

Responses to Public Comments from the Second Public Notice

Application for Renewal of Major Facility Review Permit
Lehigh Southwest Cement Company
24001 Stevens Creek Blvd.
Cupertino, CA 95014
Air District Facility No. A0017

This document presents the responses of the Bay Area Air Quality Management District (“Air District” or “District”) to comments received from members of the public on the District’s proposed renewal of the Title V Major Facility Review Permit (“permit”) for Lehigh Southwest Cement Company.

The Title V Major Facility Review Permit is required by Title V of the Clean Air Act. The Title V program requires large industrial facilities to apply for federal air quality operating permits. These permits list all of the federal, state, and local air quality requirements that apply to the facility. Applicable requirements include emission limits and standards, and compliance requirements (i.e., monitoring, recordkeeping, and reporting requirements). The Title V permit does not place new limits on the facility’s air pollution emissions. Following initial issuance, applications for renewals are required every 5 years. These renewals must go through public and EPA review. In a Title V permit renewal, the Air District performs the following tasks: 1) adds new, modified, and exempt equipment, 2) updates and reviews all federal, state, and local emission limits and standards applicable to the sources at the facility, 3) updates and reviews all monitoring, recordkeeping, and reporting requirements, and 4) reviews the compliance status for all applicable requirements. The existing Title V permit continues in force until the Air District takes final action on the renewal application.

The Air District published its second proposal to renew the permit for Lehigh Southwest Cement Company on April 12, 2019, and received written comments from Lehigh and 4 individuals and organizations. The Air District has reviewed and considered the comments it received during this process, and is providing responses as set forth herein. For each comment received, this document provides the Air District’s rationale for either agreeing with the comment and modifying its proposal, or disagreeing and continuing with the proposal as originally published.

These Responses to Comments are organized by the subject matter of the comments received:

<u>Topic:</u>	<u>Page:</u>
I. General Comments – Record of Previous Responses	3
II. General Comments	3
III. Rules and Regulations	3
IV. Airborne Dust and Trucks	4
V. Particulate Matter Emissions.....	6
VI. Toxics/Health	9
VII. Equipment Reliability.....	11
VIII. Compliance & Enforcement	12
IX. Title V Permit.....	14
X. Permit Conditions	19
XI. Reclamation Plan	21
XII. Stevens Creek Quarry.....	21
XIII. Lehigh Quarry Expansion.....	21
XIV. Lehigh’s Comment.....	22

Black = Emails
Red = Responses

I. General Comments – Record of Previous Responses

The comment regarding schedules and dates required an immediate response. The following is a record of the response and the date of the response.

1. Why are the people of Cupertino not noticed on the Title V Permit Renewal at Lehigh Cement?

District Responded on April 11, 2019: Pursuant to Regulation 2, Rule 6, Section 412, the Air District notified the public of Lehigh's Title V Permit Renewal using the proper channels by publishing in two major newspapers in the area (San Jose Mercury News and Cupertino Courier) and notifying persons who have requested to receive notifications about public participation for this facility via email. To receive future notifications about public participation for Lehigh, please submit a written request to Danny Nip, Air Quality Engineer, at dnip@baaqmd.gov.

II. General Comments

1. The commenter would like to have stakeholder meetings in Cupertino in order for the District to provide information about how things work at Lehigh, such as how to read a source test report.

District Response: The District held a community meeting in the city of Cupertino on September 16, 2019. At the meeting, the District presented information about the facility, held a Questions and Answers panel with staff from multiple divisions of the District, including the Source Test Section, and provided fact sheets to interested community members.

2. Please also find attached a paper, “Lehigh Hanson Cement Plant Air Pollution and its Cost to Human Health: Particulate Matter 2.5 Costs Santa Clara County \$3 Billion in Health Impacts” dated April 13, 2019, I wrote about air pollution from Lehigh Hanson. Why is it that we don’t have any current data?

District Response: The Air District is in receipt of the referenced article. Air District staff are currently working on the publication of more recent criteria air pollutants, greenhouse gases, and toxic air contaminants emissions data. Publications will be posted on the Air District’s Emissions Inventories webpage: <http://www.baaqmd.gov/about-air-quality/research-and-data/emission-inventory/toxic-air-contaminants>.

3. I do not know why the machine on Steven Creek Blvd. that monitors truck and car speeds is shut off. Can someone investigate?

District Response: The traffic radar speed monitor is not operated by the Air District.

III. Rules and Regulations

1. If the BAAQMD decides to change a Rule/Regulation, the permitted activity may need to be changed. If the facility cannot comply, then enforcement actions should

involve closing the facility for good or until the facility can acquire equipment that will bring them into compliance.

District Response: Facilities are required to comply with all current Rules and Regulations, including newly adopted or amended Rules and Regulations. In some cases, facilities are required to submit a new application for a change of conditions or a proposal to demonstrate compliance with newly adopted or amended Rules and Regulations.

2. It seems like the Title V permit fees are imposed for the facility to pollute. These fees do not stop the pollution because polluter does not mind paying. However, implementing more stringent emission levels via Rules and Regulations would probably raise more concern to the facility than imposing fees.

District Response: For clarification, fees are not imposed to reduce emissions, but to help recover the Air District's costs related to regulating the facility. The District uses multiple means to reduce facility emissions including imposing stringent controls on new or modified equipment, adopting new rules for existing equipment (such as Regulation 9, Rule 13 applicable to Lehigh). Issuing a renewed Title V permit may also reduce facility emissions by imposing more stringent monitoring and reporting requirements.

3. The commenter has been an advocate against the Rules and Regulations of opacity (Ringelmann Scale) and visible emissions because it is difficult to quantify actual emissions released into the atmosphere. The commenter believes that even if the cloud coming out the of the stack is clear, there is still pollution and the system of monitoring this pollution is outdated. New system needs to be developed to keep the public safe.

District Response: A Title V permit incorporates all applicable requirements. This comment regarding the effectiveness of opacity standards is outside the scope of the Title V renewal.

Both Opacity and Ringelmann limits are used to regulate visible particulate matter emissions; however, there are other requirements such as emission rates and/or emission concentrations used to quantify particulate matter emissions.

As documented in Permit Evaluation and Statement of Basis for Renewal of the Major Facility Review Permit, Lehigh installed a variety of continuous emission monitor systems, including for particulate matter, at the kiln stack and clinker cooler stack in 2015 (Application #26247). The evaluation report for Application #26247 can be found in the Statement of Basis. In addition, Lehigh installed bag leak detectors on each of the dust collector compartments, which are wired to and monitored by the control room system and the alarm will sound when a leak is detected.

