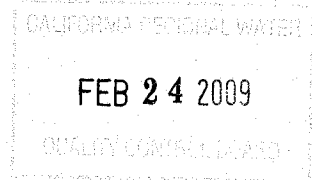


**Permanente Plant**

24001 Stevens Creek Blvd.  
Cupertino, CA 95014  
Phone (408) 996-4000  
Fax (408) 725-1104

February 17, 2009

Dale Bowyer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612



Re: Permanente Quarry  
Application for 401 Water Quality Certification  
RWQCB Site No. 02-43-C0596 (bkw)

Dear Mr. Bowyer:

I am the Plant Manager for the Permanente Quarry. I am writing on behalf of Lehigh Southwest Cement Company. The purpose of this letter is to request a meeting with you to discuss recent communications between Scott Renfrew, the Environmental Manager for the Permanente Quarry, who reports to me, and regional board's staff members.

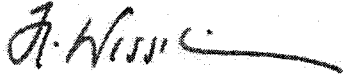
As you may know, Lehigh is currently undertaking a project to cleanout and maintain various sedimentation basins and culverts, to clear these facilities of sediment that has accumulated and to keep them in a functioning condition. Lehigh is required to perform this work pursuant to its reclamation plan approval from Santa Clara County, by a 1999 Cleanup and Abatement Order from the regional board and by the general storm water permit for industrial discharge. Lehigh has applied for Section 401 water-quality certification as part of this project. I understand that Mr. Renfrew met with you and staff member Brian Wines on August 20, 2008, and that the project was viewed favorably at that time.

Recently, Mr. Renfrew has been attempting to work out the details of the environmental review for this project with the regional board's staff. Brian Wines, one of the staff members, does not agree with our approach and therefore has refused to entertain any meeting or discussion on this issue. Based on the most recent communications, I am concerned over whether this matter is being handled appropriately by the regional board's staff. I would like to meet with you personally to discuss this.

Also, to ensure that Lehigh's legal position receives the regional board's consideration, I have directed Lehigh's counsel to contact the regional board's attorneys and provide them with a fuller discussion of the issue that we have been attempting to discuss with the staff.

I look forward to hearing from you, and to the opportunity to meet with you to discuss these issues in person.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Wesseling", with a long horizontal flourish extending to the right.

Henrik Wesseling  
Plant Manager

cc: Brian Wines, RWQCB  
Yuri Won, Esq., RWQCB  
Scott Renfrew, Lehigh  
Mark Harrison, Esq., Diepenbrock Harrison