

April 22, 2013

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

Ms. Dyan Whyte  
Assistant Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Re: *Submittal of Site History – January 22, 2013 Water Code section 13267 Order, Order No. R2-2013-1005*

Dear Ms. Whyte:

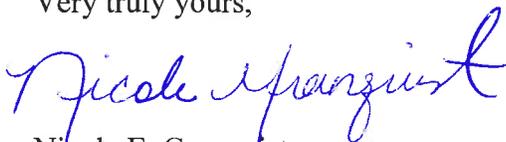
Enclosed, pursuant to the Regional Water Quality Control Board, San Francisco Bay Region's, ("Regional Water Board") January 22, 2013 Water Code section 13267 Order, Order No. R2-2013-1005, ("Order"), as modified per the parties' discussions, Lehigh Southwest Cement Company ("Lehigh") timely encloses the requested Site History report and accompanying documents. Please note the documents accompanying the Site History report will be included on a DVD, and transmitted only in the Federal Express delivery package.

Golder Associates, Inc. will be submitting today, under separate cover, Lehigh's timely response to the following requirements of the Order:

- Directive 1 – Submission of Permanente Facility Key
- Directive 2 – Full list of Outfalls
- Directive 3 – Line Drawing of Flows, Sources of Pollution, and Treatment Technologies
- Directive 4 – Updated Drainage and Operations Map

If you or your staff have any questions regarding the enclosed documents, or would like to discuss further, please do not hesitate to contact me.

Very truly yours,



Nicole E. Granquist

Enclosures (Attachments to Site History Narrative Via Federal Express *only*)

Cc: Brian Thompson, Regional Water Quality Control Board, San Francisco Bay Region  
Ellen Howard, Counsel, State Water Resources Control Board  
John Gillan, Deputy General Counsel, Lehigh  
Greg Knapp, Director Environmental Region West, Lehigh

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**INTRODUCTION**

Lehigh Southwest Cement Company (“Lehigh”) provides the following Site History description in accordance with Water Code 13267 Order No. R2-2013-1005 (“13267 Order”). With this response, Lehigh is neither expressly nor impliedly waiving any privilege that may apply to any responsive documents or information, or the confidential or trade secrets nature of any responsive documents or information that may be identified.

In preparing this Site History, Lehigh conducted an extensive review of available electronic and hard-copy facility files (current and archived). While Lehigh has attempted to provide a complete Site History in response to the Regional Water Quality Control Board, San Francisco Region’s (“Regional Water Board”) request, not every document that might contain responsive information may be cited, either because it is duplicative, Lehigh did not locate it as of the date of this response, or it is inadvertently omitted. This response is based on the best information available to Lehigh at this time; thus, Lehigh reserves the right to supplement the responses below.

**Subpart (a): Chronology of waste disposal activities and other events that may have caused, or had the potential to cause, soil and groundwater contamination at the site. This chronology should be supported by all documents that provide information about past (and present) waste disposal or material storage activities that have been conducted at the site; A list of environmental investigations and reports conducted at the site;**

A chronology of waste disposal activities at the Permanente facility is provided by the following environmental investigations and reports. The reports span a period of close to three decades, and include information and details about the much longer history of operations at the Permanente facility. Many of the reports listed below include or identify soil and groundwater sampling at the Permanente property that was collected or analyzed over a period of several years. For example, the August 26, 1992 *Data Transmittal* from Woodward-Clyde Consultants contains soil and water sampling information collected from July 1989 through February 1991, and the June 10, 1993 *Environmental Evaluation Report* prepared by EMCON includes information collected at the Permanente facility from 1987 through 1992. Several of the more contemporary reports, such as the *Lehigh Permanente Quarry Reclamation Plan Amendment* and the draft and final environmental impacts reports for that Amendment provide broad narrative histories of the Permanente property, including information regarding past and current operations.<sup>1</sup>

Given the long and varied history of industrial activity at the Permanente property, and in order to provide the most complete description of information responsive to the Regional Water Board’s request, Lehigh has refrained from trying to generally summarize past operations and, instead, is providing relevant investigations and reports in their entirety. These environmental

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<sup>1</sup> According to the *Lehigh Permanente Quarry Reclamation Plant Amendment Draft Environmental Impacts Report*, prepared by Santa Clara County’s Department of Planning and Development, industrial activities at the Permanente Facility date back to the late 1930’s. (See §4.5-5 Property History, *Draft EIR*.)

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investigations and reports provide the most complete synopsis of waste disposal activities at the Permanente property given the property's extensive history. Because this chronology is based on the best information available to Lehigh at this time, Lehigh reserves the right to supplement the chronology below if new information is identified.

