



August 20, 2013

VIA U.S. MAIL AND ELECTRONIC MAIL

Ms. Dyan Whyte
Assistant Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: *Groundwater Investigation Requirements – June 27, 2013 Amended Water Code section 13267 Order, Order No. R2-2013-1005-A1, Directives 12 – 14*

Dear Ms. Whyte:

Lehigh Southwest Cement Company (“Lehigh”) sincerely appreciates the efforts of Regional Water Quality Control Board, San Francisco Bay Region, (“Regional Water Board”) staff to revise and finalize the June 27, 2013 amended Water Code section 13267 Order, Order No. R2-2013-1005-A1, (“amended Order”). Lehigh continues to implement and report upon the activities required by the amended Order.

While the parties were in the final phase of negotiating that amended Order during the week of June 24, 2013, including the Groundwater Investigation requirements set forth in Directives 12 through 14, Lehigh concurrently received on June 26, 2013 correspondence from Lindsay Whalin of your office entitled “Conditional Concurrence with the *Workplan for Characterization of the Eastern and Western Materials Storage Areas* and Requirement for Additional Technical Reports for WDR Development” (“Conditional Concurrence”). In that Conditional Concurrence, a groundwater investigation workplan, implementation, and report, mirroring much of the groundwater investigation set forth in the amended Order at Directives 12 through 14, was separately required, but with differing deadlines than set forth in the amended Order.

Lehigh is committed to preparing a workplan, and implementing a groundwater investigation with associated reporting, to satisfy the goals of both the amended Order and the Conditional Concurrence; however, Lehigh strongly believes the requirements of the amended Order and Conditional Concurrence should be collapsed into one investigation, so as to avoid the need to unnecessarily repeat costly activities, and implemented in accordance with singularly stated deadlines.

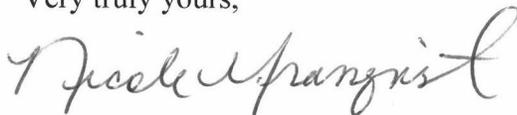
Lehigh's primary concern with respect to the newly revised requirements set forth in Directives 12 through 14¹ at the time the amended Order was in the last stages of negotiation in late June 2013 was the infeasible deadline of October 22, 2013 by which all of the work contemplated by revised Directives 12 and 13 was required to be completed, including a comprehensive soil and groundwater investigation and characterization that will take far longer to implement. The groundwater investigation set forth in the Conditional Concurrence, while slightly more narrow in focus than the investigation contemplated in the amended Order, contains a far more feasible schedule to conduct the activities required.

During the final negotiations on the amended Order, Lehigh communicated to Brian Thompson of your office that notwithstanding Lehigh's concerns regarding the revised provisions set forth in Directives 12 through 14 of the draft amended Order (specifically, the timing/deadline set forth in Directive 14), Lehigh preferred to finalize the amended Order without further delay, and the parties agreed to do so, with the express understanding that the groundwater investigation requirements of the amended Order, including the deadlines set forth therein, would be subject to further discussion and negotiation, and would be coordinated with the requirements of the Conditional Concurrence if possible.

To that end, and in an effort to streamline groundwater investigation efforts, and hopefully combine the workplan, investigation, and reporting efforts necessary to satisfy the amended Order and the Conditional Concurrence, Lehigh engaged in discussions with Ms. Whalin this summer, and a meeting to discuss how best to accomplish the goals of both the amended Order and Conditional Concurrence is scheduled for August 29, 2013. Lehigh's goal is to achieve consensus and agreement at that meeting as to the appropriate subject matter and timeframes for implementing the groundwater investigation activities, and to amend regulatory documents, as necessary, to reflect the agreed upon approach.

If you or your staff have any questions, or would like to discuss further, please do not hesitate to contact me or Greg Knapp at Lehigh.

Very truly yours,



Nicole E. Granquist

Cc: Brian Thompson, Regional Water Quality Control Board, San Francisco Bay Region

¹ Lehigh had already submitted a site history and source investigation workplan to satisfy Directives 12 and 13 of the original 13267 Order on April 22 and May 22, 2013, respectively, and Lehigh was concerned that those submittals could be considered, post-submittal, inadequate to satisfy the revised provisions not in place at the time of the original submittals. As discussed previously with Regional Water Board staff during a June 10, 2013 meeting, Lehigh is already planning to revise those earlier submittals as part of the upcoming groundwater investigation workplan requirement set forth in the Conditional Concurrence, to ensure that the information contained therein is consistent with Regional Water Board expectations.

Lindsay Whalin, Regional Water Quality Control Board, San Francisco Bay Region
Julie Macedo, Counsel, State Water Resources Control Board
Greg Knapp, Director Environmental Region West, Lehigh
Scott Rickman, Regional Counsel, Lehigh Hanson