Pictures Included

ORIGINAL Submitted at Meeting.

September 17, 2009

Comments Regarding Lehigh Southwest Cement Company Title V Permit Renewal

My name is Cathy Helgerson I have been a citizen of Cupertino in Santa Clara County for over 28 years.

I have with me a petition of 72 signatures on it and most of these signatures are from people at the Oaks Condos right next to Lehigh Southwest Cement Company that want the Cement Plant and Quarry closed immediately and permanently. This taking of signatures is only the beginning and if necessary many more can be gathered, submitted and filed with the appropriate agencies.

According to the Title V Permit Conditions under ID #2786 and 11780 the Maximum allowable emission rate from Nitrogen Oxide from all the kiln emissions points shall not exceed 1,158 lbs/per hr. multiple this by 24 hours in a day and it gives us 27,792 lbs. per day multiple this times 365 days and we get 10,144,080 lbs per year or 5,072.04 tons of pollution.

The Maximum allowable emission rate from Sulfur Dioxide is 481 lbs/per hr. multiple this by 24 hrs. in a day and it gives you 11,544 lbs. per day multiple this times 365 days and we get 4,213,560 lbs per year or 2,106.78 tons of pollution.

I requested records from the Bay Area Air Quality records department and calculated the Monthly Continuous Monitoring Report that they receive from Lehigh Southwest Cement from 2006 to June of 2009 (3 ½ years or 42 months). The calculations for the Nitrogen Oxide total lbs 11,749,586 lbs or 5,875 tons and for the Sulfur Dioxide total lbs 1,190,000 lbs or 595 tons.

The most they state in their reports for example that they did during this 3 ½ year period I reviewed was in 2007 for Nitrogen Oxide was 3,973,880 lbs. or 1,986.94 tons as you can see they have not and will not ever reach the maximum allowable level this also applies to the high levels that are set for Sulfur Dioxide. This example has lead us to believe that the Maximum levels are set deliberately at very high levels that can never be reached in order to allow Lehigh Southwest Cement Company to continue their operations without interference from anyone or any agency. It should also be well noted that they state that the plant was down 330 days in 3 ½ years total. Note: They can shut down the monitor any time they wish and state they are closed and still make cement. The monitor was purchased by Lehigh Cement Southwest Company and they calibrate the machine and file once a month a report that they generate themselves from information they say they gathered from the monitor. This leaves much room for speculation and concern over the true accountability of the system which has shown to contain errors.

I called the EPA Federal Division for Air Pollution and they informed me that the High Maximum air level emissions are set by the Air Districts themselves nationwide. Lehigh Southwest Cement Companies levels are set by the Bay Area Air Quality Division in the Title V Permit not by the Federal EPA. There is no true evidence that humans and animals alike can tolerate the Maximum levels nor is there any proof that we can tolerate what is coming out of Lehigh Southwest Cement Company's Cement Plant.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

The EPA Federal is now in the process of setting limits on the new cement kilns at low levels the Nitrogen Oxide emission limit is set at 1.50 lb/ton of clinker on a 30 day rolling average which works out to 2,400 lbs per day times 365 days is 876,000 lbs per year. The Sulfur Dioxide emissions limit is set at 1.33 lb/ton for clinker on a 30 day rolling average which works out to 2,127.84 lbs per day times 365 days is 776,661.60 lbs per year. This as you can see is extremely lower than the Lehigh Southwest Cement Title V Permit's emission standards of Nitrogen Oxide at 10,144,080 lbs and Sulfur Dioxide at 4,213,560 lbs. We need to take into account here the fact that there are cumulative levels emission pollutants that cumulate in our bodies over the years so even low levels of emission can cause many health problems. The main goal here for future should be that we strive to control all of the emissions and develop new technologies to support this effort.

There is a serious problem Lehigh Southwest Cement Company did their modernization back in 1981 and they are not subject to the new emission standards for new cement kilns. Therefore the Bay Area Air Quality Control has not required Lehigh Southwest Cement Company to adjust their old or new proposed Title V permits conditions to reflect these new life saving standards.

The Citizens of Cupertino ask that the new lower emissions standard also apply to Lehigh Southwest Cement and that they should be reflected on their new Title V Permit as a requirement. It is so requested that if Lehigh Southwest Cement Company are not able to comply with the new standards that they shut down production and close the Cement Plant and Quarry immediately.

The Particulate matter that is being monitored by the Bay Area Air Quality at the church location on Stevens Creek Blvd. is only monitoring at the PM 10 diameter micron and has only been doing this since February of 2009. The PM 2.5 diameter micron is a much smaller particulate and is not being monitored for Cupertino at the Lehigh Southwest Cement Company and it should be because it is smaller and more harmful. The measurements should also be taken from the Oaks Condos or at the Lehigh Southwest Cement site in order to get accurate readings. Note: This monitor is calibrated by the Bay Area Air Quality and there should be a more secured system of accountability by a neutral Government Policing Agency.

The Bay Area Air Quality District is in nonattainment of the 24 –hr standards for PM 2.5 the U.S. EPA lowered the 24 hour PM 2.5 standards from 65 ug/m3 to 35 ug/m3 in 2006. The EPA issued attainment status designations on December 22, 2008 designating the Bay Area Air Quality as nonattainment for the 35ug/m3 PM 2.5 standard. The Bay Area Air Quality District is required to submit an attainment plan to U. S. EPA by April 2012 that demonstrates attainment of the new national 24-hour PM 2.5 standard by April 2014. This requirement needs to be pushed up to at the very least 2011 or sooner with no delay in order to insure the health and safety of the public.

The fine powdery dust is everywhere and we are breathing this in 24/7 causing serious health problems and even death. The Bay Area Air Quality District seems to be in denial of our situation and their allowing Lehigh Southwest Cement to police themselves in simply requesting that Lehigh Southwest Cement provide a report each month constructed by them is foolish. There needs to be a monitor that can not be calibrated by them and this information should go directly to a policing agency making sure

that there is no room for error of any kind. Furthermore the cement plant should not be able to operate unless the monitor is on and if it is somehow turned off by machine error or tampering than the policing agency shall come out immediately to the Lehigh Southwest Cement plant to do an inspection of the situation. Obviously this would all not be necessary if the Cement plant and Quarry were closed.

Lehigh Southwest Cement has been sited for lost records under citation number A48536A Dated 1/25/07 that states missing visible emissions records for 11 sources at a cost to Lehigh of $12,000.00 dollars. Lehigh Southwest Cement from 1988 to 1/25/2007 there have only been 24 citations and fees paid adding up to $50,082.00 and from 9/25/2007 to 4/07/2009 there have been 13 Pending Violations that still have not been resolved and need to be. The interesting part of all this is that this leads to speculations of all kinds and that the complaints received from 1989 to 2009 have totaled to 350 with only 27 confirmed and 323 unconfirmed. The citizens of Cupertino believe there should have been more confirmed complaints and more fines paid. There is a strong suspicion that the confirmed citations are kept at a low number so as to insure that the Title V Permit is not jeopardized by to many citations. If there is a fee to be paid it is like a paying of a parking ticket and Lehigh Southwest Cement Company can afford to pay that. The community is continually subjected to ongoing pollution and what good is paying a fine the pollution continues and people become ill and lives are lost.

In the Title V Permit old and new states that Lehigh Southwest Cement Company can not create dust of any kind from any source that would become a nuisance to the public the Bay Area Air Quality Control Division has overlooked and ignored this requirement in the permit and the Citizens of Cupertino would like to know why and demand to know what are they going to do about this?

The Lehigh Southwest Cement and Quarry have been and are polluting and contaminating the Air, Water and Soil in Cupertino and the whole Silicone Valley for decades and what has the Bay Area Air Quality, the EPA Region 9, Federal EPA, Santa Clara County and the other agencies doing about this pollution well it seems absolutely nothing. Lehigh Southwest Cement and Quarry are still open and the agencies that should be doing tests at the Cement Plant location for Chromium 6, Mercury, Vanadium, Lead and other hazardous pollutants will not conduct the most needed tests. The Air, Water and Soil should be tested by a non bias agency to make sure that the tests are legal and no tapering can possibly occur.

The hazardous Petroleum coke and coal that is fueling the Cement Plant has not been contained and so the Santa Clara County Hazardous Division was called in by a Citizen of the Citizens of Cupertino to investigate. Lehigh Southwest Cement has been cited and given time to develop a way to contain these hazardous contaminants which have been contaminating the Air, Ground water and Soil and still continue to do so.

We the Citizens of Cupertino can not tolerate this injustice any longer and we demand that the New Proposed Title V Permit be rejected and that the Lehigh Southwest Cement and Quarry be shut down immediately without delay because they are and have been for 70 years a Community Health, Safety and Fire Hazard. The Citizens of Cupertino will be compiling a more extensive report by the October 1st 2009 deadline and reserve the right to add to this comment.

Continuation

September 22, 2009

Comments Regarding Lehigh Southwest Cement Company Title V Permit Renewal

From: Cathy Helgerson – Concerned Citizens of Cupertino,

To: Thu Bui – Senior Air Quality Engineer

Attachments: Copy of Petition of 73 Concerned Citizens & Copy of Comments made at last meeting.

