

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

STAFF SUMMARY REPORT (Jack Gregg)
MEETING DATE: June 14, 2017

ITEM: **6C**

SUBJECT: **Lehigh Permanente Plant, Cupertino, Santa Clara County –
Status Report**

DISCUSSION: This report is an update on Lehigh Southwest Cement Company's (Lehigh's) Permanente Plant in southern Santa Clara County, just west of Cupertino, and its efforts to protect groundwater, Permanente Creek, and San Francisco Bay from its operations that generate process wastewater, solid mining waste, and industrial stormwater.

The Permanente Plant is a limestone and aggregate mining operation and cement plant adjacent to Permanente Creek in the Santa Cruz Mountains. At this location, limestone is mined, crushed, and blended with other materials and then heated, cooled, and milled to produce cement. It is a large-scale, industrial operation that has been in operation, under various owners, since 1939 and is noticeably visible from Bay Area satellite images. The mobilization of selenium from native rock (among other potential pollutants) into waters of the State and the potential for selenium loading in the Bay are of significant concern. There have also been legacy discharges of sediment and fill into Permanente Creek.

The Board's regulation of Lehigh's operations has included issuance of investigative and cleanup and abatement orders to address the legacy discharges to Permanente Creek, coverage under NPDES permits for sand and gravel operations and stormwater discharges from industrial facilities, coverage under a new individual NPDES permit for wastewater discharges to Permanente Creek, adoption of a cease and desist order to eliminate unauthorized discharges, and issuance of administrative civil liability penalties for unauthorized discharges to Permanente Creek and permit violations. Lehigh's recent activities are driven by consent decrees it reached with the Sierra Club in April 2013 and the Board and U.S. EPA in 2015, as well as the NPDES permit and the cease and desist order the Board adopted in March 2014. These actions direct Lehigh to treat and process wastewater, including water discharged from the quarry that contains elevated levels of selenium, and restore Permanente Creek.

Lehigh installed an interim wastewater treatment plant in 2014 that has been successfully tested over the last few years. A final treatment plant will be constructed and operated at full scale by September 30, 2017, and is expected to achieve the NPDES permit's monthly effluent limitation of 4.1 µg/L for selenium discharges. Next month, we will present to the Board amendments to the NPDES permit and the cease and desist order to

reconfigure wastewater flows and modify the permit's primary discharge location.

Board staff are also developing waste discharge requirements for mine waste containment and for permitting the restoration of Permanente Creek and preparing a total maximum daily load for selenium discharges to Permanente Creek. We anticipate presenting these items to the Board in late 2018 or 2019.

At the local level, Santa Clara County is the lead agency under the Surface Mining Reclamation Act and is overseeing the land restoration process through implementation of the Permanente Quarry Reclamation Plan, which includes a plan to backfill the quarry pit and restore the area after Lehigh completes its mining.

RECOMMEN-
DATION:

This information item does not require Board action.

FILE:

Place ID 273205