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October 30, 2013

VIA U.S. MAIL AND ELECTRONIC MAIL

Ms. Dyan Whyte
Assistant Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: *Quarterly Report (3rd Qtr) for Chronic Toxicity Sampling – June 27, 2013 Amended Water Code section 13267 Order, Order No. R2-2013-1005-A1, Directive 8*

Dear Ms. Whyte:

Enclosed, pursuant to the Regional Water Quality Control Board, San Francisco Bay Region's, ("Regional Water Board") June 27, 2013 amended Water Code section 13267 Order, Order No. R2-2013-1005-A1, ("Order"), Lehigh Southwest Cement Company ("Lehigh") timely provides and encloses the Third Quarter Report and associated documents for chronic toxicity sampling undertaken pursuant to Directive 8 of the Order.

3rd Quarter Chronic Toxicity Testing

Chronic WET testing in the 3rd quarter indicated <1 TUc for *Selenastrum capricornutum* and *Pimephales promelas* at all locations, and 1.2 TUc toward *Ceriodaphnia dubia* reproduction in Pond 9. The corresponding 3-sample median for C. dubia in Pond 9 is 1 TUc. Consistent with the triggers described in the Order (i.e., > 2 TUc single sample maximum or >1 TUc for a three sample median), accelerated monitoring was not initiated. Complete results are contained in the enclosed report prepared by Pacific EcoRisk.

Sediment Toxicity Testing

Consistent with the Order, Lehigh submitted a sediment toxicity study plan on July 15, 2013. Due to the Pond 14 and Pond 22 red-legged frog sediment sampling work window, and the availability of a certified red-legged frog expert required to be present during sampling activities, sediment sampling was conducted September 4, 2013, prior to final Regional Water Board approval of the sediment toxicity study plan. On September 13, 2013, Regional Water Board staff requested additional information be gathered concurrent with sediment toxicity sampling that were not specified in the July 15 submitted study plan. These additional requirements

included a) reporting toxicity results utilizing the TST for *Hyalella azteca* survival and percent effect for growth, and b) analysis of sediment for total organic carbon, moisture content, particle size distribution, and pore water pH and ammonia. While these additional requirements were made known after samples were collected on September 4, sufficient sample had been collected for these analyses to be conducted at completion of the bioassay tests. Results of the analyses are contained in the laboratory report prepared by Alpha Analytical.

Analysis of sediment toxicity testing results for Pond 22 survival indicated a "fail" by the TST method. Survival in Pond 13 and Pond 14 indicated a "pass" by the TST. Growth of surviving organisms in all pond samples was unaffected. The Order does not trigger further action related to these toxicity results. Complete results of sediment toxicity testing are contained in the enclosed report prepared by Pacific EcoRisk.

Per the requirements of the Order, because the Permanente facility received rainfall of more than 0.25 inches between the September 4 sample and October 31, a second round of sediment samples from Pond 22 and Pond 14 was collected on October 21. Results of this sampling event will be reported in the 4th quarter of 2013 report, which is due on January 30, 2014.

If you or your staff have any questions regarding the above report or enclosed documents, please do not hesitate to contact me or Greg Knapp at Lehigh, or Mike Bryan and Ben Giudice of RBI.

Very truly yours,

Nicole E. Granquist

Cc: Brian Thompson, Regional Water Quality Control Board, San Francisco Bay Region
Greg Knapp, Director Environmental Region West, Lehigh
Scott Rickman, Regional Counsel, Lehigh Hanson