of obstacles that may threaten compliance with the schedule set forth by this Order, or by plans and reports submitted in response to this Order, and what actions are being taken to overcome these obstacles."*

## **I. REQUIRED CAO SUBMITTALS**

Hanson had believed it has completed all required Remedial and Long Term Measures identified by CAO 99-018, Items B.6 and C.1 – C.9, the most recent of which were required to be completed by September 1, 2000. After an August 20, 2008 meeting between Hanson and RWQCB representatives, Hanson agreed to complete C9 - Phases II and III. A draft restoration plan scope was electronically submitted to RWQCB on November 14, 2008. If, within a reasonable time, RWQCB agrees to or comments on the conceptual design of scope plan, final Permanente Creek Restoration Plan will be submitted by April 15, 2009. At that point, as discussed, we expect the Board will deem Hanson to have fully complied with CAO 99-018, and release Hanson from its obligations under the Order. We ask that you inform us if the Board's understanding differs from Hanson's in this regard.

Please note that, as on this date, RWQCB staff has not commented on the draft restoration plan scope. Without comments or a "no comment" designation, the April 15, 2009 targeted submittal date will be postponed. Correspondence to this issue will be discussed separately.

## **II. ONGOING AND IMPLEMENTED BMPs DURING PREVIOUS QUARTER**

Hanson has continued to monitor ongoing and implemented Best Management Practices (BMPs) outlined in previous reports to the RWQCB. BMPs monitored and implemented from October 1 to December 30, 2008 include:

### ***Facility Wide:***

- Monitored all hydroseeded areas to observe vegetation development.
- Hydroseeded additional area in the waste dump areas, including but not limited to soil development test plots. These plots will be used to study final reclamation vegetation designs.
- Monitored and maintained the sediment catchment rock berms along Middle Quarry Road and Rock Plant Road, and cleaned as necessary.
- Inspected and cleaned as necessary the open-grate culverts and catch basins leading to Pond 9 and Pond 17.
- Monitored sediment catchment berms along east material storage area access roads to control overland stormwater runoff. The catchment basin at the bottom of this road was cleaned and repaired.
- Continued inspections for the Wet Season storm water and Dry Season utilizing *Permanente Creek Wet Season Monitoring* forms for Permanente Creek.

### ***Quarry Road (CAO Item C.4):***

- Maintained drain boxes and culverts east of the Primary Crusher along Quarry Road and drainage culverts from Quarry Road to Pond 13A, and cleaned as necessary.
- Continued improvements on Quarry Road including re-grading of low spots to improve drainage, directing flow to drainage improvements, and repair of earthen berms where erosion was visible.

### ***Primary Crusher (CAO Item C.5):***

- Maintained the two concrete catch basins (Basins A and B) adjacent to and East of Primary Crusher hopper, and cleaned as necessary. The two catch basins drain into the culverts to Pond 13A.

***Screen Tower No. 4 Storm Water/ Wash Water BMPs (CAO Item C.6):***

- Maintain material stockpiles away from containment wall adjacent to the Creek embankment at Screen Tower No. 4.

***Former Overburden Stockpile BMPs (CAO Item C.7):***

- Conduct inspections of the West end of the Former Overburden Stockpile slope for surface cracks.
- Inspected bench road at the west end of the Former Overburden Stockpile North Slope.
- Monitor the west end of the Former Overburden Stockpile re-vegetated north facing slope.

***Pond 13 North Slope:***

- Continued to monitor performance of hydroseeded North Slope upstream from Pond 13.

**III. ADDITIONAL REPORTING QUARTER ACTIVITIES**

***Cleanup and Abatement Order No. 99-018 Item B.3 "potential complications in meeting the schedule for off-stream pond maintenance activities" follow up letter:*** A follow up letter was issued to the Board on Oct. 14, 2004, explaining why Hanson will not be able to clean out five of the sediment collection basins as required by the Order due to the presence of federally-listed Threatened California red-legged frog (*Rana aurora draytonii*). Hanson has submitted applications to the Army Corp of Engineers, California Fish and Game, and California Regional Water Quality Control Board to resume off stream and begin in stream maintenance activities. The goal is to obtain activity permits in mid 2009.

***Wet Season BMP Maintenance:*** Maintained BMPs for runoff management for Wet Season – 4<sup>th</sup> Quarter 2008.

***Storm Water Sampling:*** No storm water sampling took place during the reporting period.

**IV. UPCOMING ACTIVITIES**

***Facility Wide:***

Hanson will continue to implement the proposed BMPs in accordance with the Stormwater Pollution Prevention Plan and the CAO during the next quarter.

***Monitoring of CAO 99-018 Item C.7, Former Overburden Stockpile Work Plan, Phase II Full Scale Hydroseeding:*** Hanson continues to monitor the performance of the Phase II Full Scale vegetation on the Former Overburden Stockpile Slope.

***Monitoring of Quarry Overburden Stockpile West End Re-vegetation Program:*** Hanson will continue to monitor the performance of the re-vegetated Overburden Stockpile west end.

***Additional Re-vegetation of exposed areas:*** Hanson will continue to employ hydroseeding to stabilize those areas exposed during routine operations at the facility, utilizing seed mixes approved by regulatory agencies. The northeast face of the East Overburden Stockpile at the 825' elevation was vegetated during the 4<sup>th</sup> Quarter 2008 Wet Season.

Mr. Brian Wines  
January 15, 2009  
Page 4 of 4

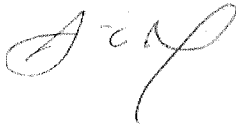
**LEHIGH**  
HEIDELBERGCEMENT Group

**V. POTENTIAL OBSTACLES**

Hanson notified the Board in writing on Oct. 14, 2004 of complications in meeting the schedule for off stream pond cleanout due to the presence of federally-listed Threatened California red-legged frog (*Rana aurora draytonii*). Currently the creek maintenance permit application submittals for the in and off-stream sediment basins are on-going.

Please contact me at (408) 996-4262 if you require additional information regarding the above Quarterly Status Report.

Sincerely,



Scott Renfrew  
Environmental Manager  
Lehigh Southwest Cement Company

cc: Henrik Wesseling, Lehigh Southwest Cement Company  
Michael Gantenbein, Lehigh Southwest Cement Company