Appendix A:

Transmittal List

TRANSMITTAL LIST

Date: **April 2012**
Site Name: **Kaiser Cement Corp. Permanente Plant**
EPA ID No.: **CAD009109539**

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A copy of the Preliminary Assessment Report for the above-referenced site should be sent to the following:

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

Scott Renfrew
Lehigh Southwest Cement Company
24001 Stevens Creek Blvd.
Cupertino, CA 95014

Daniel Murphy
CA Environmental Protection Agency
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

Thu Bui
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Chirstine Boschen, M.S.
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Gary Rudholm
Planning Office
70 West Hedding Street, East Wing, 7th Floor
San Jose, California 95110

Cathy Helgerson
20697 Dunbar Drive
Cupertino, California 95014

Appendix B:

Site reconnaissance Interview and Observation Report/Photographic Documentation

SITE RECONNAISSANCE INTERVIEW AND OBSERVATIONS REPORT

DATE: September 21, 2011

OBSERVATIONS MADE BY: Anitra B. Rice (Weston Solutions, Inc.) and Karen Jurist (US EPA, Region IX)

SITE: Kaiser Cement Corp Permanente Plant

EPA ID: CAD009109539

A Site reconnaissance visit was conducted on September 21, 2011. We were escorted throughout the site by Scott Renfrew, Environmental Manager and Henrik Wesseling, the Plant Manager. The following information was obtained and photographs were taken:

The Kaiser Cement Corp Permanente Plant is currently operated under the name of Lehigh Southwest Cement Company and is located at 24001 Stevens Creek Boulevard, Cupertino, California. The Site is not fenced but is guarded at the front entrance of the site. The site is situated in the foothills just west of the City of Cupertino, access to the site is limited. Mr. Renfrew indicated trespassers have gained access from the active railroad track leading into the eastern portion of the site. There are approximately 155 full time permanent employees and 20 contracted employees at the site.

Storm water run-off, groundwater, and dust supersession from the site are collected in sedimentation basins then pumped through a series of pipes to various ponds located throughout the site. Pumps are equipped with a turbidity meter set to turn off if turbidity reaches 30 NTU.

Water from the Quarry bottom is pumped to Pond 4 then to Permanente Creek. Water from the Primary Crusher is diverted to Pond 13B then to Pond 13A, then to Pond 13 before it enters an open metal channelized portion of Permanente Creek. Most of the water generated on the eastern portion of the site is directed to Pond 11 (The Lake) via the Main Lift Station, formerly known as Pearl Harbor. Water from Pond 11 is used back in the process as a gas conditioner in the towers. Pond 11 is only partially lined and does overflow particularly when the kiln is shut down. Water from the Rock Plant is diverted to Pond 9 and 17 then to Permanente Creek. Pond 16, also known as the Dinky Shed Basin also discharges to Pond 9. Ponds 14 and Ponds 19 through 22 are located on the northeast portion of the site. Water from the Eastern Material Storage Area (EMSA) is directed to Ponds 19 and 20. However, Pond 19 has been filled in with sediment.

The California Red-Legged Frog (CRLF), a federally listed endangered species, has been observed in Ponds 14, 21, and 22. Successful breeding of the CRLF has also been documented in Pond 22. The fact that the site discharges to Permanente Creek via these ponds have generated much debate as to whether the site is operating under the correct storm water permit with the San Francisco Regional Water Quality Control Board (RWQCB).

The ponds are periodically dredged and the material is stored at the EMSA. In addition, kiln dust generated during the wet-kiln process days, was also sent to the EMSA. These areas are maintained to prevent erosion. The site wishes to expand the EMSA area, however, the County of Santa Clara has not approved Lehigh's Reclamation Plan.

No schools or daycare centers were observed on or in the vicinity of the site.

Photo 1: View of the quarry facing north. Groundwater from this area is diverted to Pond 4.

Photo 2: Closer view of the quarry pit.

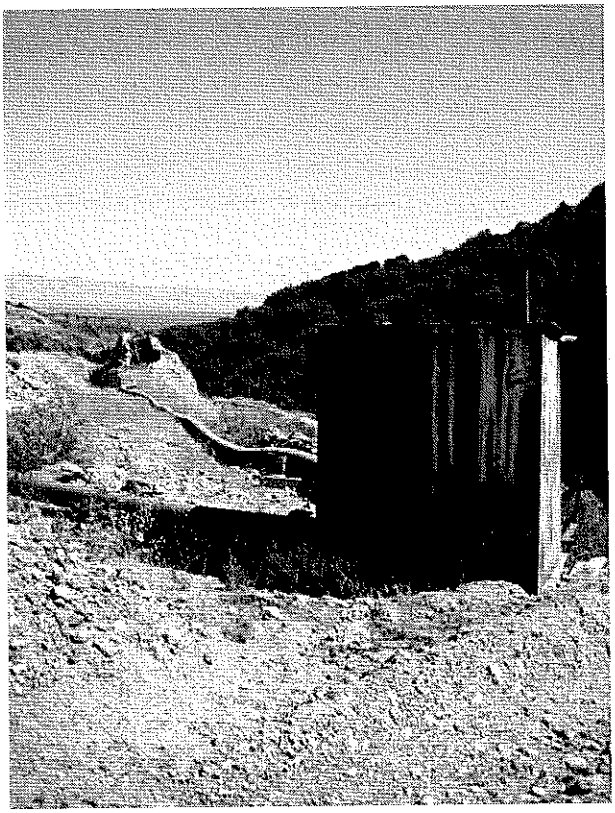


Photo 3: View of piping diverting water from the quarry pit to Pond 4 in the distance.

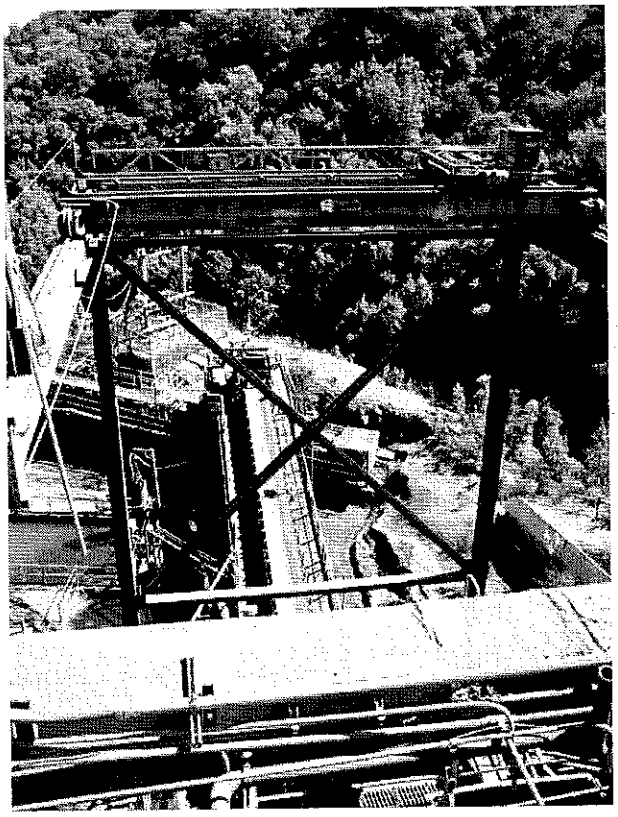


Photo 4: Primary Crusher with Permanente Creek below (not shown).

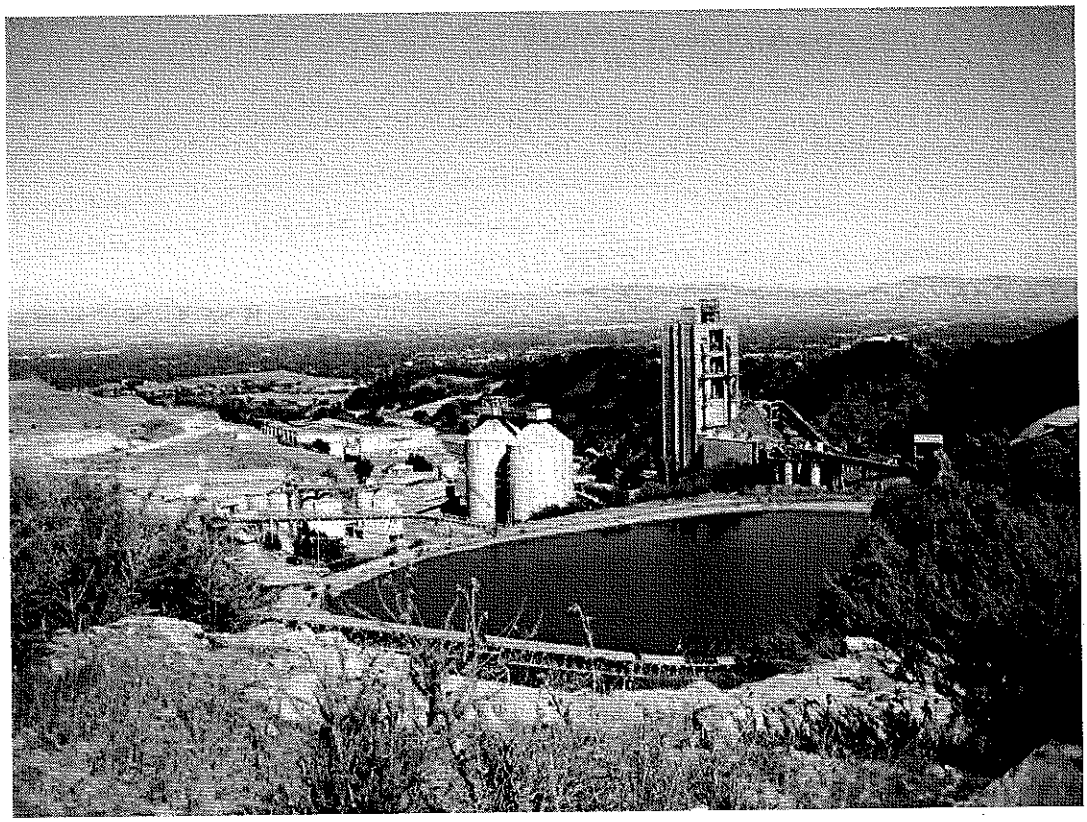


Photo 5: Pond 11 (The Lake), with the Preheater Tower to the right and the cement silos to the left.

Photo 6: Pond 13B which discharges to Pond 13A then to Pond 13.

Photo 7: Pond 13A which discharges to Pond 13.

Photo 8: Pond 13 which discharges to Permanente Creek. Photo taken from walking path over weir.

Photo 9: Discharged area from Pond 13 into Permanente Creek (open culvert).

Photo 10: View of Pond 14 and the diversion structures which allows water to flow to Pond 22.

Appendix C:

Contact Reports

CONTACT REPORT #1

AGENCY/AFFILIATION: United States Environmental Protection Agency		
DEPARTMENT: Air Division		
ADDRESS/CITY: 75 Hawthorn Street, San Francisco		
COUNTY/STATE/ZIP: San Francisco, California 94105		
CONTACT(S)	TITLE	PHONE
Kelly Shaheerah		(415) 947-4156
PERSON MAKING CONTACT: Anitra Rice		DATE: 08/15/2011
SUBJECT: National Emission Standards for Hazardous Air Pollutants Amendment		
SITE NAME: Kaiser Cement Corp. Permanente Plant		EPA ID#: CAD009109539

According to Ms. Shaheerah, the National Emission Standards for Hazardous Air Pollutants Amendment (NESHAP) was made final in September 2010. The amendments would allow mercury, hydrocarbons, particulate matter, and acid gases to have emission limits set on existing sources, not just new sources. The San Francisco Bay Area Air Quality Management District (BAAQMD) incorporated the new emission standards into Lehigh's Title V permit conditions and issued the permit application for public comment in March 2011. All public comments have been submitted to the BAAQMD. The BAAQMD is currently responding to the comments. Once the BAAQMD responds to the comments the permit will be submitted to the EPA for final review. The EPA will have 45 days to respond.

CONTACT REPORT #2

AGENCY/AFFILIATION: California Water Service Company		
DEPARTMENT: Water Quality		
ADDRESS/CITY: 341 N. Delaware Street, San Mateo		
COUNTY/STATE/ZIP: Santa Clara, California 94401		
CONTACT(S)	TITLE	PHONE
Sam Silva	Project Manager	(650) 558-7841
PERSON MAKING CONTACT: Anitra Rice		DATE: 08/18/2011 Revised 12/05/11
SUBJECT: Drinking Water Well		
SITE NAME: Kaiser Cement Corp. Permanente Plant		EPA ID#: CAD009109539

The following information was obtained from Mr. Silva:

Population Served: 55,512

Source of supply: Approx 80% annual purchased from Santa Clara Valley Water District West Pipeline supplied from Surface Water Source (Rinconada), 20% from district groundwater supply.

Active Wells: 22, Standby Wells: 0

Blending of Wells with Surface Water: Yes. We are in process of hydraulic modeling of the distribution system as there is isolation of some sources from the purchased water. We do not fully know the influence of the blending.

Inactive / Destroyed Well Status: There are several sources that have been inactivated due to nitrates. Two sources are in question due to compromised casing and respective Iron / Manganese content above the secondary MCL levels. Re activation of the nitrate impacted sources is in progress, however due to new well construction standards(Sanitary Seal Depth), several do not qualify and are candidates for destruction.

Aquifer Depth / Screening; Our district does not have a hydro geological model that accurately represents the respective aquifers for our sources. Screening will have a range dependent upon each individual source.

Mr. Silva emailed additional information regarding historical drinking water well testing in relation to arsenic and selenium. No historical detections of cadmium have been detected in drinking water wells.

CONTACT REPORT #3

AGENCY/AFFILIATION: City of Sunnyvale		
DEPARTMENT: Public Works – Water Division		
ADDRESS/CITY: Public Works/Field Services, Attn: Water, PO Box 3707, Sunnyvale		
COUNTY/STATE/ZIP: Santa Clara, California 94088-3707		
CONTACT(S)	TITLE	PHONE
Val Conzet	Manager	(408) 730-7560
PERSON MAKING CONTACT: Anitra Rice		DATE: 9/15/2011
SUBJECT: Drinking Water Well		
SITE NAME: Kaiser Cement Corp. Permanente Plant		EPA ID#: CAD009109539

According to Mr. Conzet the City of Sunnyvale operates five active drinking water wells and one standby. Groundwater accounts for approximately 2-3% of the drinking water. The remaining 97-98% is purchased surface water from Santa Clara Valley Water. Surface water is obtained more than 15 miles from the site. Surface water is blended with the groundwater prior to distribution. No wells have been permanently closed due to contamination. Mr. Conzet did not know what aquifer the drinking water is screened in but stated the screen in located between 300 to 350 feet below ground surface. The City of Sunnyvale provides water to approximately 141,000 people.

CONTACT REPORT #4

AGENCY/AFFILIATION: Cupertino Unified School District		
DEPARTMENT: Facilities		
ADDRESS/CITY: 10301 Vista Drive, Cupertino		
COUNTY/STATE/ZIP: Santa Clara, California 95014		
CONTACT(S)	TITLE	PHONE
Donna Bills	Secretary	(408) 252-3000 x341
PERSON MAKING CONTACT: Anitra Rice		DATE: 9/15/2011
SUBJECT: Drinking Water Well		
SITE NAME: Kaiser Cement Corp. Permanente Plant		EPA ID#: CAD009109539

According to Ms. Bills there is one groundwater well located at the Cupertino School; however this well is used for irrigation purposes. The school is not open but the grounds are maintained.

Appendix D:

Latitude and Longitude Calculations Worksheet

Latitude and Longitude Calculation Worksheet (7.5' quads) Using an Engineer's Scale (1/50)

Site Name Kaiser Cement Corp Permanente Plant **CERCLIS #** CAD009109539

AKA

Address 24001 Stevens Creek Boulevard

City Cupertino **State** CA **ZIP** 95014

Site Reference Point

USGS Quad Name lat-longs acquired from Google Earth **Scale**

Township **Range** **Section** ¼ ¼ ¼

Map Datum ☐ 1927 ☐ 1983 (Check one) **Meridian**

Map coordinates at southeast corner of 7.5' quadrangle (attach photocopy)

Latitude ° ' "N **Longitude** ° ' "W

Map coordinates at southeast corner of 2.5' grid cell

Latitude ° ' "N **Longitude** ° ' "W

Calculations

LATITUDE(x)

A) Number of ruler graduations between 2.5' (150") grid lines (a)

B) Number of ruler graduations between south grid line and the site reference point (b)

C) Therefore, a/150 = b/x, where **x= Latitude in decimal seconds, north of the south grid line**

Expressed as minutes and seconds (1' = 60") = ° ' "N

Add to grid cell latitude = ° ' "N + ° ' "N

Site latitude = 37 ° 19 ' 03 "N

LONGITUDE(y)

A) Number of ruler graduations between 2.5' (150") grid lines (a)

B) Number of ruler graduations between south grid line and the site reference point (b)

C) Therefore, a/150 = b/x, where **x= Longitude in decimal seconds, west of the east grid line**

Expressed as minutes and seconds (1" = 60") = ° ' "W

Add to grid cell longitude = ° ' "N + ° ' "N

Site longitude = 122 ° 05 ' 35 "W

Appendix E:

EPA Quick Reference Fact Sheet

United States Environmental Protection Agency | Office of Solid Waste and Emergency Response | Publication 9345.4-03FS | September 1993

EPA

SITE ASSESSMENT:
Evaluating Risks at Superfund Sites

Office of Emergency and Remedial Response
Hazardous Site Evaluation Division 5204G

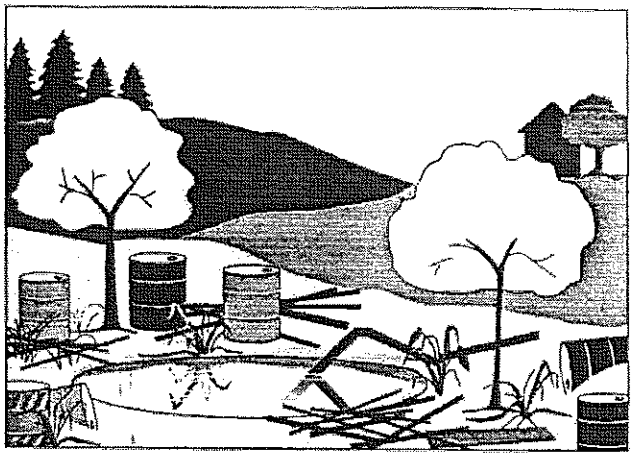
Quick Reference Fact Sheet

The Challenge of the Superfund Program

A series of headline-grabbing stories in the late 1970s, such as Love Canal, gave Americans a crash course in the perils of ignoring hazardous waste. At that time, there were no Federal regulations to protect the country against the dangers posed by hazardous substances (mainly industrial chemicals, accumulated pesticides, cleaning solvents, and other chemical products) abandoned at sites throughout the nation. And so, in 1980 Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, to address these problems.

The major goal of the Superfund program is to protect human health and the environment by cleaning up areas, known as "sites," where hazardous waste contamination exists. The U.S. Environmental Protection Agency (EPA) is responsible for implementing the Superfund program.

At the time it passed the Superfund law, Congress believed that the problems associated with uncontrolled releases of hazardous waste could be handled in five years with $1.6 billion dollars. However, as more and more sites were identified, it became apparent that the problems were larger than anyone had originally believed. Thus, Congress passed the Superfund Amendments and Reauthorization Act (SARA) in 1986. SARA expanded and strengthened the authorities given to EPA in the original legislation and provided a budget of $8.5 billion over five years. Superfund was extended for another three years in 1991.



What is EPA's Job at Superfund Sites?

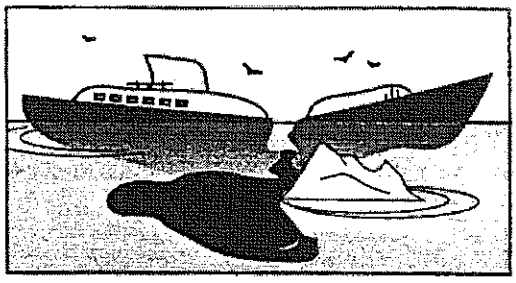
For more than 10 years, EPA has been implementing the Superfund law by:

- Evaluating potential hazardous waste sites to determine if a problem exists;
- Finding the parties who caused the hazardous waste problems and directing them to address these problems under EPA oversight or requiring them to repay EPA for addressing these problems; and
- Reducing immediate risks and tackling complex hazardous waste problems.

The Superfund site assessment process generally begins with the discovery of contamination at a site and ends with the completion of remediation (i.e., cleaning up the waste at a site) activities. This fact sheet explains the early part of the process, called the *site assessment* phase.

The National Response Center

The National Response Center (NRC), staffed by Coast Guard personnel, is the primary agency to contact for reporting all oil, chemical, and biological discharges into the environment anywhere in the U.S. and its territories. It is responsible for:



- Maintaining a telephone hotline 365 days a year, 24 hours a day;
- Providing emergency response support in specific incidents; and
- Notifying other Federal agencies of reports of pollution incidents.

To report a pollution incident, such as an oil spill, a pipeline system failure, or a transportation accident involving hazardous material, call the NRC hotline at **800-424-8802.**

1 Site Discovery

Hazardous waste sites are discovered in various ways. Sometimes concerned residents find drums filled with unknown substances surrounded by dead vegetation and call the NRC, EPA, or the State environmental agency; or an anonymous caller to the NRC or EPA reports suspicious dumping activities. Many sites come to EPA's attention through routine inspections conducted by other Federal, State, or local government officials. Other sites have resulted from a hazardous waste spill or an explosion. EPA enters these sites into a computer system that tracks any future Superfund activities.

