

**California Regional Water Quality Control Board
San Francisco Bay Region**

Tentative Order No. R2-2017-XXXX

**Amendment of Cease and Desist Order No. R2-2014-0011
for Lehigh Southwest Cement Company, and
Hanson Permanente Cement, Inc.,
Permanente Plant
Cupertino, Santa Clara County**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), finds the following:

1. Lehigh Southwest Cement Company (Discharger) owns and operates the Permanente Plant (Facility), located at 24001 Stevens Creek Blvd. in Cupertino, Santa Clara County. The Discharger mines limestone and rock, and produces cement and construction aggregate, at the Facility.
2. On March 12, 2014, the Regional Water Board adopted Order. No. R2-2014-0010 (NPDES Permit No. CA0030210) (Permit), which serves as Waste Discharge Requirements (WDRs) and regulates point source discharges from the Facility.
3. On March 12, 2014, the Regional Water Board also adopted Cease and Desist Order No. R2-2014-0011 (CDO) because the Facility's discharges threatened to violate Permit requirements. The CDO requires the Discharger to construct a final treatment system to treat all Facility process wastewater and to configure site flows to comply with the Permit by October 1, 2017; the CDO also imposes interim requirements.
4. By October 1, 2017, the CDO requires the Discharger to operate in compliance with the Permit Facility map (reproduced as CDO Attachment A, page A-1, "Water System and Piping") and process flow diagram (reproduced as CDO Attachment B, page B-3, "Final Line Drawing of Flows; Final Treatment Flow Configuration").
5. Order No. R2-2017-00XX (Permit Amendment) amended the Permit to revise the facility map and process flow diagram. The amendment accounts for changes made to the final treatment system and final process flow configuration to ensure adequate wastewater treatment, sufficient area for treatment units, adaptability to changing Facility conditions, and efficient flow management. These changes include the following:
 - a. Additional ultrafiltration/reverse osmosis treatment as part of the final treatment system.
 - b. Relocation of the final treatment system and Discharge Point No. 001.
 - c. Final process flow configuration that includes newly-constructed Pond 1 and removes Pond 4A, and sends certain flows previously discharged at Discharge Point Nos. 002

through 006 to the final treatment system and Discharge Point No. 001 for treatment and discharge.

6. The Permit Amendment also accounted for changes made to Facility flows to accommodate the discovery of California Red-Legged Frogs in Pond 9. The amended Permit prohibits the Discharger from sending process-related flows and stormwater associated with industrial activity to Pond 9 or discharging them to Permanente Creek at Discharge Point No. 003. The amended Permit no longer requires treatment at Pond 9 nor imposes certain effluent limits at Discharge Point No. 003.
7. As a result of the Permit Amendment, the Permit Facility map and process flow diagram no longer match those in CDO Attachments A and B.
8. This Order amends CDO Attachments A and B to match the process flow diagram in the amended Permit.
9. This Order also amends the CDO to recognize that the Discharger may simultaneously discharge from the Pond 4A outfall and Discharge Point No. 001 until the final CDO compliance date of October 1, 2017. Such discharges may be necessary during final treatment system start-up to ensure proper operations by October 1, 2017.
10. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to amend the CDO, and provided an opportunity to submit written comments and recommendations between May 12, 2017, and June 12, 2017.
11. The Regional Water Board, in a public meeting on July 12, 2017, heard and considered all comments pertaining to the amendment.

IT IS HEREBY ORDERED, pursuant to the provisions of California Water Code Division 7 and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder, that the Discharger shall comply with the CDO as amended as follows:

1. Replace CDO Attachment A, page A-2, with Attachment 1 of this Order (“Facility Map”).
2. Replace CDO Attachment B, page B-3, with Attachment 2 of this Order (“Revised Final Line Drawing of Flows; Final Treatment Flow Configuration”).
3. Add CDO provision 1.d, as follows:
 - d. During final treatment system start-up and prior to October 1, 2017, the Discharger may simultaneously discharge from the Pond 4A outfall and Discharge Point No. 001 as long as the Discharger complies with all other requirements of this Order.

This Order shall take effect on the effective date of Order No. R2-2017-00XX.