- April 13, 1984 – Letter Memorandum from EMCON to Kaiser Aluminum & Chemical Corporation regarding investigation of possible contamination near storage tanks on the Permanente property.
- May 29, 1984 – Letter Memorandum from EMCON Associates to Kaiser Aluminum & Chemical Corporation regarding the April 13, 1984 letter discussing investigation of possible contamination near storage tanks on the Permanente property.
- Jan. 29, 1988 – *Soil and Ground-Water Investigation* for Kaiser Aluminum & Chemical Corporation prepared by Exceltech.
- February 2, 1991 – *CERCLA Screening Site Inspection of Kaiser Cement Report* prepared by Ecology and Environment Inc. for U.S. EPA Region 9.
- April 8, 1991 – Letter Memorandum from Exceltech to Kaiser Aluminum & Chemical Corporation regarding PCB sampling activities at the former foil plant transformer switchyard.
- August 26, 1992 – *Data Transmittal* (Text, Table, Figures compiled into two volumes) prepared by Woodward-Clyde Consultants for Kaiser Aluminum & Chemical Corporation.
- January 1993 – *Supplemental Site Characterization Kaiser Aluminum & Chemical Corporation* prepared by EMCON.
- January 1993 – *Historical Review of Former Impoundment Area* prepared by EMCON.
- January 1993 – *Soil Characterization – Former Impoundment Area* prepared by EMCON.
- June 10, 1993 – *Environmental Evaluation Report* prepared by EMCON for Kaiser Aluminum & Chemical Corporation.
- June 1999 – *Summary Report for Soil and Groundwater Sampling at the Lower Service Station Area, Emergency Generator Tank Area, and Upper Service Station Area, Hanson Permanente Cement* prepared by Radian International LLC.
- April 2000 – *Summary Report For Soil and Groundwater Sampling at the Lower Service Station Area, Hanson Permanente Cement* prepared by URS Radian International.
- January 24, 2001 – *Santa Clara Valley Water District Fuel Leak Site Case Closure Letter*
- February 5, 2004 – *Soil Sampling Results “Ready Line” Area Hanson Permanente Quarry* prepared by LFR Levine Fricke.
- January 17, 2006 – *Summary of Soil Remediation at the “Ready Line” Area and Yeager Yard Hanson Permanente Quarry* prepared by LFR Levine Fricke.

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- December 2011 – *Lehigh Permanente Quarry Reclamation Plant Amendment Draft Environmental Impacts Report*, prepared by Santa Clara County’s Department of Planning and Development.
- May 2012 – *Lehigh Permanente Quarry Reclamation Plant Amendment Final Environmental Impacts Report & Appendices*, prepared by Santa Clara County’s Department of Planning and Development.
- May 2012 – *Preliminary Assessment Report of the Permanente Facility* prepared by Weston Solution, Inc. for the U.S. EPA Region 9.
- June 26, 2012 – *Reclamation Plan Amendment for Permanente Quarry*, State Mine ID # 91-43-0004, Lehigh Southwest Cement Company, Santa Clara County located at: <http://www.sccgov.org/sites/planning/PlansPrograms/SMARA/PermanenteQuarry/Pages/Permanente-Quarry--Reclamation-Plan-Amendments.aspx>

Subpart b): A description of all past and current activities having the potential to contaminate soil and groundwater at the site. This shall include a description of the operation, chemicals used, and wastes generated, recycled, stored, and disposed of on and off site. The description shall disclose any hazardous chemicals and wastes and indicate the maximum quantity of each chemical or waste material used, stored, or disposed of on and off site each year of operation. The description shall consider operations at the following locations, and any other locations where potentially contaminating materials may have been used, stored, or disposed: • Former asphalt plant; • Research building complex; • Former aluminum foil plant; • Former electrical substation; • Cement wet kiln processing areas; • Cement plant; • Dry canyon storage area; Upper level landfill; • Former impoundment; • Brine Pond; • West Materials Storage Area; • East Materials Storage Area; • “Pearl Harbor” • Vehicle maintenance areas; and • Dry well.

Historic activities that could have had the potential to contaminate soil and groundwater at the site are presented above in subpart (a), and address many of the locations specifically identified in the Regional Water Board’s site history request. With respect to more recent activities, Lehigh provides with this submission a copy of its *Spill Prevention, Control and Countermeasure Plan* (“SPCC Plan”). In section 5.5 of the SPCC Plan, Lehigh identifies its manufacturing activities at the Permanente facility and the wastes that are generated on-site as a result of its operations. Within the SPCC Plan, Lehigh identifies potential threats of contamination to soil and groundwater and also identifies the prevention measures implemented to minimize these threats.