IV. Airborne Dust and Trucks

1. An objective of the Title V Permit is to reduce PM pollution from trucks. Yet only a few types of freight are mentioned, leaving a gaping hole in the permit. A truck carrying a ton of cement would pollute about the same as truck carrying a ton of chickens. Perhaps having a total cap on the number of trucks exceeding 28,000 lbs. gvwr would suffice.

District Response: The Air District does not have general authority to limit the number of trucks. The District has occasionally been able to impose such limits

through a California Environmental Quality Act (CEQA) process. CEQA is only triggered when there is a new project. Trucks and other mobile sources are subject to California Air Resources Board (CARB) regulatory requirements that reduce air toxic pollutants. The Air District has been working closely with the CARB to reduce the amount of air pollution from on- and off-road mobile sources, such as trucks, buses, construction equipment, and recreational vehicles. In addition, Air District staff continue to provide outreach to South Bay trucking companies, including those that service Lehigh, to educate them about Air District grants available for on-road truck retrofits to reduce diesel emissions. For more about the Air District's Grants Programs, please visit the Air District's website: <http://www.baaqmd.gov/funding-and-incentives>.

Fugitive dust (particulate matter) emissions from truck traffic on paved and unpaved roads have been accounted for in the permit and limited in permit conditions to avoid a cumulative increase of particulate matter. In addition, Lehigh is required to operate and maintain a district-approved Fugitive Dust Control Plan to control fugitive dust emissions generated by activities at the facility, including on-site dust emissions from truck traffic, and to reduce the potential impacts on the environment and the surrounding community.

2. Earlier versions of the permit allowed 70,000 cement loads per year and 1.6M pounds of cement. It seems that 16,000 cement trucks can hold 1.6M pound of cement. So where does the limit of 70,000 cement trucks come from? How many trucks have there been historically? Please explain.

District Response: For clarification, Lehigh has a clinker throughput limit of 1.6 million tons per year. Clinker is a direct product of the Precalciner Kiln and an intermediate product for the production of Portland cement. The clinker gets crushed and grounded into fine material, and combined with other additives to produce Portland cement.

The truck limit was derived based on the throughput of 1.6 million tons of clinker per year. Typical double cement trucks have a capacity of 20 - 25 tons, which equates to about 64,000 - 80,000 trucks. In addition, the 70,000 truck limit applies to trucks transporting cement, hydrated lime, soda ash/sodium bicarbonate, and powdered activated carbon.

3. There are some materials that are imported by rail. The diesel emissions from rail transportation must be included.

District Response: Railroad transport is considered a Federally regulated mobile source, thus diesel-powered rail engines are not included in the emissions profile for Lehigh. However, the Air District has adopted Regulation 11, Rule 18, Reduction of Risk from Air Toxic Emissions at Existing Facilities, to reduce local health risks from stationary sources. Rule 11-18 will require subject facilities to either reduce local health risks below the Section 11-18-218 risk action levels or demonstrate that all significant sources of health risks meet Best Available Retrofit Control Technology for Toxics (TBARCT). For Phase I of this evaluation, the Air District will conduct site-wide Health Risk Analysis (HRA) for sites that have a cancer risk prioritization score of 250 or higher or a chronic prioritization score of 10 or higher. The Air District is currently reviewing the toxic emissions inventory and emissions release data for Regulation 11, Rule 18 for Lehigh.

4. While the materials to reduce air pollution are accounted for in truck trips, those that reduce water pollution are not. The water treatment process uses sodium hypochlorite (bleach); citric acid; anti-scalant; bio-reactor with a biological nutrient, that creates sulfides; and hydrogen peroxide. Waste of solid backwash, including metals and settled biological matter, is disposed offsite. With incremental increases in pollution controls, there have been incremental increases in imported and exported hazardous materials. Please make sure these are accounted for as to how they are transported and stored.

District Response: The Air District does not have general authority to limit the number of trucks. The District has occasionally been able to impose such limits through a California Environmental Quality Act (CEQA) process. CEQA is only triggered when there is a new project. Trucks and other mobile sources are subject to California Air Resources Board (CARB) regulatory requirements that reduce air toxic pollutants.

5. Another missing item is the potential for imported/exported rock and fill. Earlier this year, Lehigh Hanson exported mined materials in large quantities which created a dust bowl on Cupertino streets as the trucks circulated between Lehigh Hanson and Stevens Creek Quarry.

District Response: Lehigh currently holds air permits for aggregate processing equipment in the Rock Plant to process up to 2,500,000 tons of rocks per year as specified in Permit Condition #7246.

Lehigh is currently working with the County of Santa Clara on the Reclamation Plan Amendment Application, File No. PLN19-0067 which proposes the use of existing Pacific Gas & Electric, Co. utility access road or establish a new haul road between Lehigh and Stevens Creek Quarry, that is not publicly accessible, in order to facilitate the sale of aggregate material to Stevens Creek Quarry.

6. Let's take a look at the types of trucks listed in the document:
"Cement loads < 70,000 trucks/ rolling 12 month period"
"410 Ammonia NH3 delivery trucks" (note, this is an increase of 310 ammonia trucks)
"70,000 total cement and hydrated lime, Soda ash/ Sodium Bicarbonate trucks per year"
"70,000 total cement and hydrated lime and powdered activated carbon trucks per year"

District Response: The 70,000 truck trip limit includes finished product cement trucks, lime trucks, soda ash/sodium bicarbonate trucks, and carbon material trucks. Per Application No. 26350, Lehigh requested to increase ammonia hydroxide usage from 1,850,000 to 2,450,000 gallons per year, which resulted in an increase from 310 to 410 trucks per year. Lehigh uses ammonia for the Selective Non-Catalytic Reduction (SNCR) system to control NOx emissions at the Kiln, S-154.

V. Particulate Matter Emissions

1. The commenter is concerned about the level of pollution coming from Lehigh Hanson Cement and Quarry. Dust has been flying all over the Silicon Valley and onto homes in Cupertino. When Lehigh Hanson is operating, there is a noticeable haze against the foot hills and the hot weather makes it even worse, causing difficulty breathing and congestion. Can anyone do anything about this?

2. The dust collectors are not doing their job. Dust is flying all over the Silicon Valley especially at night and on the weekends when BAAQMD and the public are asleep.
District Response to 1-2: The Air District evaluates each source for compliance with all applicable local, state, and federal regulations, including public health, and issues a permit to operate with permit conditions to ensure emissions are below permitted levels.

Permitted sources at Lehigh have monitoring requirements (i.e., visual inspection, broken baghouse leak detector, pressure drop monitoring, source test, etc.) at various frequencies (i.e., monthly, quarterly, etc.) as summarized in Table IV of the Title V permit for each source. Monitoring and testing requirements are also detailed in the referenced permit conditions to ensure air pollution control devices are operating at their designed level.

