

United States Environmental Protection Agency

Ariel Rios Building (AR)

1200 Pennsylvania Ave., NW

Washington, DC 20460

Attn: Lisa P. Jackson, Administrator

Dear Administrator Jackson,

I am writing you this letter regarding the Lehigh Southwest Cement Companies Title V Renewal Permit (Facility #A0017) located in Cupertino, Ca. and my objection to the permit that the EPA did not object to.

The Bay Area Air Quality Management District is in charge of evaluating the permit for renewal the public has commented and they have responded to the public's comments but there are many problems with their responses and this should be seriously considered by the EPA.

I will start with the issue of why the permit was sent back to the BAAQMD by the EPA last time around it was mentioned in a letter that it was returned because the EPA New Rules were not included and so that is why it went back. I sent in my letter to you on November 20, 2009 and I mentioned that I was upset because the EPA was not given the public's comments that we sent to the BAAQMD and so I felt that this was not legal. I extended my argument what is the point in offering a public comment period to the citizens if the BAAQMD never provided the EPA with those comments for review so that they could see the complete picture of what was really taking place. I also mentioned to the EPA's representative Shaheera Kelly that I had been told by the BAAQMD that no one had ever brought up this issue of the public comments process and that I was the first asking that the comments be sent to the EPA for review I sure felt this was very strange and now hope that in the future this will never happen again. The EPA and the BAAQMD decided to write a letter for public review that stated that the reason for the return of the Title V Permit was because the New Rules had to be added and there had been no mention of the problem with the comments never being sent to the EPA for review. I suppose at the time I could of made a fuss and did not because I felt they were trying to save face and so I just felt that maybe it was not really worth my time. I now see that the EPA has sent a request to the Lehigh and the BAAQMD to add the New Rules to the Title V Permit this seems funny to me because why should they have to ask after all wasn't the Title V Permit sent back because the New Rules were not in the original Title V Permit. I still do not see the New Rules being added at this point and wonder why can you tell me? It seems that the time period for the New Rules by the EPA has been extended to 2016 but I sure hope that is not the case we can not wait till then. Maybe you can find out and give the public a real date set by the EPA so we can officially complain.

Item 18 on the Responses to Public Comments for the Second Public Notice - It is stated that the BAAQMD determined that the change in the coke increase was not subject to PSD because it would not be a major increase in emissions as defined by BAAQMD Regulation 2-2-221 this is wrong. The increase from 8 to 20 tons per hour of coke burned is very serious the public is subjected to stronger levels of

pollution burning pet coke is dirtier than burning coal. I located an article by the Los Angeles Times that states that the emissions from the increase of the coke burning causes at least 4 times as much NOx and 10 times as much SOx per BTU than coal that means far more smog, acid rain, and bad health effects particularly for those with asthma, breathing difficulties, and heart disease. Since burning Pet Coke emits 5 to 8 percent more carbon (CO₂), the savings from burning this dirtier, cheaper fuel could be canceled out by the carbon tax the federal government will soon impose on such emissions. Petroleum coke, a coal-like byproduct of the oil refining process if inhaled in sufficient quantities, the material can cause cancer. Studies have shown a link between elevated levels of coke dust in the air and the deaths of people with respiratory illness and heart disease. There is a waste stream from Petroleum Coke that is much larger than from coal because, when burned, pet coke loses only 50% of its volume. In addition, pet coke ash contains far higher levels of toxic heavy metals than coal ash does. Under a MSDS Petroleum TESORO it is stated that the product may contain detectable quantities of chemicals known to the State of California to cause cancer, birth defects or other reproductive harm and which may be subject to requirements of California Proposition 65. These items are Nickel/Nickel Compounds – Cancer 7440-02-0, Chromium, Hexavalent Compounds – Cancer 18540-29-9, Lead – Cancer 7439-92-1, Lead – Developmental 7439-92-1, Polycyclic Aromatic Hydrocarbons including: Benzo(a)pyrene- Cancer 50-32-8, Indeno(1,2,3-cd)pyrene-Cancer 193-39-5. Lehigh has never submitted a Proposition 65 advertisement in the paper to notify the public of this problem and it is required so it seems one of the advocacy groups is looking into doing something about this.