Lehigh presently operates the Cement Plant and the Quarry at the Permanente facility, and operated the Rock Plant at the facility until October 2011. Due to its operations, Lehigh maintains several permits through the Santa Clara County Department of Environmental Health for the use, storage and disposal of non-hazardous and hazardous materials. The *Environmental Health Permits* have been included with this submission and indicate where on the Permanente property hazardous materials are generated and/or stored. Currently, Lehigh has seventeen (17) permits for the following facilities:

- FA0259677 - Pack House
- FA0259678 - Rock Plant

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- FA0200987 - Finish Mill Flats
- FA0200986 - Gas Station
- FA0255451 - Concrete Lab
- FA0255452 - Preheater/Cooler A
- FA0255227 - Cooling Towers
- FA0255211 - Acetylene Storage
- FA0255152 - Oil House II
- FA0255153 - Quarry
- FA0255154 - Water Treatment Plant
- FA0255157 - Grinding Aid
- FA0255158 – Garage
- FA0255128 - Labs / Warehouse
- FA0255102 - Upper Waste Storage
- FA0264478 – Raw Materials Storage
- FA0271352 – Aluminum Building

Copies of Lehigh’s Hazardous Materials Business Plans (“HMBP”) are also included with this submission. The HMBPs identify by type the amounts of non-hazardous and hazardous materials used and stored at the facility, and identify the amounts of hazardous wastes generated annually. The HMBPs selected for this submission provide an accounting of materials used at the facility before and after cessation of operations at the Rock Plant in 2011, and before and after Lehigh sought an outside contractor to manage explosives for quarry operations. (*See* 1997 HMBP, 2000 HMBP, 2005 HMBP, 2008 HMBP, 2011 HMBP, and 2012 HMBP.) Correspondence with Santa Clara County Department of Environmental Health requesting the termination of the Environmental Health Permit for explosive materials is included here as *2006 DEH Correspondence*.

The Permanente facility has been deemed a large quantity generator (“LQG”) of hazardous waste by the State of California, due primarily to the fact that the State of California designates used oil and oil-based products as hazardous wastes. The Permanente facility has a U.S. EPA Generator I.D. Number, CAD981384357. The Permanente facility manages, contains, and sends off-site all hazardous waste by utilizing third party waste disposal companies such as Clean Harbors, Safety Kleen, and Evergreen Environmental Services. The volumes of waste generated at the Permanente facility, categorized by waste type, are included with this submission and provide information dating back to 1993. (*See* 1993-2013 DTSC Manifests.) The reports were generated from information submitted to the California Department of Toxic Substances Control (“DTSC”) by Lehigh, which included copies of Lehigh’s waste manifests. More information about the reports can be found at the following website: <http://hwts.dtsc.ca.gov/>

In addition to hazardous materials identified in the *Environmental Health Permits* listed above, Lehigh maintains two underground storage tanks (UGST), used for diesel fuel and unleaded gasoline, permitted through the Santa Clara County Department of Environmental Health. (*See* 2011-2015 UGST Permit.) Armour Petroleum is the designated operator of the UGSTs. The total volume of product deposited into these tanks is identified on Lehigh’s annual UGST Fee

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Return. Copies of Lehigh's UGST Fee Returns for the years 2000 up to 2013 have been included with this submission. (See 2000-2013 UGST Fees.)

**Subpart c): A map illustrating locations where contaminants may have been used, stored, or discharged;**

For most current activities, each of the HMBPs provided in response to subpart (b) include maps indicating where non-hazardous and hazardous materials have been or are currently located on the property.

For historical or past operations, please see the May 1993 Areas of Activity Map, attached as Figure 2 to the June 10, 1993 *Environmental Evaluation Report* prepared by EMCON, provided in response to subpart (a) of the Regional Water Board's inquiry. A description of activities depicted on the *Environmental Evaluation Report* map is included on pages A-1 and A-2 (in Appendix A) of the report.

**Subpart d): The locations of subsurface utility lines on the property (e.g., sanitary sewer, storm drain), to the extent that this information is known or reasonably available;**

A map depicting the locations of subsurface utility lines is being concurrently submitted by Golder Associates in connection with Lehigh's responses to Directives 1 through 4 of the 13267 Order based on reasonably available information.

