

Lehigh Southwest Cement Company

Permanente Plant
24001 Stevens Creek Boulevard
Phone (408) 996-4000
Fax (408) 725-1019
www.lehighcement.com

February 9, 2009

Brian Wines
San Francisco Bay Region Water Quality Control Board
1515 Clay Street – Suite 1400
Oakland, CA 94612

SENT via Electronic Mail to bwines@waterboards.ca.gov – no hard copy to follow.

RE: Lehigh Southwest Cement Company - report of discharge to Permanente Creek February 3 - 5, 2009

Mr. Wines:

This letter is to inform you on February 3rd, 2009 reported unauthorized discharge of process water to Permanente Creek at Lehigh's Cupertino Plant.

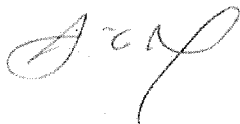
On February 3rd at 8:00 am, the clear water from the lake was diverted to the creek to avoid flooding in the lower raw material storage area. Had the water not been diverted and the raw material storage area become flooded, material containing process water would have breeched the local containment area and sediment containing water would have discharged to Permanente Creek. The water diversion was discontinued on February 5th at 3:00 pm.

A sample of the diverted water was taken and is being analyzed for TSS and CAM 17 metals. These results will be forwarded to your attention when received.

The combination of rain water runoff and continued plant non operation necessitated the diversion of an estimated 332,300 gallons over the 2 day period. Inspections of the creek discharge from the plant site were completed to insure water clarity.

Please do not hesitate to call me with any questions or comments at (408) 996-4262 or at scott.renfrew@hanson.biz

Thank you,



Scott Renfrew
Environmental Manager
Lehigh Southwest Cement Company – Permanente Plant