

**ORDER NO. R2-2013-1030**  
**ACCEPTANCE OF CONDITIONAL RESOLUTION**  
**AND WAIVER OF RIGHT TO HEARING**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), Lehigh Hanson West Region (Lehigh) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations described in the Notice of Violation which is attached hereto as Exhibit A and incorporated herein by reference.

Lehigh agrees that the attached Exhibit A shall serve as a complaint pursuant to Article 2.5 of the California Water Code (CWC) and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. Lehigh agrees to pay the penalties authorized by CWC section 13385, which shall be deemed payment in full of any civil liability pursuant to the CWC sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the attached Exhibit A.

Lehigh understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the attached Exhibit A.

Upon execution by Lehigh, the Acceptance and Waiver shall be returned to:

Expedited Payment Program  
California Regional Water Quality Control Board  
San Francisco Bay Region  
NPDES Enforcement Section, Regulatory Measure ID No. 392713  
Attention: Farhad Azimzadeh  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Lehigh understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.



**EXHIBIT A  
Notice of Violation**

Lehigh Hanson West Region (Lehigh) Facility  
located at 4501 Tidewater Ave, Oakland, Alameda County

**Mandatory Minimum Penalties without Regional Water Quality Control Board Hearing**

The following table lists this facility's alleged permit exceedance of California Water Code (CWC) Sections 13385(h) and 13385(i) for which the Water Board has not assessed a mandatory minimum penalty. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed in the table below.

No	CIWQS Violation ID No.	Date of Occurrence	Effluent Limitation Description (Unit)	Effluent Limit	Reported Value	Percent a Group I or Group II Pollutant is over Effluent Limitation	Type of Exceedance	CWC Section 13385(h) and/or (i) Required MMP
1	939079	04/13/2012	Turbidity Daily Maximum (NTU)	50	116		C1	
2	939073	05/30/2012	Settleable Solids Daily Maximum (ml/L/hr)	0.2	0.4	100%	C2, S	\$3,000
3	939076	05/31/2012	Settleable Solids Daily Maximum (ml/L/hr)	0.2	1.2	500%	C3, S	\$3,000
4	939077	06/01/2012	Settleable Solids Daily Maximum (ml/L/hr)	0.2	0.7	250%	> C3, S	\$3,000
<b>Total</b>								<b>\$9,000</b>

**Legend for Table:**

CIWQS = California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.

Violation ID = Identification number assigned to a permit exceedance in CIWQS.

CWC = California Water Code.

C = Count – The number that follows represents the number of exceedances Lehigh has had in the past 180 days, including this violation. A count greater than three (> C3) means that a penalty under CWC Section 13385(i) applies.

S = Serious, which means that a penalty under CWC Section 13385(h) applies when an effluent limitation is exceeded 40% or more for a Group I pollutant or 20% or more for a Group II pollutant.

Regulatory Measure ID: 392713

Place ID: 203213

WDID No.: 2 019216001