



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
SINCE 1955**

January 5, 2010

Ms. Deborah Jordan  
Director, Air Division  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Re: Lehigh Southwest Cement Company Title V Permit Renewal

Dear Ms. Jordan,

With our letter dated November 24, 2009, the District resubmitted the proposed Title V permit renewal for the Lehigh Southwest Cement Company for EPA review. This action was taken to address requests from members of the public for additional time to decide whether to file petitions to EPA on the proposed permit.

In a letter submitted to the District dated December 2, 2009, Lehigh outlined efforts underway to make changes to their Cupertino facility that would significantly reduce emissions of mercury, hydrochloric acid, and other air pollutants. These changes are being made to address upcoming amendments to the NESHAP that are expected to be finalized in the first half of 2010. Since the requirements of this NESHAP will need to be incorporated into the Title V permit, the District believes that the most appropriate course of action at this time is to withdraw the proposed permit and resubmit it to EPA later with these additional applicable requirements added. The District expects that the permit can be resubmitted to EPA for review within 45 days of promulgation of the NESHAP.

As we indicated in our November 24 letter, the District is still actively involved in the process of evaluating and responding to the many public comments received on this permit, including those provided by EPA. We believe that the additional emission controls that Lehigh has outlined will address many of these comments. Any additional revisions to the proposed permit that are needed to address comments received will be included in the next submittal. We also would appreciate feedback on the response that was provided in our November 24 letter regarding EPA's comment on Compliance Assurance Monitoring (CAM) requirements.

If you have any questions regarding this letter, please contact Brian Bateman, Director of Engineering, at (415) 749-4653.

Sincerely,

Jack P. Broadbent  
Executive Officer/APCO

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