Attachments: Copies of Complaints made to the Santa Clara County Hazardous Environmental Dept.

Attachments: Pictures of Lehigh Cement Plant Grounds Conditions and Weed Abatement Problems.

Attachments: Pictures of the Smoke from the Kiln and the Aggregate Piles and more.

Continuation – Page 3 – I Standards Conditions B Conditions to Implement Regulation 2, Rule 6, Major Facility Review - B Item 2 Specifically States – The Permit holder shall comply with all conditions of this permit. The permit consists of this document and all appendices. Any non-compliance with the terms and conditions of the permit will constitute a violation of the law and will be grounds for enforcement action: permit termination, revocation and re-issuance or modification: or denial of a permit renewal application. (Regulation 2-6-307:MOP Volume II, Part 3, (8) 4.11).

Who will enforce the punishment on Lehigh Southwest Cement Company's for their violations of the law? The need for enforcement actions such as permit termination, revocation and re-issuance or modification: or denial of the permit renewal is evident but it seems that no one wants to take control and enforce closure. The powers that be are all saying they can not close down Lehigh Southwest Cement and Quarry but in the permit itself it states that this can happen but unfortunately it does not state who will carry this out. The Citizens of Cupertino would like to know who will carry out justice as proposed in the Title V Renewal Permit that is up for renewal. The violations are many and the Title V Renewal Permit should not be renewed. Lehigh Southwest Cement and Quarry should be closed down because of it has continued to be a nuisance, are continually in noncompliance and because of their ongoing negligence as a whole. They have for decades refused to contain their emissions and their pollution with no one enforcing the law and this needs to end immediately.

Page 4 – Item 4 – This permit maybe modified, revoked, reopened and reissued, or terminated for cause (Regulation 2-6-307, 409.8, 415: MOP Volume II, Parts 3, (8) 4.11). Item 12 Added New – The Permit holder is responsible for compliance, and certification of compliance with all conditions of the Permit, regardless whether it acts through employees, agents, contractors, or subcontractors. (Regulation 2-6-307) again who will enforce the law? Lehigh Southwest Cement and Quarry is in noncompliance status and the Permit holder shall be held responsible for compliance.

Page 7 J. Miscellaneous Conditions – 1. The Maximum capacity for each source is shown in Table II – A is the Maximum allowable capacity. Exceedance of the maximum allowable capacity of any source is a violation of regulation 2, Rule 1, Section 301. (Regulation 2-1-301) again who will enforce the law? They

are in noncompliance and the terms of the Title V Permit should be recognized. The Citizens of Cupertino are subject to this pollution and it is very unclear as to how much pollution we can swallow and breath in were is the proof that we can tolerate all the levels of pollution they say we can. The cumulative effects have yet to be revealed to the public and the proof of this so called toleration of Lehigh Southwest Cement and Quarry emissions has not been provided and probably never will be. The medical test to humans about the exposure to people that live around these pollutants has never been done and should be by the EPA. The Testing we hope should have started and the Bio Monitoring of humans about 2,000 people randomly will hopefully show how much pollution we are accumulating in our cells and bodies and the harm it is doing to us.

The Citizens of Cupertino feel that Lehigh Southwest Cement Company is in total violation of all the conditions of this permit and also in violation of the Clean Air and the Clean Water Act. There are piles of Petroleum Coke and Coal at the site and Lehigh Southwest Cement Company has been cited by the Santa Clara County Hazardous Environmental Division for non compliance and non containment of Hazardous material (Record ID C00132658) attached complaint copy states facility is storing Coal without having disclosed coal on the HMBP inventory or meeting storage requirements. The public is subjected to coal dust blowing around the community and this is a hazard. Lehigh Southwest Cement Company is in violation of the Hazardous Material storage ordinances: (such as containment and labeling, etc. See official notice of inspection Dated: 8/20/09. (Record ID C00132329) complaint states facility is storing Petroleum Coke and Aggregate without disclosing these materials on its Hazardous Materials Business Plan HMBP, and without meeting Santa Clara County Ordinance regarding proper storage. See Official Notice of Inspection Dated: 7/29/09. Lehigh Southwest Cement has 30 days to respond to notices. Reference copies of complaints attached.

The Bay Area Air Quality Control representatives have stated to me that Lehigh Southwest Cement Company is only burning Petroleum Coke to fuel the Kiln and that is not true and as you can see they have the Hazardous Piles stored out in the open that need to be contained. It seems that the Title V Renewal Permit allows both Petroleum Coke and Coal to be used to fuel the Kiln. Reference e-mail from Mickey Pierce the inspector from the Santa Clara County Hazardous Environmental Division attached.

The Citizens of Cupertino are sure that the Lehigh Southwest Cement Company was aware of the Hazards of the Petroleum Coke and the Coal storage ordinances and deliberately failed to comply. We wait their compliance with in the allotted time period set by Santa Clara County Hazardous Environmental Division.

The serious problem with the Petroleum Coke and Coal being left out in the open and not properly stored in a regulated storage system container or some other proper means of containment should have been noticed by all the agencies that say they inspect the property and this did not happen. The dust was allowed to blow around and it is contaminating the air and also washing down into the ground water causing a pollution problem. Lehigh Southwest Cement Company is not sprinkling the piles with a shower to control the dust. The Bay Area Control inspector Dave Rodriguez has stated that the California Regional Water Resource Board has told Lehigh Southwest Cement not to sprinkle the piles because it is a hazard to the groundwater. It is believed that he groundwater is already contaminated by Lehigh

Southwest Cement and the Quarry. There are aggregate piles outside in the open that are not being sprinkled or showered on and this should be done. The road at the site that the truck load area and drive up and down to are not being sprinkled sufficiently and it is polluting the citizens and something needs to be done.

The piles of Hazardous Materials and the Aggregate piles need now to be watered down due to the dust and later contained to make sure that there is no further contamination to the Air, Water and Soil. This has not been done and it should have been done all along. The Lehigh Southwest Cement Company should be well aware of this sort of problem and this should have never been allowed to happen. The Santa Clara County Hazardous Environmental Division states that they will not fine Lehigh Southwest Cement Company in any way and I think this is outrageous and wonder why not? I have not heard that his problem has been corrected and I am awaiting word. This is a violation of the permit and Government Regulations that include the Clean Air and Water Act.

Page 8 56-57 Cement Packer #3 & # 4 - Why were they taken out?

S-# 100 under table II A – Permitted Sources Precalciner Kiln Fuel Handling System – Custom Design, 400 tons/hr. Questions: Why was this added to the permit without information? This is a new system what is it exactly? How is it monitored? Does it use Petrolium Coke and Coal to fuel the Kiln? It seems that 400 ton/hr. is fueling a considerable increase in production can you tell me how much?

Page 8 - III Equipment Table II A – Permitted Sources 154 coal and Petriolium Coke are used to fuel the kiln. Question: Why is the Bay Area Air Quality trying to hide this from the public? This is a violation of the permit. Information about this should be in the Title V Renewal Permit.

Page 8 S#166 Bulk Clinker Rail Car Lad out System Custom Design why is this taken off of the Title V Permit and will you be replacing it or have you replaced it with trucks or something else?

Page 8 S#171 Kiln Fuel Mill System doesn't State what the fuel is and it should.

Page 8 S#172 Precalciner Fuel System also does not state what the fuel is and it should. Note: The old Title V Permit does put in the correct information.

Page 8 S#173 Kiln Coke System taken out why?

Page 8 S#174 Precalcine Coke System taken out why? We need to know what the fuel is whether it is mixed with coal this information needs to be on the Title V Renewal Permit. Note: It should also be necessary that a requirement should be added to the Title V Renewal Permit reporting levels of the mixture and how much of each is used each day, month and year.

Page 9 S#201 Primary Crusher Birdsboro 1500 tons/hr. 66: x 84" will be removed from Service upon startup of the S-605 Jaw Crusher. Note: Information about the S-605 New Jaw Crusher should be put into the Title V Revised Permit and nothing is there. There should also be drawings of the Equipment that would indicate how the equipment is used and to what levels is it capable of operating under. This unit is a much bigger unit and will handle more rock which is not what we want because it will be

responsible for release more pollution to the community. The question here is who is going to monitor the use of this high power equipment to make sure they are even within the correct levels to operate under can anyone tell me?

Page 9 & 10 S# 203, 204, 205, 206, 207, 208, 209, 214 & 215 taken out what happened can anyone tell me? Lehigh needs to state why this information was removed or why they feel it is not necessary to report this on the Title V Renewal Permit.

Page 10 S# 231 Concrete Storage Silo changed to Pressed Cake Bin (6-SS-2) 1200 tons why? What happened to the Concrete Storage Silo?

Page 10 S# 240 Concrete Storage Silo- Changed to Additive Conveyor/Bins 1420 tons why? What happened to the Concrete Storage Silo? Seems it just went away can anyone tell me why?

Page 11 S# 360 Wet Aggregate Loadout System (8-BC-60 through 8-BC-62) (8-SS-60 through 8-SS-65) total of 9 Wet Aggregate Loadout Systems we do not believe that the sprinkling of the Aggregate is taken place and that the Aggregate piles are blowing all over and contaminating the community. These piles should be contained or sprinkled in order to control the pollution. We also believe that the groundwater is being affected by this contamination. This is a violation of the Title V Permit and of the Clean Air and Water Act.

