

To: State Regional Water Resource Control Board & Members Date: February 6, 2018  
Felicia Marcus, Steven Moore, Tam M. Doduc, Dorene D'Adamo & E. Joaquin Esquivel

Subject: Lehigh Southwest Cement & Quarry, Steven Creek Quarry, Stevens Creek Reservoir

To Include: Steven Creek, Rattlesnake Creek, Permanente Creek, and Swiss Creek

From: Cathy Helgerson Phone: 408-253-0490 Address: 20697 Dunbar Dr. Cupertino, Ca. 95014

I am writing to express my most serious concerns with the State Regional Water Resource Control Board Staff in the handling of the investigations that are not being conducted according to State and Federal Laws. I have been an advocate against pollution in the Silicon Valley for 13 years and have dealt with your agency so I wanted you to know what is going on and what I think should be done.

The Steven Creek Quarry has continually violated State and Federal Laws in their operations polluting the Rattlesnake Creek, Swiss Creek, Steven Creek Reservoir, Steven Creek Reservoir Recharge Pond, Stevens Creek and the Permanente Creek. They have polluted the Air, Water and Soil without any real enforcement and they have never paid a fine for their polluting. I am very sure that they were aware of the fact that they were polluting and never did anything to correct the problem, until finally after 13 years of complaining on my part the State Regional Water Resource Control Board under Dyan Whyte finally decided they could find the time to investigate. The really sad part is that first it took so long and that now Dyan Whyte has retired from her job and a new person has taken her place. I know it will take time for Lisa Mc Cann her replacement to review all of the records and so she has asked Christine Boshen to review the investigation report to see what is next. I am not so sure that this matter will get the attention it needs because the Stevens Creek Reservoir I understand from Christine and Lisa will not be in the report and it should be. I do not understand how a critical part of this investigation can be left out.

Stevens Creek Quarry was instructed by a Cease and Desist order to stop adding flocculant to the in-stream sediment basins and sediment traps that they had been polluting all of the water bodies around them. The Quarry uses Rattlesnake Creek as a series of sediment basins and sediment traps the site's storm and process water flows, and periodically adds a flocculant to the creek. It is in violation to use the creek, or any other water of the U.S. or water of the State, as a water quality treatment device. The flocculant that the Quarry has been using is a hazardous material, with a pH of less than two. The Safety Data Sheet states: "Prevent water contaminated with this product from entering drains, sewers or streams and sites of native flora and fauna. The discharge of this flocculant to Rattlesnake Creek is a violation of Permit Discharge Prohibitions III.B and III.C. The quarry also discharges rock washing water to Rattlesnake Creek the discharges of process water to the Creek are violations of applicable Permit and Basin Plan Discharge Prohibitions, including Permit Discharge Prohibition III.B.

The Steven Creek Company was told by August 1, 2017 they were told to revise the Quarry's Level 1 NAL Exceedance Report to address flocculant as a potential source of the observed iron exceedance and the Quarry's composting operation as a potential source of the observed nitrate and nitrite exceedance. In

the inspection that was conducted the color of the water in Sediment Basin 1 was orange from the introduction of flocculant Kimera Pix-311, which contains iron trichloride and hydrochloric acid. Kimera Pix-311 is not mentioned in the Quarry's Level 1 NAL Exceedance Report as a possible cause of the iron NAL exceedance. They were told that they must cease using Kimera Pix-3111 immediately, and that they must investigate whether it was the cause, or contributing cause, of the iron NAL exceedance.

The State Regional Water Quality Control Board Staff are in the process of generating a report about the Stevens Creek Quarry violations and I hope it will be available to the public soon. The Steven Creek Quarry owners must have known they were in violation especially due to the information on the Safety Data Sheet that is generated by the manufacturer of the Kimera Pix-311 and they decided to disregard the warnings. The SRWQCB-Staff has not yet issued a fine that should be generated against this polluter this needs to be addressed. If they do stop using flocculant Kimera Pix-311 I am not so sure they will not try and use something else which would not stop the pollution from the Quarry. I was told by Dyan Whyte that the Quarry may need a new permit because they could not continue to use a General Permit and that there would be certain criteria to cover a more involved permit to emit. I am worried about that because I think there should be no pollution coming from the Steven Creek Quarry at all.

The information available regarding the matters pertaining to the Steven Creek Quarry are many to many to add to this letter, but I am sure all of the work is available with the SRWCB Staff and should be reviewed by the Board.

The Stevens Creek Quarry is polluting the Steven Creek Reservoir they are using it as their own personal toilet, and it seems that the SRWQCB-Staff is not including the Stevens Creek Reservoir in their next report and this is unacceptable. I have taken and sent pictures to the State Regional Water Quality Board and Lisa has those pictures and she assured me that these pictures will be added to the report. I also understand that her office has also taken pictures and it is part of the investigation. I had discussed this pollution with Dyan Whyte many times in the past before she retired, and I have also mentioned this to Lisa Mc Cann her replacement. I have also talked to Christine Boshen about the inspection report – investigation they will be generating and she mentioned that the Steven Creek Reservoir will not be included. I do not understand why this matter completely ignored? The Stevens Creek Quarry is dumping polluted water into the Stevens Creek Reservoir and has been from the beginning, when they opened 43 years ago and no one is stopping this pollution.