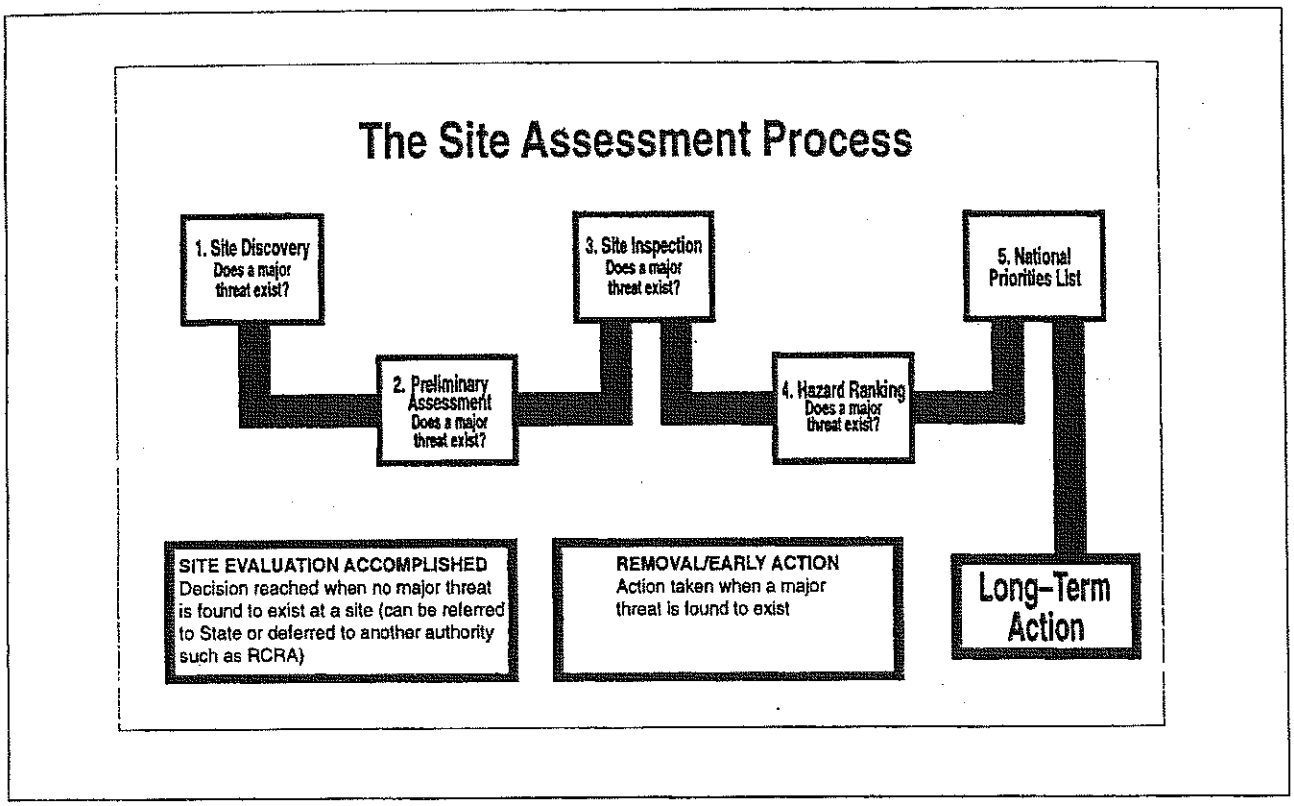
2 Preliminary Assessment

After learning about a site, the next step in the site assessment process is to gather existing information about the site. EPA calls this the *preliminary assessment.* Anyone can request that a preliminary assessment be performed at a site by petitioning EPA, the State environmental agency, local representatives, or health officials.

During the preliminary assessment, EPA or the State environmental agency:

- Reviews available background records;
- Determines the size of the site and the area around it;
- Tries to determine whether hazardous substances are involved;
- Identifies actual or potential pollution victims, such as the nearby population and sensitive environments;
- Makes phone calls or interviews people who may be familiar with the site; and
- Evaluates the need for early action using EPA's removal authority.

By gathering information and possibly visiting the site, EPA or the State environmental agency is able to determine if major threats exist and if cleanup is needed. Many times, the preliminary assessment indicates that no major threats exist.



However, if hazardous substances do pose an immediate threat, EPA quickly acts to address the threat. When a site presents an immediate danger to human health or the environment—for example, there is the potential for a fire or an explosion or the drinking water is contaminated as a result of hazardous substances leaking out of drums—EPA can move quickly to address site contamination. This action is called a *removal* or an *early action.* Additional information on early actions can be found on page 4.

EPA or the State environmental agency then decides if further Federal actions are required. Of the more than 35,000 sites discovered since 1980, only a small percentage have needed further remedial action under the Federal program.

A report is prepared at the completion of the preliminary assessment. The report includes a description of any hazardous substance release, the possible source of the release, whether the contamination could endanger people or the environment, and the pathways of the release. The information outlined in this report is formed into hypotheses that are tested if further investigation takes place. You can request a copy of this report once it becomes final— just send your name and address to your EPA regional Superfund office. See page 8 for further information on these contacts.

Sometimes it is difficult to tell if there is contamination at the site based on the initial information gathering. When this happens, EPA moves on to the next step of the site assessment, called the *site inspection.*

Making Polluters Pay

One of the major goals of the Superfund program is to have the responsible parties pay for or conduct remedial activities at hazardous waste sites. To accomplish this goal, EPA:

- Researches and determines who is responsible for contaminating the site;
- Issues an order requiring the private parties to perform cleanup actions with EPA oversight; and
- Recovers costs that EPA spends on site activities from the private parties.

Removals/Early Actions

EPA can take action quickly if hazardous substances pose an immediate threat to human health or the environment. These actions are called *removals* or *early actions* because EPA rapidly eliminates or reduces the risks at the site. EPA can take a number of actions to reduce risks, including:

- Fencing the site and posting warning signs to secure the site against trespassers;
- Removing, containing, or treating the source of the contamination;
- Providing homes and businesses with safe drinking water; and, as a last resort,
- Temporarily relocating residents away from site contamination.

"EPA can take action quickly if hazardous substances pose an immediate threat to human health or the environment."

3 Site Inspection

If the preliminary assessment shows that hazardous substances at the site may threaten residents or the environment, EPA performs a site inspection. During the site inspection, EPA or the State collects samples of the suspected hazardous substances in nearby soil and water. EPA may initiate a concurrent SI/remedial investigation at those sites that are most serious and determined early as requiring long-term action. Sometimes, wells have to be drilled to sample the ground water. Site inspectors may wear protective gear, including coveralls and respirators, to protect themselves against any hazardous substances present at the site. Samples collected during the site inspection are sent to a laboratory for analysis to help EPA answer many questions, such as:

- Are hazardous substances present at the site? If so, what are they, and approximately how much of each substance is at the site?
- Have these hazardous substances been released into the environment? If so, when did the releases occur, and where did they originate?
- Have people been exposed to the hazardous substances? If so, how many people?
- Do these hazardous substances occur naturally in the immediate area of the site? At what concentrations?
- Have conditions at the site gotten worse since the preliminary assessment? If so, is an early action or removal needed? (See box above.)

Often, the site inspection indicates that there is no release of major contamination at the site, or that the hazardous substances are safely contained and have no possibility of being released into the environment. In these situations, EPA decides that no further Federal inspections or remedial actions are needed. This decision is referred to as *site evaluation accomplished.* (See page 5 for more details on the *site evaluation accomplished* decision.)

At the completion of the site inspection, a report is prepared. This report is available to the public–call your EPA regional Superfund office for a copy. See page 8 for the phone numbers of these offices.

"During the site inspection, EPA or the State collects samples of the suspected hazardous substances in nearby soil and water."

At sites with particularly complex conditions, EPA may need to perform a second SI to obtain legally defensible documentation of the releases.

Because EPA has limited resources, a method has been developed to rank the sites and set priorities throughout the nation. That method, known as the *Hazard Ranking System*, is the next step in the site assessment process.

4 Hazard Ranking System

EPA uses the information collected during the preliminary assessment and site inspection to evaluate the conditions at the site and determine the need for long-term remedial actions. When evaluating the seriousness of contamination at a site, EPA asks the following questions:

- Are people or sensitive environments, such as wetlands or endangered species, on or near the site?
- What is the toxic nature and volume of waste at the site?
- What is the possibility that a hazardous substance is in or will escape into ground water, surface water, air, or soil?

Based on answers to these questions, each site is given a score between zero and 100. Sites that score 28.5 or above move to the next step in the process: listing on the *National Priorities List.* Sites that score below 28.5 are referred to the State for further action.

Site Evaluation Accomplished

In many instances, site investigators find that potential sites do not warrant Federal action under the Superfund program. This conclusion can be attributed to one of two reasons:

- The contaminants present at the site do not pose a major threat to the local population or environment; or
- The site should be addressed by another Federal authority, such as EPA's Resource Conservation and Recovery Act (RCRA) hazardous waste management program.

When investigators reach this conclusion, the site evaluation is considered accomplished. A site can reach this point at several places during the site assessment process, namely at the conclusion of the preliminary assessment or the site inspection, or once the site is scored under the Hazard Ranking System.

5 National Priorities List

Sites that are listed on the *National Priorities List* present a potential threat to human health and the environment, and require further study to determine what, if any, remediation is necessary. EPA can pay for and conduct remedial actions at NPL sites if the responsible parties are unable or unwilling to take action themselves. There are three ways a site can be listed on the National Priorities List:

- It scores 28.5 or above on the Hazard Ranking System;
- If the State where the site is located gives it top priority, the site is listed on the National Priorities List regardless of the HRS score; or
- EPA lists the site, regardless of its score, because all of the following are true about the site:
  - The Agency for Toxic Substances and Disease Registry (ATSDR), a group within the U.S. Public Health Service, issues a health advisory recommending that the local population be *dissociated* from the site (i.e., that the people be temporarily relocated or the immediate public health threat be removed);
  - EPA determines that the site poses a significant threat to human health; and
  - Conducting long-term remediation activities will be more effective than addressing site contamination through early actions.

The list of proposed sites is published in the *Federal Register*, a publication of legal notices issued by Federal agencies. The community typically has 60 days to comment on the list. After considering all comments, EPA publishes a list of those sites that are officially on the National Priorities List. When a site is added to the National Priorities List, the site assessment is completed. Long-term actions take place during the next phase. See page 6 for more details on long-term actions.

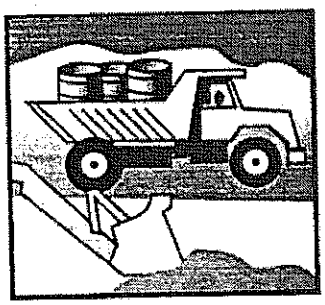
As a Concerned Citizen, How Can I Help ?

- Read this fact sheet.
- Call EPA with any potential sites in your area.
- Provide EPA with site information.
- Comment on proposed listing of sites on the National Priorities List.
- If the site is listed on the NPL, work with your citizens' group to apply for a technical assistance grant.

Addressing Sites in the Long Term

Once a site is placed on the National Priorities List, it enters the long-term or remedial phase. The stages of this phase include:

- ✓ Investigating to fully determine the nature and extent of contamination at the site, which can include a public health assessment done by the ATSDR;
- ✓ Exploring possible technologies to address site contamination;
- ✓ Selecting the appropriate technologies—also called remedies;
- ✓ Documenting the selected remedies in a record of decision (ROD);
- ✓ Designing and constructing the technologies associated with the selected remedies;
- ✓ If necessary, operating and maintaining the technologies for several years (e.g., long-term treatment of ground water) to ensure safety levels are reached; and
- ✓ Deleting the site from the National Priorities List, completing Superfund's process and mission.



Some Commonly Asked Questions

Q: **What exactly is a site?**
A: EPA designates the area in which contamination exists as the "site." Samples are taken to define the area of contamination. At any time during the cleanup process the site may be expanded if contamination is discovered to have spread further.

Q: **How long will it take to find out if a threat exists?**
A: Within one year of discovering the site, EPA must perform a preliminary assessment. The preliminary assessment allows EPA to determine if there is an immediate danger at the site; if so, EPA takes the proper precautions. You will be notified if you are in danger. EPA may also contact you to determine what you know about the site.

Q: **What is the State's role in all these investigations?**
A: The State can take the lead in investigating and addressing contamination. It also provides EPA with background information on (1) immediate threats to the population or environment, and (2) any parties that might be responsible for site contamination. The State shares in the cost of any long-term actions conducted by the Superfund program, comments on the proposal of sites to the National Priorities List, and concurs on the selected remedies and final deletion of sites from the National Priorities List.

Q: **Why are private contractors used to assess sites?**
A: EPA has a limited workforce. By using private contractors, EPA is able to investigate more sites. Also, EPA is able to draw on the expertise of private contracting companies.

Q: **Why are there so many steps in the evaluation process? Why can't you just take away all the contaminated materials right now, just to be safe?**
A: When EPA assesses a site, it first determines if contamination poses any threats to the health of the local population and the integrity of the environment. Dealing with worst sites first is one of Superfund's national goals. By evaluating contamination in a phased approach, EPA can quickly identify sites that pose the greatest threats and move them through the site assessment process. Once EPA understands the conditions present at a site, it searches for the remedy that will best protect public health and the environment. Cost is only one factor in weighing equally protective remedies. Many sites do not warrant actions because no major threat exists. However, if a significant threat does exist, EPA will take action.

about Superfund Sites

Q: **If a site is added to the National Priorities List, how will we know when EPA has completed the cleanup efforts?**

A: EPA notifies the public and requests their comments on the actions proposed to treat site contaminants. In addition, the community is notified when a site will be deleted from the National Priorities List. The entire process can take as long as 7 years; at sites where ground water is contaminated, it can take even longer.

Q: **I live next door to a site and I see EPA and contractor personnel wearing "moon suits." Am I safe?**

A: EPA and contractor personnel wear protective gear because they might actually be handling hazardous materials. Also, these people are regularly exposed to contaminants at different sites and do not always know what contaminants they are handling. EPA takes steps to protect the public from coming in contact with the site contamination. If a dangerous situation arises, you will be notified immediately.

Q: **If a site is added to the National Priorities List, who pays for the activities?**

A: EPA issues legal orders requiring the responsible parties to conduct site cleanup activities under EPA oversight. If the parties do not cooperate, Superfund pays and files suit for reimbursement from responsible parties. The sources of this fund are taxes on the chemical and oil industries; only a small fraction of the fund is generated by income tax dollars.

Q: **How can I get more information on any health-related concerns?**

A: Contact your EPA regional Superfund office for more information. The ATSDR also provides information to the public on the health effects of hazardous substances. Ask your EPA regional Superfund office for the phone number of the ATSDR office in your region.

Q: **How can I verify your findings? What if I disagree with your conclusions?**

A: You can request copies of the results of the site assessment by writing to your EPA regional Superfund office. The public is given the opportunity to comment on the proposal of a site to the National Priorities List and the actions EPA recommends be taken at the site. If a site in your community is listed on the National Priorities List, a local community group may receive grant funds from EPA to hire a technical advisor. Call your EPA regional Superfund office (see page 8) for the location of an information repository and for information on applying for a **technical assistance grant.**

Q: **How can I get further information? How can I get a list of the sites EPA has investigated?**

A: Contact your EPA regional Superfund office (see page 8) for more information and a list of sites in your area.

Important Phone Numbers

For information on the Superfund program or to report a hazardous waste emergency, call the national numbers below.

U.S. EPA Headquarters Hazardous Site Evaluation Division

☎ Site Assessment Branch
703-603-8860

Federal Superfund Program Information

☎ EPA Superfund Hotline
800-424-9346

Emergency Numbers:

Hazardous Waste Emergencies

☎ National Response Center
800-424-8802

ATSDR Emergency Response Assistance

☎ Emergency Response Line
404-639-0615

For answers to site-specific questions and information on opportunities for public involvement, contact your region's Superfund community relations office.

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☎ Superfund Community Relations Section
617-565-2713

EPA Region 2: *New Jersey, New York, Puerto Rico, Virgin Islands*

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212-264-1407

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☎ Superfund Site Assessment Section
404-347-5065

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312-353-9773

EPA Region 6: *Arkansas, Louisiana, New Mexico, Oklahoma, Texas*

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913-551-7003

EPA Region 8: *Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming*

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303-294-1124

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☎ Superfund Office of Community Relations
800-231-3075

EPA Region 10: *Alaska, Idaho, Oregon, Washington*

☎ Superfund Community Relations
206-553-2711

Appendix F:

References

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

MAY 3 1 2012

Cathy Helgerson
20697 Dunbar Drive
Cupertino, CA 95014

RE: Stevens Creek Quarry
EPA ID #: CAN000909322

Dear Ms. Helgerson:

Enclosed is a Preliminary Assessment report of the Stevens Creek Quarry site. The enclosed 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 of 1980, as amended [42 U.S.C. 9404], commonly known as Superfund. The purpose of conducting a 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 your February 28, 2011 petition asking EPA to conduct a Preliminary Assessment of this site. 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.

Based on currently available information contained in the enclosed report, EPA has determined that no further assessment under CERCLA is warranted for the Stevens Creek Quarry site. However, EPA requests that the facility conduct sampling of water and sediments in the Sedimentation Pond to determine whether there may be a human health risk from ingesting fish caught during the annual Fish-A-Thon. Although EPA has determined that this site does not qualify for Superfund listing, the State of California Department of Toxic Substances Control (DTSC) may require further assessment or cleanup of this site under State law. You may wish to contact DTSC, Mr. Daniel Murphy, at (510) 540-3772 for more information pertaining to State assessment and cleanup requirements.

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

REMEDIAL SITE ASSESSMENT DECISION - EPA REGION IX

EPA ID: CAN000909322 **Site Name:** STEVENS CREEK QUARRY **State ID:**

Alias Site Names:

City: CUPERTINO

Refer to Report Dated: 5/1/2012 **County or Parish:** SANTA CLARA **State:** CA

Report Developed By: Weston Solutions **Report Type:** PRELIMINARY ASSESSMENT 001

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

NFRAP-Site does not qualify for the NPL based on existing information

[ ] **2. Further Assessment Needed Under CERCLA:**

Discussion/Rationale:

The U.S. Environmental Protection Agency (EPA) has determined that no further remedial action by the Federal Superfund program is warranted at the referenced site, at this time. The basis for the no further remedial action planned (NFRAP) determination is provided in the attached document.

The Stevens Creek Quarry site (the Site) is located at 12100 Stevens Canyon Road, Cupertino, Santa Clara County, California. The 162 acre Site is an active mining, crushing, and screening facility that has provided aggregate rock for the construction industry since approximately 1932.

Side hill mining operations occupy the upper portion of the Site where the quarry and processing plant are located. The facility uses collected storm water for dust suppression. Three sedimentation ponds in this area collect groundwater, storm water run-off, and dust suppression water from the quarry. Water enters the upper pond where sediment is allowed to settle at the bottom. A weir located at the eastern end of the upper pond is used to release water from the upper pond to the Rattlesnake Creek outfall pond. Water in the Rattlesnake Creek outfall pond is then released into the Sedimentation Pond. Water in the Sedimentation Pond is released into Rattlesnake Creek. The Sedimentation Pond has not been dredged in over 10 years. The Site holds an annual Fish-A-Thon, permitted by California Fish and Game, for special needs children. The Sedimentation Pond is stocked with fish purchased from an off-site private hatchery and the children are allowed to catch and eat the fish. The fish are stocked a few days before the event each year.

An asphalt and concrete recycling plant, Voss Trucking, fueling station, maintenance and storage areas, and office building are located in the southern, lower portion of the Site. Storm water runoff and water from activities conducted in this area are collected in a series of pipes near the point of generation or in catchments located throughout the Site. The water is gravity-fed to the first in a series of check basins where sediment is allowed to settle. The water flows to an outfall near the Site entrance, then into Rattlesnake Creek.

Rattlesnake Creek then discharges into the Stevens Creek Reservoir, approximately 90 feet east of the Site entrance. The area where Rattlesnake Creek enters Stevens Creek Reservoir is the only point where surface water exits the Site. In 2004, the Office of Environmental Health Hazard Assessment issued a health advisory for eating bass and crappie from the Stevens Creek Reservoir due to elevated levels of mercury and polychlorinated biphenyls (PCBs). Stevens Creek supports habitats necessary for the preservation of rare, threatened, or endangered species, including critical habitat for the threatened Steelhead.

Possible sources at the Site include naturally-occurring mercury mobilized by quarry activities at the Site. Mercury contamination has been identified in Stevens Creek Reservoir. It is unknown if mercury deposits associated with serpentinite bodies in the Coast Ranges are present in bedrock at the Site. Quarrying of the bedrock could provide a mechanism for releasing mercury, if present, to Site groundwater, storm water, and dust suppression water that are discharged to Rattlesnake Creek and subsequently to Stevens Creek Reservoir. Water in the Stevens Creek Reservoir serves as storage of winter runoff that is released to recharge groundwater. There are at least 10 drinking water wells within 4 miles of the Site. All drinking water wells analyzed within a 4-mile radius have produced "non-detect" results for mercury. There are no drinking water intakes in Rattlesnake Creek, Stevens Creek Reservoir, Stevens Creek, or the San Francisco Bay within the target distance limit.

Although the Site does not qualify for further assessment under CERCLA, the BAAQMD and the RWQCB have

EPA ID: CAN000909322 **Site Name:** STEVENS CREEK QUARRY **State ID:**

conducted numerous inspections at the Site and are the regulatory and permitting agencies for this Site.

One resident currently resides on the SCQ Site. There are no schools, daycare centers, or sensitive environments on Site. The Site is only partially fenced and access is limited but not impossible.

A NFRAP designation means that no additional remedial steps under the Federal Superfund program will be taken at the Site unless new information warranting further Superfund consideration or conditions not previously known to EPA regarding the Site are disclosed. In accordance with EPA's decision regarding the tracking of NFRAP sites, the referenced Site may be removed from the CERCLIS database and placed in a separate archival database as a historical record if no further Superfund interest is warranted. Archived sites may be returned to the CERCLIS site inventory if new information necessitating further Superfund consideration is discovered.

Site Decision Made by: K.JURIST

Signature: _____ **Date:** 05/31/2012

Preliminary Assessment Report
Stevens Creek Quarry
Cupertino, California

EPA ID No.: CAD000909322
USACE Contract No.: W91238-05-F-0052
Document Control No.: 20074.0063.024.1004

May 2012

Prepared for:
U.S. Environmental Protection Agency
Region 9

Prepared by:
Weston Solutions, Inc.
9301 Oakdale Avenue, Suite 320
Chatsworth, CA 91311

TABLE OF CONTENTS

Section **Page**

LIST OF FIGURES

APPENDICES

LIST OF ACRONYMS

AST	Above Ground Storage Tank
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CWSC	California Water Service Company
DEH	County of Santa Clara, Department of Environmental Health
DTSC	Department of Toxic Substances Control
EPA	U.S. Environmental Protection Agency
HRS	Hazard Ranking System
HWTS	Hazardous Waste Tracking System
mg/kg	milligrams per kilogram
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
OEHHA	Office of Environmental Health Hazard Assessment
PA	Preliminary Assessment
PCB	polychlorinated biphenyls
RCRAInfo	Resource Conservation and Recovery Act Information
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SCVWD	Santa Clara Valley Water District
UST	Underground Storage Tank
WDID	Waste Discharge Identification Number

1.0 INTRODUCTION

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA), Weston Solutions, Inc. (WESTON®) has been tasked to conduct a Preliminary Assessment (PA) of the Stevens Creek Quarry site (the Site), located in Cupertino, Santa Clara County, California.