Page 11 S# 370 Class 2 Aggregate Additive Transfer System (8-BC-35, 8-BC-37) we believe that this system is also a Hazard and we need to know that his dust is contained or sprinkled as above.

Page 11 S# 440, 441, 442, & 443 where they taken off the Title V Renewal Permit and we need to know why? Notes indicating why they were removed should be added to the Title V Renewal Permit and what were they replaced with and why?

Page 11 S# 444 Emergency Clinker Conveyor Custom Design 230 tons/hour why is this unit necessary it was not needed in the past it seems there was no need for this why is it being used now? We suspect that it will not be used just for emergencies but will be used for the day to day in order to process more rock into cement and this should not be allowed unless the other system breaks down. Question is who is going to monitor this system to make sure that no one is using it each day for general use when it should only be used for emergencies? The 230 ton/hour is a lot of rock to process and we are very concerned of an increase in processing more rock which will cause more emissions and pollution.

Page 11 S# 600 Quarry Blasting and Mobile Operations Custom Design more information needed to indicate process and ordinances. Provide Drawings of the equipment. There also needs to be a report done on what this Quarry Blasting is doing to the San Andres Fault Line with regards to possible earth quakes in the future. We are not sure what this mining of all this rock and the expansion will do to the ground under and it could be affecting the possibility and magnitude of an earth quake has anyone looked into this? The Title V Renewal Permit should reflect some connection between the Quarry Mining and the Reclamations Plan as well. That all regulations should be met and that if they are not then the

permit could be revoked until which time that the requirements are enforced. Lehigh Southwest Cement and Quarry and Hanson Permanente Cement and Quarry never complied with the Reclamation Plan in the past and have yet to fully comply with it now. It truly amazes the citizens in the community and they ask why didn't anyone at the Bay Area Air Quality and Santa Clara County Planning Department do anything to make sure the old mined area was brought back to the natural state as required. It seems even now with the Title V Renewal Permit pending that the problems with the Reclamation Plan are played down and the fact that nothing was done in the past to implement the plan really does not matter to the powers that be. The citizens feel that this past behavior should play a very important part in the determination of whether or not the Pending New Title V Permit should be renewed. The decision should be made not to renew the permit based on past non compliance and non performance and the Lehigh Southwest Cement Company and Quarry should be closed down.

Page 11 S# 601 Rock Hopper (9-DH-1) Custom Design 1800 ton/hour new and larger equipment there should be more technical information about the equipment indicate processes, ordinances and provide drawings of the equipment.

Page 11 S#602 Conveyer System (9-PAF1, 9-BC-1,9-BC-2) – Source status is authority to construct Custom Design they have new and larger capacity equipment same issue need more technical information about the equipment indicate processes, ordinances and provide drawings of the equipment.

Page 11 S# 603 Vibrating Grizzly (9-VG-1) - Source status is authority to construct – Custom Design 1800 ton/hr. they have new and larger capacity equipment same issue need more technical information about the equipment indicate processes, ordinances and provide drawings of equipment. The Page 11 S# 604 Vibrating Screen (9-VS-2) - Source status is authority to construct – Custom Design 1800 ton/hr. they have new and larger capacity equipment same issue need more technical information about the equipment indicate processes, ordinances and provide drawings of equipment.

Page 11 S# 605 Jaw Crusher (9-CR-1) – Source status is authority to construct – Custom Design 1135 ton/hr. they have new and larger capacity equipment same issue need more technical information about the equipment indicate processes, ordinances, and provide drawings of equipment.

Page 11 S# 606 Storage Piles Area 1 and S# 607 Storage Piles Area 2 looks like an expansion of the Storage piles due to an increase in processing cement. This will hurt the citizens of the community with more pollution.

Page 11 S# 601 thru S#607 reflects a great and gross increase to the production of rock into cement and the Citizens of Cupertino do not approve of this increase and as that the Lehigh Southwest Cement Plant and Quarry be shut down.

Page 9 Note: The Primary Birdsboro Crusher mentioned in area S# 201 Primary Crusher – Will be removed from service upon startup of S-605 Jaw Crusher. Down on page 11 S# 601 thru S# 607 there is no mention of this S-605 Jaw Crusher nor is there any mention of how much rock can be crushed per ton

per hr. If you look at page 9 of the old Title V Permit S# 214 thru S#217 you will see the increases and how considerable they are. This increase in machine capability will create a great problem with more pollution and contamination to the community and the citizens do not want his to happen. The Citizens of Cupertino also believe that the new equipment has been installed and the new area for mining is now being used prior the Title V Renewal Permit being approved. It is also not clear to us who would inspect to make sure this is not taking place sort of allowing them to jump the gun can you look into this and let us know in writing?

II Equipment Table II B Abatement Devices Dust Collectors it is difficult to see if they are really doing their job 4.10P (0.67) lb/hr. where P is process weight, ton/hr.

The Ringlemann view is not enough there should be a monitoring device regulated by a non bias source. There is dust being released from all sources at the Cement Plant and Quarry which is dispersed all over and out into the community over the whole Silicone Valley and the Bay. There is polluting of the Air, Water and Soil. The weight indication does not change a thing and would be difficult to monitor and enforce.

Page 24 A- S#300 Water Spray System states enough to maintain surface moisture. We do not believe that there is any water sprayed to contain the dust. Therefore this is a violation of the Title V Permit.

Page 25 A- S#350, S#360, S#370 and S#344 water flow have different operating parameters. Note: Inspector Dave Rodriguez informed me that Lehigh Southwest Cement Company is not sprinkling or spraying down the dust from the piles and he stated that the California Regional Water Quality Board has told them not to do it. The reason is that the Lehigh sprinkling is contaminating the Ground Water and that is a great problem. This is a condition of the permit and Lehigh is in noncompliance.

Lehigh Southwest Cement Company does has their own Sanitation System and is not hooked up to Cupertino Sanitation Department or the San Jose Sanitation Department which we believe is a great problem because it leaves a great deal of room for error and other compromising possibilities.

The Water Resource Board needs to test the water at all locations on the Lehigh Southwest Cement and Quarry. Note: We have been told that they instruct Lehigh Southwest Cement Company to hire a contractor with a lab to test the water on site all around for contamination. This is unacceptable to the Citizens and we would like a non bias Government Department to test the water at the site due to the fact that there could be some possible tampering or errors made with the reporting. The Water Resource Board is dragging their feet and are not cooperating about getting the water tested and we the Citizens are very upset about that and we are pressuring them to start the testing soon. The EPA Ground Water Division has been contacted and we hope to get results but it is hard to say just exactly what the EPA can and can't do.

There is a strong possibility that the ground water, Permanente Creek, Stevens Creek and the wells in Cupertino and the surrounding area have been polluted by Lehigh Southwest Cement and the Quarry and probably Stevens Creek Quarry next to the Stevens Creek Reservoir. The EPA Region 9 is not

enforcing the Clean Water Act and Clean Air Act in conducting their own tests and uses the excuse that they can only go by what the Congress tells them to do and that lack of Government Regulations is holding them back. This is a terrible lack of protection that should be coming from them and so we the citizens are left without any real protection. It is up to the EPA – Environmental PROTECTION Agency to protect the public and direct funding for that purpose should be made available to them from the Government such as a special fund to handle emergencies of this kind. There should also be testing conducted at the Cement site or right next to it in order to determine the exact levels of contamination. The EPA should be willing and able to shut down a facility that is in noncompliance immediately, especially if it is a Health, Safety and Fire Hazard to the community and they are not. The problem is that unless people are dropping dead all over the Health Department does absolutely nothing to help with this situation they don't get involved. The fact that cancer is on the rise and other health problems does not seem to matter to the Health Department they will do nothing and this is terribly wrong.

The trucks that carry the cement and the product to and from the Cement Plant and the Quarry are also polluting the community. They have also polluted the Stevens Creek Reservoir and the Recharge Pond on Bubb Road and McClellan behind the 7/11 Store in Cupertino. Note: Lehigh Southwest Cement company personnel are also leaving their chemicals that they use to treat the water with outside of their buildings which is a fire and health hazard the Lehigh Southwest Cement Company is overall responsible for that.

A #2030 Water Sprays at Screen, A #2010, 2050, 2040, 4400 & 4430 Water Spray all deleted why?

A# 606 & A# 607 Water Spray (Mobile Water Trucks) & A#4501 Water Spray S-601 was added to Title V Renewal Permit.

We believe Water Spray Trucks are not enough and that Water Spray units with monitors should be purchased and used. There should be also a Government Agency non bias unit overseeing this and watching to make sure that these Water Spray units are used to control the dust and pollution. The Ringlemann viewing is just not enough to determine the amount of pollution going out into the community and just going on the word of one person leaves room for error and other problems. It would be beneficial to all citizens if the Lehigh Southwest Cement Plant and Quarry were shut down.

There are more Broken Bag Leak Detectors that have been added to the cement plant which proves that a larger processing of cement is taking place. The Citizens in the community do not want the Lehigh Southwest Cement Plant and Quarry to increase the process of mining more rock and making more cement that is polluting the whole Silicone Valley we want them shut down their production once and for all.

