



Sierra Club Loma Prieta Chapter
Serving San Mateo, Santa Clara and San Benito Counties
Protecting Our Planet Since 1933

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June 6, 2017

VIA EMAIL: Lena.Germinario@Waterboards.ca.gov

Lena Germinario
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

RE: Sierra Club comments opposing Lehigh Southwest Cement's request to move the treated water discharge location on Permanente Creek, NPDES Permit Order No. R2-2014-0010.

Dear Ms. Germinario,

On behalf of the Loma Prieta Chapter of Sierra Club, I am writing to object to Lehigh Southwest Cement Company's ("Lehigh's") request to change its final treatment system ("FTS") discharge into Permanente Creek. Lehigh seeks to change its current NPDES permit discharge point on Permanente Creek a mile downstream and 500 feet lower in elevation. A significant proportion of the water to be treated by, and discharged from, the FTS comes from water formerly in Permanente Creek at elevations 1,000 feet and higher. This is due to the fact that Lehigh's pit dewatering operation lowers the water table, drawing water through subsurface soils and rock into the pit. Lehigh's request should be denied because that water should be returned, after treatment, to the approximate location and elevation of its removal as Lehigh's current NPDES permit requires. Further, because the water removed from, and which should be returned to Permanente Creek often represents 100% of total flow in the lower reaches during most of the year, this flow is essential to maintain current stream conditions and habitat.

Sierra Club does not object to Lehigh's request to change the description of discharges into Pond 9 to reduce the perceived risk to any California Red-Legged Frogs.

Background.

Lehigh seeks to change the FTS discharge point in its NPDES permit from Pond 4A, at an elevation of ~1,080 feet, to a new location approximately one mile downstream at an elevation of ~500 feet. Lehigh letter to Regional Water Board, December 30, 2016. The requested change in location appears to be inspired by an interest in lowering pumping costs.

Id., p. 2. There are no water quality or quantity advantages associated with the proposed change, only disadvantages.

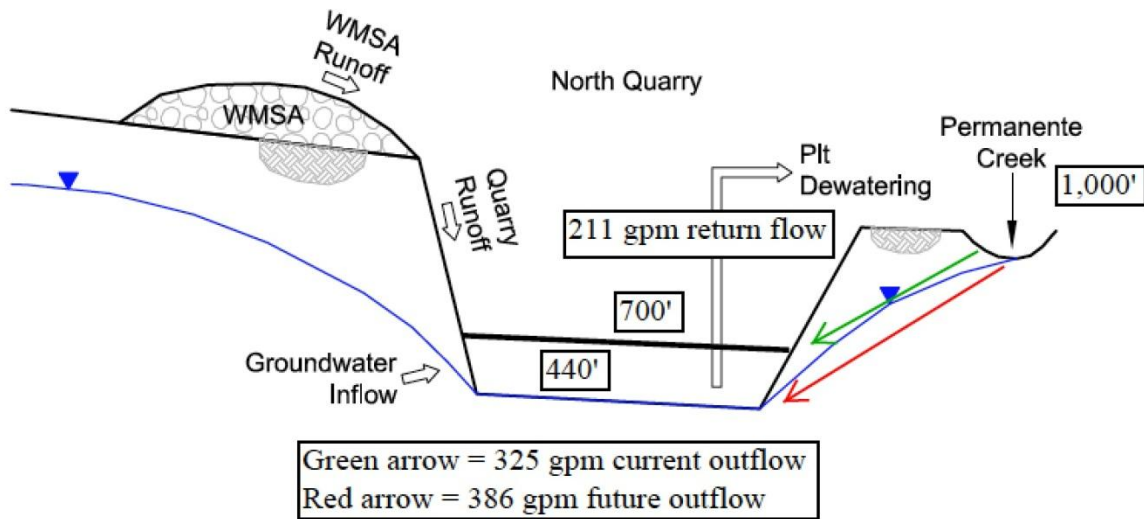
Analysis.

Lehigh's request should be rejected; Lehigh's current Pond 4A discharge point should be retained. That point, shown in relationship to the Lehigh quarry, is shown below.

