



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

SEP 14 2009

CERTIFIED MAIL NO. 7006 2150 0001 4941 2307
RETURN RECEIPT REQUESTED

David Vickers
President
Lehigh Southwest Cement Company
12667 Alcosta Blvd.
Bishop Ranch 15
San Ramon, CA 94583

Dear Mr. Vickers:

According to information available to Region IX of the United States Environmental Protection Agency ("EPA"), Lehigh Southwest Cement Company ("Lehigh") owns a portland cement plant located in Cupertino, California (the "Facility"), that includes one kiln used to manufacture clinker. The Facility is subject to requirements promulgated under the authority of the Clean Air Act (the "Act" or "CAA"), 42 U.S.C. §§ 7401-7671q. Lehigh performed source testing at its Facility in April-May 2009 to compare levels of emissions during periods of burning coal and petroleum coke. Pursuant to Section 114 of the Act, EPA requires that Lehigh submit to EPA by October 19, 2009, the following information and documents pertaining to Facility operations during the source testing period in order for EPA to determine the compliance of the Facility with the CAA requirements:

1. A list of all raw feed materials introduced into the pyroprocessing system during the tests performed at the Facility on April 22-30 and May 5-11, 2009 (the "Test Period"). For each day of the Test Period, provide the following:
 - a. Identification of total weight of each raw feed material added to the pyroprocess, including the kiln, pre-heater and precalciner;
 - b. For each raw feed material used, identification of nitrogen and sulfur content by both percentage and weight, along with identification of the source of this information; and
 - c. For each raw feed material used, identification of moisture content by percentage and weight, along with identification of the source of this information.
2. For each day of the Test Period, provide the following information for coal and petroleum coke burned in the Facility's pyroprocess:
 - a. Copies of all proximate analyses, as performed by fuel suppliers, for the coal and petroleum coke that were combusted during the Test Period;

- b. Identification of nitrogen and sulfur contents of the fuels by both percentage and weight, along with identification of the source of this information;
- c. Identification of the moisture content of the fuels by both percentage and weight, along with identification of the source of this information; and
- d. Identification of overall weight of each fuel burned.

3. Provide the following data:

- a. Raw data recorded by the Facility's Continuous Emissions Measurement Systems (CEMS) during the Test Period, along with a daily emissions rate average for each day of the Test Period based upon these CEMS data. Include as part of this response levels of NO_x, SO₂, and CO.
- b. Raw data for O₂ in the pre-calciner during the Test Period, along with an hourly average based on these raw data, and an identification of the type and location of all O₂ sensors.

In responding to this information request, if Lehigh seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, Lehigh shall provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including any business purposes, for which the document was made; (v) the question(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

If Lehigh anticipates that it will not be able to respond fully to this request within the time period specified, Lehigh must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing the what efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if Lehigh determines that a full response to a particular request for information would require the submission of an extremely large number amount of documents to be provided in response. Based upon such notification, EPA may modify the scope of the documents required to be produced.

Provide data in electronic format (Excel format). Electronic data should not be in image format. The format should allow for data to be used in calculations by an Excel spreadsheet. Lehigh shall provide copies of all responsive documents as PDF files, and submit the responsive documents on a disk (CD or DVD media) along with a cover-letter that includes Lehigh's written responses to the requests via certified mail with return receipt requested to the following address:

Deborah Jordan
Director, Air Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Charles Aldred (AIR-5)

Please be advised that under Section 113(a) of the Act, failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act provides for the assessment of a civil penalty of \$32,500 per day for each violation of the Act. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act.

You may, if you desire, assert a business confidentiality claim on behalf of Lehigh covering part or all of the information provided to EPA in response to this letter. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. Part 2, particularly § 2.203, and contain substantiating documentary evidence. You are advised that certain information may be made available to the public pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to Lehigh.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) &, (11), 3507, 3512 and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §§ 3502(4), (11); 5 C.F.R. § 1320.5(a).

If you have any questions regarding this request, please contact Charles Aldred, Air Enforcement Office, at (415) 972-3986, or your attorney can contact Ivan Lieben, Office of Regional Counsel, at (415) 972-3914. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Jordan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Deborah Jordan

Director, Air Division

cc: Jack Broadbent, BAAQMD
James Ryden, CARB