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April 21, 2008

Carrie Austin, P.E.
Project Manager – HgTDML in Quadalupe
SFB Water Board
1515 Clay St. # 1400
Oakland, CA 94162

Dear Ms. Austin:

We are homeowners with property abutting Los Alamitos creek in the unincorporated part of Santa Clara County. We have heard indirectly about a process which might require homeowners to do testing on their land and perhaps sometime in the future be responsible for remediation of sources of mercury contamination, if such are found.

We also have been told that public comment is due soon; this seems unusual since the affected public have not been informed of this. The only public information to date involves an upcoming remediation within Quicksilver Park and perhaps some work within Almaden Reservoir.

The property owners along the Alamitos Creek (and for that matter all the tributaries feeding from the mining zone into the watershed) own property which was initially uncontaminated – there is no evidence that significant contamination existed before the mining operations started in the mid-1800s. It has been contaminated by the acts of others, which historically involved the mining company and more recently the effects of remediation (which, while perhaps beneficial in the long run, will likely release trapped contaminants). The contamination downstream, from the mines themselves and from the attempts at remediation, was spread by runoff and by flood.

It is our understanding that the planned remediation within Qucksilver Park will significantly increase contaminated runoff for some time. How can that not further contaminate all properties along the creek?

We have been told that property owners may be responsible for testing and evaluating contamination on their individual properties. This is something that the average homeowner is totally unprepared and untrained for. There was no warning given to people buying residences; there were no pre-sale engineering reports suggesting a problem. There has been no public warning. Since the contamination was completely due to upstream activities, any testing and costs clearly should be covered by the responsible parties or their heirs.

The same holds for remediation. At the present time the rules for what can be done at the creek edge quite stringent and at times conflicting. Fish and Wildlife insist upon absolutely no disturbance. The local water department wants invasive species and potential blockage by downed trees removed for flood reasons. In some areas, the heirs to the mining company (now the county of Santa Clara) still have the right to placer mine in the creek bed. Thus: our property extends to a creek but we have no control over what happens there. We have neighbors who, when asked permission to remove residual spent ore that had washed into the creek banks on their property, were refused. They were told they could not alter the creek banks.

If plans are to place responsibility on every property owner abutting a creek or tributary, then that information needs to be provided to each and every one of them in timely fashion and in plain language that a layman can understand. We are concerned that such an action may produce a large class action lawsuit from the affected parties as well as a vehement input to our political process.

Sincerely,

Amanda Dill

Frederick Dill

Amanda Dill, MD
Frederick Dill, PhD