Lehigh has an Operating and Maintenance (O&M) Plan, which contains procedures for proper operations and maintenance of process and pollution control equipment to minimize emissions during normal operations, startup, shutdown and malfunction events. Lehigh is required to use it as a guideline for preventative maintenance and corrective actions for sources that are subject to the requirements of NESHAP Subpart LLL.

In addition, Air District staff conducts frequent inspections of the facility to ensure activities at the plant – including the operation of dust collectors – are conducted in compliance with Air District visible emissions requirements. Any violation of these standards may result in the issuance of a Notice of Violation.

3. I would like to know more about the 32 bag houses that were converted to just two release areas. It seems like there is always a dust problem, so this system is not working. There is no mention of this in detail and I think that is important to mention them.

District Response: Please refer to the statement of basis posted with the proposed permit on the District's webpage at the following address:

<http://www.baaqmd.gov/permits/major-facility-review-title-v/title-v-permits>

As documented in "03/21/2019 Statement of Basis," Lehigh combined 32 existing cement kiln baghouses' stacks into one at the kiln and 10 existing clinker cooler baghouse's stacks into another single stack for good air dispersion and ease of air monitoring. Lehigh also installed a total of 44 bag leak detectors in 2015 to monitor any detected leaks (Application #26247). The document also contains all the permit evaluation reports being incorporated into the Title V permit, including Application #26247.

4. The Dust Collectors are not functioning properly. It seems to me that Lehigh Hanson Cement Company is allowing the dust to be released from the dust collector at night when the BAAQMD is not there to catch them. Lehigh also has cameras and can view the road coming in to the cement plant and if they see the inspector they can turn down the kiln operation or even shut it down just telling the inspector they had an equipment problem. The public is upset about the system of things and have requested 24/7 monitoring but the BAAQMD will not put cameras in and will not monitor on the fence to make sure that Lehigh Hanson Cement Company is not breaking the law.

District Response: Dust collectors are not designed nor can they be re-configured to allow dust to be collected and released at night. Once a dust collector is turned on, there is a constant air flow through the dust collector and the amount of particulate matter emissions is based on the efficiency/grain loading of the device.

The Air District does not have the resources to provide 24/7 surveillance at Lehigh; however, Air District inspector makes unannounced visits multiple times a week. Furthermore, the calciner kiln at Lehigh requires up to 96 hours to startup and 24 hours to shut down making it impossible to shut down operation for inspection. In addition, Lehigh is required to maintain records of date, time, and duration of any start-up, shutdown or malfunction in the operation of any of the kiln systems or the emission monitoring equipment as specified in Permit Condition #603.

5. Why are Broken Bag Leak Detectors necessary and how advance is the technology? I wonder if they are using the best technology available for the equipment and monitoring detectors since there have been many violations pertaining to dust.

District Response: Each dust collector is equipped with either a pressure manometer or a broken bag leak detector to measure the differential pressure (pressure drop) between the dirty side and the clean side. As dirty air flows through baghouse filters, a dust cake builds on the filter media, creating resistance to airflow. A sudden change in differential pressure could indicate a problem or decrease in efficiency.

Broken bag leak detectors are the most advanced technology available in the market for leak detection. They are more advanced than pressure manometers as the broken bag leak detectors are wired to and monitored by the main control system and will trigger an alarm if a leak is detected. Please refer to Condition # 24781, Compliance Assurance Monitoring (CAM), for the frequencies of visual inspections, pressure manometer readings, and manometer or bag leak detector calibrations. Lehigh is required to maintain inspection records to demonstrate compliance.

6. The requirement to source test dust collectors every 5 years is not enough. If there is a break how is the repair done? Why is there no information about the process of this very serious matter?

District Response: In addition to requirements to source test every 5 years, each of these dust collectors is equipped with either a pressure manometer or a bag leak detector. The pressure gauges are inspected and calibrated on a quarterly basis. The pressure readings are recorded monthly depending on the emission level. Please refer to Permit Condition #24781, Compliance Assurance Monitoring (CAM), for the frequencies of visual inspections, pressure manometer readings, and manometer or bag leak detector calibrations.

Lehigh is required to maintain the approved Operating and Maintenance (O&M) Plan, which contains procedures for proper operations and maintenance of process and pollution control equipment to minimize emissions during normal operations, startup, shutdown and malfunction events. Lehigh is required to use it as a guideline for preventative maintenances and corrective actions for sources that are subject to National Emission Standards Hazardous Air Pollutant (NESHAP) Subpart LLL requirement.

7. For dust collectors, where does the collected dust go?
District Response: The Air District does not regulate the disposal or end use of collected dust. However, the Air District's understanding is that collected dust recycled back into the cement making processes.

VI. Toxics/Health

1. Eastern Kern Air Pollution Control District files Annual AB 2588 Air Toxics Report, does the BAAQMD file a similar report?
District Response: The District prepares and publishes Annual Air Toxic Inventory (AB 2588) reports: <http://www.baaqmd.gov/about-air-quality/research-and-data/emission-inventory/toxic-air-contaminants>.

The following document contains our most recent program description and progress report: <http://www.baaqmd.gov/~media/files/engineering/air-toxics-annual-report/2011/volume-i-toxics-annual-report-8-01-2013.pdf?la=en>.

2. Have there been any changes to the BAAQMD Air Toxics NSR Program HRA Guidelines or other limits since the last HRA for Lehigh?
District Response: The Bay Area Air Quality Management District Air Toxics NSR Program HRA Guidelines were last updated in December 2016: http://www.baaqmd.gov/~media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en

This document describes the Bay Area Air Quality Management District's guidelines for conducting HRAs pursuant to Regulation 2, Rule 1, General Requirements, and/or Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants. These guidelines only apply to new or modified sources of toxic air contaminants that are required to have an authority to construct or permit to operate pursuant to Regulation 2, Rule 1. HRAs for Lehigh have been conducted on an application-by-application basis for new or modified stationary sources. All related projects permitted within the previous three years of the application are also included in the Health Risk Assessment.

On November 15, 2017, the Air District adopted Regulation 11, Rule 18, Reduction of Risk from Air Toxic Emissions at Existing Facilities, to reduce local health risks from stationary sources. Rule 11-18 will require subject facilities to either reduce local health risks below the Section 11-18-218 risk action levels or demonstrate that all significant sources of health risks meet Best Available Retrofit Control Technology for Toxics (TBARCT). For Phase I of this evaluation, the Air District will conduct site-wide HRAs for sites that have a cancer risk prioritization score of 250 or higher or a chronic prioritization score of 10 or higher. The Air District is currently reviewing toxic emissions inventory and emissions release data for assessment of the applicability of Regulation 11, Rule 18 to Lehigh.

