Mike Boulland
P.O. Box 5
New Almaden, Ca. 95042
408 268 2703
Mikeboulland@yahoo.com

April 21, 2008

Carrie M. Austin, P.E.
Project Manager – Hg TMDL in Guadalupe
SFB Water Board
1515 Clay St. #1400
Oakland, Ca 94612

Email: CAustin@waterboards.ca.gov

Dear Ms. Austin,

As a property owner in New Almaden, I am delighted to have the opportunity to present my remarks about the Regional Water Quality Control Board, San Francisco Bay Region, with my comments regarding the Guadalupe River Watershed Mercury Total Maximum Daily Load (TMDL) Project, Proposed Basin Plan Amendment dated February 2008.

I recognize that the Water Quality Objective 3.3.21 OBJECTIVE FOR SPECIFIC CHEMICAL CONSTITUENTS is set to "*protect our water sources from containing concentrations of chemical constituents in the amounts that adversely affect and designated beneficial use*" will help reduce the selected toxic pollutants from our surface waters. Such an objective, I feel, will protect the health of our natural wildlife and human watershed population.

Over the last several years tremendous amounts of contributors have documented and made scientific reports about the water quality in our Guadalupe Watershed. I recognize these report statistics have been used to establish the above objective.

I am delighted to read that the Water Board encourages all parties to participate cooperatively as a solution to resolve the problem. I am impressed with the suggestion of forming a "*special district*". I suggest, in order to keep the community's present support, this TMDL report needs to address clearly the development of a special utility district to help provide funding. Having this special utility district will help open communication for all responsible parties to work together to resolve the cleanup issues.

It is from this view point that I request clarification of the following issues:

1) The role of individual homeowners is not clear in Phase I. Does "*completing studies to reduce discharge of mining waste accumulated in Alamitos Creek*" as mentioned in the Implementation Plan on BPA-9 includes downstream properties in the Phase One?

2) Could this document make a clearer notation found on BPA-9 as to where the location of the reference of the *Mercury Source Control Actions* and the *Monitoring Programs* may be read? Could this source give an estimate of the cost needed to monitor or control for the average property owner? This information can be useful to encourage the responsible parties to work together to form a special district.

3) In section BPA-10, what amount of sediment mercury fines in the water flow down Los Alamitos Creek would trigger the downstream projects to be undertaken before Phase II would be implemented? Would the legacy mercury sources in the up-stream watershed flow have to be at a .2 mg mercury per kg erodible soil fine levels to activate the trigger of statement of "*mercury discharges from upstream will be eliminated or significantly reduced before downstream projects are undertaken*"? Would this trigger be enforced at a higher sediment level before the Phase II implementation date of 2017?

4) Also, in section BPA-10, please clarify the nonurban storm water runoff monitoring along the downstream properties along Los Alamitos Creek. Would the legacy mercury sources in the up-stream watershed have to have to have storm water runoff flow and blue line creek runoff at a .1 mg mercury per kg suspended sediment level to activate the trigger of the statement "*mercury discharges from upstream will be eliminated or significantly reduced before downstream projects are undertaken*"? Or would the trigger be at a higher sediment level?

5) Please clarify BPA-12 #2 if a site investigation, monitoring, creek bank stability and habitat restoration projects will be required to be completed to "*Develop plans and schedules to control mercury discharges to receiving waters….. Within the first eight years of Phase 1*" or before the stated date of 2017?

6) I understand the center of the Los Alamitos Creek may have depositional mercury deposits. After these areas have been identified through testing, will each of the downstream property owners be forced to continue to monitor and test the water flow through their property? Could this testing be done using cooperative testing sites?

Suggestions

1) I believe a plan needs to be designed to remove the depositional deposits. I feel this will accomplish more effectively and economically the Water Quality Objectives found in this TMDL document.

2) I feel the schedule of due dates of 2008 and 2009 are inappropriate dates for Phase II projects. I am concerned that these dates have not been communicated to the Los Alamitos Watershed community and residents. I feel more information needs to be presented to the community before this document establishes these objective dates.

3) Most of all, I propose the Water Quality Board to work with the community to communicate workable a plan that is acceptable before any deadline dates be set into legal code.

Everyone in my community wants to have clean safe water. I strive to keep our creek healthy and environmentally friendly with River Clean-up Days and Earth Days. Our residents turn out in huge numbers to volunteer to keep Los Alamitos clean and pollution free. I have successfully established a cooperative base to communicate and work with the various public agencies to help them keep the creek free of debris.

In closing I suggest, in order to continue to keep the community's present support, this TMDL report needs to address clearly the development of a special utility district to help provide funding support sources. Having this special utility district will help open communication for all responsible parties to work together to resolve the cleanup issues.

Thank you for this opportunity to allow me to comment and participate in the TMDL process.

Sincerely,

Mike Boulland