



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

June 12, 2017

Bruce Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Public Notice for Amendment of Order No. R2-2014-0010, Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc.

Dear Mr. Wolfe:

It recently came to our attention that the San Francisco Regional Water Quality Control Board is considering a modification to the National Pollutant Discharge Elimination System (NPDES) Permit Order Number R2-2014-0010, based on a request from the Lehigh Southwest Cement Company and Hanson Permanente Cement, Inc. The stated rationale for the permit modification request, among others, is that the “final treatment design necessitates a different treatment system location and discharge point” and “changes to the process flow configuration are also needed to protect California Red-Legged Frogs.”¹

We are concerned that relocation of the outfall to a location downstream of the existing discharge point could cause adverse effects on the beneficial uses of Permanente Creek between the existing outfall location and the proposed new outfall location. The proposed relocation of Outfall 001 downstream of its existing location would affect approximately 1.7 river miles and likely will cause significant reduction in instream flows upon which aquatic habitat depends.

We note that other Regional Boards have provided for maintenance of minimum instream flow to protect aquatic habitat in the context of NPDES permitting decisions. For example, the NPDES permit for the Las Virgenes Municipal Water District, Tapia Reclamation Facility, (NPDES Permit No. CA0056014) provides that “the Discharger shall augment flow in the Malibu Creek, such that 2.5 cfs of maximum total flow is measured at the Los Angeles County gauging station F-130-R to sustain the steelhead trout habitat.”

¹ See the 2017 Public Notice for Amendment of Order No. R2-2014-0010 at www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2017/July/Lehigh/Public_Notice.pdf.

We encourage the Board to work with the permittee to explore possibilities that would provide for a discharge of treated effluent at the existing Outfall 001 location to help preserve aquatic habitat in Permanente Creek in the area between the existing and proposed new outfalls. For example, it may be feasible to maintain some level of minimum discharge flow at the upstream outfall location while discharging most of the treated effluent at the proposed new outfall location.

We appreciate the opportunity to provide input on this permit modification. Please contact me at (415) 972-3464 or Becky Mitschele of my staff at (415) 972-3492 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is written in a cursive style with a large initial "D" and "S".

David Smith, Manager
NPDES Permits Section (WTR 2-3)

CC (electronic): Lena Germinario, RWQCB