



# California Regional Water Quality Control Board

## San Francisco Bay Region



**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

**Edmund G. Brown, Jr.**  
Governor

*Certified Mail No.  
Return Receipt Requested*

April 29, 2011  
WDID No. 2 43I0062677 (BJT)

Lehigh Southwest Cement Company  
Attn.: Mr. Henrik Wesseling  
24001 Stevens Creek Boulevard  
Cupertino, CA 95014

*Also hand delivered*

**Subject: Administrative Civil Liability Complaint No. R2-2011-0023  
for unauthorized discharge to Permanente Creek.**

Dear Mr. Wesseling:

Complaint No. R2-2011-0023 (Complaint), enclosed with this letter, issues an administrative civil liability (ACL) against the Lehigh Southwest Cement Company (Lehigh) in the amount of \$10,000. This liability is based on allegations that Lehigh discharged sediment-laden water to Permanente Creek that may also have been polluted by cement plant operations at its 24001 Stevens Creek Boulevard, Cupertino facility.

Lehigh can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: July 13, 2011, commencing at 9:00 a.m.  
Place: First Floor Auditorium, Elihu Harris State Building  
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process, hearing procedure, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years*

Lehigh Southwest Cement Company  
ACL Complaint No. R2-2011-0023

- a. Pay the liability as proposed in the Complaint;
- b. Request more time and postpone the date of the public hearing; or
- c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team.

The Waiver, attached to the Complaint, describes these options in further detail. To pursue one of these options, **the Waiver must be signed, dated, and received by Sandia Potter of the Regional Water Board Advisory Team with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on May 31, 2011. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Brian Thompson at (510) 622-2422 or [brthompson@waterboards.ca.gov](mailto:brthompson@waterboards.ca.gov).

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

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Section Leader,  
Watershed Management Division

Enclosures: ACL Complaint No. R2-2011-0023  
Waiver Form for ACL Complaint No. R2-2011-0023  
Public Notice and Hearing Procedure for ACL Complaint No. R2-2011-0023  
Administrative Civil Liability Fact Sheet

cc: Regional Water Board Lyris Enforcement email list  
Regional Water Board Advisory and Prosecution Teams  
Reed Sato, State Water Board, Office of Enforcement  
Lehigh Mailing list, attached separately