Table II C-Exempt Sources – S-#60 Above Ground Diesel Storage Tank (15,000 Gallon Capacity) Exempt (Regulation 2-1-123.3), & S-#62 Below Ground Diesel Exempt (Regulation) – Both of these should not be given an Exempt Status and should be monitored and inspected due to the past leakage and spills. This causes a problem with groundwater contamination. Pictures are available with the Santa Clara Hazard Environmental Division and the Cupertino Citizens – Cathy Helgerson have copies upon demand.

I have checked with the Santa Clara County Assessors office regarding the name used on the Title V Renewal Permit which is Lehigh Southwest Cement Company I could not find anything in the records that states a Transfer Deed was ever filed which transfers Title from Hanson Permanente Cement to Lehigh Heidelberg Cement Company or Lehigh Southwest Cement Company. I believe this is a problem and someone should look into it and get some proof of the legal ownership and name of the company.

Page 336 Permit Conditions Pertaining to Nitrogen Oxides Formula for determining compliance exhaust flow rate was modified to 263,000 sdcfm on 9/1/97. Question: Why will this part be deleted you state that after the flow meters are installed that the flow rate is no longer applicable since the actual air flow rate will be measured by the flow meters? Question: Can you explain how these flow meters will work and how will this information be taken or transferred to the monthly report to the Bay Area Air Quality? This information must be clearly made assessable to the public for review at any time and is not. The calculations submitted from Lehigh to the Bay Area are incorrect, inaccurate and no one at the Bay Area is aware of the problem and they have overlooked it completely. The only person from the Bay Area Air Quality who actually sees the readings from the monitor is some Lehigh personnel and the Bay Area Air Quality control inspector who comes out when a complaint is filed and he just looks at that specific hour and the time he is there. This inspector never sees the complete report and we have to take Lehigh Southwest Cement Company's word that the machine is reporting it correctly and that it has been calibrated correctly which is like the fox watching the chicken coup. The Bay Area Air Quality Control inspector stated to me that he comes out once a year for an annual inspection but it is truly unclear as to what he really inspects. There is a lot of room for error and other problems that may occur with this limited inspection and there should be a policing agency to monitor overall. The Title V Renewal Permit never mentions any of this and so it looks like they are in compliance when they are not.

The Sulfur Dioxide maximum levels are not on the Title V Renewal Permit and the Citizens would like to know why? The old Title V Permit did have levels and now there is no mention of it at all. There needs to be levels set and it should also be monitored by the same monitor that monitors the Nitrogen Oxide and we wonder what is going on can you tell us? I have mentioned this to the EPA and got no answer they need to look into this. This is very serious and should be looked at immediately by the EPA and the Bay Area Air Quality Control. There also needs to be a truly private non bias reporting agency that the public can count on to truly report the accurate levels of Nitrogen Oxide, Sulfur Dioxide and CO2 emissions with realistic maximum levels that do really protect the public.

The maximum levels for the Nitrogen Oxide are 10,144,080 lbs per year or 5,072.04 tons and the Sulfur Dioxide is 4,213,560 lbs per year or 2,106.78 tons per year these are very high levels that the Bay Area Air Quality has set not the EPA. Lehigh comes in much lower than these standards and will never reach the maximum levels. Well I suppose that may looks great for them but that is not so because the levels that they are reaching are very harmful to the community and they can never be stopped in the process of polluting the community. The cumulative levels of pollution that is stored in our bodies from exposure over the years of the emissions from burning and heating metals, with the releasing of gases and the chemicals to our Air, Water and Soil are causing havoc. The particulate emissions that are released have dangerous contaminants in them which are destroying life as we know it and no one

seems to admit to understanding overall what are we going to do about it. The levels that Lehigh Southwest Cement state they are emitting are not accurate and no one seems to want to police them enough to find out for sure. They can violate at will and it just does not matter about the people and animal life that is exposed to this pollution and what is it doing to them and should this all be allowed to continue at what expense. The fact that human life and the life of our planet and everything one it does not seem to matter to those that are subject to their own agendas. The making of money the keeping of jobs is their only concern and it does not matter how this is done as long as it is done. The Hell with saving the planet we won't be here anyway does not sit well with those who are continually affected and their quality of life is destroyed.

There should be no increase on the burning of Petrolium Coke from 8 tons/hr. to 20 tons/hr. and there needs to be a full investigation conducted and there should also be no coal burning allowed. The coal that is on site should be removed from the Lehigh Southwest Cement Company location this would insure that no coal is burned. Is Lehigh Southwest Cement Company allowed to burn coal or not? We think they should not be able to burn coal. If the Title V Renew Permit states that they are than the EPA should tell them they can't and make sure that they don't violate the rule.

I have put in two complaints one with for Petrolium Coke and the other for Coal against the Lehigh Southwest Cement Company with the Santa Clara County Hazardous Environmental Department because they needed to inform them that they had hazardous material on the site and did not. They now need to contain the Petrolium Coke and the Coal in some sort of containment unit and this still needs to be done. Lehigh Southwest Cement Company should be and should have been aware of this needed notification to the Santa Clara County Hazardous Environmental Department and it looks like they completely disregarded their responsibility. This negligence on there part has caused contamination of the Ground Water in the Community and the California Regional Water Quality Board has yet to respond to my request for a complete investigation to be conducted. The agencies need to monitor the Petrolium Coke and the Coal for pollution to our environment and no one is doing it.

It should be clear to everyone that Lehigh Southwest Cement is definitely a major source of hazardous air pollutants (HAP's) and is a strong violator of the Clean Air Act and the Clean Water Act.

Baghouse filters need to be monitored and filters replaced regularly. Leaks should be detected and bags replaced immediately and this not happening. The taking out of any bag monitors should not be allowed and there should be the very best monitors and equipment used to eliminate the dust that is released all over the Silicone Valley and the citizens.

The scrubbers all should be monitored and not be exempt because of something to do with the year they were purchased why would that really matter?

Visual monitoring and pressure dropping monitoring is not enough the contamination to our community is till a problem. The emissions need to be tested by the EPA Federal and very strong regulations need to be put in place but there also needs to be containment of <u>all</u> emissions and we need to work to get to that point and soon.

The EPA Region 9 right now is in the process of reviewing 3 letters that the sent to Lehigh Southwest Cement Company regarding the processes that they have at the Lehigh Southwest Cement Company and Quarry. The Citizens of Cupertino are aware of these letters and have copies we understand from the EPA Region 9 that Lehigh Southwest Cement Company has responded to two of these letters but we have not be given any information that states what they responded to. The third letter has yet to be responded to with a strong penalties implemented if they do not respond with information within the proper required timeline. The Title V Renewal Permit should not be approved till all this information has been received by the EPA Region 9 Department in order to fully do a complete evaluation of the situation. I am sure that the Bay Area Air Quality Control can request these letters from the EPA and from Lehigh Southwest Cement Company. I would demand that you do so and stop the Title V Renewal Permit Comment review until the EPA Region 9 gets the information back and makes it public so that we can review it and add more information to our comment reports.

The Corrective Action and fees applied to citations is not enough the public is still poisoned by the pollution (cumulatively over the years as well as directly at this very instance) so what good is paying a fine? This is not correcting the problem and the companies that pollute go right out and pollute all over again. The human lives that are lost and the pain and suffering from this pollution does not seem to worry or cause any real concern to Lehigh Southwest Cement Company because the making of cement is more important than people's lives. We the Citizens who are affected by this ongoing pollution and contamination do not agree with those who would endanger our communities and have caused these ongoing problems. The ultimate solution all around is to close down the Lehigh Southwest Cement and Quarry the question is who will do it and how will they do it. The Agencies that are supposed to protect us are not willing to close down the Cement Plant or the Quarry and we want to know why? The EPA seems to think that Congress needs to impose some piece of Legislation that would make it possible for the EPA or some Agency to close Lehigh Southwest Cement and Quarry down. I wonder what Congress is doing by not having this in place already the EPA – Environmental Protection Agency is supposed to be protecting us and it seems their hands are tied. Everyone please stop passing the buck to some other agency and do what is necessary to clean up this community and this planet it is everyone's responsibility.

The Agencies that need to take responsibility in true regulating, stopping pollution and contamination from Lehigh Southwest Cement and Quarry are as follows: EPA State Region 9 and Federal Air and Water Divisions, Bay Area Air Quality Control, Santa Clara County Board of Directors, Santa Clara County Hazardous Environmental Division, City of San Jose's Board of Directors, San Jose Sanitation Department, City of Cupertino's Board of Directors, City of Cupertino Public Works, City of Cupertino Sanitation Department, City of Cupertino Planning Department, Air Resource Board, California Regional Water Quality Board, Santa Clara County Health Department, Center for Disease Control, OSHA Mining and Tunneling, California Water Company, Santa Clara Fire Marshals Office, Santa Clara County Weed Abatement Department and the San Jose Water Company.

The Lehigh Southwest Cement Plant should be tested by a non bias policing agency for emissions from the following: Mercury, Lead, Chromium 6, Vanadium, Sulfur Dioxide, Nitrogen Oxide, CO2 and many

other contaminants that are polluting our community at the Lehigh Southwest Cement location and Quarry. Why is this not being done and who is responsible?

