

July 14, 2010

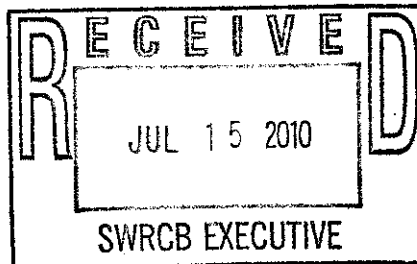
Via Email

commentletters@waterboards.ca.gov

Law Offices of
Hans W. Herb



State Water Resources Control Board
1001 I Street
PO Box 2231
Sacramento, CA 95812



**Re: Underground Storage Tank Case Closure for Kelly Gate Associates
27821 Dutcher Creek Road, Cloverdale**

Dear Board Members:

We have provided commentary on behalf of our clients to almost every proposed SWRCB UST closure since 1994. We have never opposed and always strongly supported such closures at every opportunity. However, in this case, we have some reservations. Our concerns do not relate as much to the technical information provided for the Board's consideration, as much as the quality and source of the information provided.

Specifically, we understand the owners of the property are people who have a "colorful" past. As an example, the primary property owner is reported an individual who was pursued by the California Attorney General for providing false claims to the CA USTCF (Linda Mackey). Another owner is a geologist (Gary Johnson) who lost his right to practice after it was determined he had provide false information in a civil lawsuit related to an UST cleanup.

We do not mean to suggest that the available data would indicate the site is appropriate for closure. Instead, given the questionable credibility of the reputed property owners and the repeated findings of judicial and administrative agencies that these individuals have a pattern and history of providing false data to the State in connection with UST investigations, we are suggesting the Board look carefully at the data submitted.

Unless the Board is 100-percent confident that the data in its files is accurate in all respects (Cal. Water Code § 13267), we suggest the Board err on the side of caution and require confirmation samples of all relevant data.

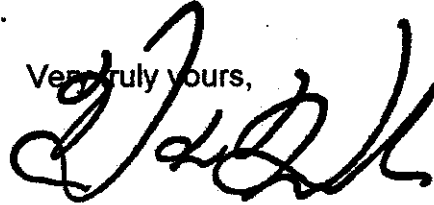
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STATE WATER RESOURCES CONTROL BOARD
RE: 27821 DUTCHER CREEK ROAD, CLOVERDALE
JULY 14, 2010
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Thanks for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Hans W. Herb', written in a cursive style.

Hans W. Herb

HWH:aci

Agencies.SWRCB.Ltr re Kelly Gate.071410