The purpose of the PA is to review existing information on the site and its environs, to assess the threat(s), if any, posed to public health, welfare, or the environment, and to determine if further investigation under CERCLA/SARA is warranted. The scope of the PA includes the review of information available from federal, state, and local agencies, and the performance of an onsite reconnaissance visit.

Using the sources of existing information, the site is then evaluated using the U.S. Environmental Protection Agency's (EPA's) Hazard Ranking System (HRS) criteria to assess the relative threat associated with actual or potential releases of hazardous substances at the Site. The HRS has been adopted by the EPA to help set priorities for further evaluation and eventual remedial action at hazardous waste sites. The HRS is the primary method of determining a site's eligibility for placement on the National Priorities List (NPL). The NPL identifies sites at which the EPA may conduct remedial response actions. This report summarizes the findings of these preliminary investigative activities.

The Site was identified as a potential hazardous waste site and entered into the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) on April 18, 2011 (EPA ID No.: CAD00909322) (EPA, 2011a).

More information about the Superfund program is available on the EPA website at http://www.epa.gov/superfund. The attached fact sheet describes the EPA's site assessment process (Appendix E).

1.1 Apparent Problem

The apparent problems at the Site, which contributed to EPA's determination that a PA was necessary, are as follows:

- Since 1932, the Stevens Creek Quarry has operated at the Site as a side hill mining, crushing, and screening facility that provides aggregate rock for the construction industry. Groundwater, storm water, and dust suppression water from the Site are collected in onsite sedimentation ponds and catch basins that discharge into Rattlesnake Creek. Rattlesnake Creek then discharges into the Stevens Creek Reservoir, located approximately 90 feet east of the Site's entrance (Google, 2010; Appendix B).

- Mercury contamination has been identified in Stevens Creek Reservoir. Mercury-bearing deposits associated with serpentinite bodies are potentially present in bedrock at the Site. If mercury is present, quarrying of the bedrock could provide a mechanism for releasing mercury to Site groundwater, storm water, and dust suppression water that are discharged to Rattlesnake Creek and subsequently to Stevens Creek Reservoir (Dibblee, 2007a; Dibblee, 2007b; Golder, 2010; Norfleet, 2011; OEHHA, 2004; OEHHA, 2009; USGS, 2011; Appendix B)
- In October 2004, the California EPA, Office of Environmental Health Hazard Assessment, issued a health advisory for consuming bass and crappie from the Stevens Creek Reservoir due to elevated levels of mercury (OEHHA, 2004; OEHHA, 2009).
- The EPA received a citizen petition for this Site on February 28, 2011. CERCLA Section 105(d) provides the public with an opportunity to formally petition the Federal Government to conduct a PA, if the public is concerned about a potential release of hazardous substances from a site (Helgerson, 2011). On April 18, 2011, EPA notified the petitioner that EPA would conduct a PA at the Site (EPA, 2011b).

2.0 SITE DESCRIPTION

2.1 Location

The Site is located at 12100 Stevens Canyon Road, Cupertino, Santa Clara County, California. The geographic coordinates of the Site are 37° 19' 03" North latitude and 122° 05' 35" West longitude. The Site is located approximately 0.5 mile south of the Kaiser Cement Corp Permanente Plant (CAD009109539) (EPA, 2011a; Google, 2010; Appendix D). The location of the Site is shown in Figure 1.

2.2 Site Description

The Site occupies approximately 162 acres in Santa Clara County, just west of the City of Cupertino. The Site lies between the Rancho San Antonio Open Space Preserve and the Picchetti Ranch/Monte Bello Open Space Preserves. Rattlesnake Creek flows northwest to southeast through the Site and discharges to Stevens Creek Reservoir, located approximately 90 feet east of the Site's entrance (Google, 2010; RWQCB, 2004; Appendix B).

The Site includes a quarry, a processing plant, a fueling station with aboveground diesel tanks, a maintenance area, a storage area, an office building, and an asphalt and concrete recycling plant. Stevens Creek Quarry also operates a trucking company, Voss Trucking, on the Site. The Broom Service street sweeping company occupies a portion of the Site that consists of a truck parking area and storage building. The City of Cupertino utilizes an open area on the lower plateau adjacent to Stevens Canyon Boulevard near the Site's entrance to temporarily store residential mulch. There is currently one residence on the Site located on the north-facing hillside that is west of Voss Trucking (RWQCB, 2004; RWQCB, 2005; Appendix B). The Site layout is shown in Figure 2.

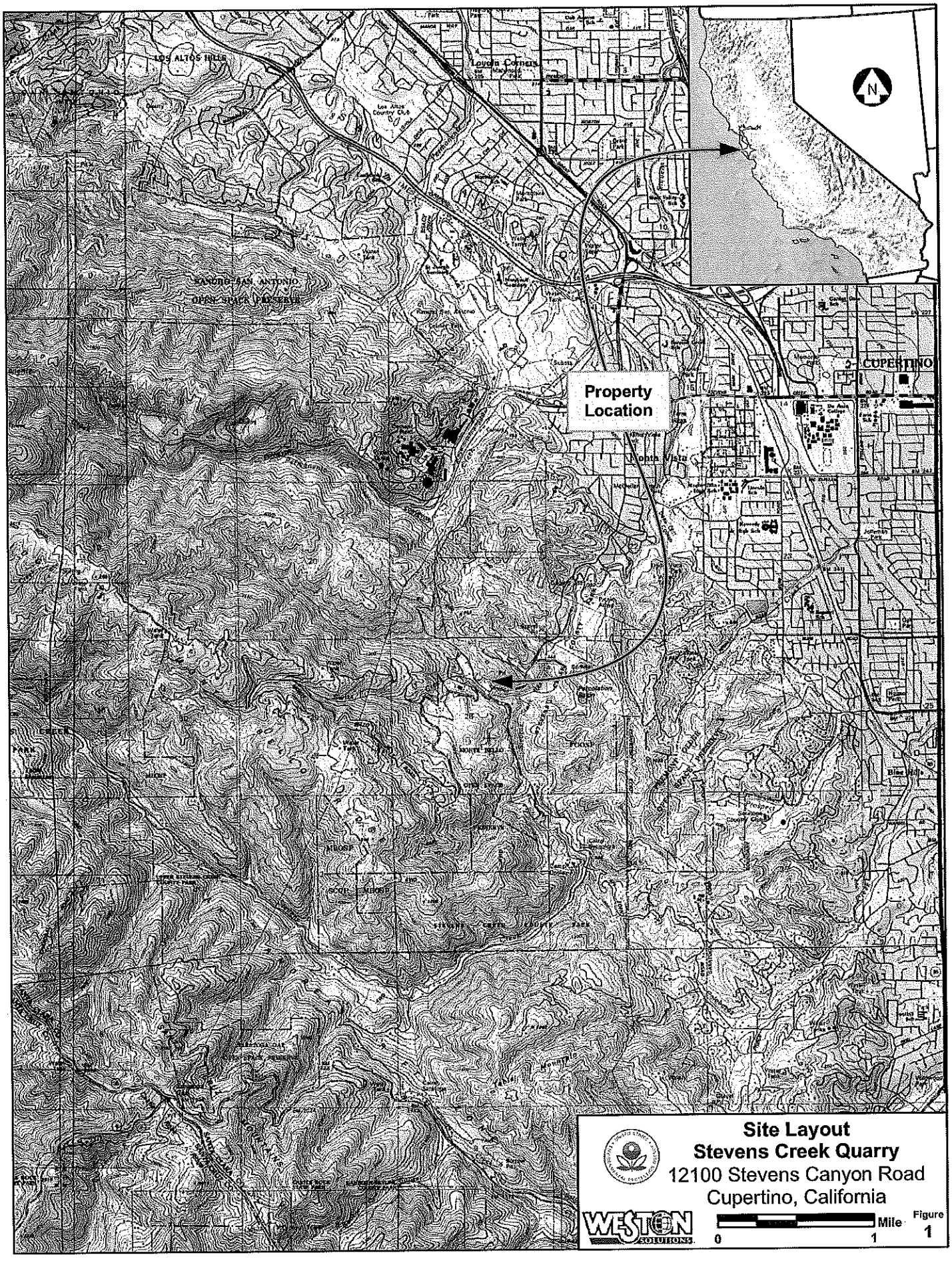
LOS ALTOS HILLS
Loyola Corners
RANCHO SAN ANTONIO
OPEN SPACE PRESERVE
CUPERTINO
Property Location
Monta Vista
Site Layout
Stevens Creek Quarry
12100 Stevens Canyon Road
Cupertino, California
WESTON SOLUTIONS
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Figure
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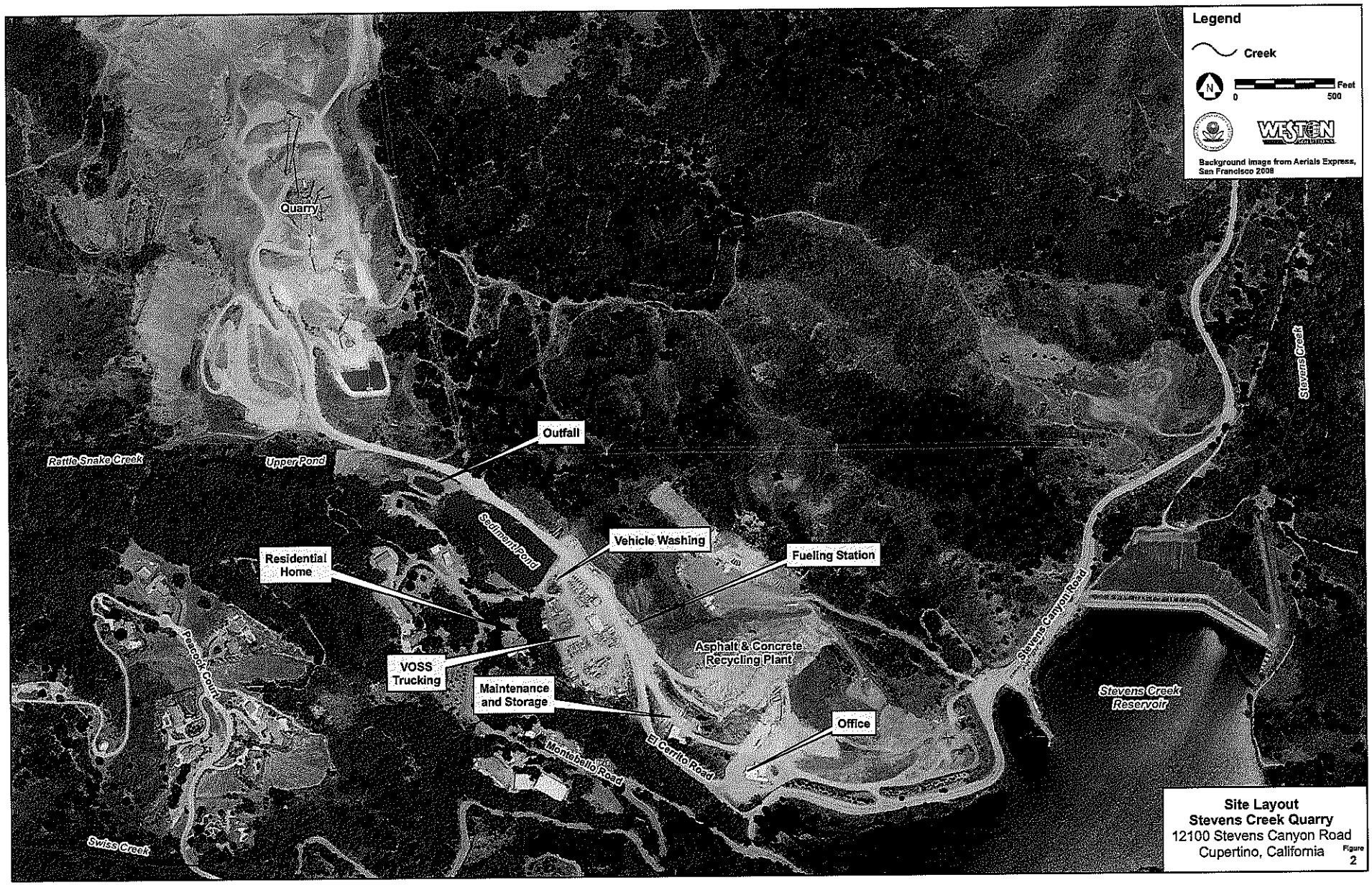
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WESTON SOLUTIONS
Background image from Aerials Express, San Francisco 2008
Quarry
Outfall
Rattle Snake Creek
Upper Pond
Sediment Pond
Vehicle Washing
Fueling Station
Residential Home
Asphalt & Concrete Recycling Plant
VOSS Trucking
Maintenance and Storage
Office
Peacock Court
Montebello Road
El Carrito Road
Stevens Canyon Road
Stevens Creek
Stevens Creek Reservoir
Swiss Creek
Site Layout
Stevens Creek Quarry
12100 Stevens Canyon Road
Cupertino, California
Figure 2

Side hill mining operations occupy the upper portion of the Site where the quarry and processing plant are located. Three sedimentation ponds in this area collect groundwater, storm water run-off, and dust suppression water from the quarry. Water enters the upper pond where sediment is allowed to settle at the bottom. A weir located at the eastern end of the upper pond is used to release water from the upper pond to the Rattlesnake Creek outfall pond. Water in the Rattlesnake Creek outfall pond is then released into the Sedimentation Pond. Water in the Sedimentation Pond is released into Rattlesnake Creek. An additional pond is currently being excavated just west of the upper pond (RWQCB, 2004; RWQCB, 2005; Appendix B).

The asphalt and concrete recycling plant, Voss Trucking, fueling station, maintenance and storage areas, and office building are located in the southern, lower portion of the Site. Storm water run-off and water from activities conducted in this area are collected in a series of pipes near the point of generation or in catchments located throughout the Site. The water is gravity-fed to the first in a series of check basins where sediment is allowed to settle. The water flows to an outfall near the Site entrance then into Rattlesnake Creek. Subsequently, Rattlesnake Creek discharges into the Stevens Creek Reservoir. The area where Rattlesnake Creek enters Stevens Creek Reservoir is the only point where surface water exits the Site (Appendix B).

2.3 Operational History

Since 1932, Stevens Creek Quarry has operated at the Site as a side hill mining, crushing, and screening facility that provides aggregate rock for the construction industry. Side hill mining operations are conducted in the upper portion of the Site using front end loaders, bulldozers, and graders. The quarry's processing plant produces base rock, drain rock, road sub base, and fill material. At the processing plant, materials are crushed, screened, sorted, and stockpiled. The facility uses collected storm water to spray aggregate and stockpiled materials for dust suppression. Vehicles are also sprayed down with collected recycled storm water (RWQCB, 2004; Appendix B).

The asphalt and concrete recycling operations are located in the southern, lower portion of the Site. Recycled concrete and asphalt are stockpiled at the Site until they are processed through the recycling plant. The broken asphalt and concrete are crushed and screened to produce road base and drain rock. Metals such as reinforcing bars are removed by hand and stored in a recycling bin (RWQCB, 2004; RWQCB, 2005).

According to a 2004 inspection of the Site conducted by the Regional Water Quality Control Board (RWQCB), hazardous materials used onsite consist of diesel fuel, oil, and solvent associated with vehicle maintenance. The type of solvent was not specified in the available documentation. According to the 2008 Bay Area Air Quality Management District (BAAQMD) Toxic Inventory, Stevens Creek Quarry emits the following: arsenic, benzene, cadmium, hexavalent chromium, diesel engine exhaust particulate, and nickel. These emissions are from two diesel generators used to power the Site in areas without electricity (BAAQMD, 2008a; RWQCB, 2004; Appendix B; Appendix C-1).

Stevens Creek Quarry holds an annual Fish-A-Thon, permitted by California Fish and Game, for special needs children. The Sedimentation Pond is stocked with fish purchased from an off-Site private hatchery, and the children are allowed to catch and eat the fish (Lions, 2011; Appendix B).

The area near the Site entrance used by the City of Cupertino to temporarily store residential mulch is open to the public twice a week (RWQCB, 2004; RWQCB, 2005; Appendix B).

2.4 Regulatory Involvement

2.4.1 U.S. Environmental Protection Agency

The Site is not listed in the Resource Conservation and Recovery Act Information (RCRAInfo) database, as of September 7, 2011 (EPA, 2011c).

2.4.2 Department of Toxic Substances Control

The Site is listed as a hazardous waste generator in the Department of Toxic Substances Control's (DTSC) Hazardous Waste Tracking System (HWTS). The Site has one active hazardous waste generator identification number (CAL000043736) with the generator name of Stevens Creek Quarry, Inc. According to the HWTS, 0.0714 tons of California waste code 122 (alkaline solution without metals), 0.70 tons of California waste code 221 (waste oil and mixed oil), and 1.0214 tons of California waste code 343 (unspecified organic liquid mixture) were manifested from the Site in 2010. Voss Trucking has one hazardous waste generator identification number (CAR000203935) associated with the Site address but does not have waste information available. The Broom Service company, also associated with the Site address, has an active hazardous waste generator identification number (CAL000011647). According to the HWTS, 0.1638 tons of California waste code 134 (aqueous solution with organic residues), and 0.0750 tons of California waste code 223 (unspecified oil containing waste) were manifested from the Site in 2010 using the CAL000011647 hazardous waste generator identification number (DTSC, 2011).

2.4.3 Bay Area Air Quality Management District

On August 28, 2008, the BAAQMD conducted an inspection at the Site. A Notice to Comply was issued for improper labeling on a power screen used to screen various sized rock. On October 31, 2008, another site inspection was conducted by the BAAQMD. The Site was cited for not having proper permits for the Site's portable diesel engine units (BAAQMD, 2008b; BAAQMD, 2008c).

According to the BAAQMD Toxic Inventory for 2008, Stevens Creek Quarry emitted 0.0294 pounds/year of arsenic, 33.8 pounds/year of benzene, 0.0735 pounds/year of cadmium, 0.00152 pounds/year of hexavalent chromium, 1,700 pounds/year of diesel engine exhaust particulate, and 1.19 pounds/year of nickel. These emissions are from two diesel generators used to power the Site in areas without electricity (BAAQMD, 2008a; Appendix C-1).

2.4.4 Regional Water Quality Control Board

In 1992, Stevens Creek Quarry submitted a Notice of Intent to the RWQCB stating that the facility planned to comply with the terms of the region-wide National Pollutant Discharge Elimination System's (NPDES) General Permit authorizing discharges from surface water treatment facilities. The Site obtained coverage under the NPDES for Discharges of Storm Water Associated with Industrial Activities on May 1, 1992. The Site's waste discharge identification number (WDID) is 2 43I006687 (RWQCB, 1992).

On November 20, 2003, the RWQCB inspected the Site to determine compliance with the NPDES General Permit. The inspection revealed that nitrate and nitrite were not sampled in 2003. Waste oil drums in the vehicle maintenance area containing used oil filters and oil/solvent-soaked rags did not have proper labels, were not under a cover, and did not have adequate, secondary containment. Specific conductance exceeded the EPA and RWQCB benchmark values during two separate storm events in 2002. Nitrate and nitrite also exceeded the benchmark in one of these sampling events. The RWQCB recommended that the Site investigate the source(s) of the exceedances, review current Best Management Practices (BMPs), and consider additional BMPs to address potential sources (RWQCB, 2004).

During a July 27, 2010 Industrial Storm Water Inspection, it was noted that adequate BMPs had not been implemented. Storm water samples collected in 2009, 2010, and 2011 exceeded EPA and RWQCB benchmark values for specific conductance. Storm water samples were not analyzed for nitrate and nitrite during these sampling events (EPA, 2010; RWQCB, 2011).

2.4.5 County of Santa Clara Department of Environmental Health

On May 5, 1994, the County of Santa Clara, Department of Environmental Health (DEH), issued violations to the Site for not maintaining an accurate Hazardous Materials Business Plan, including an inaccurate hazardous materials inventory and improper monitoring for the above ground storage tanks (AST). The DEH also noted a 55-gallon drum of waste antifreeze without secondary containment, several five-gallon containers of oils that were not closed and did not have secondary containment, and a 55-gallon drum of "Supreme Solvent" that did not have secondary containment (DEH, 1994).

In the Voss Trucking area of the Site, the DEH issued violations for improper secondary containment of the 500-gallon waste oil AST, improper labeling on the AST, and improper storage of the acetylene and oxygen cylinders. In addition, the DEH noted several oil spills (DEH, 1994).

2.4.6 Santa Clara Valley Water District (SCVWD)

On May 19, 1989, two 1,000-gallon underground storage tanks (USTs) were removed from the Site. One UST previously contained gasoline and the other UST previously contained diesel fuel. Soil samples were collected from the vicinity of the excavated USTs, and analytical results detected toluene at 0.10 milligrams per kilogram (mg/kg), hydrocarbons at 15 mg/kg, and ethyl benzene at 0.19 mg/kg. The SCVWD determined that due to the low concentrations of contaminants, there was no evidence of a significant release. Further corrective action was not required and the SCVWD issued a no further action determination (SCVWD, 1996).

The Santa Clara Valley Water District (SCVWD) manages in-stream (creeks) and off-stream (reservoirs) groundwater recharge facilities. The sources of water used for recharge include local runoff captured in Stevens Creek Reservoir. The groundwater recharge facilities have been grouped into seven major systems, including Stevens Creek. In December 2010, March 2011, and April 2011, SCVWD collected surface water samples at three sites within Stevens Creek downstream of Stevens Creek Reservoir. Mercury was analyzed only in the December 2010 sampling event and was not detected in the sample (SCVWD, 2011).

3.0 HAZARD RANKING SYSTEM FACTORS

3.1 Sources of Contamination

For HRS purposes, a source is defined as an area where a hazardous substance has been deposited, stored, disposed, or placed, plus those soils that have become contaminated from the migration of a hazardous substance.