The Lehigh Southwest Cement Plant and Quarry has had problems with containment of the weeds, grass, trees on site at the plant and also on the surrounding grounds that they own. The Citizens of Cupertino – Cathy Helgerson has filed a complaint with the Santa Clara County Weed Abatement Department in order to get something done about this problem. So far I do not think anything has been done. This is a great fire hazard to the community and with all the problems we have had in California and the United States with fires this should be taken care of right away. The reason that this is being brought up is that Lehigh Southwest Cement Company has not been a responsible entity in the community and has let the site become rundown with dilapidated buildings. There is an overgrowth with weeds, grass and downed trees and the grounds are overbearing, junkie and dumpy looking. I have to ask were have the Santa Clara County Weed Abatement Department been all this time? I also need to ask were have the Santa Clara Fire Department been all this time who should have been noticing these fire hazards especially because they are up there all the time because of complaints. There have been continued calls to the Fire Department and there have been many grass, weed and brush fires which could have erupted into major wild fires. There was even a building fire that cost the Cement Company $200,000.00 dollars which could have again started a major fire endangering the community. The buildings are highly combustible especially due to the dust on the buildings from the chemicals and they are run down no one has taken care of these problems for decades. The records have been pulled and inspected by me and I have records to back this up which you can also retrieve from the Santa Clara Records Department. I have a list questions that I have sent to Santa Clara County and these questions have not been answered as yet. It is believed that this Facility is a Health, Safety and Fire Hazard to the community and should be inspected fully and closed down. Building inspections should be conducted and the buildings condemned because of age. They are covered with dust and are dangerously combustible due to the cement dust and pollution. There should be an inspected for cracks in the structure and there should be inspection of electrical and plumbing also conducted to insure safety which is has not been done. New permits should be demanded and acquired based on these inspections and failure to comply with renovation of the site should have penalties imposed.

The other problem is and I have asked the Santa Clara County representatives is how much are all these call that are generated by 911 to the Fire Department costing the Citizens of Santa Clara County in taxes. The Santa Clara County Fire Department Fire Trucks, the Rescue Units and the Police Department must go out on the call every time there is a fire or a report of some chemical, gas or emission how much is this costing us? They have not answered my questions and I would think it is a great cost to the community. The Lehigh Southwest Cement and Quarry are costing the tax payers a great deal of revenue that could be used for something else. They have been a Fire and Safety Hazard to the community and it is a matter of time before there is a major fire that will spread over into Cupertino and the surrounding areas. I have also asked about the evacuation plan just what is it and how quickly can the Fire Department Respond and notify people. The workers at the Lehigh Southwest Cement Company are also in danger because there is only one way in and out of the plant, only one road the

plant has mountains on the back side and so if a fire started quickly as they have been they would be trapped with no way out.

The workers are also subjected to the old air conditioning and ventilation systems which has residue from the dust and chemicals and they are breathing this in 24/7 days a week. The Guards in the Guard shacks are also subjected to this pollution 24/7 and it is a great problem and so are the truck drivers that drive the cement trucks. Anyone going to the site is subject to pollution and it is very harmful to their health.

The Citizens of Cupertino ask that there be a complete investigation conducted because of the noncompliance of the Lehigh Southwest Cement and Quarry. To state they are and have been in compliance is not true and we expect justice from all of the above agencies concurrently and without delay. The Title V Renewal Permit should be held up till this investigation is completed and if necessary the Lehigh Southwest Cement Company and Quarry need to be closed. I have included pictures of the Lehigh Southwest Cement Plant site and also the road going in and coming out of the plant for your viewing. There is a white line coming down from the plant on the road this white line is from the Cement trucks taking product from the site which is going all over the road and creates this white line. The pictures also show that going up to the plant on the right side of the road there is no white line this proves the pollution is coming from the trucks. This needs to stop and the pollution needs to be contained. The noise from the trucks is also a great problem and this happens from very early morning hours to late at night they are definitely a noise nuisance.

Conclusion: The expansion of the Lehigh Cement Plant and Quarry will make it completely impossible for the Citizens of Cupertino to live in this community because of the inability to Breath Clean Air, Drink Clean Water and Walk on Clean Soil. The fact that Cancer, Diabetes, Autism in children, ADD, ADHD, High Blood Pressure and Heart Conditions, Respiratory Problems of all kinds, Skin Sores and Rashes on the Skin and Body, Obesity in Adults and Children, Fatigue and Low Motivation, Depression and Thoughts of Suicide and Suicide, Birth Defects and Deformities of All Kinds, Danger to the Mother and Child in the Womb and Even Death seem not to be of no concern to Lehigh Southwest Cement Company and the Agencies that will not force Lehigh Southwest Cement and Quarry to close. There are many more problems that are caused by pollution and contamination from Metals, Gases, and Chemicals and we must work for prevention and contain <u>all</u> the emissions in order to secure the future the Human Race on this planet. This is a tough job but it has to be done and it just can't wait. As with cancer we can not just cut it out of our bodies, radiate it out with radiation or chemo it out with chemo therapy the chances of it coming back are strong. The pain and suffering that go along with these processes are terrible and we must work for prevention. I am not a survivor of cancer I am a victim of it and the environmental pollution that we are subjected to 24/7 hours a day is killing me and my family and the Citizens in the Silicone Valley and it must stop. Lehigh Cement Plant, Quarry and other Companies are responsible for this on going pollution that they are emitting each day and night to our communities. The poisons that fill our homes and communities from emissions need to be contained and controlled completely to insure our survival and time is of the essen

I strongly hope that after reviewing all of the evidence that you will not renewal the Lehigh Southwest Cement's Title V Permit and that in doing so this will lead to the closure of the Cement Plant and the Quarry permanently. God Help Us All!

Thank you,

Subj: **Coal Complaint to Environmental Health**
Date: 8/26/2009 11:02:37 A.M. Pacific Daylight Time
From: Mickey.Pierce@deh.sccgov.org
To: sharpset1@aol.com

Mrs. Helgerson:
My apologies for the slow response to your complaint. It was held up both by my workload and some procedural/paperwork changes that needed to be taken care of within the office.

Attached to this note you will find a copy of the complaint you filed and a copy of the inspection report issued to Lehigh Cement. Please remember that they have 30 days to respond to this notice.

Also, you left me a phone message yesterday (Tuesday) asking how much coal and petroleum coke Lehigh would ba llowed to store. We do not have an upper storage limit- they can store as much as they wish, so long as it is stored in a manner that satisfies the storage requirements. If there are any storage or usage quantity limits, they would be set and enforced by the BAAQMD.

Thank you.
-Mickey Pierce

County of Santa Clara
Department of Environmental Health

Assistance Request Complaint (ARC)

FACILITY ID _____ **RECORD ID** C00132329 **INSPECTOR CODE** _____

FACILITY NAME (SITE) Lehigh - Hanson Cement

SITE LOCATION 24001 Stevens Creek Blvd

CROSS STREET _____ **CITY** Cupertino **ZIP** _____

PROPERTY OWNER NAME _____ **PHONE** _____

PROPERTY OWNER ADDRESS _____

COMPLAINT/REQUEST DESCRIPTION On 2009/08 HMBP - following items (believed to be haz. materials) are not disclosed: Petroleum Coke, Aggregate piles. Aggregate piles are located on right side at front of plant when looking at guard shack. Believe using Coke as fuel instead of tires or coal. Aggregate also at back of plant near railroad tracks.

Requestor/Complainant Name Cathy Helgerson ☐ Anonymous

Requestor/Complainant Address 20697 Dunbar DR City Cupertino Zip 95014

Requestor/Complainant Home Phone 408-253-0490 Work Phone _____ Ext. _____

Would requestor/complainant like to know how issue is resolved? ☒ Yes ☐ No

Received By Mickey Pierce ID# 10235 Date 6/23/09 Time 4:30 PM CT _____

By: ☐ Phone ☐ Mail ☐ DEH Website ☐ E-mail ☒ Visit APN _____

Assigned To Mickey Pierce ID# 10235 Date 6/24/09 Time _____ Status _____

Priority: ☐ 24 Hour ☐ 3 Day ☒ Due Date (10 days) _____ Program Element (PE) 2200

RESOLUTION Response to ARC by: ☐ Phone ☐ Site Visit ☒ Both ☐ Other _____

COMMENTS/RESULTS Determined that petroleum coke meets definition of haz. waste. Issued inspect report of SOV requiring disclosure on HMBP - meet storage stds.