The Lehigh Cement Plant has according to the Cupertino Courier Newspaper been conducting research with a Sunnyvale Company called Oakbio Inc. who it seems plan to capture carbon dioxide from the cement manufacturing and feed it to handpicked microbes that researchers say will produce by product that can be sold commercially. The test lab Oakbio is using at Lehigh is essentially a small container attached to the cement production facilities I do not think that they have any kind of permit to do this and I am opposed to this and would like to have you look into it. The process will take it seems an immense amount of square miles and ponds in order to work the process this it seems could cause a great deal of water pollution and is not acceptable. Flue gas at Lehigh facility the article goes on to say can be pumped into a container housing microbes rather than into the atmosphere and these microbes will use the gas as their sole carbon source and produce a byproduct that Oakbio has now called cabernet. The fact that no one has had any information about this even though there have been many meetings with all of the agencies and that the Title V Permit has no mention of this is terribly unacceptable and I would like an investigation to be conducted immediately. The permit must be help up for this reason and for the other reasons stated in my objection letter.

There has been many violations around the Lehigh Cement Plant and the Quarry and nothing has been done about the pollution they have been spreading all over the Silicone Valley and the SF Bay Area no matter how hard I try to get the agencies to enforce their power I am turned down at every turn this is illegal and unacceptable.

The Waste Products coming from the Cement Kiln is hazardous waste which is not being managed by Lehigh this waste is going into the air, on land and in the water at the Cement Facility and all over their property which includes the WMSA and the EMSA. This waste contains Mercury at very high levels and

other pollutants which need to be contained and are not. Lehigh states that they have a carbon injection system that is containing the Mercury this is not true and should be investigated by the EPA not the BAAQMD. The BAAQMD takes reports from Lehigh that are not real time information from the monitors and provides this information to the BAAQMD we can not trust these reports. Lehigh calibrates its own monitoring machines and can set the calibration levels at any point they wish which would cause the wrong reading. They write up their own reports that they design and send them to the BAAQMD these reports are to be taken as true the fox watching the chicken coop is not acceptable. The EPA and the BAAQMD should have real time information from the monitors relayed to them directly off of the monitoring equipment and this can be set up and done in order not to have any false information dispersed out to the public. I have mentioned this to the BAAQMD and to the EPA and no one cares or gives me an answer as to why this can not be done after all in our computer age with all of the technology this should not be a problem. The public can also be included in this by setting up a public portal for the public to also see real time information not something set up by the Lehigh Company or the BAAQMD.

The Petroleum Coke that is delivered to the Lehigh Cement Plant is delivered by truck and this dried Petroleum Coke is then left out on the ground with only enclosed on three sides and a top the front is open to make it access easy for the delivery truck and the plant workers. This leaves the front open to the weather of wind and rain which turns the Petroleum Coke into a wet product that it seems needs to be dried out by the plant workers. The rain water run off from the Petroleum Coke that is piled up is then going into a pond near by which it seems no one really knows what is in the pond this is especially evident with the Santa Clara County inspectors. The Petroleum Coke needs to be put in a fully contained silo so that no pollution can be allowed to escape. I have talked to them and it seems they have asked Lehigh to take care of this pollution and so far I have yet to see that they have they will tell me nothing. The only way I even knew about this to begin with was that the SCC investigator in the Hazardous Environmental Division informed me that this was what was taken place. The Santa Clara County inspector that I originally spoke to is not in charge of Lehigh inspection any more and some one else so I am trying to find out what is going on and am getting no place even with the manager who I have talked to. It seems funny that his inspector has been reassigned I suspect that he gave me way too much information and probably got in trouble for that. I think they are ignoring my inquiries to suite themselves in this cover up of the truth. The story goes on the BAAQMD inspector informed me that they have two Petroleum Coke pipes one in front of the Cement Plant and an other around the back the releases emissions from the Pete Coke along with NOX and SO2 emissions. I asked him about this and he said that they are using the NOX and SO2 emissions to dry out the Petroleum Coke because it is wet of course it is they are leaving it out in the elements and it is not fully contained. I have done some research and it is a hazardous material and should be fully contained at leaving the manufacturer's facility and also at delivery. The Petroleum Coke dust is very lethal and should not be allowed to be released into the air and also into the water which could get into our ground water system and this pollution is highly hazardous causing cancer and other health problems. It has been noted by the State Water Board in their NOV violation report that the water at Lehigh from the Ponds is going into the Permanente Creek this is in turn going into our water shed and the aquifer which is brought up by the San Jose Water Company and the California Water Company for the public to drink. I have sent letters to

the local EPA Region 9 and they in turn sent my letter to the BAAQMD who have done nothing about this problem. The State Water Board also aware of this problem and again are doing nothing while the public continues to be polluted to death. I am completely frustrated about all this and can't tell you what it is doing to my health which has been continually compromised by this terrible pollution. I can get into my health issues and my family's health issued any time you like they are many.