Potential hazardous substance sources associated with the Site include, but may not be limited to:

- Possible naturally-occurring mercury mobilized by quarry activities at the Site. Mercury contamination has been identified in Stevens Creek Reservoir. Mercury-bearing deposits associated with serpentinite bodies are potentially present in bedrock at the Site. If mercury is present, quarrying of the bedrock could provide a mechanism for releasing mercury to Site groundwater, storm water, and dust suppression water that are discharged to Rattlesnake Creek and subsequently to Stevens Creek Reservoir (Dibblee, 2007a; Dibblee, 2007b ; Golder, 2010; Norfleet, 2011; OEHHA, 2004; OEHHA, 2009; USGS, 2011; Appendix B).

3.2 Groundwater Pathway

In determining a score for the groundwater migration pathway, the HRS evaluates: 1) the likelihood that sources at a site actually have released, or potentially could release, hazardous substances to groundwater; 2) the characteristics of the hazardous substances that are available for a release (i.e., toxicity, mobility, and quantity); and 3) the people (targets) who actually have been, or potentially could be, impacted by the release. For the targets component of the evaluation, the HRS focuses on the number of people who regularly obtain their drinking water from wells that are located within 4 miles of the site. The HRS emphasizes drinking water usage over other uses of groundwater (e.g., food crop irrigation and livestock watering), because, as a screening tool, it is designed to give the greatest weight to the most direct and extensively studied exposure routes.

3.2.1 Hydrogeological Setting

The Site lies on the eastern slopes of the Santa Cruz Mountains. The regional geology consists of Mesozoic Franciscan rocks that are partially overlain by Tertiary rocks of the Santa Clara Formation as well as Quaternary surficial deposits. The Santa Cruz Mountains lie to the west of the South Bay Groundwater Sub-basin, which contains Quaternary sediments that comprise the principal aquifer in the region (DWR, 2004).

The Franciscan Formation is a complex assembly of Jurassic to Cretaceous-age marine sediments (limestone, shale, sandstone) as well as mafic (greenstone/meta-basalt) and ultra-mafic (serpentinite) meta-igneous complexes associated with an oceanic terrane. Franciscan rocks are typically highly deformed and variably metamorphosed throughout the Santa Cruz Mountains (Golder, 2010).

The hydrogeology at the Site is similar to that of the nearby Lehigh Southwest Cement Permanente Plant located less than 1 mile north of the Site. The Site consists of fill, alluvium, Santa Clara Formation, and rocks of the Franciscan Complex. Typically the fill material is gravelly sand, sandy silt, and silty clay. The Santa Clara Formation is approximately 20 to 70 feet thick. The thickness of the underlying Franciscan Complex could not be determined. No major water-bearing units are present at the Site. The Santa Clara Formation and the Franciscan Complex rocks contain minor amounts of groundwater in fractures, and do not yield substantial amounts of water to wells. It appears that the Site is in an area of bedrock and is separated from the adjacent unconfined alluvial aquifer of the Santa Clara Valley groundwater basin. Groundwater in the area was encountered at approximately 25 to 90 feet below ground surface (EMCON, 1993).

Mercury deposits associated with serpentinite bodies in the Coast Ranges are potentially present at the Site. Serpentinites are very common as mappable units along the southeastern margin of the Santa Clara Valley as well as in smaller, unmappable units throughout the Franciscan to the Santa Cruz Mountains. Serpentinite is a high-magnesium rock formed by the hydrous metamorphism of ultramafic rocks that occur as small to large lenses throughout the Franciscan Formation. Serpentinite consists of the mineral serpentine as well as a number of secondary minerals.

According to a review conducted by a consultant for the Site, there are no serpentinite or mercury-bearing rocks mapped in the vicinity of the quarry. However, soil sampling was not conducted to confirm these findings. The Cupertino/W. San Jose and Mindego Hill Geologic Maps identify serpentinite along the eastern boundary of the San Andreas Fault. At least one mappable exposure of serpentinite exists within 2 miles of the Site (Dibblee, 2007a; Dibblee, 2007b; Golder, 2010; Norfleet, 1998; Norfleet, 2011).

The United States Geological Survey Mineral Resources Database indicates a number of mercury mines located approximately 12 miles northwest of the Site and approximately 11 miles to the southeast of the Site. These mercury mines lie along a fault trend that projects into the region of the Site. This indicates that the limestones of the Site potentially may be impacted by mercury mineralization associated with the regional serpentinite deposits. No mercury mines exist in the Stevens Creek watershed; however, the geologic trends indicate that the conditions for mercury mineralization (i.e. the occurrences of limestone with serpentinite) exist, suggesting the potential for the presence of mercury-bearing bedrock in the Site vicinity (Dibblee, 2007a; Dibblee, 2007b; USGS, 2011).

Stevens Creek Reservoir is within the SCVWD's groundwater recharge system. Water in the Stevens Creek Reservoir serves as storage of winter runoff that is released, primarily during the summer months, to recharge groundwater (SCVWD, 2011; Appendix, B).

3.2.2 Groundwater Targets

The nearest drinking water well is located between two and three miles of the Site, and is operated by California Water Service Company (CWSC). CWSC operates a blended drinking water system that consists of 22 active drinking water wells that serve a population of approximately 55,512. Mercury has not been detected in any of these wells. CWSC obtains 20% of its drinking water from groundwater. Five of the 22 wells operated by CWSC are within four miles of the Site (CDPH, 2012; EPA, 2011d; Appendix C-2).

The City of Sunnyvale operates a blended drinking water system that consists of five active drinking water wells that serve a population of approximately 141,000. Mercury has not been detected in any of these wells. The City of Sunnyvale obtains 3% of its drinking water from groundwater. All five wells operated by the City of Sunnyvale are within four miles of the Site (CDPH, 2012; EPA, 2011d; Appendix C-3).

Although the EPA Region 9 GIS Report for the Site indicated that Montebello School District operates a well between ½ and one mile of the Site, it was determined that this well is only used for irrigation purposes at a currently closed school (EPA, 2011d; Appendix C-4).

3.2.3 Groundwater Pathway Conclusion

Groundwater sampling has not occurred at the Site. Groundwater, storm water, and dust suppression water from the Site are collected in onsite sedimentation ponds and catch basins that discharge into Rattlesnake Creek. Rattlesnake Creek then discharges into the Stevens Creek Reservoir. Stevens Creek Reservoir is within the SCVWD's groundwater recharge system. Water in the Stevens Creek Reservoir serves as storage of winter runoff that is released, primarily during the summer months, to recharge groundwater (SCVURPPP, 2011; SCVWD, 2001; Appendix B).

Mercury contamination has been identified in Stevens Creek Reservoir. Mercury-bearing deposits associated with serpentinite bodies are potentially present in bedrock at the Site. If mercury is present, quarrying of the bedrock could provide a mechanism for releasing mercury to Site groundwater, storm water, and dust suppression water that eventually are discharged to Stevens Creek Reservoir (Golder, 2010; OEHHA, 2004; OEHHA, 2009; Appendix B).

Groundwater in the Site vicinity is located between 25 and 90 feet below ground surface. At least 10 drinking water wells exist within 4 miles of the Site that serve an apportioned population of 99,670 (EMCON, 1993; EPA, 2011d; Appendix C-1).

3.3 Surface Water Pathway

In determining the score for the surface water pathway, the HRS evaluates: 1) the likelihood that sources at a site actually have released, or potentially could release, hazardous substances to surface water (e.g., streams, rivers, lakes, and oceans); 2) the characteristics of the hazardous substances that are available for a release (i.e., toxicity, persistence, bioaccumlulation potential, and quantity); and 3) the people or sensitive environments (targets) who actually have been, or potentially could be, impacted by the release. For the targets component of the evaluation, the HRS focuses on drinking water intakes, fisheries, and sensitive environments associated with surface water bodies within 15 miles downstream of the site.

3.3.1 Hydrological Setting

Stevens Creek drains a watershed of approximately 29 square miles. The headwaters originate in the Santa Cruz Mountains within the City of Palo Alto and Santa Clara County. In the upper watershed, the main stem flows southeast for about 5 miles along the San Andreas Fault, and another three miles northeast to the Stevens Creek Reservoir. From the Reservoir, the creek flows northward for a total of 12.5 miles through the foothills in the cities of Cupertino and Los Altos, and across the alluvial plain through the cities of Sunnyvale and Mountain View. The creek eventually drains into the Lower South San Francisco Bay. Tributaries above the reservoir include Montebello and Swiss Creek (SCVURPPP, 2011).

Side hill mining operations occupy the upper portion of the Site, where the quarry and processing plant are located. Three sedimentation ponds in this area collect groundwater, storm water run-off, and dust suppression water from the quarry. Water enters the upper pond where sediment is allowed to settle at the bottom. A weir located at the eastern end of the upper pond is used to release water from the upper pond to the Rattlesnake Creek outfall pond. Water in the Rattlesnake Creek outfall pond is then released into the Sedimentation Pond. The Sedimentation Pond has not been dredged in over 10 years. Water in the Sedimentation Pond is released into Rattlesnake Creek. An additional pond is currently being excavated just west of the upper pond (RWQCB, 2004; RWQCB, 2005; Appendix B).

Storm water run-off and water from activities conducted below the quarry and process plant are collected in a series of pipes near the point of generation or in catchments located throughout the Site. The water is gravity fed to the first in a series of check basins where sediment is allowed to settle. The water goes to an outfall near the Site entrance then into Rattlesnake Creek. Rattlesnake Creek then discharges into the Stevens Creek Reservoir, approximately 90 feet east of the Site entrance. Stevens Creek Reservoir provides storage capacity of winter runoff until it is released into Stevens Creek and used to recharge groundwater. The area where Rattlesnake Creek enters Stevens Creek Reservoir is the only point where water exits the Site (SCVURPPP, 2011; Appendix B).

As discussed in Section 3.2.1, runoff from the Site is of concern due to the potential for naturally-occurring mercury deposits associated with the Site's geology (Dibblee, 2007a; Dibblee, 2007b; Golder, 2010; Norfleet, 1998; Norfleet, 2011; USGS, 2011).

3.3.2 Surface Water Targets

Steelhead and rainbow trout have been documented in Stevens Creek. In addition, the Tiger Salamander, Red-legged Frog, Clapper Rail, California Least Tern, and the Salt Marsh Harvest Mouse have all been observed in areas surrounding Stevens Creek (EPA, 2011d; Leidy, 2005).

In October 2004, the California EPA, Office of Environmental Health Hazard Assessment (OEHHA), issued a health advisory for eating bass and crappie from the Stevens Creek Reservoir due to elevated levels of mercury and polychlorinated biphenyls (PCBs). Mercury deposits associated with serpentinite bodies in the Coast Ranges are potentially present at the Site. Quarry activities generate dust and dust suppression water is routinely used to control the dust onsite. It is possible that dust containing mercury is released into the creek via run-off (OEHHA, 2004; OEHHA, 2009; Appendix B).

The Site holds an annual Fish-A-Thon, permitted by California Fish and Game, for children with special needs. The Sedimentation Pond is stocked with trout purchased from an off-Site private hatchery and the children are allowed to catch and eat the fish. An estimated 60 to 90 children participate each year. The Site representative stated that the Sedimentation Pond is managed for this event via dredging, grading, and water level controls; however, the pond has not been dredged in the

last 10 years and has never been sampled. The fish are stocked a few days before the event each year (Lions, 2011; Appendix B).

3.3.3 Surface Water Pathway Conclusion

No known sampling has been conducted of surface water or sediments in the onsite sedimentation ponds and catch basins, or in Rattlesnake Creek. Mercury contamination has been identified in Stevens Creek Reservoir. Limited sampling conducted by the SCVWD indicates that there is no mercury contamination within Stevens Creek downstream of Stevens Creek Reservoir. However, mercury was analyzed in only one of the three sampling events of the 2011 Fiscal Year. Mercury-bearing deposits associated with serpentinite bodies are potentially present in bedrock at the Site. If mercury is present, quarrying of the bedrock could provide a mechanism for releasing mercury to Site groundwater, storm water, and dust suppression water that eventually are discharged to Rattlesnake Creek, which flows to Stevens Creek Reservoir (Golder, 2010; OEHHA, 2004; OEHHA, 2009; SCVWD, 2011; Appendix B).

There are no drinking water intakes in Rattlesnake Creek, Stevens Creek Reservoir, Stevens Creek, or the San Francisco Bay within the target distance limit. The Sedimentation Pond located onsite serves as a fishery. The OEHHA has issued a health advisory for eating bass and crappie from the Stevens Creek Reservoir due to elevated levels of mercury and PCBs. Stevens Creek supports habitats necessary for the preservation of rare, threatened, or endangered species, including critical habitat for the threatened Steelhead (EPA, 2011d; OEHHA, 2004; OEHHA, 2009; Appendix B).

3.4 Soil Exposure and Air Pathways

In determining the score for the soil exposure pathway, the HRS evaluates: 1) the likelihood that there is surficial contamination associated with the site (e.g., contaminated soil that is not covered by pavement or at least 2 feet of clean soil); 2) the characteristics of the hazardous substances in the surficial contamination (i.e., toxicity and quantity); and 3) the people or sensitive environments (targets) who actually have been or potentially could be, exposed to the contamination. For the targets component of the evaluation, the HRS focuses on populations that are regularly and currently present on or within 200 feet of surficial contamination. The four populations that receive the most weight are residents, students, daycare attendees, and terrestrial sensitive environments.

In determining the score for the air migration pathway, the HRS evaluates: 1) the likelihood that sources at a site actually have released, or potentially could release, hazardous substances to ambient outdoor air; 2) the characteristics of the hazardous substances that are available for a release (i.e., toxicity, mobility, and quantity); and 3) the people or sensitive environments (targets) who actually have been, or potentially could be, impacted by the release. For the targets component of the evaluation, the HRS focuses on regularly occupied residences, schools, and workplaces within 4 miles of the site. Transient populations, such as customers and travelers passing through the area, are not counted.

There are currently 30 full-time permanent employees at the Site and one resident. No schools or daycare facilities were observed on Site or in the Site vicinity. The Site is approximately 95% unpaved with some paved roads and buildings. The Site is partially fenced, and access is limited. There are seven residents located within a quarter mile of the Site, 22 residents between ¼ and ½ mile of the Site, and 347 residents living between ½ and one mile of the Site (EPA, 2011d; RWQCB, 2004; Appendix B).

4.0 EMERGENCY RESPONSE CONSIDERATIONS

The National Contingency Plan [40CFR 300.415 (b) (2)] authorizes the EPA to consider emergency response actions at those sites that pose an imminent threat to human health or the environment. For the following reasons, a referral to Region 9's Emergency Response Office does not appear to be necessary:

- The presence of mercury onsite is possible; however, evidence of a release from the Site has not been documented.

5.0 SUMMARY

The Stevens Creek Quarry site (the Site) is located at 12100 Stevens Canyon Road, Cupertino, Santa Clara County, California. The Site occupies approximately 162 acres in Santa Clara County, just west of the City of Cupertino. Side hill mining operations occupy the upper portion of the Site where the quarry and processing plant are located. Three sedimentation ponds in this area collect groundwater, storm water run-off, and dust suppression water from the quarry. Water enters the upper pond where sediment is allowed to settle at the bottom. A weir located at the eastern end of the upper pond is used to release water from the upper pond to the Rattlesnake Creek outfall pond. Water in the Rattlesnake Creek outfall pond is then released into the Sedimentation Pond. Water in the Sedimentation Pond is released into Rattlesnake Creek.

The asphalt and concrete recycling plant, Voss Trucking, fueling station, maintenance and storage areas, and the office building are located in the southern, lower portion of the Site. Storm water run-off and water from activities conducted in this area are collected in a series of pipes near the point of generation or in catchments located throughout the Site. The water is gravity-fed to the first in a series of check basins where sediment is allowed to settle. The water flows to an outfall near the Site entrance then into Rattlesnake Creek. Rattlesnake Creek then discharges into the Stevens Creek Reservoir, approximately 90 feet east of the Site entrance. The area where Rattlesnake Creek enters Stevens Creek Reservoir is the only point where surface water exits the Site.

Since 1932, Stevens Creek Quarry has operated at the Site as a side hill mining, crushing, and screening facility that provides aggregate rock for the construction industry. Mining operations are conducted using front end loaders, bulldozers, and graders. The quarry's processing plant produces

base rock, drain rock, road sub base, and fill material. At the processing plant, materials are crushed, screened, sorted and stockpiled. The facility uses collected storm water to spray aggregate and stockpiled materials for dust suppression. Vehicles are also sprayed down with collected recycled storm water. Recycled concrete and asphalt are stockpiled at the Site until they are processed through the recycling plant. The broken asphalt and concrete are crushed and screened to produce road base and drain rock. Metals such as reinforcing bars are removed by hand and stored in a recycling bin.

The following pertinent Hazard Ranking System factors are associated with the Site:

- Possible sources at the Site include naturally-occurring mercury mobilized by quarry activities at the Site. Mercury contamination has been identified in Stevens Creek Reservoir. Mercury-bearing deposits associated with serpentinite bodies are potentially present in bedrock at the Site. If mercury is present, quarrying of the bedrock could provide a mechanism for releasing mercury to Site groundwater, storm water, and dust suppression water that are discharged to Rattlesnake Creek and subsequently to Stevens Creek Reservoir.

- Groundwater, storm water, and dust suppression water from the Site are collected in onsite sedimentation ponds and catch basins that discharge into Rattlesnake Creek. Rattlesnake Creek then discharges into the Stevens Creek Reservoir. Water in the Stevens Creek Reservoir serves as storage of winter runoff that is released to recharge groundwater.

- There are at least 10 drinking water wells within 4 miles of the Site that serve an apportioned population of approximately 99,670.

- There are no drinking water intakes in Rattlesnake Creek, Stevens Creek Reservoir, Stevens Creek, or the San Francisco Bay within the target distance limit.

- The Sedimentation Pond located onsite serves as a fishery. The California EPA, Office of Environmental Health Hazard Assessment has issued a health advisory for eating bass and crappie from the Stevens Creek Reservoir due to elevated levels of mercury and polychlorinated biphenyls. Stevens Creek supports habitats necessary for the preservation of rare, threatened, or endangered species, including critical habitat for the threatened Steelhead.

6.0 REFERENCE LIST

BAAQMD, 2008a; Bay Area Air Quality Management District, Toxic Inventory 2008, 2008.

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Leidy, 2005; Leidy, R.A. G.S. Becker, B.N. Harvey, Historical Distribution and Current Status of Steelhead/Rainbow Trout in Streams of the San Francisco Estuary, California, Center for Ecosystem Management and Restoration, 2005.

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USGS, 2011; U.S. Department of the Interior, Mineral Resource Data System: Conterminous US, http://mrdata.usgs.gov/mineral-resources/mrds-us.html, data extracted on September 28, 2011.

Appendix A:

Transmittal List

TRANSMITTAL LIST

Date: **April 2012**
Site Name: **Stevens Creek Quarry**
EPA ID No.: **CAD000909322**

****

A copy of the Preliminary Assessment Report for the above-referenced site should be sent to the following:

Stevens Creek Quary
12100 Stevens Canyon Road
Cupertino, California 95014

Daniel Murphy
CA Environmental Protection Agency
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, California 94710

Thu Bui
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Chirstine Boschen, M.S.
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Gary Rudholm
Planning Office
70 West Hedding Street, East Wing, 7th Floor
San Jose, California 95110

Cathy Helgerson
20697 Dunbar Drive
Cupertino, California 95014

Appendix B:

Site Reconnaissance Interview and Observation Report/Photographic Documentation

SITE RECONNAISSANCE INTERVIEW AND OBSERVATIONS REPORT

DATE: September 21, 2011

OBSERVATIONS MADE BY: Anitra B. Rice (Weston Solutions, Inc.) and Karen Jurist (US EPA, Region IX)

SITE: Stevens Creek Quarry

EPA ID: CAD000909322

A Site reconnaissance visit was conducted on September 21, 2011. We were escorted throughout the site by John E. Kolski and Rich Voss. The following information was obtained and photographs were taken:

The Stevens Creek Quarry (SCQ) site is located at 12100 Stevens Canyon Road, Cupertino, California. The site provides aggregate rock for construction. The upper portion of the site consists of a quarry and a processing. Plant. The lower portion of the site consists of a fueling station with aboveground diesel tanks, Voss Trucking, maintenance, storage, office building, an asphalt and concrete recycling plant, and a garden/compost area. The site is only partially fenced. The site is situated in the foothills just west of the City of Cupertino, access to the site is limited but not impossible. There are approximately 30 full time permanent employees at the site. One person currently lives on the site.

The processing plant consists of feeders, crushers, and screening equipment run by a single generator. Raw material enters the processing plant on feeders where it is crushed into various sizes depending on the order.

Groundwater, storm water run-off, and dust suppression water from the quarry enters the upper pond where sediment is allowed to settle at the bottom before it enters the lower pond also known as the Sedimentation Pond. Water in the Sedimentation Pond discharges to Rattlesnake Creek. The pond has not been dredged in over 10 years. The SCQ holds an annual Fish-A-Thon, permitted by the California Fish and Game, for special needs children. The Sedimentation Pond is stocked with fish purchased from an off-site private hatchery and the children are allowed to catch and eat the fish. The Sedimentation Pond is managed for this event via dredging, grading, and water level controls. The fish are stocked a few days before the event each year.

A third pond is currently being excavated just west of the upper pond. Mr. Voss states the new pond is expected to be completed before winter.

Storm water run-off, groundwater, and dust suppression water from the activities conducted below the quarry and process plant is collected in a series of pipes near the point of generation then gravity fed to a check basin where sediment is allowed to settle and the water travels to the next set of pipes to the next check basin. The water then goes to an outfall into Rattlesnake Creek which then discharges into the Stevens Creek Reservoir. This is the only point where water exits the site. Storm water is sampled from this location.

Rock examined during the site visit appears to be serpentinite, or mercury-bearing rock.

No schools or daycares were observed on or in the vicinity of the site.