Violations: 2302 (HSC 25505(b)) **Further Action:** ☒ Yes ☐ No

Enforcement: N **Abatement (hearing) Date:** n/a

ARC was referred by: ☐ Phone ☐ Mail ☐ Both ☐ Other _____ **To:**

☐ Agriculture Dept.	☐ BAAQMD	☐ Cal-EPA	☐ Cal-OSHA	☐ CIWMB
☐ Code Enforcement	☐ DOHS	☐ DTSC	☐ Env. Enforcement	☐ EPA
☐ FDB/FDA	☐ Fire Dept. HazMat	☐ Fire Marshal	☐ Milk & Dairy	☐ Non-Point Source
☐ Planning	☐ POTW	☐ USDA	☐ Zoning	☐ Other

Response to Requestor/Complainant on (Date): 7/30/09 **By:** ☒ Phone ☐ Mail ☒ E-mail ☐ Visit

DEH Staff: Mickey Pierce **ID#** 10235 **Date Completed:** 7/30/09 **Time:** 0800

Supervisor Signature: _____ **Date:** _____

DEH-001 - 1/1 ©2186 REV 5/03 Rev. 05/21/03

County of Santa Clara

Department of Environmental Health
Hazardous Materials Compliance Division (HMCD)
1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408) 918-3400 Fax (408) 280-6479 www.EHinfo.org

CO/PR/TA ID	PE	SC	Time
CO0132329			

OFFICIAL NOTICE OF INSPECTION

Facility Name: **Lehigh Southwest Cement Company**	Inspection Date: **7/29/2009**
Site Address: **24001 Stevens Creek Blvd, Cupertino**	Employee No.: **10235**
Contact Person(s): **Scott Renfrew**	☐ Samples Taken ☐ Photographs Taken
Inspection Type: ☒ Hazardous Materials Storage ☐ Hazardous Waste Generator ☒ HazMat Business Plan ☐ HazWaste Tiered Permit ☐ Underground Storage Tank ☐ Cal-ARP ☐ A/G Storage Tank (SPCC Plan) ☐ Toxic Gas	Hazardous Waste Generator Type: ☐ < 1,000 Kg./mo. ☐ ≥ 1,000 Kg./mo. ☐ CESQG ☐ Satellite Only ☐ Silver Only ☐ N/A

VIOLATIONS: Codes noted below in the "Violation Codes" column represent specific violations of State law and/or local Ordinance. These codes are defined in the attached Violation Codes document(s). Time granted for correction of violations does not preclude any enforcement action by this Department or other agencies. This facility may be subject to reinspection at any time.

Consent to Inspect Given By: **Scott Renfrew**

Violation Codes	Summary of Violations, Notice to Comply, Observations, and Required Corrective Actions	Corrective Actions Taken
	Inspection began on 7/1/09 in response to complaint CO0132329.	
	Complaint alleged that facility is storing petroleum coke and	
	aggregate without disclosing these materials on its Hazardous	
	Materials Business Plan (HMBP), and without meeting SCC	
	Ordinance regarding proper storage.	
2302	**The facility failed to disclose the storage quantities and locations for**	
	petroleum coke stored onsite. It was determined that petroleum coke	
	meets the Health and Safety Code section 25501(o) definition of a	
	hazardous material due to its ability to pose a potential hazard to the	
	environment or safety in its finely divided state. This determination	
	is consistent with other agencies' regulation of petroleum coke	
	Corrective Action: Amend your HMBP to reflect the amounts and	
	locations of the storage of petroleum coke. Also, make any necessary	
	changes to ensure Ordinance required storage requirements are met.	
	A copy of the Storage Program Violation Code sheet was provided.	

All violations must be corrected within 30 days of the inspection date unless noted otherwise, above. Section 25404.1.2(c)(1) of California Health and Safety Code (HSC) requires that you write a brief description of the corrective actions you have taken to bring this facility into compliance and submit it to HMCD within 5 days of achieving compliance, or within 35 days of the inspection date, whichever comes first. ***(Note: Detailed instructions on actions you must take are printed on the reverse side of this page.)***

Received by: _____ Inspected by: **Mickey ~~Pierce~~** Entered by: _____

Certification: I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator: _____ Title: _____ Date: ___/___/___

FACILITY SENDS YELLOW COPY TO AGENCY, KEEPS PINK COPY.

County of Santa Clara

Department of Environmental Health
Hazardous Materials Compliance Division (HMCD)
1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408) 918-3400 Fax (408) 280-6479 www.EHinfo.org

CO/PR/TA ID	PE	SC	Time

OFFICIAL NOTICE OF INSPECTION

Facility Name:	Lehigh - Hanson Cement	Inspection Date:	8/20/09
Site Address:	24001 Stevens Creek Blvd	Employee No.:	10235
Contact Person(s):	Scott Renfrew	☐ Samples Taken ☐ Photographs Taken	
Inspection Type:	☐ Hazardous Materials Storage ☐ HazMat Business Plan ☐ Underground Storage Tank ☐ A/G Storage Tank (SPCC Plan) ☐ Hazardous Waste Generator ☐ HazWaste Tiered Permit ☐ Cal-ARP ☐ Toxic Gas	Hazardous Waste Generator Type:	☐ < 1,000 Kg./mo. ☐ ≥ 1,000 Kg./mo. ☐ CESQG ☐ Satellite Only ☐ Silver Only ☐ N/A

VIOLATIONS: Codes noted below in the "Violation Codes" column represent specific violations of State law and/or local Ordinance. These codes are defined in the attached Violation Codes document(s). Time granted for correction of violations does not preclude any enforcement action by this Department or other agencies. This facility may be subject to reinspection at any time.

Consent to Inspect Given By: Scott Renfrew

Violation Codes	Summary of Violations, Notice to Comply, Observations, and Required Corrective Actions	Corrective Actions Taken
	Inspection in response to complaint received 7/20/09.	
2202	Non disclosure of storage of coal on HMBP. Corrective Action: Please address addition of coal/coal dust to HMBP. Be aware that storage of haz material will require compliance with storage ordinance (such as) containment, labeling, etc.	

All violations must be corrected within 30 days of the inspection date unless noted otherwise, above. Section 25404.1.2(c)(1) of California Health and Safety Code (HSC) requires that you write a brief description of the corrective actions you have taken to bring this facility into compliance and submit it to HMCD within 5 days of achieving compliance, or within 35 days of the inspection date, whichever comes first. ***(Note: Detailed instructions on actions you must take are printed on the reverse side of this page.)***

Received by: [signature] Inspected by: Mickey Pierce [signature] Entered by: _____

Certification: I certify under penalty of perjury that this facility has complied with directives specified in this Notice to Comply.

Signature of Owner/Operator: _____ Title: _____ Date: ___/___/___

FACILITY SENDS YELLOW COPY TO AGENCY, KEEPS PINK COPY.

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County of Santa Clara
Department of Environmental Health

Assistance Request Complaint (ARC)

ENTERED 10/21/09 CW.

FACILITY ID FA 264478 RECORD ID CO 0132658 INSPECTOR CODE 10235

FACILITY NAME (SITE) Lehigh - Hanson Cement

SITE LOCATION 24001 Stevens Creek Blvd

CROSS STREET _____ CITY Cupertino ZIP _____

PROPERTY OWNER NAME _____ PHONE _____

PROPERTY OWNER ADDRESS _____

COMPLAINT/REQUEST DESCRIPTION Complainant believes that facility is storing coal without having disclosed coal on their HMBP inventory or meeting storage requirements

Requestor/Complainant Name Cathy Helgerson ☐ Anonymous

Requestor/Complainant Address 20697 Dunbar Dr. City Cupertino Zip 95014

Requestor/Complainant Home Phone 408-253-0490 Work Phone _____ Ext. _____

Would requestor/complainant like to know how issue is resolved? ☒ Yes ☐ No

Received By Mickey Pierce ID# 10235 Date 7/30/09 Time 4:15 PM CT

By: ☒ Phone ☐ Mail ☐ DEH Website ☐ E-mail ☐ Visit APN _____

Assigned To Mickey Pierce ID# 10235 Date 7/30/09 Time _____ Status _____

Priority: ☐ 24 Hour ☐ 3 Day ☐ Due Date (10 days) _____ Program Element (PE) 22200

RESOLUTION Response to ARC by: ☒ Phone ☒ Site Visit ☒ Both ☐ Other _____

COMMENTS/RESULTS Spoke with & met with facility personnel. Agreed that coal/coal dust from handling meets definition of haz material & needs to be disclosed. Inspection report with violation issued 8/28/09

Violations: 2302 (HSC 25505(b)) Further Action: ☐ Yes ☒ No

Enforcement: N Abatement (hearing) Date: N/A

ARC was referred by: ☐ Phone ☐ Mail ☐ Both ☐ Other _____

					To:
☐ Agriculture Dept.	☐ BAAQMD	☐ Cal-EPA	☐ Cal-OSHA	☐ CIWMB	
☐ Code Enforcement	☐ DOHS	☐ DTSC	☐ Env. Enforcement	☐ EPA	
☐ FDB/FDA	☐ Fire Dept. HazMat	☐ Fire Marshal	☐ Milk & Dairy	☐ Non-Point Source	
☐ Planning	☐ POTW	☐ USDA	☐ Zoning	☐ Other	

Response to Requestor/Complainant on (Date): 8/26/09 By: ☒ Phone ☐ Mail ☒ E-mail ☐ Visit

