

Via Federal Express

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**Lehigh Hanson**  
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[www.hanson.com](http://www.hanson.com)

November 22, 2010

**Subject** 60 Day Notice – Quarry No v. Lehigh Southwest Cement Company

Dear Mr. Bennett:

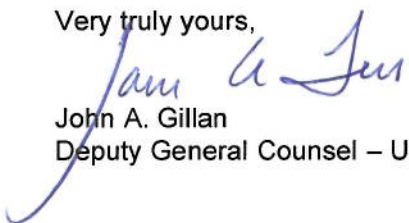
We are in receipt of your Notice of Violation dated October 14, 2010 claiming that the Cupertino facility of Lehigh Southwest Cement Company (“Lehigh”) violated the notice requirements of Proposition 65 with respect to Arsenic, Benzene and Chromium 6. We are not certain what information your clients have provided to you to support your Certificate of Merit, but we have reviewed our emissions data and find their claim of a violation to be without merit.

The Cupertino facility takes its obligations under Proposition 65 and every environmental, health and safety law very seriously. It is public knowledge that your clients are vehemently opposed to the continued operation of our facility, and they have used numerous political and legal maneuvers with the objective of permanently closing this manufacturing site. Nevertheless, Lehigh took their complaint at face value and engaged a consulting engineer to review emissions levels June 1, 2007 to October 14, 2010. Per the attached tables 1 and 2, the chemicals of concern emitted at the actual production rates for the period in question are below the Specific Regulatory Levels for both Carcinogens and Reproductive Health Effects.

In light of the above and attached, we request that your clients will reconsider this latest attempt at to disrupt our operations. In the event that they do not, please be advised that we will vigorously defend ourselves and seek all legal means of redress in light of what appears to be a bad faith claim.

Please note that neither the plant nor I are authorized to accept formal service of process, but correspondence may be addressed to my office.

Very truly yours,

  
John A. Gillan  
Deputy General Counsel – US Operations

cc: Attached Service List

**TABLE 1  
COMPARISON OF PREDICTED EXPOSURE  
TO SPECIFIC REGULATORY LEVELS - CARCINOGENS**

Lehigh Southwest Cement Company  
Cupertino Facility

Chemical	Predicted Inhalation Exposure <sup>1</sup> (µg/day)		NSRL <sup>2</sup> for Inhalation Exposure (µg/day)	Predicted Oral Exposure <sup>1</sup> (µg/day)		NSRL <sup>2</sup> for Oral Exposure (µg/day)
	MEIR	MEIW		MEIR	MEIW	
Arsenic	0.00048	0.00009	0.06	0.015	0.0051	10
Benzene	2.1	0.16	13	--	--	6.4
Chromium, hexavalent	0.00039	0.000082	0.001	0.0046	0.0021	na

**Notes:**

1. Predicted exposure based on annual average ground level concentrations predicted for 2007 production rates and the air dispersion modeling in the AB2588 HRA.
2. Specific regulatory levels for carcinogens are termed "no significant risk levels" (NSRLs). Values are published in Proposition 65 Safe Harbor Levels: No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity, February 2009 (OEHHA, 2009).

**Abbreviations:**

µg/day = micrograms per day  
 -- = not applicable  
 na = not available

**TABLE 2  
TO SPECIFIC REGULATORY LEVELS - REPRODUCTIVE AND  
DEVELOPMENTAL ENDPOINTS**

Lehigh Southwest Cement Company  
Cupertino Facility

Chemical	Predicted Inhalation Exposure <sup>1</sup> (µg/day)		MADL <sup>2</sup> for Inhalation Exposure (µg/day)	Predicted Oral Exposure <sup>1</sup> (µg/day)		MADL <sup>2</sup> for Oral Exposure (µg/day)
	MEIR	MEIW		MEIR	MEIW	
Arsenic	0.035	0.019	na	0.015	0.005	na
Benzene	22	5	49	--	--	24
Chromium, hexavalent	0.026	0.013	na	0.0046	0.0021	na

Notes:

1. Predicted exposure based on ground level concentrations predicted in the AB25888 Health Risk Assessment for 2008 CEIR Emissions (AMEC, 2010) or daily average concentrations predicted by the air dispersion model.
2. Specific regulatory levels for reproductive toxicants are termed "maximum allowable dose levels" (MADLs). Values are published in Proposition 65 Safe Harbor Levels: No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity, February 2009 (OEHHA, 2009).

Abbreviations:

µg/day = micrograms per day

-- = not applicable

na = not available

Attachment 1- Service List

Santa Clara County, California  
District Attorney Delores Carr  
70 W. Hedding Street, West Wing  
San Jose, CA 95110

City of Las Altos, California  
City Attorney  
One North San Antonio Road  
Los Altos, CA 94022

City of Sunnyvale, California  
City Attorney David Kahn  
456 W. Olive Ave.  
Sunnyvale, CA 94086

Attorney General Edmund G. Brown, Jr.  
Attorney General's Office  
1300 "I" Street  
P.O. Box 944255  
Sacramento, CA 94244-2550

(With confidential factual information  
supporting the Certificate of Merit  
Included)

City of Las Altos Hills, California  
City Attorney Steven Mattas  
Town Hall Offices  
26379 Fremont Road  
Los Altos Hills, CA 94022

City of Cupertino, California  
City Attorney Carol Korade  
20410 Town Center Lane # 210  
Cupertino, CA 95014-3220

City of Mountain View, California  
City Attorney Jannie Quinn  
500 Castro Street  
Mountain View, CA 94039-7540