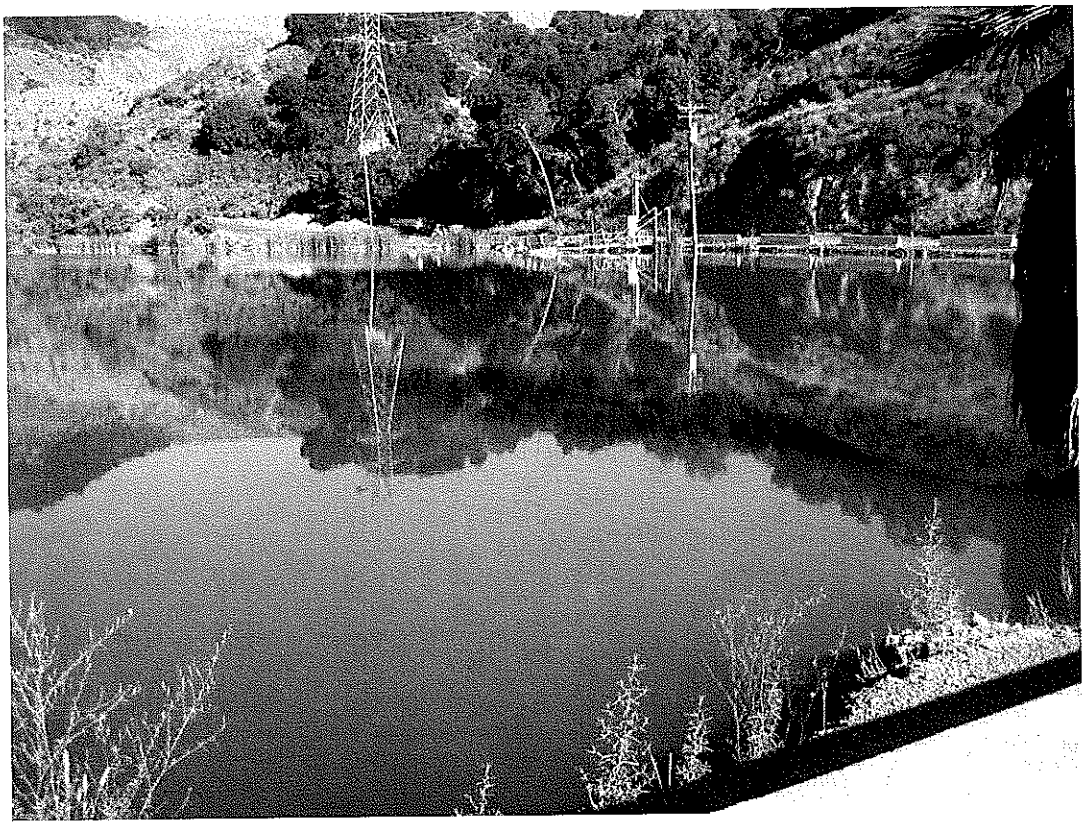


Photo 1: View of lower pond (Sedimentation Pond). This pond is stocked with fish and an annual Fish-A-Thon is held for special needs children.

Photo 2: View of outfall from Rattlesnake Creek.

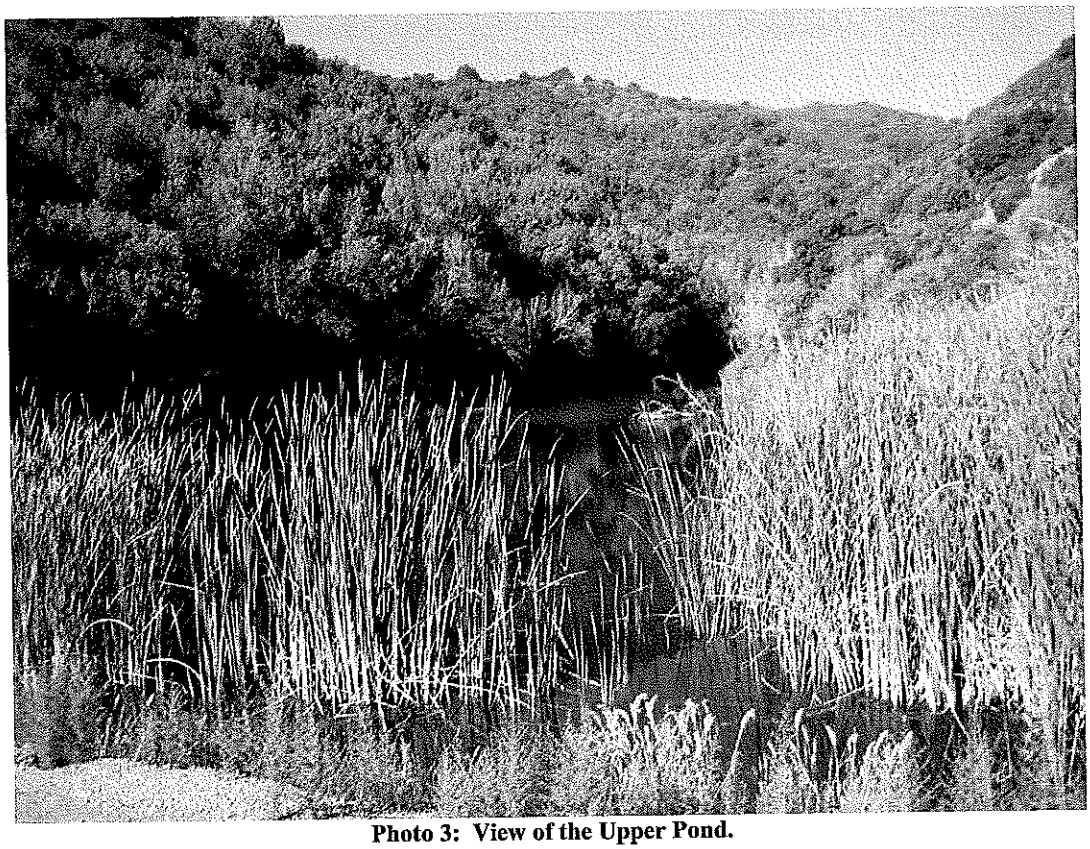


Photo 3: View of the Upper Pond.

Photo 4: View of excavation pit for new pond.

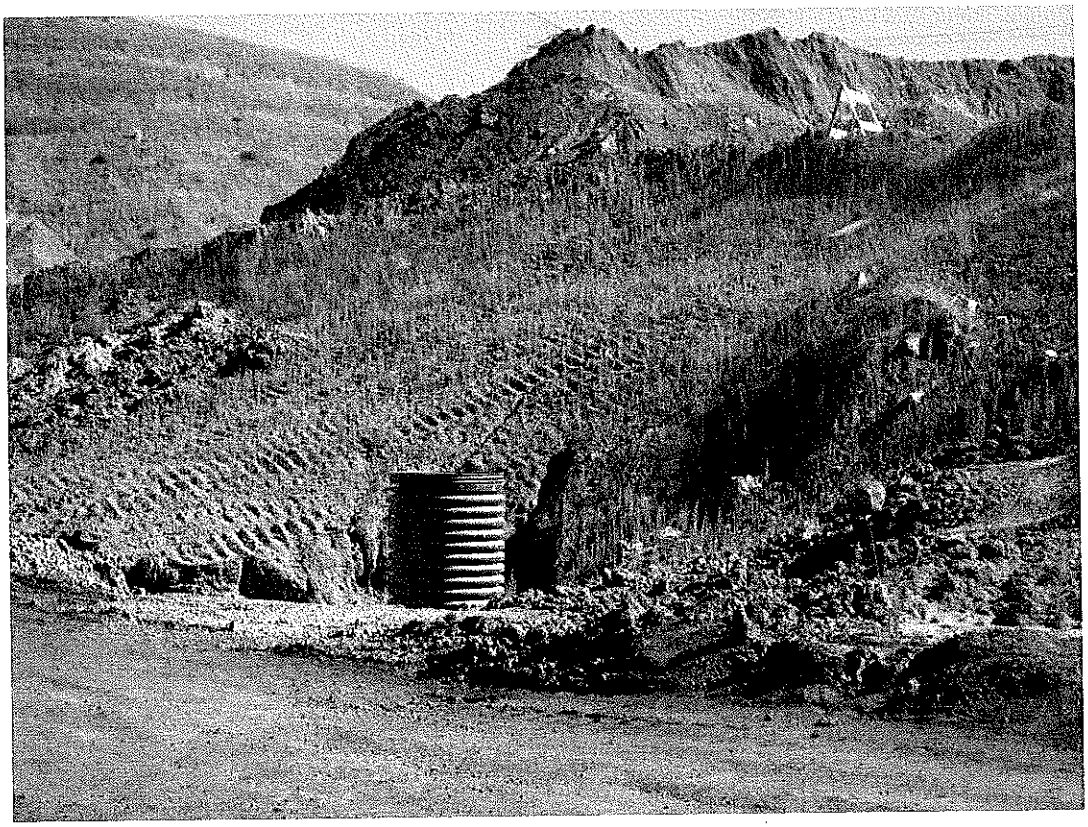


Photo 5: Outfall (check basin) for storm water which will eventually go to the new pond.

Photo 6: Feeders stockpiling aggregate rock in various sizes.

Photo 7: View of rock that appears to be serpentinite or mercury bearing rock.

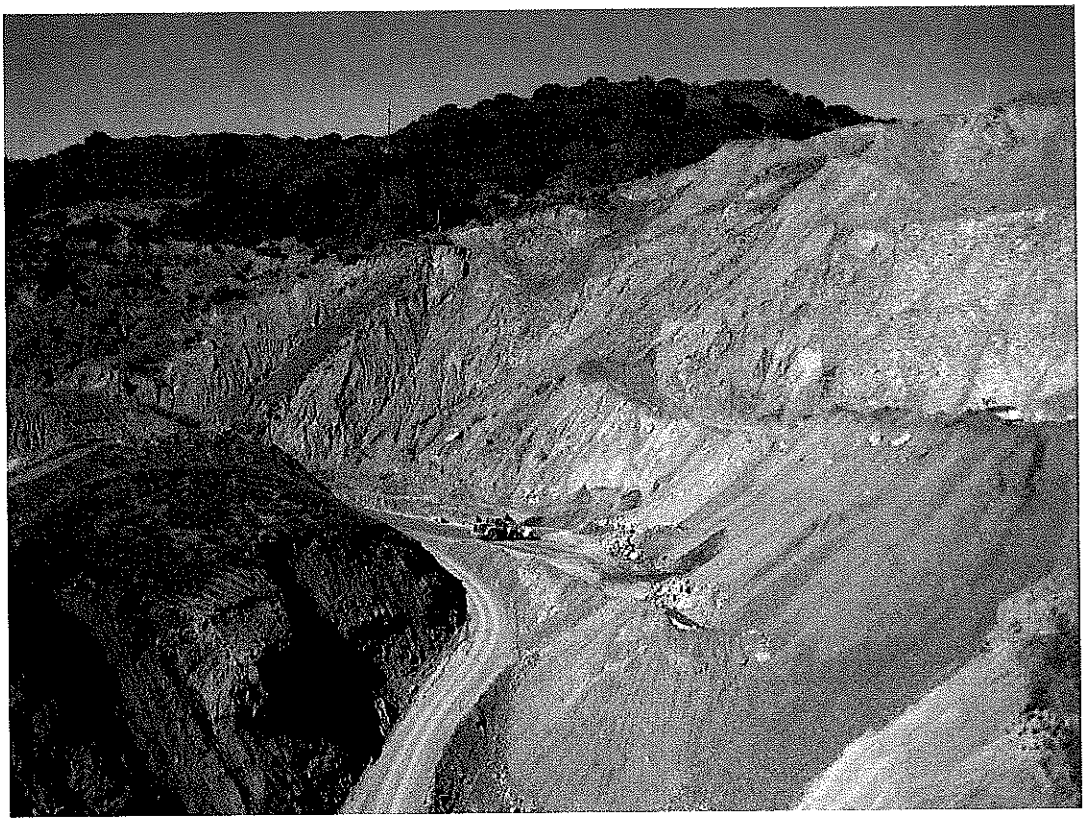


Photo 8: View of quarry.

Photo 9: View of quarry bottom.

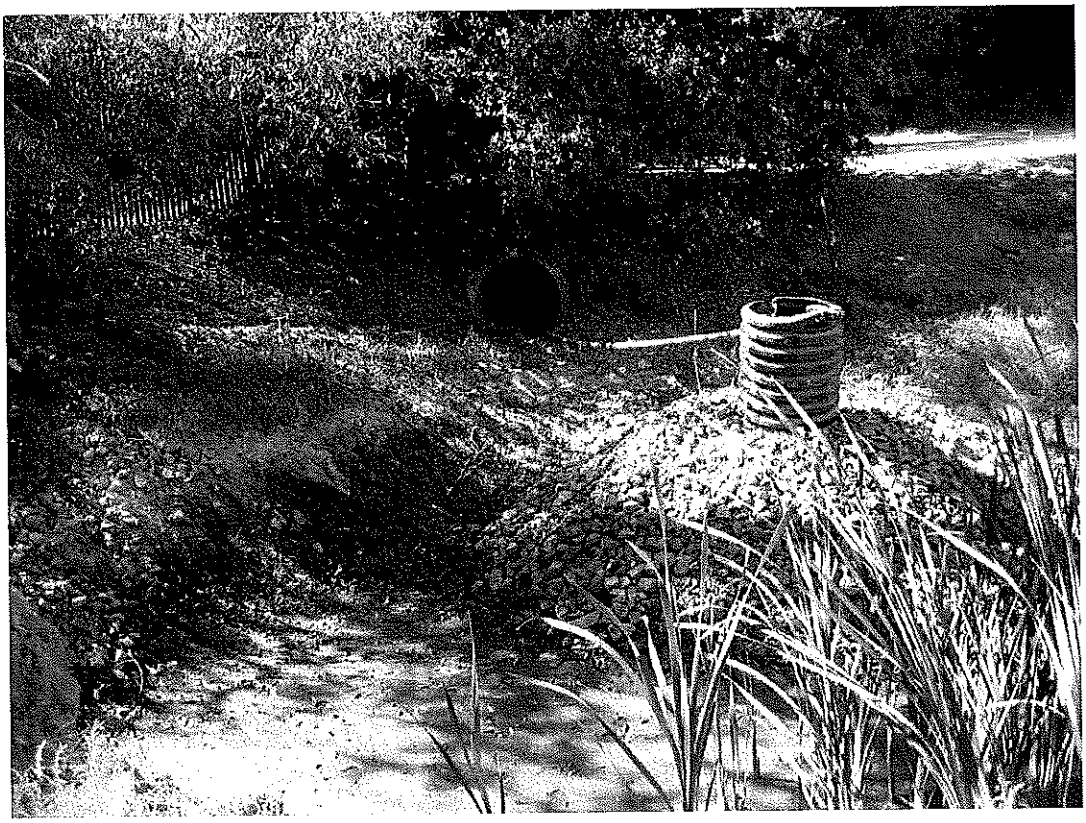


Photo 10: View of last sedimentation area (catch basin) before the water exits the site.

Photo 11: View of Stevens Creek Reservoir from the site exit.

Appendix C:

Contact Reports

CONTACT REPORT #1

AGENCY/AFFILIATION: Bay Area Air Quality Management District		
DEPARTMENT:		
ADDRESS/CITY: 939 Ellis Street, San Francisco		
COUNTY/STATE/ZIP: Alameda, California 94109		
CONTACT(S)	TITLE	PHONE
Nancy Yee	Senior Air Quality Engineer	(415) 749-4798
PERSON MAKING CONTACT: Anitra Rice		DATE: 03/28/2012
SUBJECT: Air Emission Sources		
SITE NAME: Stevens Creek Quarry		EPA ID#: CAD000909322

According to Ms. Yee, Stevens Creek Quarry's (SCQ) emissions in the 2008 Toxic Inventory are from two diesel generators used to power the site in areas without electricity. SCQ is currently working with PG&E to get the site on the power grid.

CONTACT REPORT #2

AGENCY/AFFILIATION: California Water Service Company		
DEPARTMENT: Water Quality		
ADDRESS/CITY: 341 N. Delaware Street, San Mateo		
COUNTY/STATE/ZIP: Santa Clara, California 94401		
CONTACT(S)	TITLE	PHONE
Sam Silva	Project Manager	(650) 558-7841
PERSON MAKING CONTACT: Anitra Rice		DATE: 08/18/2011 Revised 12/05/11
SUBJECT: Drinking Water Well		
SITE NAME: Stevens Creek Quarry		EPA ID#: CAD000909322

The following information was obtained from Mr. Silva:

Population Served: 55,512

Source of supply: Approx 80% annual purchase from Santa Clara Valley Water District West Pipeline supplied from Surface Water Source (Rinconada), 20% from district groundwater supply.

Active Wells: 22, Standby Wells: 0

Blending of Wells with Surface Water: Yes. We are in process of hydraulic modeling of the distribution system as there is isolation of some sources from the purchased water. We do not fully know the influence of the blending.

Inactive / Destroyed Well Status: There are several sources that have been inactivated due to nitrates. Two sources are in question due to compromised casing and respective Iron / Manganese content above the secondary MCL levels. Re activation of the nitrate impacted sources is in progress, however due to new well construction standards(Sanitary Seal Depth), several do not qualify and are candidates for destruction.

Aquifer Depth / Screening; Our district does not have a hydro geological model that accurately represents the respective aquifers for our sources. Screening will have a range dependent upon each individual source.

Mr. Silva email additional information regarding historical drinking water well testing in relation to arsenic and selenium. No historical detections of cadmium have been detected in drinking water wells.

CONTACT REPORT #3

AGENCY/AFFILIATION: City of Sunnyvale		
DEPARTMENT: Public Works – Water Division		
ADDRESS/CITY: Public Works/Field Services, Attn: Water, PO Box 3707, Sunnyvale		
COUNTY/STATE/ZIP: Santa Clara, California 94088-3707		
CONTACT(S)	TITLE	PHONE
Val Conzet	Manager	(408) 730-7510
PERSON MAKING CONTACT: Anitra Rice		DATE: 9/15/2011
SUBJECT: Drinking Water Well		
SITE NAME: Stevens Creek Quarry		EPA ID#: CAD000909322

According to Mr. Conzet the City of Sunnyvale operates 5 active drinking water wells and 1 standby. Groundwater accounts for approximately 2-3% of the drinking water. The remaining 97-98% is purchased surface water from Santa Clara Valley Water. Surface water is obtained more than 15 miles from the site. Surface water is blended with the groundwater prior to distribution. No wells have been permanently closed due to contamination. Mr. Conzet did not know what aquifer the drinking water is screened in but stated the screen in located between 300 to 350 feet below ground surface. The City of Sunnyvale provides water to approximately 141,000 people.

CONTACT REPORT #4

AGENCY/AFFILIATION: Cupertino Unified School District		
DEPARTMENT: Facilities		
ADDRESS/CITY: 10301 Vista Drive, Cupertino		
COUNTY/STATE/ZIP: Santa Clara, California 95014		
CONTACT(S)	TITLE	PHONE
Donna Bills	Secretary	(408) 252-3000 x341
PERSON MAKING CONTACT: Anitra Rice		DATE: 9/15/2011
SUBJECT: Drinking Water Well		
SITE NAME: Stevens Creek Quarry		EPA ID#: CAD000909322

According to Ms. Bills there is one groundwater well located at the Cupertino School; however this well is used for irrigation purposes. The school is not open but the grounds are maintained.

Appendix D:

Latitude and Longitude Calculations Worksheet

Latitude and Longitude Calculation Worksheet (7.5' quads) Using an Engineer's Scale (1/50)

Site Name Stevens Creek Quarry **CERCLIS #** CAD009093222

AKA

Address 12100 Stevens Canyon Road

City Cupertino **State** CA **ZIP** 95014

Site Reference Point

USGS Quad Name lat-longs acquired from Google Earth **Scale**

Township **Range** **Section** ¼ ¼ ¼

Map Datum ☐ 1927 ☐ 1983 (Check one) **Meridian**

Map coordinates at southeast corner of 7.5' quadrangle (attach photocopy)

Latitude ° ' "N **Longitude** ° ' "W

Map coordinates at southeast corner of 2.5' grid cell

Latitude ° ' "N **Longitude** ° ' "W

Calculations

LATITUDE(x)

A) Number of ruler graduations between 2.5' (150") grid lines (a)

B) Number of ruler graduations between south grid line and the site reference point (b)

C) Therefore, a/150 = b/x, where **x= Latitude in decimal seconds, north of the south grid line**

Expressed as minutes and seconds (1' = 60") = ° ' "N

Add to grid cell latitude = ° ' "N + ° ' "N

Site latitude = 37 ° 18 ' 16 "N

LONGITUDE(y)

A) Number of ruler graduations between 2.5' (150") grid lines (a)

B) Number of ruler graduations between south grid line and the site reference point (b)

C) Therefore, a/150 = b/x, where **x= Longitude in decimal seconds, west of the east grid line**

Expressed as minutes and seconds (1" = 60") = ° ' "W

Add to grid cell longitude = ° ' "N + ° ' "N

Site longitude = 122 ° 05 ' 32 "W

Appendix E:

EPA Quick Reference Fact Sheet

United States Environmental Protection Agency | Office of Solid Waste and Emergency Response | Publication 9345.4-03FS | September 1993

EPA

SITE ASSESSMENT:
Evaluating Risks at Superfund Sites

Office of Emergency and Remedial Response
Hazardous Site Evaluation Division 5204G

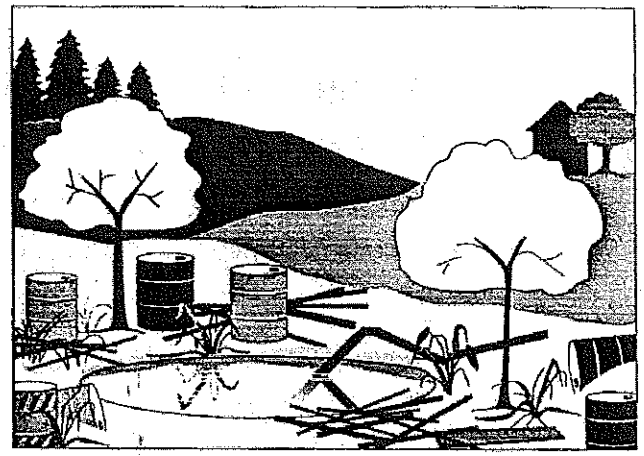
Quick Reference Fact Sheet

The Challenge of the Superfund Program

A series of headline-grabbing stories in the late 1970s, such as Love Canal, gave Americans a crash course in the perils of ignoring hazardous waste. At that time, there were no Federal regulations to protect the country against the dangers posed by hazardous substances (mainly industrial chemicals, accumulated pesticides, cleaning solvents, and other chemical products) abandoned at sites throughout the nation. And so, in 1980 Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, to address these problems.

The major goal of the Superfund program is to protect human health and the environment by cleaning up areas, known as "sites," where hazardous waste contamination exists. The U.S. Environmental Protection Agency (EPA) is responsible for implementing the Superfund program.

