



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

Sent via certified Mail - Return Receipt Requested

March 26, 2010

Lehigh Southwest Cement Co.
c/o Scott Renfew, Environmental Manager
24001 Stevens Creek Boulevard
Cupertino, CA 95014

Subject: NOTICE OF VIOLATION and required corrective actions for failure to protect stormwater at industrial facility

**Facility: Lehigh Southwest Cement Co. (formally Hanson Permanente Cement) Industrial facility, located at 24001 Stevens Creek Boulevard, Cupertino, Santa Clara County
WDID No. 2 43I006267**

Dear Mr. Renfew:

You are hereby given notice that the industrial facility indicated above (Facility) is in violation of stormwater protection requirements. On behalf of Water Board staff, a PG Environmental, LLC, inspector recently inspected the Facility, and noted numerous water quality violations. **You are required to correct the problems noted in the attached Inspection Findings, Violations, and Corrective Actions Report and send us documentation of your corrective actions by the dates indicated in this Report.**

The Facility is in violation of the NPDES General Permit for Discharges of Storm Water associated with Industrial Activities Excluding Construction Activities, Order No. 97-03-DWQ (Permit¹) and the San Francisco Bay Water Quality Control Plan (Basin Plan²).

Permit violations

The Permit requires industrial facility owners to implement controls that reduce pollutants in stormwater discharges to the Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT) performance standard. Development and implementation of a Storm Water Pollution Prevention Plan that complies with the requirements in Section A of the Permit and that includes Best Management Practices (BMPs)

¹ Permit: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

² Basin Plan Table 4.1, Prohibitions:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/tab/tab_4-01.pdf

that achieve BAT/BCT constitutes compliance with this requirement. Our inspector observed that the Facility does not meet this standard, and therefore, the Facility is in violation of the Permit.

Basin Plan Prohibition violations

Additionally, the Facility is in violation of the Basin Plan, which is the Regional Water Board’s master water quality control document. The Basin Plan applies to all discharges within the Regional Water Board’s jurisdiction, including discharges from this Facility. We observed during the February 10, 2010, inspection evidence of discharges that are in violation of, at a minimum, Basin Plan Prohibition 7:

- **Prohibition 7** prohibits rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas.

Please refer to the attached inspection report for the details of the violations and required corrective actions.

Consequences for not coming into compliance

Failure to return to compliance with the Permit and failure to comply with the Basin Plan prohibitions are violations of CWC Section 13385(a)(2) and (a)(4), respectively, for which the Water Board may impose civil liability in the amount not to exceed \$10,000 per day of each violation, plus \$10 per gallon in excess of 1,000 gallons per discharge.

Additional notes

If you need guidance, the California Stormwater Quality Association (CASQA) publishes a handbook for Industrial Stormwater Best Management Practices³. The CASQA handbook is one of many online resources that describe industry standard BMPs. Please note that Water Board can not specify means of compliance. It is your responsibility to select and correctly implement an appropriate suite of BMPs. Use of the CASQA handbook or other similar guidance documents may help you achieve compliance, but it does not guarantee compliance.

If you have any questions regarding this letter, please contact Christine Boschen at (510) 622-2346 or by email at cboschen@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Encl.: February 10, 2010, Inspection Findings, Violations, and Corrective Actions

³ CASQA BMP Handbook: <http://www.cabmphandbooks.com/Industrial.asp>

February 10, 2010, Inspection Photo Log
February 10, 2010, Inspection Exhibit Log

cc:

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