3. The BAAQMD maintains a list of "Toxic Air Pollutants" that exceed Chronic Trigger Levels; the most recent year available is 2015. Why is it that Lehigh Hanson has been regularly exceeding Chronic Trigger Levels for 17 toxic air pollutants? We see the pollutants going toward the ground. Does BAAQMD model using actual dispersion models?

District Response: The emission inventories presented in Toxic Inventory 2016 are based on throughput data, emission and abatement factors, and calculation procedures stored in the Air District's computer database at the time. Trigger levels, as defined in Regulation 2, Rule 5, are emission threshold levels for each toxic air contaminant (TAC) below which the resulting health risks are not expected to cause, or contribute significantly to, adverse health effects. Emissions of TACs exceeding a trigger level require a Health Risk Assessment (HRA) to estimate the potential for increased likelihood of health risk for individuals in the affected population.

In 2014, Lehigh performed an HRA to demonstrate compliance with Regulation 9, Rule 13 at maximum capacity of 1.6 million tons of clinker per year. The revised HRA was based on the new stacks' configurations and on an updated emission data. These data represent toxic air contaminants emitted directly from stationary sources and fugitive emissions, from both permitted and un-permitted sources. The District approved the HRA on February 3, 2015.

The Air District conducts HRAs in accordance with BAAQMD's Air Toxics NSR Program HRA Guidelines, which generally conform to the Health Risk Assessment Guidelines adopted by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) for use in the Air Toxics Hot Spots Program. HRAs are conducted using air dispersion modeling with actual meteorological data. For more information, please visit OEHHA's website at <https://oehha.ca.gov/>

4. S-154, Kiln, is fueled by coal and petroleum coke, which are extremely hazardous to a person's health. Lehigh Hanson Cement states that they are not using coal, but that seems not to be true. The permit states that they are using it. Petroleum coke is a waste material of petroleum and it is radioactive.

District Response: Although S-154, Kiln, is permitted for both coal and petroleum coke as fuel, Lehigh has used 100% petroleum coke for more than 10 years. Prior to the issuance of a permit to operate, the Air District reviewed petroleum coke combustion emissions and toxic air contaminant emissions submitted by Lehigh. In addition, a Health Risk Assessment has been conducted and the risk level is considered acceptable per District's Regulation 2, Rule 5. As specified in Permit Condition #603, the owner/operator shall conduct annual source test to demonstrate compliance. A source test for S-154 was conducted in November 2018 and demonstrated compliance with District Regulations.

5. Lehigh Hanson Cement is causing health issues such as cancer, asthma, diabetes, lung disease, autism, and many more diseases. Making Lehigh Hanson Cement and Quarry Company pay a fine or a fee does not help with stopping this life-threatening pollution disaster. Closing down the polluters and cleaning up the mess that they have made will help save lives and stop Global Climate Change Disaster.

District Response: The Air District reviews and issues Title V permits, which include all Federal, State and local requirements. Permits are issued only after facilities demonstrate compliance with these laws including the requirement to pass health risk screening assessments. The Air District cannot deny a Title V permit renewal for other reasons, such as the issues raised by the commenter. As explained in greater detail in other sections, the Air District has carefully analyzed the compliance status of Lehigh Southwest Cement Company and found that it is not in violation of any applicable air quality requirement.

6. This Annual Fee that Lehigh Hanson Cement and other companies pay each year according to Regulation 3 under Rule and Regulation 11-18, which the BAAQMD was supposed to implement stronger restrictions under it seems deceptive. How can the State or Federal Governments allow these polluters to pollute us to death? What good are Rules and Regulations, Clean Air Act, and the Clean Water Act if all the polluters just pay off the agencies that regulate them.

District Response: For clarification, fees are not imposed to reduce emissions, but to help recover the Air District's costs related to regulating the facility. As specified in Regulation 3, Section 238, facilities are required to pay a risk assessment fee for a health risk assessment (HRA) required under Regulation 11, Rule 18. This is a one-time payment for the District to conduct a site-wide HRA. The Air District is currently reviewing the toxic emissions inventory and emissions release data for Regulation 11, Rule 18 for Lehigh.

VII. Equipment Reliability

1. Lehigh Hanson Cement and Quarry have a hard time with emissions and it could very well be because this equipment is old and needs to be retrofitted or replaced. Is anyone monitoring this?

District Response: Lehigh must comply with the emissions limits specified in its permit. If any equipment fails to operate at the specified limits, Lehigh must determine a way to come into compliance.

The age of an air pollution control device is not necessarily an indicator of device malfunction. Similar to an air conditioning and/or heating system in a home, regular inspection/maintenance, such as replacing the air filter, can ensure the system is operating at its maximum efficiency. Permitted sources at Lehigh have monitoring requirements (i.e., visual inspection, pressure drop monitoring, source test, etc.) at various frequencies (i.e., monthly, quarterly, etc.) as summarized in Table IV of the Title V permit for each source. Monitoring parameters listed in the Title V permit are better indicators of equipment functionality than age.

Lehigh has an Operating and Maintenance (O&M) Plan, which contains procedures for proper operations and maintenance of process and pollution control equipment to minimize emissions during normal operations, startup, shutdown and malfunction events. Lehigh is required to use it as a guideline for preventative maintenance and corrective actions for sources that are subject to federal NESHAP Subpart LLL requirement.

2. We have seen numerous pollution events due to malfunctions at the plant. Enforcement doesn't appear to be happening in these instances. Yet the public is being polluted by these fairly regular mishaps. The regulation should be stronger so that the cement plant will make their cement plant more reliable.

District Response: The Air District regularly investigates all evidence of non-compliance and issues Notices of Violation when violations are documented.

3. The issue here is the breakdown of the equipment at the Hanson Cement Plant due to the negligence of the company. Did they upgrade the equipment and do maintenance checks on the equipment so that there would be no breakdown. There should be no breakdown relief of any kind. Hanson Cement Company has not

retrofitted the cement plant and the kiln is continually breaking down and emitting pollution and the public suffers.

District Response: Upgrades and maintenance of equipment are continually ongoing at Lehigh. "Breakdown relief", is provided only in very specific and unforeseen cases, after an investigation of the breakdown is conducted. If the breakdown is deemed to be a violation, a Notice of Violation is issued.

4. The requirement to source test dust collectors every 5 years is not enough. If there is a break how is the repair done? Why is there no information about the process of this very serious matter?

District Response: In addition to requirements to source test every 5 years, each of these dust collectors is equipped with either a pressure manometer or a bag leak detector. The pressure gauges are inspected and calibrated on a quarterly basis. The pressure readings are recorded monthly depending on the emission level. Please refer to Permit Condition #24781, Compliance Assurance Monitoring (CAM), for the frequencies of visual inspections, pressure manometer readings, and manometer or bag leak detector calibrations.

