

**Lehigh Southwest Cement Company**

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January 24, 2011

**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]  
4<sup>th</sup> Quarter 2010 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 2010 Status Report for the period October 2010 through December 2010. 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. The Permanente Creek Restoration Plan (Plan) was submitted to Board staff on July 31, 2009. Per a request from Board staff, copies of the Plan were sent to Dave Johnston of CDFG and Jim Browning of USF&WS. An updated Plan was submitted to Board staff on March 1, 2010 with additional staff comments received by Lehigh on September 8, 2010.

**The Board staff's comments on the Plan, including but not limited to information formatting and listed alternative's details are being addressed, and a revised final Permanente Creek Restoration Plan will be submitted to the Board shortly. Completion and submittal of the Plan will complete all aspect of CAO 99-018, and Lehigh would like to discuss rescinding the order.**

## **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 31, 2010 include:

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

- Monitored all hydroseeded areas to observe vegetation development.
- Hydroseeding activities in 8 acres at the overburden storage areas and along exposed areas adjacent to Permanente Creek.
- Monitored and maintained the sediment catchment rock berms along Middle Quarry Road and Rock Plant Road, and cleaned as necessary.
- Monitored sediment catchment berms along east material storage area access roads to control overland stormwater runoff.
- Made repairs to stand pipe structure at, and installed liner in Pond 4.
- Continued inspections for the Wet Season storm water and Dry Season utilizing *Permanente Creek Dry and 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 a modified application to CDFG in August 2009 for a permit for limited cleanout of pond 13 based on a modified cleanout maintenance plan, in conjunction with site visit from California Department Fish and Game’s David Johnston on May 11, 2009. Additionally, a notification was submitted to CDFG to do additional work as necessary in the dry season for the years 2010 – 2014. On May 13, 2010, Hanson received permission to proceed with the project, as stated without an agreement, through the 2014 season.

***Wet Season BMP Maintenance:*** Maintained BMPs for runoff management for Wet Season – 4<sup>th</sup> Quarter 2010.

***Storm Water Sampling:*** No storm water samples were taken during the 4<sup>th</sup> quarter 2010 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. Hanson has completed hydroseeding of approximately 8 acres of areas along the WMSA, EMSA and around the limestone crusher along the eastern face of Permanente Creek.

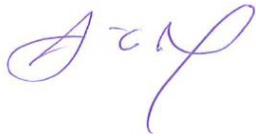
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**V. POTENTIAL OBSTACLES**

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*). However, no red legged frogs have ever been observed, in multiple biological assessments, in or up stream of pond 13.

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: Shin-Roe Lee, Regional Water Quality Control Board - SF Bay  
Henrik Wesseling, Lehigh Southwest Cement Company  
Michael Gantenbein, Lehigh Southwest Cement Company  
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