At the time it passed the Superfund law, Congress believed that the problems associated with uncontrolled releases of hazardous waste could be handled in five years with $1.6 billion dollars. However, as more and more sites were identified, it became apparent that the problems were larger than anyone had originally believed. Thus, Congress passed the Superfund Amendments and Reauthorization Act (SARA) in 1986. SARA expanded and strengthened the authorities given to EPA in the original legislation and provided a budget of $8.5 billion over five years. Superfund was extended for another three years in 1991.



What is EPA's Job at Superfund Sites?

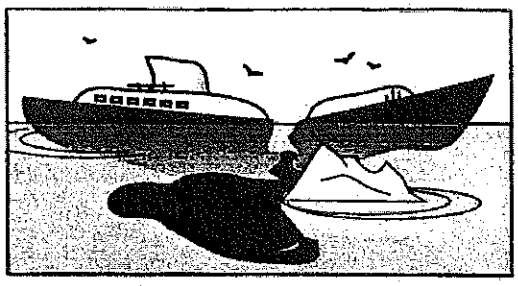
For more than 10 years, EPA has been implementing the Superfund law by:

- Evaluating potential hazardous waste sites to determine if a problem exists;
- Finding the parties who caused the hazardous waste problems and directing them to address these problems under EPA oversight or requiring them to repay EPA for addressing these problems; and
- Reducing immediate risks and tackling complex hazardous waste problems.

The Superfund site assessment process generally begins with the discovery of contamination at a site and ends with the completion of remediation (i.e., cleaning up the waste at a site) activities. This fact sheet explains the early part of the process, called the *site assessment* phase.

The National Response Center

The National Response Center (NRC), staffed by Coast Guard personnel, is the primary agency to contact for reporting all oil, chemical, and biological discharges into the environment anywhere in the U.S. and its territories. It is responsible for:



- Maintaining a telephone hotline 365 days a year, 24 hours a day;
- Providing emergency response support in specific incidents; and
- Notifying other Federal agencies of reports of pollution incidents.

To report a pollution incident, such as an oil spill, a pipeline system failure, or a transportation accident involving hazardous material, call the NRC hotline at **800-424-8802.**

1 Site Discovery

Hazardous waste sites are discovered in various ways. Sometimes concerned residents find drums filled with unknown substances surrounded by dead vegetation and call the NRC, EPA, or the State environmental agency; or an anonymous caller to the NRC or EPA reports suspicious dumping activities. Many sites come to EPA's attention through routine inspections conducted by other Federal, State, or local government officials. Other sites have resulted from a hazardous waste spill or an explosion. EPA enters these sites into a computer system that tracks any future Superfund activities.

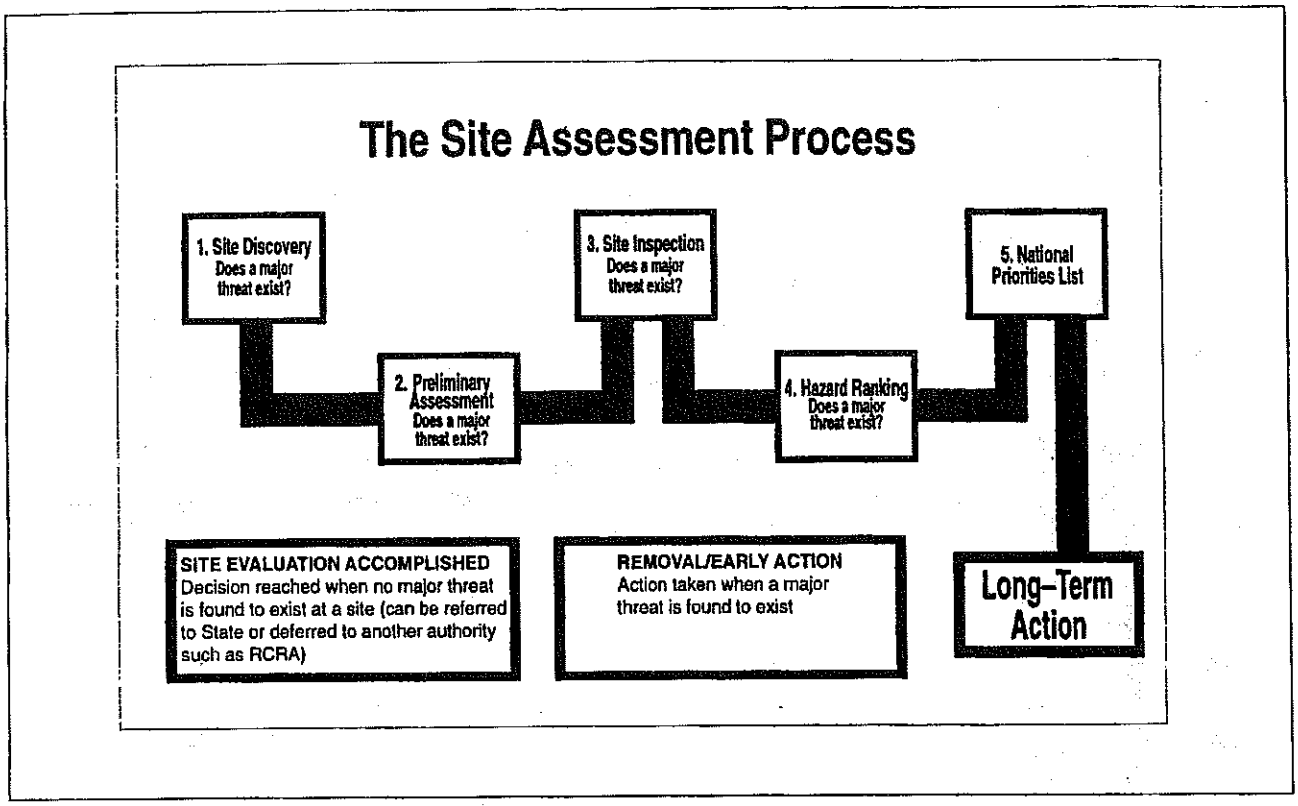
2 Preliminary Assessment

After learning about a site, the next step in the site assessment process is to gather existing information about the site. EPA calls this the *preliminary assessment.* Anyone can request that a preliminary assessment be performed at a site by petitioning EPA, the State environmental agency, local representatives, or health officials.

During the preliminary assessment, EPA or the State environmental agency:

- Reviews available background records;
- Determines the size of the site and the area around it;
- Tries to determine whether hazardous substances are involved;
- Identifies actual or potential pollution victims, such as the nearby population and sensitive environments;
- Makes phone calls or interviews people who may be familiar with the site; and
- Evaluates the need for early action using EPA's removal authority.

By gathering information and possibly visiting the site, EPA or the State environmental agency is able to determine if major threats exist and if cleanup is needed. Many times, the preliminary assessment indicates that no major threats exist.



However, if hazardous substances do pose an immediate threat, EPA quickly acts to address the threat. When a site presents an immediate danger to human health or the environment—for example, there is the potential for a fire or an explosion or the drinking water is contaminated as a result of hazardous substances leaking out of drums—EPA can move quickly to address site contamination. This action is called a *removal* or an *early action*. Additional information on early actions can be found on page 4.

EPA or the State environmental agency then decides if further Federal actions are required. Of the more than 35,000 sites discovered since 1980, only a small percentage have needed further remedial action under the Federal program.

A report is prepared at the completion of the preliminary assessment. The report includes a description of any hazardous substance release, the possible source of the release, whether the contamination could endanger people or the environment, and the pathways of the release. The information outlined in this report is formed into hypotheses that are tested if further investigation takes place. You can request a copy of this report once it becomes final— just send your name and address to your EPA regional Superfund office. See page 8 for further information on these contacts.

Sometimes it is difficult to tell if there is contamination at the site based on the initial information gathering. When this happens, EPA moves on to the next step of the site assessment, called the *site inspection.*

Making Polluters Pay

One of the major goals of the Superfund program is to have the responsible parties pay for or conduct remedial activities at hazardous waste sites. To accomplish this goal, EPA:

- Researches and determines who is responsible for contaminating the site;
- Issues an order requiring the private parties to perform cleanup actions with EPA oversight; and
- Recovers costs that EPA spends on site activities from the private parties.

Removals/Early Actions

EPA can take action quickly if hazardous substances pose an immediate threat to human health or the environment. These actions are called *removals* or *early actions* because EPA rapidly eliminates or reduces the risks at the site. EPA can take a number of actions to reduce risks, including:

- Fencing the site and posting warning signs to secure the site against trespassers;
- Removing, containing, or treating the source of the contamination;
- Providing homes and businesses with safe drinking water; and, as a last resort,
- Temporarily relocating residents away from site contamination.

"EPA can take action quickly if hazardous substances pose an immediate threat to human health or the environment."

3 Site Inspection

If the preliminary assessment shows that hazardous substances at the site may threaten residents or the environment, EPA performs a site inspection. During the site inspection, EPA or the State collects samples of the suspected hazardous substances in nearby soil and water. EPA may initiate a concurrent SI/remedial investigation at those sites that are most serious and determined early as requiring long-term action. Sometimes, wells have to be drilled to sample the ground water. Site inspectors may wear protective gear, including coveralls and respirators, to protect themselves against any hazardous substances present at the site. Samples collected during the site inspection are sent to a laboratory for analysis to help EPA answer many questions, such as:

- Are hazardous substances present at the site? If so, what are they, and approximately how much of each substance is at the site?
- Have these hazardous substances been released into the environment? If so, when did the releases occur, and where did they originate?
- Have people been exposed to the hazardous substances? If so, how many people?
- Do these hazardous substances occur naturally in the immediate area of the site? At what concentrations?
- Have conditions at the site gotten worse since the preliminary assessment? If so, is an early action or removal needed? (See box above.)

Often, the site inspection indicates that there is no release of major contamination at the site, or that the hazardous substances are safely contained and have no possibility of being released into the environment. In these situations, EPA decides that no further Federal inspections or remedial actions are needed. This decision is referred to as *site evaluation accomplished.* (See page 5 for more details on the *site evaluation accomplished* decision.)

At the completion of the site inspection, a report is prepared. This report is available to the public–call your EPA regional Superfund office for a copy. See page 8 for the phone numbers of these offices.

"During the site inspection, EPA or the State collects samples of the suspected hazardous substances in nearby soil and water."

At sites with particularly complex conditions, EPA may need to perform a second SI to obtain legally defensible documentation of the releases.

Because EPA has limited resources, a method has been developed to rank the sites and set priorities throughout the nation. That method, known as the *Hazard Ranking System*, is the next step in the site assessment process.

4 Hazard Ranking System

EPA uses the information collected during the preliminary assessment and site inspection to evaluate the conditions at the site and determine the need for long-term remedial actions. When evaluating the seriousness of contamination at a site, EPA asks the following questions:

- Are people or sensitive environments, such as wetlands or endangered species, on or near the site?
- What is the toxic nature and volume of waste at the site?
- What is the possibility that a hazardous substance is in or will escape into ground water, surface water, air, or soil?

Based on answers to these questions, each site is given a score between zero and 100. Sites that score 28.5 or above move to the next step in the process: listing on the *National Priorities List*. Sites that score below 28.5 are referred to the State for further action.

5 National Priorities List

Sites that are listed on the *National Priorities List* present a potential threat to human health and the environment, and require further study to determine what, if any, remediation is necessary. EPA can pay for and conduct remedial actions at NPL sites if the responsible parties are unable or unwilling to take action themselves. There are three ways a site can be listed on the National Priorities List:

- It scores 28.5 or above on the Hazard Ranking System;
- If the State where the site is located gives it top priority, the site is listed on the National Priorities List regardless of the HRS score; or
- EPA lists the site, regardless of its score, because all of the following are true about the site:
  - The Agency for Toxic Substances and Disease Registry (ATSDR), a group within the U.S. Public Health Service, issues a health advisory recommending that the local population be *dissociated* from the site (i.e., that the people be temporarily relocated or the immediate public health threat be removed);
  - EPA determines that the site poses a significant threat to human health; and
  - Conducting long-term remediation activities will be more effective than addressing site contamination through early actions.

The list of proposed sites is published in the *Federal Register*, a publication of legal notices issued by Federal agencies. The community typically has 60 days to comment on the list. After considering all comments, EPA publishes a list of those sites that are officially on the National Priorities List. When a site is added to the National Priorities List, the site assessment is completed. Long-term actions take place during the next phase. See page 6 for more details on long-term actions.

Site Evaluation Accomplished

In many instances, site investigators find that potential sites do not warrant Federal action under the Superfund program. This conclusion can be attributed to one of two reasons:

- The contaminants present at the site do not pose a major threat to the local population or environment; or
- The site should be addressed by another Federal authority, such as EPA's Resource Conservation and Recovery Act (RCRA) hazardous waste management program.

When investigators reach this conclusion, the site evaluation is considered accomplished. A site can reach this point at several places during the site assessment process, namely at the conclusion of the preliminary assessment or the site inspection, or once the site is scored under the Hazard Ranking System.

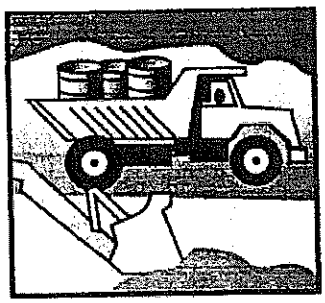
As a Concerned Citizen, How Can I Help ?

- Read this fact sheet.
- Call EPA with any potential sites in your area.
- Provide EPA with site information.
- Comment on proposed listing of sites on the National Priorities List.
- If the site is listed on the NPL, work with your citizens' group to apply for a technical assistance grant.

Addressing Sites in the Long Term

Once a site is placed on the National Priorities List, it enters the long-term or remedial phase. The stages of this phase include:

- ✓ Investigating to fully determine the nature and extent of contamination at the site, which can include a public health assessment done by the ATSDR;
- ✓ Exploring possible technologies to address site contamination;
- ✓ Selecting the appropriate technologies—also called remedies;
- ✓ Documenting the selected remedies in a record of decision (ROD);
- ✓ Designing and constructing the technologies associated with the selected remedies;
- ✓ If necessary, operating and maintaining the technologies for several years (e.g., long-term treatment of ground water) to ensure safety levels are reached; and
- ✓ Deleting the site from the National Priorities List, completing Superfund's process and mission.



Some Commonly Asked Questions

Q: **What exactly is a site?**
A: EPA designates the area in which contamination exists as the "site." Samples are taken to define the area of contamination. At any time during the cleanup process the site may be expanded if contamination is discovered to have spread further.

Q: **How long will it take to find out if a threat exists?**
A: Within one year of discovering the site, EPA must perform a preliminary assessment. The preliminary assessment allows EPA to determine if there is an immediate danger at the site; if so, EPA takes the proper precautions. You will be notified if you are in danger. EPA may also contact you to determine what you know about the site.

Q: **What is the State's role in all these investigations?**
A: The State can take the lead in investigating and addressing contamination. It also provides EPA with background information on (1) immediate threats to the population or environment, and (2) any parties that might be responsible for site contamination. The State shares in the cost of any long-term actions conducted by the Superfund program, comments on the proposal of sites to the National Priorities List, and concurs on the selected remedies and final deletion of sites from the National Priorities List.

Q: **Why are private contractors used to assess sites?**
A: EPA has a limited workforce. By using private contractors, EPA is able to investigate more sites. Also, EPA is able to draw on the expertise of private contracting companies.

Q: **Why are there so many steps in the evaluation process? Why can't you just take away all the contaminated materials right now, just to be safe?**
A: When EPA assesses a site, it first determines if contamination poses any threats to the health of the local population and the integrity of the environment. Dealing with worst sites first is one of Superfund's national goals. By evaluating contamination in a phased approach, EPA can quickly identify sites that pose the greatest threats and move them through the site assessment process. Once EPA understands the conditions present at a site, it searches for the remedy that will best protect public health and the environment. Cost is only one factor in weighing equally protective remedies. Many sites do not warrant actions because no major threat exists. However, if a significant threat does exist, EPA will take action.

about Superfund Sites

Q: **If a site is added to the National Priorities List, how will we know when EPA has completed the cleanup efforts?**

A: EPA notifies the public and requests their comments on the actions proposed to treat site contaminants. In addition, the community is notified when a site will be deleted from the National Priorities List. The entire process can take as long as 7 years; at sites where ground water is contaminated, it can take even longer.

Q: **I live next door to a site and I see EPA and contractor personnel wearing "moon suits." Am I safe?**

A: EPA and contractor personnel wear protective gear because they might actually be handling hazardous materials. Also, these people are regularly exposed to contaminants at different sites and do not always know what contaminants they are handling. EPA takes steps to protect the public from coming in contact with the site contamination. If a dangerous situation arises, you will be notified immediately.

Q: **If a site is added to the National Priorities List, who pays for the activities?**

A: EPA issues legal orders requiring the responsible parties to conduct site cleanup activities under EPA oversight. If the parties do not cooperate, Superfund pays and files suit for reimbursement from responsible parties. The sources of this fund are taxes on the chemical and oil industries; only a small fraction of the fund is generated by income tax dollars.

Q: **How can I get more information on any health-related concerns?**

A: Contact your EPA regional Superfund office for more information. The ATSDR also provides information to the public on the health effects of hazardous substances. Ask your EPA regional Superfund office for the phone number of the ATSDR office in your region.

Q: **How can I verify your findings? What if I disagree with your conclusions?**

A: You can request copies of the results of the site assessment by writing to your EPA regional Superfund office. The public is given the opportunity to comment on the proposal of a site to the National Priorities List and the actions EPA recommends be taken at the site. If a site in your community is listed on the National Priorities List, a local community group may receive grant funds from EPA to hire a technical advisor. Call your EPA regional Superfund office (see page 8) for the location of an information repository and for information on applying for a **technical assistance grant.**

Q: **How can I get further information? How can I get a list of the sites EPA has investigated?**

A: Contact your EPA regional Superfund office (see page 8) for more information and a list of sites in your area.

Important Phone Numbers

For information on the Superfund program or to report a hazardous waste emergency, call the national numbers below.

U.S. EPA Headquarters Hazardous Site Evaluation Division

☎ Site Assessment Branch
703-603-8860

Federal Superfund Program Information

☎ EPA Superfund Hotline
800-424-9346

Emergency Numbers:

Hazardous Waste Emergencies

☎ National Response Center
800-424-8802

ATSDR Emergency Response Assistance

☎ Emergency Response Line
404-639-0615

For answers to site-specific questions and information on opportunities for public involvement, contact your region's Superfund community relations office.

EPA Region 1: *Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*

☎ Superfund Community Relations Section
617-565-2713

EPA Region 2: *New Jersey, New York, Puerto Rico, Virgin Islands*

☎ Superfund Community Relations Branch
212-264-1407

EPA Region 3: *Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia*

☎ Superfund Community Relations Branch
800-438-2474

EPA Region 4: *Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee*

☎ Superfund Site Assessment Section
404-347-5065

EPA Region 5: *Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin*

☎ Office of Superfund
312-353-9773

EPA Region 6: *Arkansas, Louisiana, New Mexico, Oklahoma, Texas*

☎ Superfund Management Branch, Information Management Section
214-655-6718

EPA Region 7: *Iowa, Kansas, Missouri, Nebraska*

☎ Public Affairs Office
913-551-7003

EPA Region 8: *Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming*

☎ Superfund Community Involvement Branch
303-294-1124

EPA Region 9: *Arizona, California, Hawaii, Nevada, American Samoa, Guam*

☎ Superfund Office of Community Relations
800-231-3075

EPA Region 10: *Alaska, Idaho, Oregon, Washington*

☎ Superfund Community Relations
206-553-2711

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 2 2 2012

CERTIFIED MAIL NO. 7000 0520 0021 5665
RETURN RECEIPT REQUESTED

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

Dear Mr. Vickers:

On March 26, 2012, staff from the U.S. Environmental Protection Agency ("EPA"), Region 9, conducted a site visit of the Lehigh Southwest Cement Company's ("Lehigh") Permanent Plant located at 24001 Stevens Creek Boulevard in Cupertino, CA (hereinafter referred to as the "site" or "facility"). The primary purpose of EPA's visit was to assess the quality of the facility's discharges to Permanente Creek.

As a follow up to EPA's site visit, and to obtain additional information, EPA requests that Lehigh, pursuant to Clean Water Act ("CWA") section 308, 33 U.S.C. § 1318, provide additional information detailed below. Section 308 of the CWA authorizes the Regional Administrator of EPA to require those subject to the CWA to furnish information, conduct monitoring, and provide entry to the facility and make reports as may be necessary to carry out the objectives of the CWA. Within thirty (30) days of receipt of this information collection request Lehigh shall submit to EPA Region 9 information related to the site as detailed in Attachment 1.

All submissions pursuant to this letter shall be signed by a principal executive officer of Lehigh pursuant to 40 C.F.R. § 122.22 and shall include the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to properly respond to this Section 308 information collection request could subject Lehigh to a civil action for appropriate relief pursuant to CWA section 309, 33 U.S.C. § 1319, including civil penalties not to exceed $37,500 per day for each violation and/or criminal penalties.

Lehigh cannot withhold from EPA what it may consider to be confidential business information. However, Lehigh has the discretion to assert, at the time of submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with Lehigh's submission, EPA may make the information available to the public without further notice. All confidentiality claims are subject to EPA verification.

This information collection request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

All submissions shall be mailed to the following address:

U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Attn: Greg Gholson (WTR-7)

If you have any questions, please contact Greg Gholson at (415) 947-4209 or at gholson.greg@epa.gov, or you may have your counsel contact Samuel Brown, an attorney in the Office of Regional Counsel, at (415) 972-3923 or at brown.samuel@epa.gov.

Sincerely,

Nancy Woo, Acting Director
Water Division

Enclosure (1): Attachment 1 - Information Collection Request

cc via E-mail: Scott Renfrew, Environmental Manager, Lehigh Southwest Cement Company
Nicole Granquist, Downey Brand LLP
Julie Macedo, Counsel, California State Water Resources Control Board
Ellen Howard, Counsel, California State Water Resources Control Board
Christine Boschen, California Regional Water Quality Control Board

INFORMATION COLLECTION REQUEST:

For purposes of consistency, and clear communication between the U.S. Environmental Protection Agency ("EPA") and Lehigh, unless specifically noted, EPA will use descriptions of the Permanente Plant located at 24001 Stevens Creek Boulevard in Santa Clara County, CA (hereinafter referred to as the "site" or "facility"), and features on the site, as described by Lehigh in its November 30, 2011 "Report of Waste Discharge for the Permanente Plant" ("ROWD") that was submitted to the California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board").