DEH Staff: Mickey Pierce ID# 10235 Date Completed: 8/26/09 Time: 1045

Supervisor Signature: _____ Date: _____

DEH-001 - 1/1 ©2186 REV 5/03 Rev. 05/21/03

Lehigh Southwest Cement Company
Site # A0017

Cupertino, CA
PRA # 09_07_02

NOV #	Issue Date	Clear Date	Regulation	Comments	Status	Penalty
A00278A	05/05/1988	NA	1-522.6	failure to maintain SO2 analyzer	Resolved	$108
A00534A	05/27/1988	NA	2-1-307	particulate emissions > .02 gr/SDCF, 36 lb/h	Resolved	$250
A07944A	12/27/1989	NA	1-522.4	Failure to submit proof of repair downtime	Resolved	$101
A07944B	12/27/1989	NA	1-522.8	Failure to submit proof of repair downtime	Resolved	$101
A07521A	02/23/1990	NA	2-1-307	Condition ID 1720	Resolved	$331
A17481A	08/22/1991	08/20/1991	2-1-307	Tertiary Crusher Not Abated	Resolved	$350
A17163A	10/25/1991	10/23/1991	6-301	Kiln Mill Dust Collector Emitted Plume>R 1	Resolved	$283
A19040A	02/18/1992	06/25/1992	1-522.6	ST 27-92 Failure To Maintain NOx&SO2 Monitor	No Further Action	$0
A21701A	10/16/1992	08/18/1992	1-522.4	ID #548, Failure To Report On Time	Resolved	$176
A22072A	06/29/1994	06/02/1994	2-1-307	Throughput Limit > 3200	Resolved	$359
A27925A	05/30/1995	04/27/1995	1-522.6	ST#113-95 failure to maintain SO2 monitor	Resolved	$125
A27921A	06/12/1995	04/07/1995	2-1-307	ST #95158, Excessive Particulate Emissions	Resolved	$389
A26859A	07/14/1995	02/21/1995	2-1-307	Throughput > 3200 Tons	Cancel	$0
A26563A	01/05/1996	12/06/1995	2-1-307	ID #1720 No Water Spray Abatement (A-2050)	Resolved	$452
A28387A	09/05/1996	09/04/1996	6-301	Ringelmann Greater Than 1 1/2 For 6 Minutes	Resolved	$196
A28261A	05/12/1999	05/12/1999	2-1-307	ID #805, No Water Spray	Cancel	$0
A28267A	10/21/1999	08/03/1999	2-1-307	ST-00012/ P/C ID # 2786.31	Resolved	$1,000
A28272A	01/20/2000	01/06/2000	1-522.6	Fail to Maintain NOx/SOx Analyzers	Resolved	$500
A09388A	06/21/2001	05/24/2001	1-522.6	ST # 142-01 Monitor System Failed to Meet Criteria	Resolved	$861
A09397A	12/09/2002	11/06/2002	1-522.6	Test # 71-03 Failure to Maintain S02 Monitor	Resolved	$2,500
A11835A	07/21/2005	08/19/2004	2-1-307	Condition ID #1720.3 - 4,200 Tons/Day	Resolved	$4,000
A47925A	05/24/2006	05/11/2006	6-301	Exceeded Visible Emissions	Resolved	$4,000
A48527A	08/22/2006	08/11/2006	2-6-307	Visible Emission Ringelmann 1.5 thru 3 for 14.5 Minutes	Resolved	$6,000
A48528A	08/22/2006	08/22/2006	2-6-307	Visible Emission Ringelmann 1.5 thru 3 for 15.25 Minutes	Resolved	$7,000
A48529A	09/25/2006	09/25/2006	2-6-307	Non-Compliance Major Facility Visible Emission Exceeding Ringelmann 1.5 thru 3 for 15 Minu	Resolved	$7,000
A48534A	12/01/2006	12/01/2006	2-6-307	Covers 4 NOV Issued Bet. 5/18/06 to 9/18/06	Resolved	$2,000
A48536A	01/25/2007	10/30/2006	2-6-307	missing visible emission records for 11 sources	Resolved	$12,000
A48540A	09/25/2007	09/25/2007	2-6-307	2-6-307 - No qarterly manometer reading usage record. See NOV.	Pending Resolution	NA
A48541A	09/25/2007	09/25/2007	2-6-307	2-6-307 - Visible Emission > Ringemann 1	Pending Resolution	NA
A48543A	02/22/2008	02/22/2008	2-6-307	Missing surface wet condition monitoring records for 8 sources (refer to 12/20/07 deviation repc	Pending Resolution	NA
A48545A	05/22/2008	05/22/2008	2-6-307	NOx excess of 821 ppm (limit<=615ppm)	Pending Resolution	NA
A48545B	05/22/2008	02/25/2008	1-522.7	Late reporting of indicated excesses.	Pending Resolution	NA
A48550A	07/31/2008	08/08/2008	2-6-307	28 sources, missing records & failure to notify deviation	Pending Resolution	NA
A50005A	11/20/2008	01/13/2009	2-1-301	moisture content <5% therefore need permit	Pending Resolution	NA
A50005B	11/20/2008	01/13/2009	2-1-302	moisture content <5% therefore need permit	Pending Resolution	NA
A50006A	02/04/2009	10/20/2008	1-522.4	Failure to report equipment inoperation	Pending Resolution	NA
A50008A	04/07/2009	03/05/2009	2-6-307	Exceed Ringelmann 1 visible emission	Pending Resolution	NA
A50009A	04/07/2009	03/05/2009	2-6-307	exceed Ringelmann 1 visible emission	Pending Resolution	NA
A50010A	04/07/2009	03/23/2009	2-6-307	exceed Ringelmann 1 visible emission	Pending Resolution	NA
A50011A	04/07/2009	03/27/2009	2-6-307	exceed Ringelmann 1 visible emission	Pending Resolution	NA

NA = Data Not Available

13 Pending Resolution
3 No further action
(24 Penalty Fines total $50,082.00)

PETITION IS ISSUED IN ORDER TO STOP THE PROPOSED RECLAMATION PLAN FOR MINING AND RECLAMATION ACTIVITIES AT LEHIGH QUARRY FOR THE EXPANSION FROM THE EXISTING ACREAGE FROM 330-ACRES TO 917-ACRES AND TO EXTEND THE TERMINATION TO ANOTHER 25 YEARS. THE CITIZENS OF CUPERTINO ALSO REQUEST THAT BOTH THE LEHIGH QUARRY AND THE LEHIGH CEMENT FACTORY BE CLOSED PERMANENTLY AND THE QUARRY AND CEMENT FACTORY LANDS BE RETURNED TO IT'S NATURAL STATE.

FILE NO. 2250-13-66-07P-07EIR

LOCATION 24001 STEVENS CREEK BLVD. IN THE WESTERN HILLSIDE OF SANTA CLARA COUNTY, WEST OF THE CITY OF CUPERTINO

REASON: THE QUARRY AND CEMENT FACTORY HAVE CONTRIBUTED GREATLY TO THE ONGOING DANGER OF POLLUTION OF THE CITY OF CUPERTINO AND THE SURROUNDING AREAS IN THE SILICONE VALLEY.

THE THREAT IS DUE TO THE POLLUTED AIR FROM THE QUARRY AND CEMENT FACTORY AROUND OUR HOMES DUE TO THE DUST PLUMES OR MERCURY LADENED PARTICULATE MATTER WHICH IS CONTINUALLY DISCHARGED FROM THE QUARRY AND CEMENT PLANT 24 HOURS A DAY 7 DAYS A WEEK.

THE CEMENT FACTORY IS ALSO USING COAL TO FUEL THEIR OPERATIONS AND IS A GREAT DANGER TO THE COMMUNITY WHICH IS CAUSING CANCER AND LUNG DISEASE. + Petroleum coke

THE WATER AND SOIL IS ALSO BEING POLLUTED AND THE STEVENS CREEK RESERVOIR IS RIGHT NEXT DOOR TO THE QUARRY.

THIS WATER IS ALSO TIED INTO THE AQUIFER BODY OF WATER THAT IS UNDER THE GROUND THAT WE ALL DRINK FROM AND SHOULD BE PROTECTED.

THE NOISE FROM THE HEAVY TRUCKS THAT TRAFFIC ROCK TO AND FROM THE CEMENT FACTORY HAVE MADE IT IMPOSSIBLE FOR THE CITIZENS TO LIVE IN SAFETY AND PEACE.

THE EPA WILL ALSO BE MONITORING THE CHROMIUM AND OTHER CONTAMINENTS AROUND OUR SCHOOLS THAT ARE EFFECTING OUR CHILDREN WHICH IS FUNDED BY THE FEDERAL GOVERNMENT.

PLEASE SIGN THIS PETITION SO THAT WE CAN PROTECT OUR AIR, WATER AND SOIL FROM ANY MORE CONTAMINATION AND REQUEST THAT A CLEANUP ALSO BE CONDUCTED TO INSURE OUR SAFETY.