Lehigh has an Operating and Maintenance (O&M) Plan, which contains procedures for proper operations and maintenance of process and pollution control equipment to minimize emissions during normal operations, startup, shutdown and malfunction events. Lehigh is required to use it as a guideline for preventative maintenance and corrective actions for sources that are subject to NESHAP Subpart LLL requirement.

VIII. Compliance & Enforcement

1. How does a District inspector inspect the calibration of the monitoring equipment? Lehigh Hanson Cement calibrates their own equipment and so it would seem they can alter the settings on the equipment to suite [sic] their own purpose. It is very easy to adjust the equipment to register whatever they want so as not to be in noncompliance.

District Response: The Air District has a number of tools to ensure the monitoring equipment at Lehigh is properly calibrated and providing accurate readings. These monitoring systems must be operated according to promulgated EPA and/or Air District quality assurance/quality control standards, which are codified in Federal, State and Local regulation and are enforceable. The standards vary by pollutant and monitor type, but they all include some form of calibration verification using laboratory certified calibration gases.

Each year, Lehigh is required to perform an annual Relative Accuracy Test Audit (RATA) to ensure monitoring equipment meets the accuracy requirements. Our source test staff review these reports and enforcement action can result if the monitors are not within specific limits/ranges.

The Air District also periodically audits Lehigh's monitors. These are called Field Accuracy Tests (FAT). Our source test staff challenge the monitoring systems against certified calibration gases and Air District analyzers; verify the make, model and serial numbers and ranges of the monitors; verify span gas concentrations and expiration dates; verify calibration records; and, review logbooks to ensure the individual monitors have not experienced calibration issues. All of this is done to

look for inconsistencies that would indicate a deviation from normal operation and expectations.

In support of source test staff, inspectors check monitoring system records during inspections to make sure the monitoring systems are being operated within accepted tolerance and that appropriate records are being kept.

2. The amount of pollution coming from Lehigh Hanson Cement and the Quarry is harming the population. The public keeps complaining and nothing of any real enforcement is ever done.
District Response: The Air District responds to every air pollution complaint with a field response investigation. All air pollution complaints are received via a 24-hour complaint line, 1-800-334-ODOR (6367), or through an online complaint portal at <https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>. Complaint investigations can result in violations where enforcement action is taken. Even when no violations are documented, enforcement staff often advises facilities to take actions to improve operations.
3. I am sorry to say that I have to ask for a complaint number and I have to be the one who tells them to send me a copy of the complaint. I ask that the inspector call and tell me what the problem was and he does not call. The inspector has been way behind in his report and it takes months to get a copy mailed to me and even though I complain nothing is done about the pollution coming from Lehigh Hanson Cement and Quarry and the Steven Creek Quarry as well. If I call on a week end or in the evening we get the answering service and they just take the call they cannot send anyone out unless it is a real emergency.
District Response: All complaints received by the Air District are investigated. Depending on the severity of the air pollution problem, staff may be called back to work on evenings, nights and weekends to investigate. Otherwise the complaints are held to the next business day. Complaint investigations can determine violations even when investigations are conducted at a later date.
4. Lehigh Hanson Cement and Quarry are continually in noncompliance. Why is this information hidden from the Title V permit, the EPA Region 9 and the public? The permit lacks real transparency, so how can the BAAQMD and the EPA Region 9 allow this permit to be renewed? I do not believe that this permit should be renewed and that the Lehigh Hanson Cement Plant and the Quarry need to be shut down in order to protect the public from this ongoing terrible pollution problem and it should be done immediately.
District Response: In all cases during this Title V review period, non-compliance was corrected quickly and there were no ongoing or recurrent violations at the facility that would require a schedule of compliance. Under these circumstances, the Air District does not have authority under Title V and its implementing regulations to deny the Title V permit renewal.
5. I would like to know why the public was never made aware of this Compliance Certification requirement (Section I.G) and I would like to get copies of these reports how can I do that? The Lehigh Hanson Cement and Quarry and the Stevens Creek Quarry have been out of compliance continually and so it seems to me that the question is how could they pass the Compliance Certification requirement that is supposed to be submitted annually? The EPA Region 9 is also supposed to be

watching for requirements of the Compliance Certification Report and it seems they are not doing what is called for.

District Response: Compliance Certifications are required to report both compliance and non-compliance. Copies of these certifications can be requested via Public Records at <http://www.baaqmd.gov/contact-us/request-public-records>. The Air District has no authority over EPA's actions.

6. Is it possible for the public to get a copy of the monitoring reports, submitted to the District's Compliance and Enforcement Division, as referenced in Section I.F?

District Response: Semi-annual monitoring reports are posted on the Air District's webpage at the following address:
<http://www.baaqmd.gov/permits/major-facility-review-title-v/title-v-permits>

7. Lehigh Hanson Cement and Quarry Company has been continually out of compliance and nothing is done about it. Stating this Rule [Regulation 2-6-307; MOP Volume II, part 3, 4.11 in Section I.B.2] seems to look good on paper, but with no enforcement it really means nothing. The public needs to look up this Regulation themselves because the detail is not stated in the Title V Permit. This of course makes no sense to the public and there needs to be more information provided.

District Response: Lehigh is currently in compliance with all regulatory requirements and the Air District will continue its efforts to ensure compliance with visible emissions standards.

Section I.B.2 is a standard condition for all Title V permits issued by the Air District in accordance with Regulation 2-6-307 and Manual of Procedure (MOP) Volume II, Part 3, §4.11. The intent of this citation is to provide a basis for the standard condition as opposed to directing the reader to a specific section for additional information.

8. Lehigh Hanson Cement and Quarry Company is not adhering to their permit conditions. How is Lehigh Hanson allowed to renew their permit?

District Response: Lehigh is currently in compliance with all regulatory requirements, including permit conditions. When non-compliance is discovered, Notices of Violation are issued.

9. The only way to renew this permit is to provide additional information. If Lehigh Hanson Cement and Quarry or Stevens Creek Quarry is out of compliance, they should be held accountable.

District Response: During this Title V review period, non-compliance was corrected quickly and there were no ongoing or recurrent violations at the facility. Lehigh is held accountable for all violations.

IX. Title V Permit

1. The Title V Permit appears to be quite convoluted, how could an inspector possibly be able to follow it?

District Response: Title V permits are federal operating permits for facilities that have the potential to emit air pollution exceeding specific thresholds. Title V permits describe how a facility must comply with air pollution rules and regulations. Typically, Title V permits contain a list of permitted sources as well as terms and conditions such as emissions limitations and standards for all applicable federal requirements, monitoring and related recordkeeping and reporting requirements. In summary, Title

V permits are compilations of applicable air quality standards and their associated compliance provisions.

