



Pillsbury Winthrop Shaw Pittman LLP
2475 Hanover Street | Palo Alto, CA 94304-1114 | tel 650.233.4500 | fax 650.233.4545

Wayne M. Whitlock
tel 650.233.4528
wayne.whitlock@pillsburylaw.com

May 24, 2011

Via Electronic Mail and Certified Mail - Return Receipt Requested

Ms. Sandia Potter
Technical Staff, Advisory Team
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street
Suite 1400
Oakland, California 94612

Re: Lehigh Southwest Cement Company – Administrative Civil Liability
Complaint No. R2-2011 – Submittal of Waiver Form

Dear Ms. Potter:

On behalf of Lehigh Southwest Cement Company, we are submitting Lehigh's waiver form, signed by Mr. Henrik Wesseling, in connection with the above-referenced complaint. We are submitting the original waiver form by certified mail. As indicated on the form, Lehigh waives the 90-day hearing requirement in order to engage in settlement discussions with the Regional Water Board regarding this matter. We will be contacting the Prosecution Team to engage in settlement discussions within the next five days.

Please feel free to contact me with any questions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Wayne Whitlock". The signature is written in a cursive, flowing style.

Wayne M. Whitlock

Enclosure

Ms. Sandia Potter

May 24, 2011

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cc: Mr. Thomas Mumley
Ms. Dyan Whyte
Cris Carrigan, Esq.
Ms. Lila Tang
Ms. Shin-Roei Lee
Mr. Brian Thompson
Ms. Christine Boschen

Mr. Axel Conrads
Mr. Henrik Wesseling
Mr. Scott Renfrew
Mr. Greg Knapp
John Gillan, Esq.

**WAIVER FORM
ACL COMPLAINT NO. R2-2011-0023**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Lehigh Southwest Cement Company (hereinafter "Discharger") in connection with Administrative Civil Liability (ACL) Complaint No. R2-2011-0023 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

OPTION 1: PAY THE CIVIL LIABILITY

(Check here if the Discharger waives the hearing requirement and will pay the civil liability in full.)

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **\$10,000** by check that references "ACL Complaint No. R2-2011-0023" made payable to the "San Francisco Bay Regional Water Quality Control Board." Payment must be received by the Regional Water Board by May 31, 2011 or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board or its Executive Officer, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

OPTION 2: REQUEST A TIME EXTENSION

(Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board Advisory Team to approve the extension.

OPTION 3: ENGAGE IN SETTLEMENT DISCUSSIONS

(Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will contact the Regional Water Board Prosecution Team within five business days of submittal of this waiver to request that the Prosecution Team engage in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Water Board Advisory Team delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board Advisory Team to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1c and d."

WAIVER FORM
ACL COMPLAINT NO. R2-2011-0023

HENRIK WESSELING, PLANT MANAGER

(Print Name and Title)

J. Wesseling

(Signature)

MAY 23rd 2011

(Date)