Santa Clara Valley Water District overseas and owns the Reservoir and they sell water to the San Jose Water Company and the California Water Service Company, this water from the Reservoir flows down to the Recharge Pond, behind the 7-11 store and ends up in the aquifer below the Silicon Valley. This is our water and it is polluted there are many pollutants in our tap water that no one seems to know about. I have pulled up records on the web with [www.EWG.ORGtapewater/system](http://www.EWG.ORGtapewater/system) and you can look this information up yourselves. The National, State and Utility Company levels are all different measured in ppb – parts per billion and ppm- parts per million and the information about if they cause cancer and causes harm to the public is mentioned. There are other water companies mentioned but I just looked at the California Water Service Company and the San Jose Water Company my question is who sets these limits, especially if they are all different? The water is not clean, not down to zero pollution and

we are never told all of the contaminants and pollution in the water, which are causing the health issues we suffer from today. There is also Radiological Contaminants such as Trihalomethanes (TTHMs), the National level set is 23.2 ppb, State level set is 18.7 ppb and the Utility Company - California Water Service Company is 25.1 ppb, as you can see the Utility Company is over the National and State level no enforcement is ever discussed, this is just one example. It seems to me that the levels the Government and State set are to accommodate the Water Companies, how do we know what is really going on? I also have to ask the question - where has the State Regional Water Quality Board been while all this crazy monitoring is going on and reported to the EWG? The public is not even aware of what is taking place and I am sure if they did know they would all be very worried, and concerned about our drinking water supply. The question is what contamination is allowed to flow into our homes and at what levels?

Uranium a known human carcinogen is also in the water information is on the web and what I gathered it is pretty shocking because not only with Uranium no one is taking into account the cumulative effect, what are all these pollutants doing to humans over periods of time, cumulating in our bodies. There is Lead, Benzene, Mercury, Chromium 6, Vanadium, Selenium and much more.

The Air, Water and Soil at the Stevens Creek Quarry, the Stevens Creek Reservoir and the Creeks is polluted and we the public are suffering. I have had many very serious health problems and so has my family even resulting in death. I continue to suffer from the pollution and that is why I work so hard to help find a way to stop these polluters if I can.

The Stevens Creek Quarry has a problem with the large recycled concrete mountain pile that is being ground into a product that they sell to the public. This product is full of pollution this concrete has Mercury in it, and the dust from this process is allowed to fly all over the Cement Quarry land, and the Steven Creek Reservoir. The other great and major problem is that when it rains, and rain water washes over the mountain of broken up concrete, and also the processed ground up concrete that it is then stored under the weigh in trailer in a holding tank. This water is later funneled via a yellow fire hose from the road next to the weigh in trailer to a small tiny pond that is right next to the fence. This water is eventually released under the road into the Stevens Creek Reservoir. The polluted contaminated water has high levels of Mercury and the fish are highly contaminated with this Mercury and other pollutants. The Santa Clara Valley Water District will do nothing to clean up the pollution, nor are they cleaning up and maintaining the Reservoir, it is a real terrible health hazard and a disgrace. There are people fishing in this Reservoir and they are taking the fish home to feed their families even thou they are told not to. The Reservoir is in such a sad horrific state poisoned with the gray dust from the Steven Creek Quarry and this cement concrete dust is in the air and in the water. I witnessed this dumping of water into the Reservoir by the Stevens Creek Quarry workers one morning at 6:00 AM, and I asked them what where they doing and they said "we have a permit to do this" well I could not believe it. The State Regional Water Quality Control Board has given them a general permit to dump the water into the Stevens Creek Reservoir, crazy as it sounds. I asked the Santa Clara Valley Water District to stop them from doing this by shutting off the pipe and they refused I was given no reason for turning me down.

I have talked to the Representatives at the State Regional Water Quality Control Board to test the water and it seems they are not willing to do so even thou they could hire someone to do it. I am sorry to say

that I do not trust the Santa Clara Valley Water District to tell the truth about the water because this is water they sell to the San Jose Water Company and the California Water Company. There really seems to be some deception here on both their parts. The aquifer below is highly polluted with this water and there has to be some way to make sure that the public is not contaminated by polluted water. The dust going into the Stevens Creek Reservoir is polluted and contaminated and you can see the ring around the Reservoir, I call it the toilet bowl, especially when the water is low due to the drought. The smell coming from the Steven Creek Reservoir is terrible and a sure indication that this Reservoir is not up to regulations by the State and Federal codes, and that it is completely filled with pollution.

I ask that the State Regional Water Control Board Staff and Members to look into saving lives by stopping this pollution to the point of even closing down and cleaning the Steven Creek Reservoir and the Steven Creek Quarry as soon as possible, and I would like to propose with a Super Fund Cleanup. There is no reason why the public should be exposed to this pollution and the State Regional Water Control Board, Santa Clara Valley Water Control Board, San Jose Water Company, California Water Service Company, EPA Region 9, Bay Area Air Quality Management District, City of Cupertino, Santa Clara County and other Cities here in the valley need to take this situation seriously and stop this pollution.

