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January 23, 2017

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

Subject: Tentative Cleanup and Abate Order for Unpermitted Placement of Fill in a Wetland at Las Colinas Road, Livermore Site, Alameda County

Dear Ms. Whyte,

Your transmittal letter asked for comments on the proposed Tentative Cleanup and Abate Order ("Order") cited above. I am responding on behalf of Dr. Timothy Starkweather.

Dr. Starkweather does not oppose the issuance of an Order. We will cooperate to get a rational cleanup plan approved and implemented as soon as possible.

We do believe there are factual errors in the preamble, and will work with the public representatives to correct their information as we proceed with the cleanup plan. For example, we believe the owners of the two parcels subject to the proposed Order are Joan Auguston Boblitt, Jean Auguston Porlier, William E. Vidalin and Robert Vernon Vidalin, as tenants in common. We question the factual basis for naming Dr. Starkweather as a responsible party. There are other issues that can be better understood, such as that to our knowledge, only clean certified fill was ever brought to the property, under conditions which were believed to be legal agricultural activity at the time those events occurred. The comment period did not allow time for professional analysis of the exact calculation of wetland loss on our part, and the role of the drought in shrinking those wetlands, but if adjustments are needed, those issues can be addressed in preparation of the Restoration and Monitoring Plan.

We also want to direct your attention to the circumstances of the property owners. While there were hopes to create a historic museum on their property, those hopes are unrealistic, and this property will need to remain as a functional agricultural property when the cleanup is done.

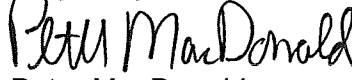
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We are asking that the Restoration and Monitoring Plan be used to coordinate the multiple agencies and permits required to implement this cleanup. While the critics of environmental regulation point to the cacophony of overlapping laws, regulations, agencies and permits, we now have an opportunity together to show how a coherent regulatory process can deliver value to the public, with value defined as quality of environmental restoration divided by the total costs of the process.

We will work with qualified professionals to make your jobs as clean and straightforward as possible. We are cooperating solely so the Vidalin family can be restored to their prior status quo as soon as possible.

We look forward to working with you.

Very Truly Yours,


Peter MacDonald

CC: by email: All those copied with Tentative Order