1. Describe in detail the relationship between Lehigh and any parent corporation, subsidiary and/or any other entity having an ownership interest or operating at the site. This includes, but is not limited to, Heidelberg Cement and Hanson Permanente Cement ("Hanson"). For any parent corporation, subsidiary and/or any other entity having an ownership interest or operating at the site provide its name, current mailing address, a contact person, telephone number and state of incorporation and principal place of business. As part of this response provide document(s) that demonstrate the relationship between Lehigh and any parent corporation, subsidiary and/or any other entity having an ownership interest or operating at the site.

    a. Identify the state where Lehigh is incorporated and the state of Lehigh's principal place of business. As part of this response provide document(s) that demonstrate the state where Lehigh is incorporated and the state of Lehigh's principal place of business.

2. Provide a chronological list of the current and former owners and operators of the site. The list should provide the specific periods of time the site was owned and/or operated by a particular entity and the details of any transaction that resulted in the transfer of ownership of the site and/or resulted in a new operator of the site.

    a. As part of the ROWD Lehigh identified Lehigh as the operator of the site. Provide the dates on which Lehigh has been the operator of the site and document(s) demonstrating Lehigh as the operator of the site.

    b. As part of the ROWD Lehigh identified Hanson as the owner of the site. Provide the dates in which Hanson has been the owner of the site and document(s) demonstrating Hanson as the owner of the site, including, but not limited to, the title or other ownership document. As part of this response, provide details of Hanson's activities at the site, including, but not limited to, a description of the activity conducted by Hanson related to the operation of the site.

3. Identify and provide copies of all permits from any federal, state or local regulatory agency that apply or have applied to the facility with respect to surface water, wetlands, groundwater, soil and waste disposal.

4. Identify and provide copies of all environmental investigations and/or reports that were completed for the site by Lehigh, Hanson, a parent corporation and/or subsidiary, a consultant and/or contractor, or by anyone else under the direction of Lehigh.

5. Provide documentation of all data from rain gauges, or other similar mechanism(s) utilized on site, to identify the levels of precipitation that fell on the site from May 2007 to the present.

    a. Describe the type of rain gauge, or other similar mechanism(s), and describe how it is used, including how often it is checked and emptied and how records of the rain data are maintained.

    b. If Lehigh does not operate or maintain a rain gauge, or other mechanism(s), on site, identify how Lehigh monitors precipitation related events and the amount of stormwater on the site.

6. Identify and describe all point sources that are known, or should reasonably be known, to Lehigh, that may discharge pollutants to Permanente Creek or any other surface water and/or wetland on the site. The term "point source" is defined at 33 U.S.C. § 1362(14) and means any discernible, confined or discrete conveyance. When identifying all point sources list the latitude and longitude of the point source to the nearest 15 seconds. EPA also requests that Lehigh identify each point source on a map that reasonably depicts the facility and each point source at the facility. The scope of Lehigh's response should include, but is not limited to, all point sources that discharge storm water and/or process waste water whether or not those point sources are permitted by a federal, state or local regulatory agency. As part of this response Lehigh is specifically requested to identify and describe the previously unidentified outfall located below Pond 4A observed by EPA, during the March 26, 2012 site visit, to be discharging to Permanente Creek and that was brought to the attention of Mr. Scott Renfrew by Greg Gholson of EPA.

    a. Lehigh is requested to explain in detail the source of the discharge from each point source identified in Paragraph 6 and characterize the discharge as either stormwater or process waste water.

    b. Lehigh is requested to identify what pollutants have been identified as being discharged from each point source identified in Paragraph 6 from May 2007 to the present. As part of this response provide any sampling and/or monitoring results that have been conducted for each point source identified in Paragraph 6.

7. For those point sources identified in Paragraph 6 identify what, if any, permit from a federal, state or local regulatory agency Lehigh believes *currently* covers the discharge from each point source.

4. Identify and provide copies of all environmental investigations and/or reports that were completed for the site by Lehigh, Hanson, a parent corporation and/or subsidiary, a consultant and/or contractor, or by anyone else under the direction of Lehigh.

5. Provide documentation of all data from rain gauges, or other similar mechanism(s) utilized on site, to identify the levels of precipitation that fell on the site from May 2007 to the present.

    a. Describe the type of rain gauge, or other similar mechanism(s), and describe how it is used, including how often it is checked and emptied and how records of the rain data are maintained.

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    a. Lehigh is requested to explain in detail the source of the discharge from each point source identified in Paragraph 6 and characterize the discharge as either stormwater or process waste water.

    b. Lehigh is requested to identify what pollutants have been identified as being discharged from each point source identified in Paragraph 6 from May 2007 to the present. As part of this response provide any sampling and/or monitoring results that have been conducted for each point source identified in Paragraph 6.

7. For those point sources identified in Paragraph 6 identify what, if any, permit from a federal, state or local regulatory agency Lehigh believes *currently* covers the discharge from each point source.

a. In addition, for the same point sources identified in Paragraph 6, identify what permit Lehigh believes covered discharges from each point source from May 2007 to the present.

b. For any discharges from the point sources identified in Paragraph 6 that do not currently have permit coverage, or did not have permit coverage from May 2007 to the present, describe in detail why the discharges did not have permit coverage.

8. Identify any discharges from the site that Lehigh believes are subject to effluent limitations in any Effluent Limitations Guidelines ("ELGs") in 40 C.F.R. Subchapter N. Identify the ELGs by regulatory citation and describe which discharge from the site the ELGs apply to, including a narrative description of the location of the discharge and the source of the pollutants that may be discharged from that location. Provide all discharge or other water monitoring data that measures any of the parameters in the ELGs.

9. Identify all sampling and/or monitoring of discharges that identified pollutants at levels that exceeded applicable water quality standards from May 2007 to the present. As part of this response provide the date of the discharge, the location of the discharge and provide copies of the sampling and/or monitoring result(s).

10. Identify on a map(s) and/or diagram(s) all surface waters, including wetlands. As part of this response provide a detailed description of the surface waters and wetlands and include copies of any wetland delineation reports prepared by consultants and/or any jurisdictional determinations made by the U.S. Army Corps of Engineers specific to "waters of the United States" located on or adjacent to Lehigh's facility.

11. Identify whether the site is under either interim status or operates under a permit pursuant to the Resource Conservation and Recovery Act ("RCRA") subtitle C.

    a. Describe in detail whether Lehigh treats, stores or disposes of hazardous waste at the site.

12. Identify on a map(s) and/or diagram(s) all landfills, land application areas, and open dumps on the site and provide a detailed description of the activity on the site associated with the production of the waste or other materials deposited in the landfills, land application areas, and open dumps.

13. Identify the Standard Industrial Classification ("SIC") Code(s) for the site and the method utilized to arrive at this determination. As part of this response demarcate on a map(s) and/or diagram(s) of the facility the location and geographic extent of the industrial activities corresponding to each SIC Code(s).

<u>Quarry, Pond 4A, and West Materials Storage Area</u>

14. Describe in detail what types of activity occur inside the Quarry and within the drainage area of the site that flows into the Quarry. If applicable, identify each activity by SIC code, in addition to providing a narrative description of each activity.

15. Describe the type, source and volume of all materials stored and/or disposed of in the West Material Storage Area. This includes overburden, waste rock, industrial process wastes (e.g. rock plant mud cake) and any other waste streams disposed of or stored within the West Material Storage Area.

16. Describe in detail if and how storm water flows from the West Material Storage Area into the bottom of the Quarry via the West Materials Storage Area Drainage.

    a. Describe in detail any sampling and/or monitoring of the storm water runoff from the West Material Storage Area to the Quarry. Provide the dates and any results of such sampling and/or monitoring activities.

    b. Describe in detail any sampling and/or monitoring activities of what Lehigh has characterized as "5 acres of historically mined material" in the West Material Storage Area. Provide the dates any results of such sampling and/or monitoring activities.

    c. Describe in detail the source of the "historically mined material," including a detailed description of the industrial process in which the material was used and/or created on the site and how it was disposed of at the West Material Storage Area. Include in this response a detailed description of what Lehigh means by "historically mined material," including what pollutants are or may be present in the material and the amount and dates of the material disposed of at the West Material Storage Area.

17. Describe in detail how, what Lehigh characterizes as "mine drainage," is pumped from the Quarry bottom to Pond 4A and from Pond 4A to Permanente Creek. Include a detailed description of the pipes and other conveyances that are used to transport the "mine drainage" from the Quarry to Permanente Creek.

    a. Identify the source(s) of the water that collects in the Quarry bottom.

    b. Describe the pollutant(s) that have been identified in the water at the Quarry bottom. Identify the dates and provide any sampling and/or monitoring results for the water in the bottom of the Quarry.

    c. Describe the pollutant(s) that have been identified in discharges from Pond 4A to Permanente Creek. Identify the dates and provide any sampling and/or monitoring results for the discharge of the Quarry "mine drainage" into Pond 4A and the discharge from Pond 4A to Permanente Creek.

18. Describe in detail what treatment control(s) are currently being utilized by Lehigh to control the discharge of pollutants from the Quarry and/or Pond 4A. In this response give the location on the site where the treatment control(s) were installed and the purpose of the treatment control(s).

a. Explain how Lehigh believes those treatment control(s) described in Paragraph 18 comply with Section B of the California Storm Water General Permit for Discharges of Storm Water Associated with Industrial Activity Excluding Construction Activities, Water Quality Order No. 97-03-DWQ, General Permit No. CAS000001 ("Industrial Storm Water General Permit") (pages 3-4).

b. Explain how Lehigh believes the treatment controls described in Paragraph 18 are the best available technology economically available ("BAT") and the best conventional pollutant control technology ("BCT") for reducing or preventing the discharge of pollutants.

c. Explain how Lehigh believes the treatment controls described in Paragraph 18 comply with Section C.1 of the Industrial Storm Water General Permit (page 4).

d. Explain how Lehigh believes the treatment controls described in Paragraph 18 comply with Section C.2 of the Industrial Storm Water General Permit (page 4).

19. If different than current treatment control(s) described in Paragraph 18, describe what treatment controls were in place to control the discharge of pollutants from the Quarry and/or Pond 4A between May 2007 and the present. In this response give the date(s) in which particular treatment control(s) were installed, the location on the site where the treatment control(s) were utilized and the purpose of the treatment control(s).

    a. Explain how those treatment control(s) described in Paragraph 19 comply with Section B of the Industrial Storm Water General Permit (pages 3-4).

    b. Explain how the treatment control(s) described in Paragraph 19 are the best available technology economically available ("BAT") and the best conventional pollutant control technology ("BCT") for reducing or preventing the discharge of pollutants.

    c. Explain how the treatment control(s) described in Paragraph 19 comply with Section C.1 of the Industrial Storm Water General Permit (page 4).

    d. Explain how the treatment control(s) described in Paragraph 19 comply with Section C.2 of the Industrial Storm Water General Permit (page 4).

20. Describe the rate and volume of flow from the Quarry to Pond 4A and from Pond 4A to Permanente Creek. In this response include any monitoring of the rate of flow and the date(s) in which the flow was monitored.

    a. Describe in detail the factors that influence the rate and volume of flow from the Quarry to Pond 4A and from Pond 4A to Permanente Creek.

East Materials Storage Area and Pond 30

21. Describe in detail what types of activity occur inside the East Materials Storage Area and within the drainage area of the site that flows into Pond 30. If applicable, identify each activity by SIC code, in addition to providing a narrative description of each activity.

22. Describe the type, source and volume of all materials stored and/or disposed of in the East Materials Storage Area. This includes overburden, waste rock, industrial process wastes (e.g. cement kiln bricks, clinker, former aluminum plant waste materials, etc.) and any other waste streams disposed of or stored within the East Materials Storage Area.

23. Describe in detail if and how storm water flows from the East Material Storage Area into Pond 30 (via the East Materials Storage Area Drainage) to Permanente Creek.

    a. Describe in detail any sampling and/or monitoring of the storm water runoff from the East Material Storage Area to Pond 30 and from Pond 30 to Permanente Creek. Provide the date(s) and any result(s) of such sampling and/or monitoring activities.

    b. Describe the industrial process in which the material was used and/or created on the site and how it was disposed of at the East Material Storage Area. Include in this response a detailed description of what pollutants are present in the material and the amount and dates of the material disposed of at the East Material Storage Area.

24. Describe in detail if and how storm water flows from the East Material Storage Area to Permanente Creek through any conveyance other than Pond 30.

Primary Crusher and Pond 13A and 13B

25. Identify the dates from May 2007 to the present when the Primary Crusher was in operation.

26. Describe in detail under what factual circumstances the operation of the Primary Crusher results in the generation of process waste water.

27. Identify the dates from May 2007 to the present when the Primary Crusher discharged process waste water to Pond 13A and/or Pond 13B.

28. Identify the dates from May 2007 to the present when process waste water and/or process waste water commingled with storm water discharged from Pond 13A and/or Pond 13B to Permanente Creek.

29. Describe in detail what types of activity occur inside the area of the Primary Crusher and within the drainage area of the site that flows through the area of the Primary Crusher and/or Ponds 13A and 13B. If applicable, identify each activity by SIC code, in addition to providing a narrative description of each activity.

30. Describe in detail how storm water and/or process water flows into Ponds 13A and 13B and how that process water is discharged to Permanente Creek. Include in this response a detailed description of the inlet of the overflow pipe which runs down the bank to Permanente Creek.

31. In the ROWD, Section 2.2, Lehigh states: "Pond 13B has an overflow structure but typically the water seeps through the pond sides and bottom and surfaces at the bank of [Permanente] Creek." Describe in more detail the hydrologic connection between Pond 13B and Permanente Creek, including, but not limited to, the frequency and volume of flow between Pond 13B and Permanente Creek, the distance between Pond 13B and Permanente Creek and any other factors that may influence the exchange of water between Pond 13B and Permanente Creek.

32. Identify every instance when Pond 13B discharged through the overflow structure to Permanente Creek from May 2007 to the present, including the date(s) of discharge and whether any monitoring and/or sampling was performed. If any monitoring and/or sampling was performed provide EPA with copies of the results.

33. In the ROWD, Section 2.2, Lehigh states that "[t]hese outfalls [including Pond 13B] also combine stormwater associated with industrial activity with process water; thus the commingled discharge is characterized as process water for purposes of this application." Describe in detail how stormwater that drains to Ponds 13A and 13B commingles with process waste water associated with the Primary Crusher that is discharged to Ponds 13A and 13B.

    c. Identify what permit Lehigh believes authorized discharges from Pond 13B to Permanente Creek prior to July 15, 2011. As part of this response, explain in detail the controls utilized on site to minimize the discharge of pollutants from the Primary Crusher and Pond 13B to Permanente Creek.

<u>Rock Plant Access Road and Pond 17</u>

34. Describe in detail what types of activity occur inside the area of the Rock Plant and with the drainage area of the site that flows through the area of the Rock Plant and/or Pond 17. If applicable, identify each activity by SIC code, in addition to providing a narrative description of each activity.

35. Describe in detail how storm water and/or process water flows into Pond 17 and how that process water is discharged to Permanente Creek. Include in this response a detailed description of the overflow pipe and how the discharge from the overflow pipe reaches Permanente Creek.

36. In the ROWD, Section 2.2, Lehigh states that "[t]hese outfalls [including Pond 17] also combine stormwater associated with industrial activity with process water; thus the commingled discharge is characterized as process water for purposes of this application." In addition, in Section 2.2, when specifically discussing discharges from Pond 17 Lehigh

states: "[s]imilar to Pond 9, this contact with the process water entrained in the material characterizes the water as process water." Describe in detail how stormwater that drains to Pond 17 commingles with process water.

a. Identify what permit Lehigh believes authorized discharges from Pond 17 to Permanente Creek prior to July 15, 2011. As part of this response, explain in detail the controls utilized on site to minimize the discharge of pollutants from the Rock Plant and Pond 17 to Permanente Creek.

37. In the ROWD, Section 2.2, Lehigh states: "Pond [17] typically discharges in response to storm events." Identify every instance when Pond 17 discharged to Permanente Creek from May 2007 to the present, including the dates of discharge and whether any monitoring and/or sampling was performed. If any monitoring and/or sampling was performed provide EPA with copies of the results.

Pond 9, Pond 11 and Cement Plant Reclaim Water Process/Storm Water Subsystem

38. Describe in detail what types of activity occur inside the area that drains to Ponds 9 and 11 and that drains to the Cement Plant Reclaim Water Process/Stormwater Subsystem. If applicable, identify each activity by SIC code, in addition to providing a narrative description of each activity.

39. In the ROWD, Section 2.2, Lehigh states that "[t]hese outfalls [including Pond 9] also combine stormwater associated with industrial activity with process water; thus the commingled discharge is characterized as process water for purposes of this application." In addition, in Section 2.2, when specifically discussing discharges from Pond 9 Lehigh states: "[t]he fine material removed from the aggregate in the Rock Plant is hauled to deposit locations on the road and be washed into Pond 9. This pond also receives water pumped from Pond 11..." Describe in more detail how stormwater that drains or is pumped to Pond 9 commingles with process water.

d. Identify what permit Lehigh believes authorized discharges from Pond 9 to Permanente Creek prior to July 15, 2011. As part of this response, explain in detail the controls utilized on site to minimize the discharge of pollutants from Pond 9, Pond 11 and the Cement Plant to Permanente Creek.

Emergency Bypass

40. Describe in detail the factual circumstances that causes Lehigh to utilize the "Emergency Discharge Point" described in the ROWD.

a. Describe in detail what factual circumstances currently cause the capacity of Reclaim Water Tank A to be exceeded.

b. If different than Paragraph 35.a, describe in detail what factual circumstances caused the capacity of Reclaim Water Tank A to be exceeded from May 2007 to the present. As part of this response describe in detail what factual circumstances

resulted in capacity of Reclaim Water Tank A to be exceeded and whether and how these causes have been addressed.

c. Describe in detail what factual circumstances currently cause the capacity of Pond 11 to be exceeded.

d. If different than Paragraph 35.c, describe in detail what factual circumstances caused the capacity of Pond 11 to be exceeded from May 2007 to the present. As part of this response describe in detail what factual circumstances resulted in capacity of Pond 11 to be exceeded and whether and how these causes have been addressed.

e. Identify, describe in detail and provide date(s) of when Pond 11 exceeded capacity. As part of this response describe whether the capacity is or, ever has been, exceeded even when there is no precipitation related event associated with the exceedance.

f. For each date(s) Pond 11 exceeded capacity describe in detail the direction of the flow from Pond 11.

g. Describe in detail circumstances in which the "Emergency Discharge Point" was utilized even when Reclaim Water Tank A and/or Pond 11 did not exceed capacity. Provide dates from May 2007 to the present when the "Emergency Discharge Point" was utilized even when Reclaim Tank A and/or Pond 11 did not exceed capacity.

h. When Lehigh uses the "Emergency Discharge Point" describe in detail how and where the stormwater and/or process waste water is discharged.

i. Identify the date(s) when Lehigh used the "Emergency Discharge Point" from May 2007 to the present. As part of this response provide a narrative response detailing the circumstances that required the use of the "Emergency Discharge Point" for each date(s).

j. Describe whether when Lehigh uses the "Emergency Discharge Point" process waste water will be discharged to Permanente Creek.

k. When the "Emergency Discharge Point" is utilized what treatment controls are being used by Lehigh to ensure the reduction or prevention of pollutants in this discharge.

l. When the "Emergency Discharge Point" is utilized what treatment controls are being used by Lehigh to ensure that discharges will not cause or contribute to an exceedance of any applicable water quality standards.

m. Identify what person at Lehigh is responsible for determining when the "Emergency Discharge Point" is utilized. In addition, identify what person operates the "Emergency Discharge Point" when it is determined that it is to be utilized. If either person(s) identified are different than person(s) that performed such tasks in the past, identify the person(s) who in the past performed such operations from May 2007 to the present and the time period in which they performed such operations.

n. Describe any sampling and/or monitoring of the discharge from the "Emergency Discharge Point" to Permanente Creek. Provide the dates and results from the sampling and/or monitoring.

Truck Wash and Pond 20

41. Describe in detail where on the site vehicles, including, but not limited to trucks, are maintained and the maintenance activities performed. In this response include, at a minimum, a description of maintenance activities such as vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication. As part of this response include the frequency of the maintenance activities and the volume and identification of any pollutants used and/or generated during maintenance activities.

42. Describe in detail where on the site equipment, including, but not limited to trucks, are cleaned and the cleaning activities performed. As part of this response include the frequency of the cleaning activities and the volume and identification of any pollutants used and/or generated during cleaning activities.

43. Describe in detail how water utilized in the spray truck wash system flows from the truck wash area to Pond 20 and from Pond 20 to Permanente Creek.

44. Identify the volume of water used for the spray truck wash system on a daily basis (include in this response the time frame, and any changes to volume of truck wash water, dates of changes, and current practices).

45. Identify every instance from May 2007 to the present when the truck wash water flowed into Pond 20 as opposed to, or in addition to, being pumped to Reclaim Tank A. In this response include the dates of discharge and whether any monitoring and/or sampling was performed. If any monitoring and/or sampling was performed provide copies of the results.

    a. Identify what size storm event will resulted in truck wash water flowing to Pond 20 as opposed to being pumped to Reclaim Tank A.

    b. Describe what happens when there is a pump failure at the concrete sump pump at the base of the slope below the Aluminum Plant that results in truck wash water flowing to Pond 20 as opposed to being pumped to Reclaim Tank A.

c. Identify the volume and/or rate and duration of truck wash water that will result in truck wash water flowing to Pond 20 as opposed to being pumped to Reclaim Tank A.

46. Identify every instance from May 2007 to the present when Pond 20 discharged to Permanente Creek. In this response include the dates of discharge and whether any monitoring and/or sampling was performed. If any monitoring and/or sampling was performed provide copies of the results.

47. In the ROWD, Section 2.2, Lehigh states that "[t]hese outfalls [including Pond 20] also combine stormwater associated with industrial activity with process water; thus the commingled discharge is characterized as process water for purposes of this application." In addition, in Section 2.2, when specifically discussing discharges from Pond 20 Lehigh states: "[t]he mixture of this wash water would then make the discharge from Pond 20 process water." Describe in detail how stormwater that drains to Pond 20 commingles with the truck wash water and any other process waste water.

a. Identify what permit Lehigh believes authorized discharges from Pond 20 to Permanente Creek prior to July 15, 2011. As part of this response, explain in detail the controls utilized on site to minimize the discharge of pollutants from Pond 20 to Permanente Creek.