The Sierra Club is in the process of suing Lehigh Southwest Cement and so far nothing as happened and the public waits to see who will help with all of the ongoing pollution problems at the Lehigh Southwest Cement and Quarry.

The State Water Resource Board has indicated to me that they are in the process of legal action against Lehigh but the public can not wait while the agencies try and take this kind of action which could take years.

The serious problem with the Petroleum Coke is that the two pipes that release the coke emission combined with the NOX and SO2 gases that have been used to dry the Petroleum Coke have been funneled off this would lower the levels of emissions on the NOX and SO2 monitors designed to give reading from the kiln. This would give the wrong levels and because the pipes have no monitors on them the public is subject to higher levels of pollutions from the NOX and SO2 and I suspect the CO2 emissions as well. There needs to be separate monitors that register the NOX, SO2 and the Petroleum Coke emissions coming from the two pipes this is not happening. The Mercury should also be monitored separately in all cases that is not happening and is probably allowed to come out from different areas as well giving a lower reading to the Mercury monitors. The EPA needs to find out what is really going on and help the public.

I mentioned this to the BAAQMD inspector who I am in constant communication with regularly because of the pollution at Lehigh who told me if that seemed to be a problem then maybe I could ask to have monitors put on the Petroleum Coke pipes well this of course has not happened and not due to my efforts by any means. The other issue with the NOX and SO2 gases is they carry the dust all over the valley and the public lives with this ongoing problem. The NOX and SO2 emissions max levels are set very high by the BAAQMD so that Lehigh would never reach these levels and so every level comes in lower and the BAAQMD says that is ok after all they are under the max levels set. I would like to know first why are they allowed to set these levels and who is to say we can tolerate these levels it seems no one takes into consideration the cumulative effect over years of breathing in this dust and pollution and also eating this dust which contains Mercury, Vanadium, Lead, Dioxin, Arsenic and many other serious hazardous pollutants. These pollutants are breathed in and we are eating this dust which eventually ends up in our stomach that in turn is digested with our food which then goes out into our blood stream causing cancer and other health problems. The fact that now one out of very two people is getting cancer does not seem to matter to anyone because it seems cement is more important than human life. The economy and jobs are also more important than working to prevent the pollution from the polluters that is killing our families and friends not to mention animals and other wildlife which is a crime.

The EPA Region 9 Superfund Site Department has turned me down verbally about the request I put in making Lehigh Southwest Cement and Quarry and the Stevens Creek Quarry new Super Fund Sites even thou Lehigh qualifies. I have been told after being put off for sometime that they will try and get me the reports at the end of May 2012 I sure hope so. They are conducting a water test at Lehigh of the water running from the Quarry into the Permanente Creek which I hope to get a report on by the end May. I am continually waiting on the EPA's NOV and am also waiting for the State Water Resource Board's NOV investigation to be completed which is now going on 3 years and the public waits not acceptable but it seems there is no set limit on these things I would like Congress to change that. While this wait continues the public is continually subjected to ongoing pollution that is causing great heath problems and death. I feel that the reason and have been told pretty much that the reason the EPA does not want to make Lehigh a Super Fund Site is that the Cement plant is still operative it seems that most if not all Super Fund Sites are with closed down facilities. The problem with that is that the agencies are allowing them to pollute and then eventually there will be a clean up but not until they have saturated the area with pollution this is a serious problem and should not be allowed to continue. The EPA and the other agencies should be working for prevention not allowing this extended allowance of pollution which is polluting our air, water and soil.

I would like to use this letter to send my request also in protest of the EPA Region 9's refusal to make Lehigh a Super Fund Site location even though they quality and I can not wait till they get back to me with their report that has taken so long to process.

The EPA also turned down the Steven Creek Quarry Super Fund Request because they said that not enough people lived around the quarry that is foolish the Steven Creek Quarry is right across the street from the Stevens Creek Reservoir which has been and being polluted at this moment. The Stevens Creek Reservoir goes into the recharge pond at Bubb Rd. in Cupertino and eventually this water goes into our aquifer which then water is brought up by the San Jose Water Company and the California Water Company which is sold to us as drinking water. I have yet to receive that report as well and have been told by the end of May 2012 they hope they can send me the formal report.

