
San Francisco Bay Regional Water Quality Control Board

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Lehigh Southwest Cement Company
Attn: Henrik Wesseling (Henrik.Wesseling@LehighHanson.com)
24001 Stevens Creek Blvd.
Cupertino, CA 95014
Also sent via Certified Mail

Subject: Requirement for a Report of Waste Discharge for Lehigh Southwest Cement Company, 24001 Stevens Creek Boulevard, Cupertino, Santa Clara County

Dear Mr. Wesseling:

This letter requires the submittal of a Report of Waste Discharge (ROWD) and information related to mining waste discharges and the disposal and/or storage of waste materials placed in the East and West Material Storage Areas and process water surface impoundments from which discharge to waters of the State, including groundwater, might occur. The disposal and storage of wastes materials in these areas is governed by the California Code of Regulations, Title 27 and the California Water Code. We therefore require Lehigh to submit a ROWD for any waste materials that may be present in these areas.

Authorization

The following section presents the laws and regulations that authorize the Water Board to require this information and provides details you may need to comply:

Section 13260(a) of the California Water Code requires that each person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State, must file a ROWD. The ROWD must outline the types of wastes to be discharged in order to determine appropriate waste management unit design, operation, monitoring, closure, and post-closure maintenance requirements.

In addition, before a person discharges mining waste, the person shall first submit both of the following to the Water Board pursuant to subdivision Section 13260 (k):

(1) A report on the physical and chemical characteristics of the waste that could affect its potential to cause pollution or contamination. The report shall include the results of all tests required by regulations adopted by the board, any test adopted by the Department of Toxic Substances Control pursuant to Section 25141 of the Health and Safety Code for extractable, persistent, and bioaccumulative toxic substances in a waste or other

material, and any other tests that the state board or regional board may require, including, but not limited to, tests needed to determine the acid-generating potential of the mining waste or the extent to which hazardous substances may persist in the waste after disposal.

(2) A report that evaluates the potential of the discharge of the mining waste to produce, over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances.

Pursuant to Water Code section 13050 (q)(1), mining waste is defined as:

...all solid, semisolid, and liquid waste materials from the extraction, beneficiation, and processing of ores and minerals. Mining waste includes, but is not limited to, soil, waste rock, and overburden, as defined in Section 2732 of the Public Resources Code, and tailings, slag, and other processed waste materials, including cementitious materials that are managed at the cement manufacturing facility where the materials were generated. (2) For the purposes of this subdivision, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.

Pursuant to California Code of Regulations, Title 27, Article 1, 20163, Statutory Definitions, surface impoundment is defined as:

...a waste management unit which is a natural topographic depression, excavation, or diked area, which is designed to contain liquid wastes or wastes containing free liquids, and which is not an injection well.

Therefore, you must characterize the following, at a minimum:

1. Waste materials in the East Materials Storage Area;
2. Waste materials in the West Materials Storage Area;
3. Pond Nos. 4, 9, 11, 13A, 13B, 17, 30, 31A, and 31B.

ROWD

Attached, please find Form 200, an application and instructions for submitting the ROWD and waste characterization. Please submit to the attention of Lindsay Whalin, by **October 1, 2012**. An electronic copy can be sent to LWhalin@waterboards.ca.gov. Any extension of the deadline must be approved in writing by Water Board staff. If you have any questions, please contact Lindsay Whalin at (510) 622-2363 or by email at LWhalin@waterboards.ca.gov.

Lehigh Cement Company
Requirement for ROWD and Waste Characterization

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Attachments: Application and instructions for completing the Report of Waste
Discharge, Form 200

CC: Nicole Granquist – Downey Brand
ngranquist@downeybrand.com