The Air District reviews and issues permits for each individual stationary source of air pollution. Each source will have its own permit conditions and requirements. In some cases, a set of permit conditions may apply to a group of sources. Common examples of individual sources include emergency diesel engines, boilers, and storage tanks. Some facilities, such as Lehigh, operate multiple permitted sources. The District's inspectors are trained to read the Title V permits. District inspectors also perform inspections on individual sources and determine compliance with permit conditions, and applicable air quality rules and regulations.

2. Section I.B.3 - Lehigh Hanson has established a permitted activity level, so why would they have to reduce the permitted activity? Please make your Standard Condition reflect the true enforcement action that needs to be taken.

District Response: Section I.B.3 is a standard condition for all Title V permits issued by the Air District and taken directly from Manual of Procedure (MOP) Volume II, Part 3, §4.11. A revision to the MOP is not within the scope of the Title V permit renewal. To maintain consistency for all Title V permits, the existing language has been retained.

3. Table II A – Permitted Sources - How are these maximum capacity levels determined? What method is used to determine if these levels are safe? The pollution from Lehigh Hanson Cement Company and all of the systems on the property are polluting the Air, Water and Soil at very high levels. They are not considering the cumulative effect and the chemical cocktail effect that this pollution is causing the public suffers from all kinds of health problems and many people are dying from these health issues.

District Response: The maximum capacity levels listed in the Title V permit are not intended to represent level deemed “safe” from a public health standpoint. Rather, these levels are intended as an indicator of the maximum capacity of equipment so as to facilitate knowing when the equipment has been “modified” as that term is used in the Air District's New Source Review program (which requires a formal evaluation and possibly new air pollution controls when a source is “modified”).

The capacity levels listed in Table II A are determined differently based on each source category. For example, the capacity of a silo is based on the design capacity (in tons). For other air pollution sources, the capacity is based on permitted levels, specifically the maximum operating rate (tons/hour) as specified in the permit application for the source.

Each source has been evaluated at the specified capacity through the Air District's permitting process and has been issued a permit to operate. As part of the permitting process, the Air District evaluates each source for compliance with all applicable local, state, and federal air quality regulatory requirements, including public health, and issues a permit to operate with permit conditions to ensure emissions do not exceed permitted levels. The Air District's discretion in reviewing an application for a permit to operate is limited. The Air District does not have the authority to deny a project or revoke an existing permit if the project meets all applicable air quality regulatory requirements.

Table II A is a compilation of all individual source permits at Lehigh.

4. Table II A – Permitted Sources - Does anyone have drawings or information about custom made equipment?
District Response: Typically, drawings and/or information about custom made equipment are available in the application(s) associated with the source number.
5. Table II A – Permitted Sources - The age of the equipment should be on the Title V Permit. If this equipment needs to be replaced or if it can be repaired the public would like to see information on the report about this.
District Response: The age of the equipment is not required to be on the Title V permit. Monitoring parameters listed in permit are better indicators of equipment functionality. A physical change or replacement of a permitted source will require an authority to construct from the District via a permit application. To request Air District public records, please visit the Air District's website for instructions:
<http://www.baaqmd.gov/contact-us/request-public-records>
6. Table II A – Permitted Sources - It does not mention what company manufactured Lehigh's equipment. Shouldn't that be on the report as well?
District Response: The manufacturer of an equipment is not required to be listed in the Title V permit.
7. S-1, Gasoline Service Station - It should be stated why there is a gasoline service station at the facility and how many trucks use this gas each year. There is also no mention of the pollution, level limits, and applicable rules for the Gasoline Station. It is important to monitor this pollution and it seems no one is really paying attention to the ground pollution that these gasoline tanks can produce. Ground water should be a requirement not only with the State Regional Water Quality Control, but also the BAAQMD, Santa Clara County and the EPA Region 9.
District Response: All applicable requirements, limits, monitoring citations, monitoring frequencies, and reporting requirements are listed in Table IV - A (S-1 Gasoline Dispensing Facility). S-1 is subject to Permit Conditions #7523, #20666, and #24298. Permit Conditions are documented in Section VI of the Title V permit. The regulation of groundwater is outside the jurisdiction of the Air District.
8. A-154/A-156 - I am concerned about the releasing of Lime and Carbon into the kiln. Why doesn't the Title V state that they are being released into the kiln?
District Response: As documented in Section X, Revision History, the purpose of Application No. 21753 was to install the hydrated lime slurry injection system to reduce hydrochloric acid (HCl) emissions at the kiln. Furthermore, the purpose of Application No. 22953 was to install an activated carbon injection system to control mercury (Hg) emissions at the kiln. Lime and activated carbon are used to adsorb hydrochloric acid and mercury, respectively, and are eventually mixed with the limestone to produce clinker/cement product. Therefore, lime and activated carbon will not be released into the air.
9. What is in the clinker?
District Response: Limestone, sedimentary rock composed primarily of calcium carbonate, is the basic raw material in Portland cement. Limestone is combined with other raw materials such as bauxite and iron in the raw mills to produce kiln feed.

The kiln feed is fed and heated in the kiln along with lime and activated carbon to produce clinker.

10. Table II B - A-156 – Why are the requirements for “sample analysis and testing of materials” being removed?

District Response: The requirements for sample analysis and testing of materials were interim permit conditions to determine compliance with mercury (Hg) emissions pursuant to BAAQMD Regulation 9-13-301.6. With Hg continuous emission monitoring (CEM) installed and certified in 2015 to accurately monitor mercury emission rates from the kiln, sample analysis and testing are no longer required. However, Lehigh is still required to annually test mercury emissions under Condition # 603, Item 8.

11. Table II B - A-156 – Why are the limits of 261 lbs/yr and 0.064 lb/hr of Hg being replaced with 55 lb Hg/million ton of clinker? This change removes real testing of the pollution levels.

District Response: Per Regulation 9-13-301.6 (NESHAPS standard effective September of 2013), the 30-operating day rolling average of mercury emissions from the kiln shall not exceed 55 pounds per million tons of clinker produced. Lehigh has a production limit of 1.6 million short tons of clinker per year (Permit Condition #11780, Item B.1); therefore, Lehigh is now subject to a lower maximum emission limit of 88 pounds instead of 261 pounds of Hg per year or 0.064 pound of Hg per hour. Lehigh submits mercury CEM reports to the Air District's Source Test Section on a monthly basis.

12. Please describe the water spray system and haul road sprinkler system? What is it spraying? This should be mentioned in the Title V. Stevens Creek Blvd. and Foothill Expressway are not being watered down as they should be.

District Response: A typical water spray system consists of a combination of spray bars, headers, and hoses connected to a source of water. The system could be temporary, permanent, or mobile depending on the source the water spray system is abating.

