

Permanente Plant

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November 17, 2010

Mayor Breene Kerr
26376 Fremont Road
Los Altos Hills, CA 94022

Dear Mayor, Councilmembers, City Manager and City Clerk,

We have recently learned that the Los Altos Hills City Council is considering a resolution and communication to the Santa Clara County Board of Supervisors regarding an item previously appearing on their November 23 agenda involving the operation of the Lehigh Permanente Plant. As Plant Manager of the Lehigh Permanente site, I would like for you to consider the following:

1. The County hearing has been deferred. *Attached* is the County communication indicating the delay. The City has time to obtain input from the regulatory agencies and Lehigh in order to make a more informed decision.
2. Lehigh had no notice – and no invitation – to attend the City Council hearing so that we could answer questions and provide valuable information for your consideration. Our plant operation executives are unable to attend Thursday's meeting given we just recently learned of the agenda item. We believe the City would benefit in hearing directly from the company.
3. The City should consider reaching out to regional agencies, including the Santa Clara County and the Bay Area Air Quality Management District (BAAQMD), before taking a position as to the vigor of their enforcement capacity. *Attached* for your careful review is official County staff prepared responses to allegations made about the Lehigh Permanente Plant operation. Please take the time to review these facts before taking any action.

My respectful request: For the reasons stated above, I would ask that the City delay taking action on Thursday November 18, 2010. The County communication indicates that they expect to agendaize the item early next year. Deferring the agenda item for a later date allows you to benefit from information provided by regulatory bodies and Lehigh.

Finally, I thought you might find our latest Lehigh Information Update (attached) of interest and will want to make it available to your staff and community. The update includes information on:

1. The latest Health Risk Assessment (HRA) required by the Bay Area Air Quality Management District. We are pleased the HRA shows potential health risks were below levels requiring notification for residents and workers even after applying more stringent age sensitivity factors were put in place.

2. The outcome of the U.S. Environmental Protection Agency (EPA) regarding extensive Chromium 6 (also referred to as hexavalent chromium) testing at Stevens Creek Elementary nearby Lehigh's Permanente cement plant. After a thorough analysis, the EPA found no risk from Chromium 6 at the school. The EPA report concludes that Chromium 6 levels are "far below levels of concern for both short-term and long-term continuous exposures" and that the small amounts detected in the area "do not appear to be influenced" by our facility.
3. Stack testing for arsenic conducted by an independent, certified third party under the auspices of BAAQMD. After various program testing for more than a decade, stack tests have routinely resulted in a "non-detect" for arsenic.
4. Despite no current regulations, Lehigh has successfully reduced mercury emissions by 25% this year. The second phase of mercury reduction is currently being implemented, including the installation of an active carbon emission (ACI) system. Upon completion of the mercury reduction project, Lehigh will reach the tough new EPA mercury standards requiring a reduction of more than 90% before the expected deadline of 2013. *Attached* is more information on our mercury reduction program.

Finally, you will be interested to know that a mobile emission monitoring station is in place at Monta Vista Park where the BAAQMD will perform continuous air quality tests over the next year. Most of the data gathered from the station will be available instantaneously online at the BAAQMD site. Instructions on how to readily retrieve this real time information are detailed in the Lehigh Information Update attached.

Thank you for considering our request to defer action on any matter pertaining to Lehigh until a time more appropriate for fair decision making. I also request that this communication, including attachments be entered as a part of the official record and made available to your community. I would like to take the opportunity to invite you and your staff for a plant tour at your convenience to get first hand information and have an open communication. I also want to bring our 24 hours community hotline (408-500-5034) to your attention. As always, feel free to call me directly with any questions you might have. Thank you.

Sincerely,



(Henrik Wesseling)

Cc: Sandra L. James, Public Relations and Community Affairs Manager, LSCC

Appendix:

Santa Clara County Memorandum August 24 2010
Santa Clara County Memorandum September 14 2010
Santa Clara County Memorandum September 28 2010
Santa Clara County Public Notice November 15 2010
Lehigh Permanente Information Update October 19 2010