I now want to start to discuss the Lehigh Southwest Cement and Quarry that is polluting the Permanente Creek, Stevens Creek and the Silicon Valley Aquifer below our homes, they have been polluting the Air, Water and Soil for 90 years and counting this has to end. There have been many violations of State and Federal Regulations and the EPA Region 9 and the Bay Area Air Quality Control Board has sited them for their pollution. Lehigh has paid fines but they keep violating the Rules and Regulations so it seems that the fines are nothing more than an operating expense and no one will close them down. The State Regional Water Quality Control Board takes on some enforcement, but seems to depend on Santa Clara County, Bay Area Air Quality Control Board and the EPA Region 9 there needs to be more enforcement by the State Regional Water Quality Control Board.

Lehigh is now in the process of building a Lehigh Water Treatment Plant to treat the polluted water at the Cement Plant and the Quarry, and it will cost 5 million dollars this due to a lawsuit by the Sierra Club, who took them to court and won. I tried to get something done about this and asked the Cupertino Sanitation Department who refused to hook up the pipes from Lehigh to their pipes right next to Lehigh which would funnel the polluted water to the Santa Clara/San Jose Water Treatment Plant. I had called the Santa Clara/San Jose Water Treatment Plant and talked to the Director who said they could handle this would have sure been good for everyone. Lehigh would pay the Cupertino Sanitation Department and the Santa Clara/San Jose Water Treatment Plant to treat the polluted water, and dispose of it, Santa Clara/San Jose Water Treatment Plant could have used the money for much needed upgrades to their facility that now the public will need to pay for.

Lehigh Wastewater Treatment Plant is not going to treat the water down to Zero percent, and this water will be going down the Permanente Creek and the Stevens Creek, ending up eventually in our aquifer and the SF Bay Area. The aquifer water will be pulled up by the San Jose Water Company and the California Service Water Company and sold to the public for drinking, cooking and washing. The water at

the Lehigh Cement and Quarry is polluted all of the ponds are polluted. The ponds are used to cool down the Cement plant Kiln which is using Petroleum Coke fuel the Cement Plant kiln has radioactivity in it and is a waste material of Petroleum and I have been told that it is worse than coal. The Lehigh Wastewater Treatment Plant will make it possible to treat the water and the EMSA, that has Selenium in it, and who knows what else. The Lehigh Southwest Cement and Quarry will soon very soon want to apply for a new permit to mine a new pit they are running out of Limestone, which is what they make cement out of. They will use the Treatment plant to justify the new pit and I truly believe they will usher in the next major earthquake in California, because the San Andreas Fault and other faults are so close to the next location of the new mine and it could set off a chain reaction.

The State Regional Water Quality Control Board and Staff need to be well aware of the terrible tragedy that will take place if Lehigh is allowed to mine a new pit. There will be 600 acres completely destroyed along with 30 thousand trees. There can never be a Reclamation plan to correct the destruction of this wonderful property. There are many animals that make this land their home and they will be displaced and killed in order to mine this new pit. The Mid Peninsula District right next door to Lehigh will have to deal not only with the pollution but the over flow of the animals running away from Lehigh who are trying to save their lives. The Mid Peninsula District has opposed this new mine, and the pollution and it seems that Santa Clara County has not, and will not fully take into account the mass destruction this new pit will cause. The 600 hundred acres of land and 30 thousand trees are part of the beautiful land in our valley. The destruction to the hills can be seen from the freeways and it looks like something terrible has happened to the land. This land looks raped, stripped and violated from its natural beauty never to be reclaimed as the Santa Clara County and the Public would like to see it. This is a terrible crime against the public and humanity who will never enjoy this land, and also to the animals that would have made this land their home. How can we keep doing this to our home, this wonderful earth we call our home once the damage is done there is no correcting it.

I suppose that the State Regional Water Quality Control Board and Staff must be aware of my dream by now to close down the Lehigh Southwest Cement Plant and Quarry along with the Stevens Creek Quarry right away. I would further like to see the land made into a State or Federal park for all people to enjoy preserving the land for future generations. The Limestone in the mountains should not be mined because it is the largest area of Limestone in the Country and should be held to be a historical site for generations to view and love. I further suppose that the new Lehigh Treatment Plant after it treats and cleans up the land be turned into a museum that shows how cement was mined, and how it is no longer mined in Santa Clara County, because Santa Clara County, and the public refused to continue to allow for a new pit to be mined. That they felt that clean Air, Water and Soil was more important than cement and that they realized that in stopping this catastrophe from taking place they have saved lives.

I have been told by the Staff at the Water Board that this report will come out soon and I hope the State Regional Water Quality Control Board Members and all the staff involved will review this information carefully. I also want to ask that you review my paperwork and the content, and take it to heart.

Thank you