

# Quarry, cement plant hit with more violations



**Mary Beth Hislop and Bruce Barton, Los Altos Town Crier, 4-13-10**

The Lehigh Southwest Cement Company again finds itself under increased scrutiny from regulatory agencies for excessive air and water pollution.

Last month, the U.S. Environmental Protection Agency sent Lehigh a notice of violation, saying it had failed to comply with “certain sections” of the Clean Air Act and requirements under its Title V operating permit.

The limestone quarry and cement company, formerly Kaiser Permanente, also finds itself in hot water with the California Regional Water Quality Control Board for the San Francisco Bay Region.

The EPA’s notice of clean-air violations stems from “equipment modifications” made to the facility between 1996 and 1999. The modifications, the EPA said, caused significant increases in sulfur dioxide and nitrogen dioxide emissions. The plant, located in the Cupertino foothills south of Los Altos Hills, also is under pressure from the EPA to significantly reduce its mercury emissions.

Meanwhile, a Feb. 10 inspection contracted by the EPA uncovered several violations associated with the National Pollutant Discharge Elimination System and the San Francisco Bay Water Quality Control Plan, as well as violations of the operating permit itself, including failing to use best management practices to reduce storm-water pollutants.

Lehigh officials assert that the company does employ best management practices at the site. Tim Mattes, Lehigh director of environmental regulations for Northern California, said the company is investigating and working with regulatory officials on the “alleged violations.” He said the EPA clean-air notice and water-quality findings have no impact on the cement plant’s continued operations.

Calls from residents, various environmental groups and municipal officials about discolored water in Permanente Creek drew attention to the 2,500-acre plant and quarry and precipitated the water-quality inspection, according to Christine Boschen, an environmental scientist with the water quality control board.

With Permanente Creek sourced on Lehigh land and cement manufacturing operations nearby known to emit pollutants, Boschen said the plant was suspect.

“It’s a big facility – there’s something going on,” she said.

In the report forwarded to Lehigh, the inspector observed sediment-laden waters draining into Permanente Creek from outlet pipes connected with a sump pond and the rock plant, slope erosion, inadequate handling and storage of cleaning and petroleum-based materials.

Several photographs taken by the inspector depict the violations cited in the report. Boschen said the inspector did not sample Permanente Creek water for specific chemicals – the appearance of suspended solids in the water implies an inadequate filtration process.

Particularly troubling to Boschen is the facility’s lack of structural control measures and management practices that contributed to the citations.

Under the current stormwater permit renewed in 1997, the facility must implement controls that reduce pollutants in stormwater discharges and comply with standards measured by Best Available Technology

Economically Achievable/Best Conventional Pollutant Control Technology.

In a subsequent response, Lehigh Environmental Manager Scott Renfrew provided requested information and explanations for some identified problems and outlined repairs the facility has completed to correct the violations, including those to limestone barriers, cleaning sediment traps and other cleanup measures initiated. Other repairs will begin when the weather is dry, Renfrew wrote.

In the meantime, Lehigh faces civil penalties, calculated on the facility's income, for being out of compliance with all noted violations.

"They're based on how much money was saved by not addressing the violations," Boschen said.

With approximately 1,400 facilities to monitor in its jurisdiction, this region's water quality board's resources are stretched – but it will remain vigilant over Lehigh.

"We consider this to be a very important operation," Boschen said. "We will be following up with inspections."