For unpaved roads and areas around storage piles, the soils are stabilized by the use of water, aggregate, and/or approved non-toxic soil stabilizers as documented in the Fugitive Dust Control Plan.

In addition, the Fugitive Dust Control Plan includes street sweeping by a third party on Steven Creek and Foothill Boulevards on a weekly or more frequent basis as needed. The third party sweeper is a regenerative air sweeper with water suppression and complies with the municipal code. The Air District inspects Lehigh on a regular basis for compliance with its Fugitive Dust Control Plan requirements.

13. Section III - Generally Applicable Requirements - There is a need for more than just General Requirements for Lehigh Cement Plant, especially continuous daily monitoring, if necessary.

District Response: Source specific applicable requirements, applicable limits, and compliance monitoring requirements are listed in Table IV of the Title V permit. Lehigh's cement kiln is already equipped with a continuous compliance monitoring system for NO_x, SO₂, CO, mercury, hydrochloric acid, ammonia, total hydrocarbon, and PM at the cement kiln that records data every 15 minutes.

14. BAAQMD Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants, should also be Federally Enforceable. Actual emissions emitting from Lehigh needs to be listed next to the Federal Levels and BAAQMD Levels in the Title V permit.
- District Response:** The federal Clean Air Act uses the term hazardous air pollutants (HAPs), which are regulated by National Emission Standards for Hazardous Air Pollutants (NESHAPs). As such, NESHAPs are federally enforceable. California legislature identifies toxic substances in the air that are under California jurisdiction as toxic air contaminants (TACs), which include all federal HAPs. BAAQMD Regulation 2, Rule 5, is a state toxic program; therefore, it is not federally enforceable. Note that BAAQMD levels listed in Regulation 2, Rule 5, are trigger levels as opposed to limits.

The focus of the Title V permit program is on air pollution regulatory requirements that apply to stationary sources. A Title V permit is not required to list actual emissions.

15. The permit is extremely limited to precise information and there needs to be more transparency all around. Stating the applicable requirement is not allowing the public to see how the District justify the polluter's compliance or non-compliance. The permit should show source test information. In addition, how can the public know that they are safe if they can't read the source test and other test conducted at Lehigh Hanson Cement and Quarry and the Stevens Creek Quarry? It seems that all the permit does is show what requirements are required by the BAAQMD, ARB and the EPA Region 9, which is not enough.
16. The Title V Permit does not give specifics on performance at the time the permit is renewed. The public wants to know the compliance or non-compliance in detail, including fines/fees paid and other pertinent information at the time of the renewal. There needs to be more transparency the BAAQMD and the ARB needs to provide more information to the public.

District Response to 15-16: Title V permits are federal operating permits for facilities that have the potential to emit air pollution exceeding specific thresholds. Title V permits describe how a facility must comply with air pollution rules and regulations. Typically, Title V permits contain a list of permitted sources as well as terms and conditions such as emissions limitations and standards for all applicable federal requirements, monitoring and related recordkeeping and reporting requirements. In summary, Title V permits are compilations of applicable air quality standards and their associated compliance provisions.

As such, Title V permits are not required to show and document source test information, performance specifics, and fines/fees. Information such as source tests are available to the public through a Public Records request. In addition, compliance and non-compliance determinations are made continuously and are also available via Public Records request.

17. There has been an increase in petroleum coke or coal burning in the kiln resulting in more pollution and people are feeling the health issues.
- District Response:** The Air District needs further clarification on the evidence the commenter has that there has been "an increase in petroleum coke or coal burning in the kiln". The facility operates within usage limits as specified in Permit Condition number 603.

18. The commenter would like to see notice of violations posted with the Title V permit, including the reasons for violation, resolutions, and penalties/fines. The commenter states that this information should be made more available to the public instead of having to go through the District's Public Records Department.

District Response: This question/comment is not within the scope of the Title V permit renewal. A Title V permit describes how a facility must comply with air pollution rules and regulations. A typical Title V permit contains a list of permitted sources as well as terms and conditions such as emissions limitations and standards for all applicable federal requirements, monitoring and related recordkeeping and reporting requirements. Notice of violations are not required to be listed in the Title V permit. Please continue to contact the District's Public Records Department for any public records requests.

19. There are numerous polluted ponds onsite; how is BAAQMD accounting for the evaporation of chemicals and their impact on air?

District Response: Per Regulation 2, Rule 1, Section 103, water ponds are exempt from permits provided that they do not emit air toxic contaminants exceeding the toxic trigger level of Regulation 2-5, do not become a public nuisance source, do not emit hazardous substances and do not emit more than 5 tons per year of any regulated air pollutant. Although, water quality is not within the Air District's jurisdiction, when the District issues a permit for solvent or chemical usage, it is assumed to be 100 percent volatile and emitted into the atmosphere; therefore, emissions from evaporation of chemicals are accounted for in the initial permitting process and regulated under District's Regulation 11-18 Reduction of Risk from Air Toxic Emissions at Existing Facilities.

X. Permit Conditions

Permit Condition #24626

1. Why is lime bin crossed out?

District Response: Per Application No. 27936, permit condition #24626 has been revised to include S-613, Storage Bin for Lime/Soda Ash/Sodium Bicarbonate. Instead of specifying that S-167 is a storage bin for lime and S-613 is a storage bin for the above materials, S-167 and S-613 are categorized as dry material storage bins. The type of material(s) is specified in the source description and listed in Table II A of the Title V permit.

2. Why is the lime delivery truck limit of 290 trucks deleted from the permit condition?

District Response: The lime delivery truck limit of 290 trucks is not deleted from the permit condition. The number of lime trucks has been counted toward the limit of 70,000 trucks in any consecutive 12-month period.

3. How does limiting the total amount of cement trucks, lime trucks, soda ash/sodium bicarbonate trucks, and powdered activated carbon trucks to 70,000 trucks avoid cumulative increase of PM10? The amounts of each type of substance should be broken down. This statement to avoid Cumulative Increase of PM10 is false and misleading the public.

District Response: Cumulative Increase, as defined in Regulation 2, Rule 2, Section 208, is "the increase in the potential to emit a pollutant authorized by an authority to construct or permit to operate measured against prior actual or potential

emissions, less any contemporaneous onsite emission reduction credits credited to the authority to construct or permit to operate, calculated in accordance with the procedures set forth in Section 2-2-607.” The cumulative increase has been established based on 70,000 trucks. Any increase in trucks will result in an increase in the potential to emit and thereby contribute to the facility’s cumulative increase.

4. 70,000 truckloads per year going in and out of Lehigh Cement Plant is severely harming the public with terrible pollution. The truckloads are not covered nor contained. How does that help with PM10 or PM2.5?