I would also like to use this letter to send my request in protest of the EPA Region 9's refusal to make the Steven Creek Quarry a Super Fund Site location even though they should qualify and I can not wait till they get back to me with their formal report that has taken so long to process.

The new Title V Permit that the BAAQMD and the EPA has allowed does not take into consideration the Santa Clara County Reclamation Plan or the EIR in process and it should. It also does not take into consideration the State Water Board's NOV or the EPA Region 9 and the Federal EPA's NOV that is still under investigation this is ridiculous and foolish on their part. Why should Lehigh have or get a Title V Permit when they are in violation of laws? Why should they be allowed to conduct business as usual when they are in violation? The Title V Permit even states that they should not be allowed to have a permit if they are not containing their pollution and if the pollution is a problem or nuisance so why has the EPA not objected to the Title V Permit. My suspicion is that no one wants to come up against this major polluter with all of their money and the possibility of law suites again the public is at the mercy of the polluters and the agencies who can only see revenue. What good is all of these NOV's and possible

law suites if the polluter is allowed to just go out and pay the fine and pollute again the public does not benefit by any of this.

Santa Clara County is still holding up the EIR and the Reclamation plan due to the Selenium that is in the water coming from the quarry and they do not know what to do with this serious pollution problem. I am very much convinced that the Lehigh Southwest Cement and Quarry can not operate without polluting the community with serious pollution. The public waits and are continually polluted as all of the agencies refuse to close them down.

The Title V comments item 22 states that there is a web site that I can get information from but when I go to that area I can not get in not acceptable and they state that the new standards and monitors for the Kiln and Clinker Coolers were added per Federal NESHAPS Subpart LLL if the permit is renewed. I have yet to see this and do not believe it. The Lime Injection System, activated carbon injection should not be allowed at Cement plants because it is putting back Mercury into the cement and this will cause more Mercury allowed into the sold cement. The recycled cement for example at the Steven Creek Quarry will eventually have more Mercury in it due to this process and that is not what we want. The Stevens Creek Reservoir will then have more Mercury in it and the public will suffer. The Steven Creek Reservoir is full of Mercury and the fish are not supposed to be eaten but the public is allowed to fish the Reservoir and they are taking the fish home to eat.

Santa Clara Valley Water District is in charge of the Reservoir and they are aware of the Mercury poison and pollution and are doing nothing. They are also aware of the polluted sediment and selenium in the reservoir and are doing nothing the pollution is carried into the Recharge Pond on Bubb Rd., Permanente Creek, Steven Creek Creek, the water wells in Cupertino and the whole valley and no one is doing anything about this problem.

The City of Cupertino has taken over water rights under peoples homes with no compensations of any kind forcing them to give up their rights this is unlawful and I have asked them to stop this process with no success. The City has told me the reason they are doing this is because they do not want the water to be contaminated this is a big cover up for what is really happening they do not want anyone to get a permit to drill a well and find out that the water is polluted already. They kept taking over right after right with quick claim deeds and I was told by the Santa Clara Water District they had no right to do this. The last word was that the State Water Resource Board was in charge of the water and that I could call them to find out I have yet to look into this matter. There is an extended story to be told about other problems at the City of Cupertino and I can share that with you later if you would like to know.

The Bay Area Air Quality District is aware of the air, water and soil pollution at the Steven Creek Quarry and they are doing noting even when I report all kinds of problems no one will site them or do any enforcement. The Steven Creek Quarry is recycling concrete and this concrete is ground up into a fine power that is not contained in any way allowed to be put on the ground and eventually the dust is blowing over to the reservoir. The water when it rains is also allowed to flow over the recycling concrete area into a holding tank under the way in trailer which in turn is piped by a hose across their road to a

ravine next to the fence this water is eventually released into the reservoir. They have a storm water permit but this is not storm water it is polluted water from the recycled concrete.

I have read articles that state that under the EPA's proposed standards, cement kiln dust is to be managed in landfills designed to meet specific performance requirements that protect ground water from toxic metals. That there should also be composite liners in landfills requirements for ground-water monitoring, corrective action, closure, and post-closure care this is not happening. They state that they are recycling the dust into the kiln this seems very impossible to me and there must be waste material this waste material needs to be dealt with and the public needs to know about it. Santa Clara County is very hush, hush about all this and I am not sure what kind of permits have been acquired and what is really allowed. The dust is everywhere all over the cement plant, quarry and all of the grounds owned by Lehigh and also surrounding Lehigh and is extended all over the valley and the population suffers. My home is full of this dust and no matter how hard I try I can not keep up with cleaning this dust away it is also eating the paint off of my car and other people have complained as well.