Quarry Extraction Activities

48. Identify the total tonnage of all materials extracted from the quarry during calendar years 2007, 2008, 2009, 2010, 2011 and year-to-date estimates for 2012, including, but not limited to, limestone, waste rock, and/or overburden.

49. Provide an annual breakdown of the chemical composition of each category of material extracted (e.g. limestone, waste rock, overburden) and the tonnage associated with each chemical constituent.

50. Provide a list of products manufactured on-site during calendar years 2007, 2008, 2009, 2010, 2011 and year-to-date estimates for calendar year 2012 along with any analytical results associated with the products.

51. Provide analytical results for all materials disposed of or stored within surface impoundments on-site (e.g. West Material Storage Area, East Material Storage Area) and the total tonnage associated with each chemical constituent discharged or stored in surface impoundments onsite. Organize this response according to which surface impoundment (e.g. West Material Storage Area, East Material Storage Area) the material was discharged or stored in.

52. Provide a detailed description of the sources that Lehigh consulted to respond to the above items (e.g., written records, current and/or former employees, etc.). As part of this response,

provide the names and position with the associated company for each current and/or former employee consulted.

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

MAY 10 2012

Sent: CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT NO. 7010 2780 0000 8389 2133

HWesseling@LehighCement.com

Henrik Wesseling, Plant Manager
Lehigh Southwest Cement Company
24001 Stevens Creek Blvd.
Cupertino, CA 95014

Re: Information Request

Dear Mr. Wesseling:

The purpose of this letter is official notification to the **Lehigh Southwest Cement Company** that the US Environmental Protection Agency ("USEPA"), under the authority granted in Section 325 of the Emergency Planning and Community Right to Know Act ("EPCRA"), requests information about your facility located at 24001 Stevens Creek Blvd., Cupertino, CA 95014.

The purpose of the request is to determine your facility's compliance status with the reporting requirements of Section 313 of EPCRA.

Please provide the following information within 30 days to Lily Lee, USEPA Region 9 Toxics Release Inventory (TRI) Coordinator:

> Threshold calculations, release and waste management calculations, records, purchase receipts, etc. used to calculate toxic chemical threshold levels and release estimates for TRI reporting for calendar years 2008, 2009, and 2010. [EPCRA 313; 40 CFR 372]

IMPORTANT INFORMATION. In accordance with the provisions of 40 CFR 2.203(b), your facility may assert a business confidentiality claim covering any part of the information set forth in its response. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the provisions of 40 CFR Part 2, Subpart B. If you do not assert a claim of business confidentiality, the information collected may be made available to the public without further notice.

If you have any questions, please contact Lily Lee at

US Environmental Protection Agency, Region 9
75 Hawthorne St. (CED-4)
San Francisco, CA 94105
Tel: 415-947-4187, Fax: 415-947-3583
lee.lily@epa.gov

Please review the enclosed fact sheets pertaining to EPCRA. Also, please visit the TRI web page at http://www.epa.gov/tri for more information.

Sincerely,

Adrienne Priselac
Toxics Office Manager
Communities and Ecosystems Division

Enclosures

Toxics Release Inventory (TRI)

"TRI has led the way on right-to-know issues ... and is a vital information source" –

EPA Administrator
Lisa P. Jackson

What is TRI?

TRI is a publicly-accessible EPA database containing information on disposal and other releases of over 650 toxic chemicals from more than 20,000 U.S. industrial facilities.

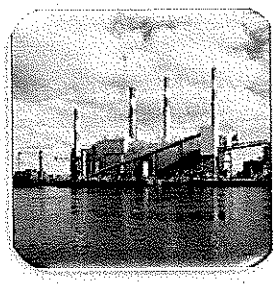
The database also includes information on how facilities manage chemicals through recycling, energy recovery and treatment.

TRI was established in 1986 by Section 313 of the Emergency Planning and Community Right-to-Know Act and later expanded by the Pollution Prevention Act of 1990.

The goal of TRI is to provide communities with information about toxic chemical releases and waste management activities and to support informed decision-making by industry, government, non-governmental organizations and the public.

Data are submitted annually by U.S. facilities that meet TRI reporting criteria.

TRI data can be downloaded or accessed through a variety of analytical tools and applications.



What does TRI provide?

TRI includes information about:

- On-site releases and other disposal of toxic chemicals to air, surface water and land;
- On-site recycling, treatment and energy recovery associated with TRI chemicals;
- Off-site transfers of toxic chemicals from TRI facilities to other locations;
- Pollution prevention activities at facilities;
- Releases of lead, mercury, dioxin and other persistent, bioaccumulative and toxic (PBT) chemicals; and
- Facilities in a variety of industry sectors (including manufacturing, metal mining, and electric power generation) and some federal facilities.

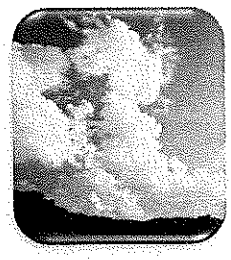
Useful Links:

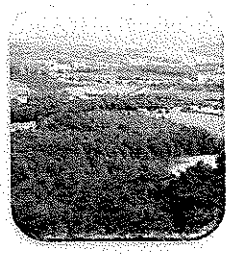
EPA

- TRI homepage: www.epa.gov/tri
- Chemical Right-to-Know Collaborative Forum: www.chemicalright2know.org (EPA & the Environmental Council of the States)

Non-EPA

- TOXMAP by National Library of Medicine: www.toxmap.nlm.nih.gov





EPA

TRI Data Use

How can TRI data be used?

- To identify sources of toxic chemical releases
- To begin analyzing potential toxic chemical hazards to human health and the environment
- To encourage pollution prevention at facilities

Who uses TRI data?

- Individuals, communities and environmental groups
- Governmental agencies
- Academic and investment communities
- News media
- Industry groups

Limitations of TRI Data:

TRI data do not reflect:

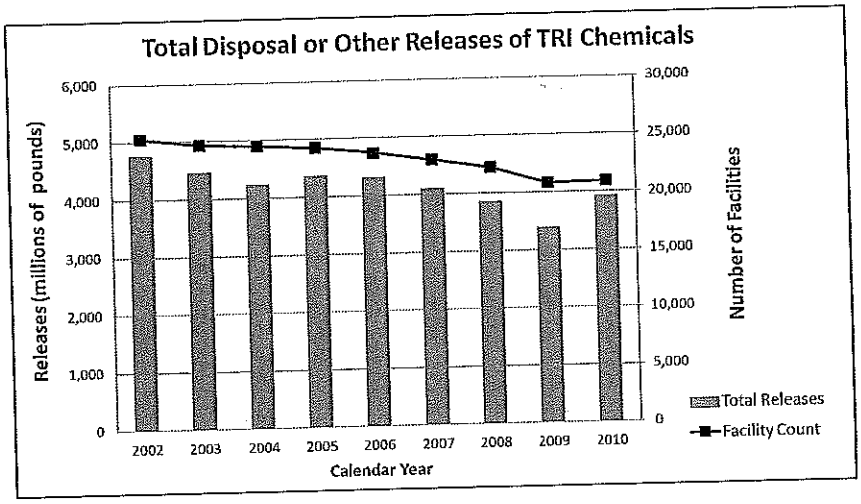
- Releases of toxic chemicals not included on the TRI chemical list
- Releases from facilities in industry sectors not covered by the TRI Program
- Risks to human health and the environment

TRI facilities report the best readily available data to EPA.

What do the TRI data show at the national level?

Quick Facts for 2010

On-site and Off-site Disposal or Other Releases:	In billions of pounds
On-site:	3.52
- Air:	0.86
- Water:	0.226
- Land:	2.20
- Underground Injection:	0.229
Off-site:	0.41
Total:	3.93



Accessing and Analyzing TRI Data

Multiple Web-based tools and applications provide easy access to TRI data and related analyses:

- **myRTK:** For use on cell phones or desktop computers. Maps TRI facilities and displays identities and quantities of chemicals being released. Includes potential adverse health effects, facility enforcement history, and other contextual information.
- **TRI Explorer:** For use on desktop computers. Provides access to TRI data on chemicals, facilities, geographic areas, and industry sectors.
- **TRI.NET:** Downloadable application for use on desktop computers. Supports in-depth analyses and includes mapping capabilities.
- **Envirofacts:** For use on desktop computers. Provides access to TRI and other EPA datasets related to air, water, and land.

Full list of TRI tools: www.epa.gov/tri/tritools

TRI National Analysis: www.epa.gov/tri/NationalAnalysis

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 2 3 2012

CERTIFIED MAIL NO. 7010 0780 0000 6468 2124
RETURN RECEIPT REQUESTED

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

Dear Mr. Vickers:

According to information available to Region IX of the United States Environmental Protection Agency ("EPA"), the Lehigh Southwest Cement Company ("Lehigh") owns portland cement plants located in Tehachapi, Redding, and Cupertino, California (individually the Tehachapi, Redding and/or the Cupertino "Facility" or, collectively, the "Facilities"), and each of the Facilities contains one kiln along with associated equipment to manufacture portland cement. The Facilities are subject to requirements of the Clean Air Act (the "Act" or "CAA"), 42 U.S.C. § 7401-7671q, and regulations promulgated thereunder. EPA has previously issued information requests to Lehigh for these Facilities. Upon review of the earlier responses by Lehigh, and pursuant to Section 114 of the Act, EPA requires that Lehigh submit the following additional information and documents to determine the compliance of the Facilities with the CAA requirements.[1]

In responding to this request, as some of this requested data may be duplicative from an earlier request, you may update and resubmit the earlier provided data sheet(s) as appropriate to include the new data.

For the Tehachapi Facility:

1. Provide a table in electronic[2] format that includes the following daily data for the kiln for the period between January 1, 1985, and the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

   a. Total production of clinker (in short tons);

[1] The conjunction "or" is at all times used in the inclusive sense in this letter, i.e., a question that refers to one or more items shall include each and every one of those same items.

[2] The electronic data requested in this request must be provided in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

b. Total mass of raw material feed to the kiln (tons);
c. Type of raw material and percentage of each type of raw material;
d. Mass of the cement kiln dust produced (short tons);
e. Hours of operation of the kiln;
f. Mass of non-clinker added in the finishing mill (tons);
g. Calendar year summaries of this information; and
h. A description of the data and methodology used in calculating the responses to Requests # 1.a through 1.g.

2. Based on data from continuous emissions monitoring systems (CEMS), continuous emission rate monitoring systems (CERMS) and/or continuous opacity monitoring systems (COMS), or if data from these are not available, any other data sources such as emission factors derived from source tests and production data, provide a table in electronic format that includes the following data for the kiln for each day from January 1, 1985 to the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

a. Daily average emissions in total pounds per day for each operating day (midnight to midnight) for the following pollutants: nitrogen oxides (NO_x), sulfur dioxide (SO_2), carbon monoxide (CO), volatile organic compounds (VOCs), particulate matter (PM), and particulate matter less than ten microns (PM_{10});
b. Calendar year summaries of this information; and
c. A description of the source of the data and methodology used in calculating the response to Request #2.a.

3. Provide the daily fuel use, by fuel type, for the kiln from January 1, 1985 through the present, including:

a. The types and quantities of each fuel combusted;
b. The sulfur content in weight percent for each fuel;
c. The nitrogen content in weight percent for each fuel;
d. The heating value (in Btu/lb) of each type of solid or Btu/gallon for each type of liquid fuel; and
e. Calendar year summaries of this information.

4. Answer the following regarding each CEMS for measuring NO_x and SO_2 emissions and each CERMS measuring flow rate at the Facility:

a. When was the CEMS/CERMS first installed and operated?
b. Where is the CEMS/CERMS located?
c. For each CEMS, when was it first certified pursuant to 40 C.F.R. Part 60 Appendix B Performance Specification 2?
d. Are the Quality Assurance Procedures in 40 C.F.R. Part 60 Appendix F Procedure 2 being performed at each CEMS?

5. Provide a table in electronic format, with annual information or data for each year from January 1, 1985 through the present that includes the following:

   a. The total quantity of all clinker that was sent offsite from the Facility for finish grinding, along with an indication of how much was sent to each offsite location;
   b. Describe why the clinker was sent offsite for finishing grinding; and
   c. Identify any years where offsite finishing grinding capacity was less than the quantity of clinker that the Facility had to send offsite, the amount that supply outstripped offsite grinding capacity, and a description of what the Facility did with the extra clinker for that year.

6. Provide a detailed list and summary of those projects identified in Section 4.1 Finish Grinding Capacity Increase and Section 4.6 Optimization of the Tehachapi Master Plan, starting on Bates 001715 and 001765 of Lehigh's October 14, 2010 response to EPA's July 13, 2010 information request, which were completed, including the date of completion. For those projects completed, in part or whole, provide all capital appropriation requests,[3] financial justifications, and authorizations, including attachments and addenda for the projects. In addition provide any and all documents, reports and/or correspondences referencing or discussing the impact of the project, once complete, on production at the Facility.

a. To the extent not already provided, for the projects identified with Number References 42, 19, 39, 40, 47, 48, 14, 51, 35, 44, 36, 53, 37, 30, 50, 28, 32, 34, 46, 24, 27, 29, 33, 12, 18, 20 in the spreadsheet containing Physical and Operational Changes at the Tehachapi Facility submitted in response to request # 7 of EPA's July 13, 2010 information request, provide the following:

   b. Copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the Facility or its predecessors; and
   c. Any and all documents, reports and/or correspondences referencing or discussing the impact of the project, once complete, on production at the Facility.

7. Provide a copy of the application and authority to construct issued by the Eastern Kern Air Pollution Control District for the construction of the current kiln.

8. Requests #16 and #17 of EPA's July 13, 2010 information request required Lehigh to provide daily data about air emissions from and clinker produced by the kiln at the Tehachapi Facility from 1985 forward. Lehigh's October 14, 2010 response included these data only back to 1997. Provide a complete response to EPA's initial request or explain why you were not able to previously provide the requested data.

[3] The term "capital appropriation request" shall mean any document used by plant and other Lehigh personnel seeking management approval for planned expenditures at the Facility. These documents are also known as authorizations for expenditure, capital requests or by other similar names.

For the Redding Facility:

9. Provide a table in electronic format that includes the following daily data for the kiln for the period between January 1, 1985 and the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

   a. Total production of clinker (in short tons);
   b. Total mass of raw material feed to the kiln (tons);
   c. Type of raw material and percentage of each type of raw material;
   d. Mass of the cement kiln dust produced (short tons);
   e. Hours of operation of the kiln;
   f. Mass of non-clinker added in the finishing mill (tons);
   g. Calendar year summaries of this information; and
   h. A description of the data and methodology used in calculating the responses to Requests #9.a through 10.f.

10. Based on data from the CEMS, CERMS, COMS, or if data from these are not available, any other data sources such as emission factors derived from source tests and production data, provide a table in electronic format that includes the following data for the kiln for each day from January 1, 1985 to the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

   a. The daily average emissions in total pounds per day for each operating day (midnight to midnight) for the following pollutants: nitrogen oxides NO_x, sulfur dioxide SO_2, carbon monoxide CO, volatile organic compounds VOCs, particulate matter PM, and particulate matter less than ten microns PM_{10}.
   b. The calendar year summaries of this information; and
   c. A description of the source of the data and methodology used in calculating The response to Request #11.a.

11. Answer the following regarding the CEMS for measuring NO_x and SO_2 emissions and the CERMS for measuring flow rate installed and operational at the Facility:

   a. When were these monitors first installed and operated?
   b. Where are these monitors located?
   c. When were the CEMS first certified pursuant to 40 C.F.R. Part 60 Appendix B Performance Specification 2?
   d. Are the Quality Assurance Procedures in 40 C.F.R. Part 60 Appendix F Procedure 2 being performed at these CEMS?

12. Provide daily fuel use, by fuel type, for the kiln from January 1, 1985 through the present, including:

   a. The types and quantities of each fuel combusted;
   b. The sulfur content in weight percent for each fuel;

c. The nitrogen content in weight percent for each fuel;
d. The heating value (in Btu/lb) of each type of solid or Btu/gallon for each type of liquid fuel; and
e. Calendar year summaries of this information.

13. Provide the following specific information on the oxygen enrichment and/or injection equipment approved for use at the kiln and the 1998-2001 planetary cooler tube replacement projects:

a. Identification of all oxygen equipment and/or hardware installed and/or used at the Facility, including manufacturer, part number, location, and specifications;
b. Description and dates of installation and initial operation of each piece of oxygen enrichment equipment as identified in response to Request #13.a;
c. The date that Lehigh permanently stopped injecting oxygen in the kiln or elsewhere at the Facility, and the reason for cessation of such operation;
d. The date and nature of any actual removal of any and all equipment or hardware from the Facility used for oxygen enrichment and/or injection;
e. Reports and data produced concerning the results and/or testing of the oxygen enrichment and/or injection equipment;
f. For the planetary cooler tubes replacement project, identification of all equipment and/or hardware installed and/or used at the Facility, both prior to the project and after, including manufacturer, part number, location, and specifications (material used for equipment's construction, size, etc.);
g. Description and dates of installation and initial operation of each new planetary cooler tube during the 1998-2001 replacement project;
h. Copies of any contracts or warranties for both the original planetary cooler tubes and the replacement tubes after the 1998-2001 projects; and
i. Copies of any documents discussing the planetary cooler tube replacement project and/or the production capacity of the Redding Facility both prior to and after the project.

For the Cupertino Facility:

14. Provide a table in electronic format that includes the following daily data for the kiln for the period between January 1, 1985 and the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

a. Total production of clinker (in short tons);
b. Total mass of raw material feed to the kiln (tons);
c. Type of raw material and percentage of each type of raw material;
d. Mass of the cement kiln dust produced (short tons);
e. Hours of operation of the kiln;
f. Mass of non-clinker added in the finishing mill (tons);
g. Calendar year summaries of this information; and
h. A description of the data and methodology used in calculating the responses to Requests #15.a through 15.f.

15. Based on data from the CEMS, CERMS, COMS, or if data from these are not available, any other data sources such as emission factors derived from source tests and production data, provide a table in electronic format that includes the following data for the kiln for each day from January 1, 1985 to the present. For any gaps in data, indicate whether the kiln was operating or not and why there is a gap in the data.

    a. Daily average emissions in total pounds per day for each operating day (midnight to midnight) for the following pollutants: nitrogen oxides ("NO_x"), sulfur dioxide ("SO_2"), carbon monoxide ("CO"), volatile organic compounds (VOCs"), particulate matter ("PM"), and particulate matter less than ten microns ("PM_{10}");
    b. Calendar year summaries of this information; and
    c. A description of the source of the data and methodology used in calculating The response to Request #16.a.

16. The daily fuel use, by fuel type, for the kiln from January 1, 1985 through the present, including:

    a. The types and quantities of each fuel combusted;
    b. The sulfur content in weight percent for each fuel;
    c. The nitrogen content in weight percent for each fuel;
    d. The heating value (in Btu/lb) of each type of solid or Btu/gallon for each type of liquid fuel; and
    e. Calendar year summaries of this information.

17. Provide the following in regard to the finish mills present at the Cupertino Facility before the HW roll press was put into service in or around 1988:

    a. A description of the configuration of the finish mill;
    b. Identification of the manufacturer and model number of each individual mill utilized at the finish mill;
    c. The rated capacity of the overall finish mill as well as each individual ball mill utilized at the finish mill; and
    d. Any documents or correspondences discussing the matters identified in Requests #18.a through 18.c.

In responding to this information request, if Lehigh seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, Lehigh must provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including any business purposes, for which the document was made; (v) the

request(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a request in this information request.

Lehigh must submit its response to this request postmarked no later than sixty ("60") calendar days after its receipt of this request. The Lehigh response must be signed by a responsible corporate official of Lehigh. Please be advised that the information provided by Lehigh may be used by the United States in administrative, civil, or criminal proceedings. If Lehigh anticipates that it will not be able to respond fully to this request within the time period specified, Lehigh must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing what efforts have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if Lehigh determines that a full response to a particular request for information would require the submission of an extremely large number of documents to be provided in response. Based upon such notification, EPA may modify the scope of the documents required to be produced.

Lehigh must provide data in electronic format (Excel format). Electronic data should not be in image format. The format should allow for data to be used in calculations by an Excel spreadsheet. Lehigh must provide copies of all other responsive documents as PDF files with Optical Character Recognition (i.e., searchable), and submit the responsive documents on a disk (2 copies as CD or DVD media) along with a cover letter that includes Lehigh's written responses to the requests via certified mail with return receipt requested to the following address:

Ms. Deborah Jordan
Director, Air Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Charles Aldred (AIR-5)

Lehigh shall indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the request to which it corresponds. To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided. All documents produced shall be Bates stamped, or have an electronic Bates number inserted on each page.

Please be advised that under Section 113(a) of the Act, failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act provides for the assessment of a civil penalty of $37,500 per day for each violation of the Act. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act.

You may, if you desire, assert a business confidentiality claim on behalf of Lehigh covering part or all of the information provided to EPA in response to this letter as per Enclosure A. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. Part 2, particularly § 2.203, and contain substantiating documentary evidence. Lehigh shall submit all such confidential information on separate disks from non-confidential information. You are advised that certain information may be made available to the public pursuant to 42 U.S.C. § 7414(c) and40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to Lehigh.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) & (11), 3507, 3512 and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §§ 3502(4), (11); 5 C.F.R. § 1320.5(a).

If you have any questions regarding this request, please contact Charles Aldred, Air Enforcement Office, at (415) 972-3986, or your attorney can contact Ivan Lieben, Office of Regional Counsel, at (415) 972-3914. Thank you for your cooperation in this matter.

Sincerely,

Deborah Jordan
Director, Air Division

Enclosure

cc: David L. Jones, Eastern Kern APCD
Jack Broadbent, BAAQMD
Russ Mull, Shasta County APCD
James Ryden, CARB
Allan Rowley, Lehigh Tehachapi
Scott Renfrew, Lehigh Cupertino
James E. Ellison, Lehigh Redding
Colleen Doyle, Bingham McCutcheon LLP

Enclosure A
Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. See 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. §.7414(c); 40 C.F.R. § 2.301(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

In addition, EPA is providing you notice that if you assert a claim of business confidentiality for information you provide in response to this information request, EPA will determine whether such information is entitled to confidential treatment, pursuant to 40 C.F.R. Part 2, subpart B. Accordingly, after EPA's receipt of your business confidentiality claim, you will receive a letter inviting your comments on the following questions:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

See 40 C.F.R. § 2.204(e)(4). When you receive such a letter, you must provide EPA with a written response within the number of days set forth in the letter. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).