

**WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
NO. R2-2010-0052**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Cemex Construction Materials Pacific LLC (“Discharger”) in connection with Administrative Civil Liability Complaint No. R2-2010-0052 (“Complaint”). I am informed that California Water Code section 13323, subdivision (b), states that, “a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing.”

OPTION 1: PAY THE CIVIL LIABILITY

(Check here if the Discharger waives the hearing requirement and will pay the civil liability in full.)

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of \$5,075 by check that references “ACL Complaint No. R2-2010-0052” made payable to the “San Francisco Bay Regional Water Quality Control Board.” Payment must be received by the Regional Water Board by not later than 30 days from the date the Complaint was issued or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board Prosecution Team) during this comment period, the Regional Water Board’s Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board or its Executive Officer, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

Complaint No. R2-2010-0052
Cemex Construction Materials Pacific LLC

OPTION 2: REQUEST A TIME EXTENSION

(Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board Advisory Team to approve the extension.

OPTION 3: ENGAGE IN SETTLEMENT DISCUSSIONS

(Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will contact the Regional Water Board Prosecution Team within five business days of submittal of this waiver to request that the Prosecution Team engage in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Water Board Advisory Team delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board Advisory Team to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1c and d."

ROBERT ALDENHUYSEN
(Print Name and Title)

ENVIRONMENTAL MANAGER


(Signature)

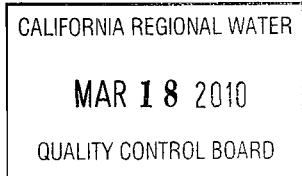
March 17, 2010
(Date)



5180 Golden Foothill Parkway, Suite 200, El Dorado Hills, CA 95762-9608

3/18/2010

Regional Water Quality Control Board
San Francisco Bay Region (2)
1515 Clay Street
Oakland, CA. 94612



Re: **Administrative Civil Liability Complaint NO. R2-2010-0052**
CEMEX Construction Materials Pacific LLC
Location WDID# 248I009448; CIWQS ID#224081
4964 Peabody Road, Fairfield, CA 94533

Mr. Laurent Mellier:

Enclosed is the signed Waiver Form for Administrative Civil Liability Complaint NO. R2-2010-0052.

We request to engage in settlement discussions to resolve the civil liability complaint for our above-referenced facility. We believe that the penalty for the alleged violations is excessive based on the following mitigating factors:

- The facility ceased operations on July 31, 2008.
- Responsibility for Environmental Management of the site was transferred in May 2009.
- Difficulties with receiving the Board's mailed communications caused unexpected delays to submit timely submittals and responses.
- Factors related to our application for a Notice of Termination for the site's storm water permit, due to non-operation of the site, recently denied.

We await your agency's response. We can be contacted at (925) 426-2261 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurent Mellier".

Robert Aldenhuysen
Environmental Manager
roberta.aldenhuysen@cemex.com

Enclosure: Administrative Civil Liability Complaint Waiver Form

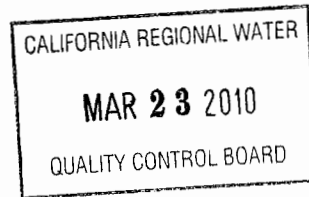
Cc: Bruce Wolfe – Executive Officer
Yuri Won - Attorney
Sandia Potter – Technical Staff
Thomas Mumley – Assistant Executive Officer
Dyan Whyte – Assistant Executive Officer
Terry Seward – Groundwater Protection Division Chief
Keith Lichten – Section Leader
Habte Kiffle – Technical Staff
Dorothy Dickey – Office of Chief Counsel
Bruce Fujimoto – Division of Water Quality
Ann Carroll – Office of Enforcement
Files



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Location WDID# 248I009448; CIWQS ID#224081
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Mr. Laurent Meillier:

CEMEX submits this letter of request to meet with RWQCB personnel to engage in settlement discussions for Administrative Civil Liability Complaint NO. R2-2010-0052.

Our request is a follow-up to our hand-delivered submittal of the signed Administrative Civil Liability Complaint Waiver Form (Option 3 selected) and phone conversation to discuss the matter on Thursday March 18, 2010.

We await your agency's response. We can be contacted at (925) 426-2261 if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'Robert Aldenhuysen', with a long horizontal flourish extending to the right.

Robert Aldenhuysen
Environmental Manager
roberta.aldenhuysen@cemex.com