District Response: The Air District controls dust pollution from trucks leaving the Lehigh facility by requiring HEPA filter vacuuming of spilled cement powder during cement bulk loading operations and mandatory washing of aggregate trucks. Once on public roadways, California vehicle code infractions are enforced by the Santa Clara County Sheriff’s Office or California Highway Patrol. The 70,000 truck trip limit includes finished product cement trucks, carbon material trucks, and lime/soda ash trucks. The pneumatic cement trucks for final product shipment from the plant are contained trucks. Note that this permit to operate limit has yet to be reached at an average rate of 54,500 truck trips per year.

5. Truckloads of imported materials come to mind that are not listed in the air permit: petcoke, spent carbon, explosives, bauxite (by rail?), gypsum, and iron ore. And what about the storage of these materials?
6. The public would like to know how the products are stored? Are the products allowed to be placed on the ground without a cover or containment container? What are the locations of the items.

District Response to 5-6: Petroleum coke, bauxite, and iron ore are stockpiled onsite and have throughput limits specified in Permit Condition #24274 and are subject to visible emissions standard. All stockpiles are required to be water sprayed daily or when necessary by water trucks.

Quarry blast explosives are transported by truck. Petroleum coke and other “additives” such as iron ore and bauxite normally arrive by rail. There is no spent carbon at the facility. Powder activated carbon is trucked into Lehigh and stored in a silo (S-169), which is abated by a baghouse.

All cement products and gypsum are stored in silos, which are abated by baghouses.

7. How are Petroleum Coke & Coal delivered and are they stored at Lehigh Hanson Cement Company? Is it left on the ground or contained in a full containment unit?

District Response: Lehigh currently receives petroleum coke via railcars or trucks. Petroleum coke is received and stored mainly in partially covered/contained bins and in small amounts of stockpiles outside if there is extra before getting transferred to the Kiln Fuel Mill System and Precalciner Fuel Mill System. These bins/stockpiles are subject to Regulation 9-13 and the Fugitive Dust Mitigation plan. See Environmental Protection Agency (EPA) website for more information on Petroleum Coke: <https://www.epa.gov/petroleum-coke-chicago/health-effects-petroleum-coke>

Permit Condition #24781

8. Item 17 – It states: “If exceedances continue to occur, the District may require the owner/operator to develop and implement a Quality Improvement Plan (QIP).” These

exceedances are serious, and Lehigh should not be able to operate until they can stop the pollution.

District Response: Permit conditions for response to excursions or exceedances are in accordance with 40 CFR Part 64, Compliance Assurance Monitoring.

XI. Reclamation Plan

1. While the Lehigh Reclamation Plan had anticipated moving 48 million tons of overburden from the WMSA to the pit, the Water Boards have noted that the WMSA contains materials from industrial uses and should only be moved if Lehigh can demonstrate no degradation in water quality. Consequently, Lehigh no longer plans to move this material and intends to import materials instead. What is BAAQMD's position on moving piles with industrial waste?

District Response: The focus of the Title V permit program is on air pollution regulatory requirements that apply to stationary sources. Lehigh's Reclamation Plan is not within the scope of the Title V permit renewal. However, the Air District will have the opportunity to review and comment on Lehigh's Reclamation Plan for impacts to air quality.

XII. Stevens Creek Quarry

1. Stevens Creek Quarry actually takes in old concrete from housing and building sites that are going to be building new buildings and chops it up to a fine gray powder. This concrete ground up gray powder has high levels of Mercury in it there are high piles of it right next to the Stevens Creek Reservoir which is being polluted by the rainwater washing over these piles and also the dust from these piles.

District Response: This question/comment is not within the scope of the Title V permit renewal. Lehigh Cement and Quarry, and Stevens Creek Quarry are two separate entities.

XIII. Lehigh Quarry Expansion

1. Lehigh Hanson is presently planning an application for a new mine. The existing mine equipment must be accounted for along with concurrent activities at the current mine. Now it is more important that mining activities be accounted for in the permit from removing trees to blasting. We have made numerous requests about blasting over the years it is becoming even more important now. BAAQMD had incorrectly assumed previously in the statement of basis that there would be no dust from blasting because dust would stay in the pit. Photographic evidence shows otherwise. More importantly, a new pit would start at the surface.
2. With the advent of a proposed new mine, will BAAQMD be able to weigh in ahead of time, rather than make an attempt to regulate after.
3. The public does not want another quarry to be mined. Lehigh Hanson Company will be running out of limestone, so they will want to apply for a new quarry and the public will not stand for it.
4. I also believe that Lehigh Hanson Company should not be allowed to apply for a new quarry pit under any circumstances due to the serious lack of compliance and also due to the fact that they will be harming the public and animals alike for another 100 years. The new pit would destroy 30 thousand trees, 600 acres, destroy the animals that call the land their home and kill the animals that live on this land.

District Response to 1-4: This question/comment is not within the scope of the Title V permit renewal. Upcoming plans will be reviewed through California Environmental Quality Act (CEQA) process, and County of Santa Clara will be the lead agency.

XIV. Lehigh's Comment

1. Lehigh commented on Compliance Assurance Monitoring (CAM)'s opacity monitor requirement of SIP Regulation 6-301 – Ringelmann No. 1 Limitation:

The PM CEMS is more sensitive than the opacity monitor and further Table N should match Table O CAM for the Clunker Cooker. CAM Condition 23 does not require an Opacity Monitor, but PM CEMS and BLDS. Please refer to Table IV, there is no opacity monitor listed and Method 9 is used for compliance with Opacity Limit. Then we would also need to remove opacity CEMS reference in condition 603 part 14. Also, Table IV-V & W through Z (and maybe others) has an opacity monitor for finish mill but should be another method. There never has been a regulatory rule requiring an opacity monitor for a finish mill. It should be Method 22 or 9 and Broken Bag Leak Detector or COMS.

District Response: The Air District agrees that the monitoring & frequency requirement of Regulation 6-1-301 and SIP Regulation 6-301 for Table IV-N should match with Table IV-O. Sections have been updated. Furthermore, the kiln and clinker cooler stacks are equipped with opacity monitors as required by Permit Condition 604, Part 14. As such, opacity monitors shall be used as the monitoring method instead of PM Continuous Emission Monitors or Bag Leak Detectors as Lehigh proposed. In addition, the monitoring & frequency requirement of Regulation 9-13-302 for Table IV-N has been updated to opacity monitor.

The Air District agrees that the opacity monitor requirement should be another method for finish mill and other sources associated with Table IV-V, W, Y, and Z. The monitoring requirement of Regulation 6-1-301 has been revised from opacity monitor to broken bag leak detector device in Table IV-V, W, Y, and Z since the finish mills and other sources are not required to be equipped with opacity monitors.