

A Clear Statement of Responsibility

- I am Dorene Boulland from New Almaden.
- My neighbors and I respect the efforts of this board to keep our drinking water pure and clean for myself, family and the bay area community.
- I am here today to request a clearer statement of responsibility for innocent, downstream owners along the Los Alamitos Creek.

Help Clarify Responsibility

- I am requesting this Basin Plan Amendment be modified before adoption to help end the confusion between state or local public agencies and downstream property owners.
- This plan needs to be modified because it does not meet the current expectations of responsibility for the removal of mining waste.
- I would recommend the Basin Plan Amendment not be adopted until these additional clarifications are added.

The Basin Plan Needs Clarification

Mixed Messages

- Currently, the New Almaden Village and Los Alamitos residents have been getting mixed messages from public agencies as to their responsibility to pay for the cost of the restoration and cleanup.
- Specifically, some of various local Water Board and public agency's **staff members** have indicated the residents are responsible for the restoration and cleanup costs along their creekbed.
- While the **Regional Board members** have indicated that the residents are not responsible for the cleanup.
- Since the October 8th meeting, the community's belief and understanding is that they are not responsible for the cleanup.

Community Basis for Confusion

SFRWQCB Staff Statement

- On October 8, 2008 at the *Hearing to Consider Adoptions of Proposed Basin Plan Amendment* at the S.F. Regional Water Quality Control Board meeting, a SFRWQCB Management Staff Member stated :
- “...Lastly, there was the issue about naming some specific entities as **responsible parties**. Our response there is that they are not legally named as responsible parties in the Basin Plan. We draw attention to them in the staff report mainly because they are references that they were identified in the Natural Resource Damage Assessment, and so the bottom line there, though, is that just because we said they may be a party in the staff report does not mean they are.”
- Source : Official transcripts from the California Regional Water San Francisco Quality Control Board Bay Region, October 8, 2008 r 9:00 a.m.
- Item #7 – Hearing to Consider Adoption of Proposed Basin Plan Amendment – Copy of transcripts – pg 47-48 –Director Tom Mumley

SFRWQC Board Member Statement

Community Basis for Understanding

- At the same meeting (*Hearing to Consider Adoptions of Proposed Basin Plan Amendment*) a Regional Board Member stated :
 - “Also, to some extent you have defined the responsibilities. One of the things included, and I am happy about that, the residents are not responsible for clean-up work, but they are responsible to provide access to their place when the workers or the agencies like Santa Clara Valley Water District, or Santa Clara County Parks Division, or something, they want to come and do something about clean-up and stabilization, they will provide access.”

- Source : California Regional Water San Francisco Quality Control Board Bay Region, October 8, 2008 1 9:00 a.m. - Item #7 - Hearing to Consider Adoption of Proposed Basin Plan Amendment - Copy of transcripts - pg 58 -Board Member Dr. Singh

Staff Directions

- At that same meeting the San Francisco Regional Water Quality Control Board directed their staff to revise and include in the Basin Plan Amendment, a statement to clarify downstream property owner's responsibility.
- **Innocent downstream responsibility was not clearly addressed in this revised amendment that you have before you today.**

Community's Concern

- The revised Basin Plan –Amendment was written with the following new statement:
 - “Creekside property owners **are responsible to provide reasonable** access to the creek for project studies, construction and monitoring, and not to take actions on their property that worsen the discharge . **BPA -14 -4th paragraph.**
- **Concern:** My community strongly feels this new statement added only adds **confusion and fear.**
- **Solution:** Adding an additional sentence to insure relief to the innocent down stream creekside owners along the Los Alamitos Creek as intended by the Regional Board management staff and board member statements **would clearly correct the concern.**

Request

- **My community requests you add to the Basin Plan Amendment – BPA-14 section a sentence that reflects the Regional Water Boards intent.**
- **For example:**
“The residents are not responsible for the cost of mercury waste clean-up and restoration work along their creekside. ”

Request

- Today, I request that this current Basin Plan-Amendment **not be adopted** until the intent of the Regional Water Quality Control Board's (RWQCB) comments, which were made to protect the innocent creekside residents, are stated correctly and clearly to end confusion.

Thank you

- My community and I thank you for your time and listening to our concern.
- Dorene
 - New Almaden Resident