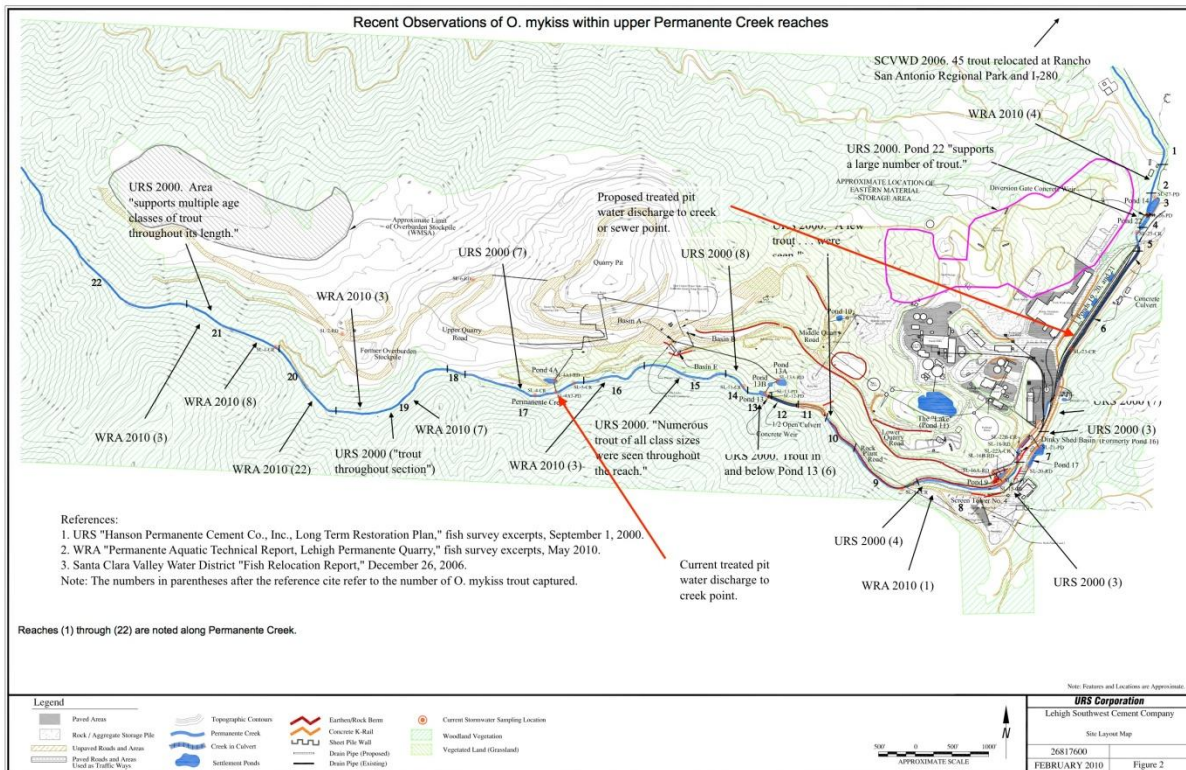


According to Lehigh's consultant Golder Associates, outflow from Permanente Creek above 1,000' in elevation, induced by the steep groundwater gradient created by pit dewatering at ~700', averages approximately 325 gallons per minute ("gpm"). Golder, May 2010, pp. 24-29. Golder estimates this average outflow from Permanente Creek will increase to approximately 386 gpm as continued mining lowers the pit to 440' in elevation. A substantial proportion of this water is returned to the creek at Pond 4A through the pit dewatering and treatment system. In fact, this return flow often constitutes the entirety of flow in the creek. Accordingly, Golder reports that stream flow in Permanente Creek during the dry season (based on March to July data) "is mostly affected by pumping from the North Quarry into Permanente Creek." Golder, p. 26.

A graphic explaining how creek drawdown from pit dewatering is at least partially counter-balanced by the re-introduction of treated pit water, is shown below:



To what extent would Permanente Creek be deprived of FTS treated water return flows if Lehigh's request to change the point of discharge from Pond 4A to the cement plant location? The map below indicates at least a mile of creek would be adversely affected. Not only would resident fish be harmed by this significant reduction in flow between Pond 4A and the cement plant, but all related species and riparian habitats.



Moreover, if Lehigh is allowed the option of discharging FTS treated water directly to the city sewer (Tentative Order, Attachment 1, p. 1-2), Permanente Creek would be denied these return flows through the remainder of the Lehigh property, all of Rancho San Antonio

County Park, and beyond. Such a significant diversion of water from Permanente creek would reduce year-round flows, cause remaining creek water temperatures to rise, and would likely reduce Permanente Creek's contribution to Santa Clara County's underground drinking water supply through the unconfined areas of the Santa Clara Subbasin aquifer.

Conclusion.

Lehigh's request to change the discharge location of FTS treated water to Permanente Creek should be denied. The change in location would significantly diminish the return flow of water, removed by the quarry operation as a result of pit dewatering, over more than a mile of stream. The loss of this water, at some period of the year constituting the entire flow of the stream, would imperil the resident trout population and significantly degrade this already overstressed water course.

Respectfully submitted,



Kit Gordon
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