

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

PUBLIC HEARING
concerning

TENTATIVE ORDER
AMENDING
WASTE DISCHARGE REQUIREMENTS
ORDER R5-2017-0077-01

FOR
LEHIGH SOUTHWEST CEMENT COMPANY
CALAVERAS CEMENT COMPANY
CALAVERAS CEMENT PLANT
CALAVERAS COUNTY

On 8 February 2017, the Central Valley Water Board adopted Waste Discharge Requirements (WDR) Order R5-2019-0011 for the Calaveras Cement Plant (facility) which amended the compliance deadlines for the final closure of CKD-3 unit required by R5-2017-0077 to allow the Discharger to obtain permits from the U.S. Corps of Engineers and the California Department of Fish and Wildlife (CDFW) to excavate the cement kiln dust mining waste from the riparian and seasonal wetland areas at the toe of the unit and consolidate it under the CKD-3 cover. Specifically, the amended order R5-2017-0077-01 extended the 31 December 2018 compliance deadline for CKD-3 unit closure to 31 December 2020, and the related compliance deadline for the Final Closure and Post-closure Monitoring and Maintenance Plan to 31 March 2021.

However, the permitting process required that the project satisfies the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) which extended the permitting process. According to CDFW, the streambed alteration permit will not be available until 28 October 2020 which precludes the start of construction prior to the rain season (30 October to 30 April).

The attached tentative Order amends the WDR Order R5-2017-0077-01 by extending compliance deadlines. The **31 December 2020** compliance deadline for the closure of CKD-3 is extended to **31 December 2021**, and the related compliance deadline for the Final Closure and Post-closure Monitoring and Maintenance Plan from **31 March 2021** to **31 March 2022**.

A public hearing concerning this matter will be held during the Regional Water Board meeting, which is scheduled for:

DATE: 10/11 December 2020
TIME: 8:30 A.M.
PLACE: Regional Water Quality Control Board
11020 Sun Center Drive #200, Rancho Cordova, CA 95670

LEHIGH SOUTHWEST CEMENT COMPANY AND CALAVERAS CEMENT COMPANY
CALAVERAS COUNTY

In accordance with Executive Orders suspending certain provisions of the Bagley-Keene Open Meeting Act in light of the COVID-19 pandemic, this meeting will be conducted as an online meeting only. Please visit our website for information on [How To Participate In Online Meetings](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2006/#howtoattend) (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2006/#howtoattend).

The designated parties for this hearing are as follows:

- Staff of the Central Valley Regional Water Quality Control Board
- Lehigh Southwest Cement Company and Calaveras Cement Company

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Interested persons may not cross examine witnesses and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board no later than **5 p.m 2 November 2020**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

Tentative waste discharge requirements for the facility were issued for public comment on **1 October 2020**. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than by **5:00 p.m. on 2 November 2020**. Written materials submitted after 5:00 p.m. on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff or others, at the discretion of the Board.

Further information about the facility and the proposed requirements can be found in the Findings and Information Sheet of the tentative Order available on the [Central Valley Water Board's website](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders) (www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders).

NOTICE OF PUBLIC HEARING

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LEHIGH SOUTHWEST CEMENT COMPANY AND CALAVERAS CEMENT COMPANY
CALAVERAS COUNTY

Waste Discharger Requirements Order R5-2017-0077-01 this tentative Order is amending is available on the [adopted orders](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders) Central Valley Water Board's website (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders)

Copies of these documents can also be obtained by contacting or visiting the Regional Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m. The [final meeting agenda](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/) (http://www.waterboards.ca.gov/centralvalley/board_info/meetings/) will be available at least 10 days before the meeting. The agenda will provide the specific date the Board Meeting will be held for this item, indicate the anticipated order of all agenda items, and may include staff revisions to the proposed order.

Anyone having questions on these tentative revised WDRs for Calaveras Cement should contact Natasha Vidic at (916) 464-4614, or by email at Natasha.Vidic@Waterboards.ca.gov.

The [Procedures Governing Central Valley Water Board Meetings](http://www.waterboards.ca.gov/laws_regulations/) (http://www.waterboards.ca.gov/laws_regulations/) may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Board are not conducted pursuant to Government Code section 11500 et seq. [Information on Meeting and Hearing Procedures](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) (http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) is also available on the Board website or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Administrative Assistant at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Administrative Assistant at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

John Baum, Assistant Executive Officer

1 October 2020