CITIZENS NAME	Address	PHONE	E-MAIL ADDRESS	SIGNATURE	DATE
1A Cathy Helgerson	20697 Dunbar DR.	408-253-0490	sharpset1@aol.com	Cathy Helgerson	4/4/09
2A Marlene Calldon	22801 LONGDOWN DR	408-252-8567		Marlene Calldon	4/4/09
3A Needamauglam Balachander	10052 Firwood Dr	408-255-0731	nbbala@hotmail.com	[illegible]	4/4/09.
4A Jane H. Kim	22813 Longdown Rd	408-366-2267	janehskim@gmail.com	Jane Kim	4/4/09
5A DORIS B. Rausch	22821 Longdown Rd.	408.996.3574	—	Doris B. Rausch	4/4/09
6A RANGA CHADACHADA	22861 Longdown	408-221-9095	rangach@gmail.com	C. Rangachada	04/04/09
7A Diane Leon	22863 Longdown Rd	408-257-2660	dianeleon@hotmail.com	Diane L. Leon	4/4/09
8A Luiz Peregrino	22871 Logdown Rd	408-446-1254	lperegrino@yahoo.com		4/4/09
9A Vandy Olive	22931 Longdown Rd	408-257-6450	vandydeive@hotmail.com		4/4/09
10A DAVID MORRIS	22943 LONGDOWN RD	408-255-8486	davidamorris@hotmail.com	[illegible]	4/4/09
11A Sylvia Lowden	22953 Longdown Rd	408-517-0694		Sylvia A. Lowden	4/4/09
12A Dave Melly	22961 Longdown Rd	408-315-8680	usasfd@yahoo.com	[illegible]	04/04/09
13A Jyoti Pande	22963 Longdown Rd	408 3661425	jyotipande@bcglobal.net	[illegible]	4/4/09
14A Tanuja Pande	22963 Longdown Rd	408 3661425	tjpande@aol.com	Tanuja Pande	4/4/05

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FILE NO. 2250-13-66-07P-07EIR

CONTINUED:

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CONTINUED:

CITIZENS NAME	ADDRESS	PHONE	E-MAIL ADDRESS	SIGNATURE	DATE	
15A Leroy Harper	22971 LONGDOWN RD	408-252-6388	leroydharper@yahoo.com	[signature]	4/3/09	
16A Pawan Raina	22991 LONGDOWN RD	408-252-8992	praina@yahoo.com	[signature]	4/3/09	
17A Dao-Chen Zheng	22983 Longdown Rd	408 2523920	dczheng@gmail.com	[signature]	4/4/09	
18A Hui Wang	22983 Longdown Rd	408-252-3920	helenw1129@hotmail.com	[signature]	4/4/09	
19A Dale Helgerson	20697 Dunbar Drive	408-253-0490		[signature]	04 APR 2009	
20A Ali Martin	22802 Longdown Rd	408-838-1527	[signature]	[signature]	4/5/09	markinallison99@yahoo.com?
21A Peta Vandelveff	22802 Longdown Rd	408-838-1527	[signature]	[signature]	4/5/09	
22A June Li	22804 Longdown Rd	408 9960803	[signature]	[signature]	4/5/09	
23A JANA KOTESOVA	10076 LAMPLIGHTER Dr	408-252-8285	jkotes@yahoo.com	[signature]	4/5/09	
24A Robin Melnick	10078 Ridgeway Dr.	408-873-1757	robin@melnick.us	[signature]	4/5/09	
25A Meena Nagpal	23017 Cricket Hill Rd	408-517-0246	menagpal@gmail.com	[signature]	4/5/09	
26A Beverlee White	22934 Longdown Rd	408-725-1152	—	[signature]	4-4-09	HAS Cancer
27A MANI MANICKAM	22936 Longdown Rd	408-777-9295	o_mani@yahoo.com	O. Manickam	4/5/09	
28A BARBARA Martin	22954 Longdown Rd	408-257-3314	dbmartin@sbcglobal	Barbara Martin	4/5/09	
29A E. Dale Martin	22954 Longdown Rd	408-257-3314	d.bmartin@sbcglobal.net	E Dale Martin	4/5/09	
30A Victor Corvalan	23047 Cricket Hill Rd	408 996-2170	vcorvalan@earlink.net	VCorvalan	4/11/09	
31A Sandhya Deb	23017 Cricket Hill Rd	408-7258423	sandhyadeb@yahoo.com	SRao.	4/11/09	
32A Sandip Deb	23017 CRICKET HILL RD	408-5941698	SANDIP_DEB@yahoo.com	Sandip Deb	4/11/09	
33A Deefay Young	22988 Cricket Hill RD	408-873-0486	deefay@gmail.com	[signature]	4/11/09	
34A HIROSHI YAG	22990 Cricket Hill RD	408-873-8348	h_yag@yahoo.com	[signature]	4/11/09	
35A Prem Mohan	23038 Cricket Hill RD	408-873-0957	mp_1983@yahoo.com	[signature]	4/11/09	
36A Nisha Shukla	23038 Cricket Hill	408-499-7283	nishap_1983@yahoo	Nisha	4/11/09	
37A Susan P Harris	10138 Ridgeway Dr	408-255-0661	spvaraixa@aol.com	Susan P Harris	4/11/09	
38A SHISHIR CHAVAN	10168 Ridgeway Dr	408-996-7446	shishirchavan@hotmail	[signature]	4/11/09	

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CONTINUED:

CITIZENS NAME	ADDRESS	PHONE	E-MAIL ADDRESS	SIGNATURE	DATE
39A Geeta Chavan	10168 Ridgeway Dr.	408-996-7446	geeta chavan@msn	[signature]	4/10/09
40A Ashwini Kshirsagar	22968 Cricket Hill Rd	408.725.9264	ashwiniak@yahoo	[signature]	4/11/09
41A Mandar Deshpande	22968 Cricket Hill Rd.	408.725.9264	mandar.deshpande@gmail	mrDeshpande	4/11/09
42A [illegible]	22960 Cricket Hill	408 996 1646		[signature]	4/11/09
43A GLORIA SADLER	22950 CRICKET HILL	408 252 6649	gsadler@earthlink.net	[signature]	4.11.09
44A Karen Takahashi	22940 Cricket Hill	408 255 6453	mktaka@att.net	[signature]	4/11/09
45A CHRIS GOEAS	22930 CRICKET HILL	408 257-1799		[signature]	4/11/09
46A Elias Zabor	22918 Cricket Hill Rd	408 446-3208		[signature]	4/11/09
47A Ruth Zabor	22918 Cricket Hill Rd	408-446-3208		[signature]	4/11/09
48A Lynelle Lewis Raymond	22910 Cricket Hill Rd	408-255-5799		[signature]	4-11-09
49A [illegible]	22910 CRICKET HILL RD	408-255-5799		[signature]	4.11.09
50A Ran Lu	22825 Poplar grove sq	408-476-4139	ran_88_99@yahoo.com	[signature]	4/18/09
51A CONDACE SOULES	22835 Poplar Grove Sq	408-996-3316	csoules@sbcglobal.net	[signature]	4/17/09
52A MARY V. De Noce	22855 Poplar Grove Sq	408-255-4055	mdenoce@yahoo.com	Mary DeNoce	4-18-09
53A Sesh Tirumale	22856 Poplar Grove Sq	408 446 1890	stirumale@cisco.com	[signature]	4-18-09
54A DAVID CHUNG	22836 POPLAR GROVE SQ.	408-336-1931		[signature]	4-18-09
55A MEHUL SHAH	22826 POPLAR GROVE SQ	408-621-0488	mehulshah78@hotmail.com	[signature]	4-18-09
56A ALPA SHAH	22826 POPLAR GROVE SQ	408-621-0173	AIPS51@yahoo	[signature]	4/18/09
57A SOO Yong choi	22816 poplar grove sq	408) 253-5930	DIIISCHOI@MSN.com	[signature]	4/18/09
58A David Choi	"	"	"	David	"
59A Viral Shah	10122 Firwood Dr	408-865-1164	viralshah1234@yahoo.com	[signature]	4/18/09
60A Ritu Shah	"	"	ritushah123@yahoo	Ritu Shah.	4/18/09
61A Satpal Dalal	10130 Firwood Dr	650-315-3568	ssdalal@hotmail	[signature]	4/18/09
62A Saroj Dalal	10130 Firwood Dr	650-315-3568	saroj dalal@hotmail.com	[signature]	4/18/09
63A NANCY EDDERSON	10140 " "	408-257-3248		[signature]	4/18/09
64A Georgia Vourdel	10152 " "	408-257-1156		[signature]	4/18/09
65A HARRY HOLBORN	10172 " "	408-257-8710	—	Harry Holborn	4/18/09
66A DURGA JANASWAMY	10022 Mossy Oak Ct	40-255-4993	janaswamy@hotmail.com	J.V. Durga Brand	4/26/09
67A PADMA JANASWAMY	10022 Mossy Oak Ct	408-255-4993	padmandp@hotmail.com	[signature]	4/26/09

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FILE NO. 2250-13-66-07P-07EIR

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CONTINUED:

	CITIZENS NAME	ADDRESS	PHONE	E-MAIL ADDRESS	SIGNATURE	DATE
68A	J Greg	10121 Lebanon Dr	4089960929	—	J. Greg	4/26/09
69A	Joanne Jiang	10121 Lebanon Dr	408 307-0988	joannejiang9501@yahoo		4/26/09
70A	W.H. KINARD	10136 Lebanon Dr	650-814-9922	colonel.whk@gmail.com		4/26/2009
71A	Sarah Chen	10151 Lebanon Dr			Sarah Chen	4/26/2009
72A	Alan Chen	10151 Lebanon Dr.				4/26/2009
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A CLEANUP ALSO BE CONDUCTED TO INSURE OUR SAFETY.					
CONTINUED:					
CITIZENS NAME	ADDRESS	PHONE	E-MAIL ADDRESS	SIGNATURE	DATE
92A BRENDAN DIX	10111 LEBANON DR	408-253-8502		B. Dix	4-26-09
93A					
94A					
95A					
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