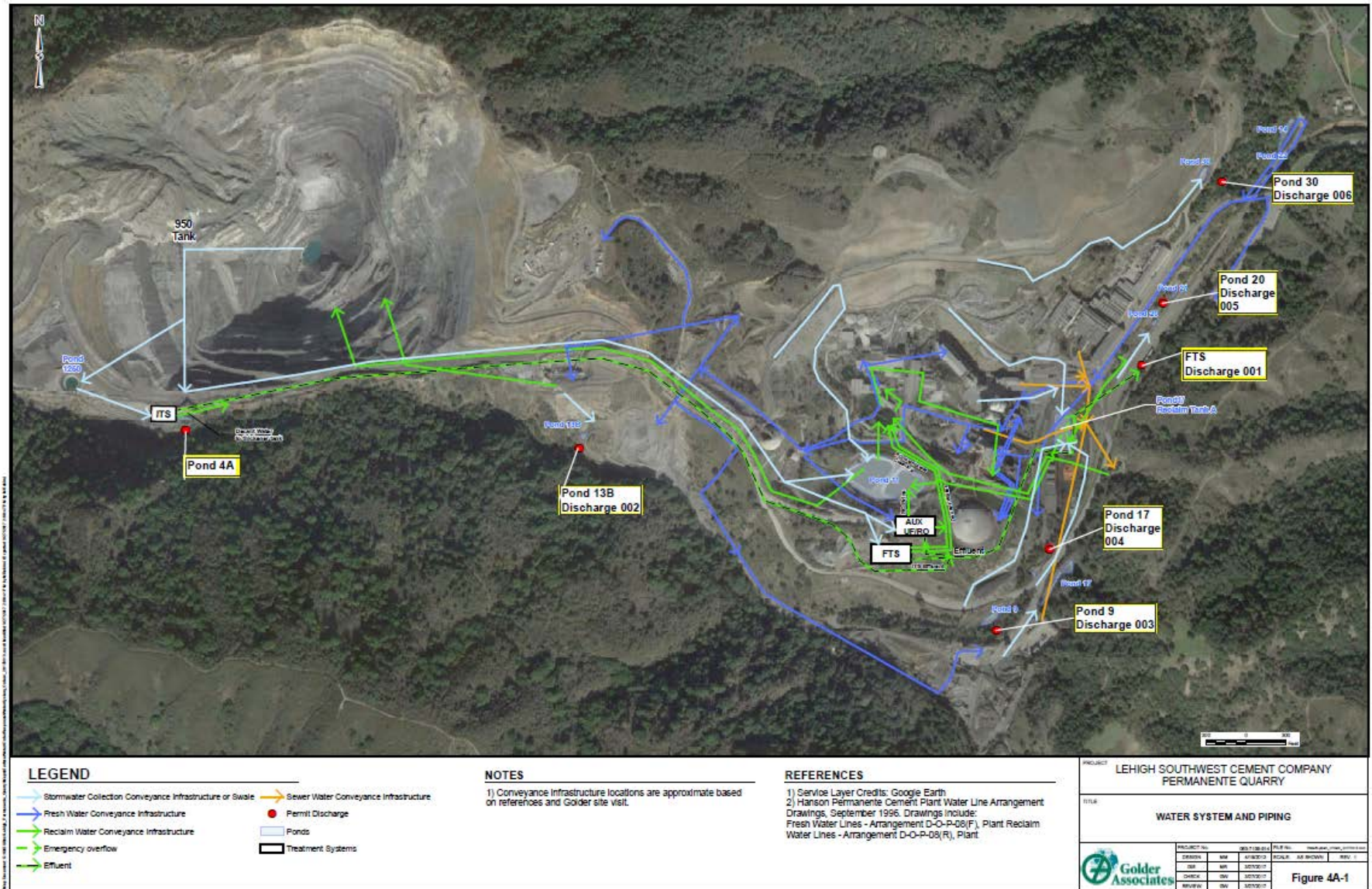
I, Bruce H. Wolfe, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **DATE**.

BRUCE H. WOLFE
Executive Officer

Attachment 1 – Facility Map

Attachment 2 – Revised Final Process Flow Diagram

ATTACHMENT 1 – FACILITY MAP



ATTACHMENT 2 – REVISED FINAL PROCESS FLOW DIAGRAM

