

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**STAFF SUMMARY REPORT: John H. Madigan  
MEETING DATE: June 10, 2026**

**ITEM: 6B**

**Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc.,  
Permanente Plant, Cupertino, Santa Clara County – Reissuance of NPDES Permit**

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**DISCUSSION:**

This Revised Tentative Order (Appendix A) would reissue the NPDES permit for Lehigh's Permanente Plant, a limestone and rock quarry that has produced cement and construction aggregate since 1939. The plant discharges treated quarry dewatering water, aggregate crushing and washing water, truck and equipment wash water, and industrial stormwater to upper Permanente Creek. The facility no longer manufactures cement.

The Revised Tentative Order would continue the surface water component of the Regional Water Board's comprehensive effort to protect and restore surface and groundwater quality at and downstream of the facility. It would maintain stringent limits on selenium in Lehigh's wastewater and require Lehigh to continue directing significant volumes of stormwater to treatment.

The Revised Tentative Order would remove the receiving water limitations contained in the previous order that served as backstops for unanticipated circumstances or changes to effluent quality that could affect water quality. This is consistent with the U.S. Supreme Court's ruling in *City and County of San Francisco v. Environmental Protection Agency* (2025) 145 S.Ct. 704, which held that, under the Clean Water Act, NPDES permits issued by the U.S. EPA may not include end-result requirements. The Revised Tentative Order does not include additional requirements in lieu of receiving water limitations because the proposed effluent limitations are sufficient to protect water quality.

We received comments on the Revised Tentative Order during the public comment period from U.S. EPA, Lehigh, and a concerned citizen. In response to U.S. EPA's comments, we revised the tentative order to implement the water column criterion of U.S. EPA's December 2024 water quality standard for selenium in fresh water in California, making the effluent limits for selenium more stringent. The Revised Tentative Order would allow Lehigh to study establishing a site-specific water column criterion for selenium, as allowed by the water quality standards. We responded to minor comments from Lehigh, revising the tentative order where appropriate. We also responded to concerns from a member of the public that Lehigh discharges pollutants from unaddressed sources, such as air deposition, and threatens Santa Clara Valley

groundwater, an important drinking water resource. This commenter also questioned the effectiveness and integrity of Regional Water Board enforcement. As we explain in our Response to Comments (Appendix C), the Revised Tentative Order protects drinking water, and our enforcement efforts have significantly improved permit compliance and water quality.

We made staff-initiated changes to address ongoing litigation related to use of the Test of Significant Toxicity in the case *Camarillo Sanitary District v. California Regional Water Quality Control Board - Los Angeles Region*. We also made minor editorial and formatting changes. These changes are also described in Appendix C. While we expect this item to remain uncontested, we may receive testimony from commenters and other members of the public during the hearing.

**APPENDICES:**

- A. Revised Tentative Order
- B. Comments
- C. Response to Comments

# Appendix A

## Revised Tentative Order

# Appendix B Comments

For a copy of the comments, please contact John H. Madigan via email to [John.Madigan@waterboards.ca.gov](mailto:John.Madigan@waterboards.ca.gov) or at (510) 622-2405.

# Appendix C

## Response to Comments