

## Pham, Danny@Waterboards

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**From:** Macedo, Julie@Waterboards  
**Sent:** Thursday, March 13, 2014 8:12 AM  
**To:** ngranquist@downeybrand.com; Axel Conrads (axel.conrads@htc-gmbh.com); GregA. (San Ramon) NA Knapp (Greg.Knapp@hanson.biz)  
**Cc:** Thompson, Brian@Waterboards; Whalin, Lindsay@Waterboards; King, Nathan@Waterboards  
**Subject:** NOV related to Site History Requirements - FOR YOUR REVIEW

Mr. Conrads/Ms. Granquist:

This email is to inform you that Lehigh Southwest Cement Company (Lehigh) is in violation of section 13267 of the California Water Code (CWC) for failure to submit an acceptable technical report to the Assistant Executive Officer as required in Order No. R202013-0005-A1 related to site history information. The requirement of itemized site history descriptions was initially due on April 22, 2013, at which time Lehigh did make a submission to the Regional Board that was inadequate because it failed to fully respond to the Order's directives. Instead, Lehigh submitted a list of previous reports with severely insufficient analysis. At that time, Lehigh requested it not be issued a Notice of Violation (NOV) and be allowed to submit further information. Supplemental site history information was submitted on December 2, 2013. However, this submission did not address the specific terms of directive 12a)ii for Pearl Harbor and Dry Well. Lehigh's submission was silent as to these locations.

The initial submission was inadequate, and the Regional Board gave Lehigh an opportunity to remedy the deficiencies. However, this is a frustrating trend with Lehigh, which has been issued NOVs from the Land Disposal Program, one for the Report of Waste Discharge (January 22, 2013), and another for the groundwater investigation workplan (December 3, 2013). Now the Site Cleanup Program is issuing an NOV after two submissions failed to rise to the level of acceptable. Please refer to page 2 of the (December 3, 2013) NOV, which was issued to Lehigh regarding the groundwater investigation workplan, and explained the additional efforts required of the Regional Board to ensure that Lehigh comply completely with Orders and directives of the Regional Board. These efforts are an unnecessary drain on staff resources. Accordingly, this email will be entered into the public enforcement file and into the California Integrated Water Quality System (CIWQS) as an informal enforcement matter. Additionally, please submit information Order No. R202013-0005-A1 related to Pearl Harbor and Dry Well within the next three weeks. This directive, and the acceptance of the December 2, 2013 supplemental submission, does not serve to extend the original Order deadlines.

While we remain concerned that Lehigh continues to achieve only partial compliance with Board Orders, we felt that this informal NOV was appropriate after the February 18, 2014 meeting re: site hydrogeology and *anticipated* deadlines under Order No. R202013-0005-A1. That level of discourse and thoroughness indicated that progress is being made. To the extent that the Regional Board's comments in previous NOVs regarding delays and extra burdens on staff had been received by Lehigh, we acknowledge improvement. We remind Lehigh that submissions need to be complete on the day they are submitted and that the Regional Board does not have the resources to pre-approve every submission. However, to the extent that it would improve future submissions, the level of discourse in the February 18, 2014 meeting was a step in the right direction.

Please submit the information described herein consistent with this directive, and the requirements of Order No. R202013-0005-A1. Please let us know if you have any questions.