**Subpart e): Information about any past chemical or waste spills or releases at the property, including type of spill or release, release location, and any remedial action taken. Copies of any supporting documents, such as letters, memos, etc.;**

The chronology presented above in subpart (a) includes reports available to Lehigh regarding historic releases on the property and remedial actions taken. With the exception of the 2012 *Reclamation Plan Amendment for Permanente Quarry* and its supporting documents, most of the reports submitted in response to subpart (a) are investigations to determine the extent, if any, of contamination at the Permanente property, and/or reports on the efficacy of remediation efforts.

Beyond these formal reports, Lehigh reviewed facility files to identify documents revealing past spills or releases at the property. This review revealed the following occurrences:

On Sunday, January 27, 2013, Lehigh responded to a fire near the quarry office. Four haul trucks were set on fire and an arson investigation is currently underway. Santa Clara County Department of Environmental Health and the Mine Safety and Health Administration were notified. All hazardous liquids related to the fire and response efforts were contained by berms at the top of the quarry, collected, and disposed of by an outside vendor. Soil from the site of the fire was removed and was disposed of off site as oily debris.

On February 2, 2012, Lehigh responded to a hydraulic line leak of one of its loaders within the quarry. The hydraulic fluid was cleaned using an absorbent and the materials including the top layer of soil were disposed of off site as oily debris. The limestone where the hydraulic line leak took place was processed through the Cement Plant.

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On July 2010, Lehigh responded to a accidental release of lubricating oil near the tertiary crusher. Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division was contacted and remedial efforts were documented in the enclosed Notice of Inspection. (See 2010 HMCD Inspection.)

On January 2, 2001, Lehigh reported an unauthorized release of oil contaminated water to the County of Santa Clara Department of Environmental Health. It is estimated that less than a gallon of oil contaminated water was released. Absorbent was applied to the liquid, and the materials were disposed of as hazardous waste. (See 2001 Release Notice to DEH.)

**Subpart f): Copies of facility operational permits issued by any federal, state, or local regulatory agencies with respect to soil, groundwater and surface water quality;**

Lehigh identifies and provides the following permits:

- Bay Area Air Quality Management District Title V Major Facility Review Permit, Facility Number A0017 (April 17, 2012).
- California State Water Resources Control Board Order No. 97-03-DWQ, NPDES Permit/WDR for Discharges of Storm Water Associated with Industrial Activity Excluding Construction Activities.
- California Regional Water Quality Control Board, San Francisco Region, Order No. 94-038, Water Reclamation Requirements for Kaiser Cement Corporation, Permanente Facility, Wastewater Treatment Facility, Cupertino, Santa Clara County.
- California Regional Water Quality Control Board, San Francisco Region, Order No. R2-2008-0011, General Waste Discharge Requirements for Discharges of Process Wastewaters from Aggregate Mining, Sand Washing, and Sand Offloading Facilities to Surface Waters (“Sand & Gravel NPDES Permit”).
  - Eight Notices of General Permit Coverage for Pond 4A, Pond 9, Pond 13B, Pond 17, Pond 20, and the Rock Plant Sump, Dinky Shed Basin, and Reclaim Water System emergency discharge locations are enclosed.

Environmental Health Permits issued by the Santa Clara County Department of Environmental Health are provided in response to subpart (b) above, and are included here by reference.

A link to the *Reclamation Plan Amendment for Permanente Quarry*, State Mine ID # 91-43-0004, approved by Santa Clara County on June 26, 2012, is provided in response to subpart (a) above, and is included here by reference.

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**Subpart g): A description of the sources consulted to respond to the above items (e.g., written records, former employees, local agency files);**

In preparing this Site History, Lehigh conducted an extensive review of electronic and hard-copy facility files (current and archived). Lehigh consulted the following individuals in preparation of the above response either in-person or via stored files (for former employees):

Axel Conrads: former Plant Manager, Lehigh Southwest Cement Co.  
Henrik Wesseling: former Plant Manager, Lehigh Southwest Cement Co.  
Alan Sabawi, current Plant Manager, Lehigh Southwest Cement Co.  
Greg Knapp: Director Environmental Region West, Lehigh Hanson, Inc.  
Scott Renfrew: former Environmental Manager for Lehigh Southwest Cement Co.  
Gina Facca: former Environmental Manager for Lehigh Southwest Cement Co.  
Lee Cover: former Environmental Manager for Lehigh Southwest Cement Co.  
Chow Yip: current Environmental Engineer for Lehigh Southwest Cement Co.

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**Certification**

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.



Alan Sabawi  
Plant Manager, Permanente Facility  
Lehigh Southwest Cement Co.