The East Material Storage Area is over 850 feet high a height that the Santa Clara County has set which is over the ridge line this is unacceptable and I have complained many times and so has other advocacy groups. What is under the EMSA is even worse an old aluminum and ammunitions plant the pollution was never cleaned up this needs to be addressed urgently and Santa Clara County is doing nothing about this. I have complained continually and no one is doing anything about this problem. The WMSA is also a great problem this is also past the ridge line and the dust is blowing all over the valley and surrounding area. The Mid Peninsula District right next to the Lehigh property has also complained about the high levels of pollution and dust that is flowing over to the park land and preserve and no one seems to pay any attention to them I know this is a serious violation and needs to be stopped. The public going to this park is subjected to ongoing pollution and no one cares. The trees, grass and soil is continually covered with this dust which flows onto the property and surrounding areas.

The EMSA is also spread out to cover a great deal of ground that is not even included in the Reclamation plan I ask who will clean this up it seems Santa Clara County is never really aware of what is taking place or so it seems.

The Lehigh Southwest Cement and Quarry should not be allowed to have a Title V Permit under any circumstances they are continually polluting not only their land but also the Reclamation property that is supposed to be cleaned. Why is anyone allowing them to stay open when they continually pollute? They will continue to pollute as long as they stay open and the land will never be restored. I see no restoration of any kind in the future and it is difficult to see how the land can be used for anything if it is not cleaned up first and the pollution stopped that is where my Super Fund Request comes into the picture there needs to be a Super Fund Site declared and established and the work must start immediately.

The Title V Permit should have been signed off by the EPA and I am not completely sure why you do not sign it off instead you just say you do not object funny why not make it legal and put your signature on it? I of course do not want the permit approved in any way and worry about the future and health and

safety of our children who will have to live in the future with this ongoing pollution. Cupertino has been my home for almost 30 years and I would like to continue to live here but find it terribly difficult to do so with Lehigh Southwest Cement and Quarry and the Steven Creek Quarry open for business.

The other really big fear of mine is that the Lehigh Southwest Cement and Quarry Company will put a request in to mine a new pit this can never be allowed because of the pollution we will never be able to live here in the valley. The new pit will also cause over 30 thousand trees to be cut and probably 600 acres to be used for the new pit this again can not be allowed to happen. The trees have acted as a buffer for years and that buffer will no longer be there the horror of the trees cut down and trucks hauling these trees from the Lehigh property haunts me every day please do not allow this to happen. The public and me and my family can not live here in Cupertino and the valley if this happens the pollution will be astronomical and a great disaster. What my dream is and I have mentioned this to many people is that the Lehigh Southwest Cement and Quarry and the Stevens Creek Quarry will be closed down and cleaned up via Super Fund efforts and that eventually their will be a great park planted to take their place for all the people to enjoy. This dream will take decades and I may not see this happen but I can only hope it does.

There is also the San Andreas Fault line and other Fault lines that are not even 1 mile away from the Lehigh Southwest Cement and Quarry and the Steven Creek Quarry and I suspect will probably cause the next major earth quake in the area if another pit is allowed to be mined we can not let this happen. I can only hope if Lehigh submits a request for a new pit that Santa Clara County turns them down and I know that if the public hears of this there will definitely be a strong outcry in opposition to stop them.

I would like to also mention that the City of Cupertino and the water wells here in Cupertino are suspect to pollution and I have asked all the agencies to look into this and no one will maybe you can help. I am very sorry to say that the City of Cupertino is aware of this pollution and they are doing nothing about it. I have more information if you would like to know and can give that all to you later.

I am in great opposition to the lack of any enforcement of any of the agencies in this matter and ask that you reconsider your lack of objection to the Lehigh Southwest Cement Title V Permit immediately. I ask that you totally object and carry out your responsibility as the United States Environmental Protection Agency and protect the public.

I would also like you to reconsider my request for a Super Fund Site to be established at the Lehigh Southwest Cement and Quarry and also my request to make the Steven Creek Quarry a Super Fund site as well turning me down will only make the valley more polluted. I want to add that cement production is not more important than human and animal life and no matter how we are subjected to this pollution it can not continue.

Thank you,

Cathy Helgerson