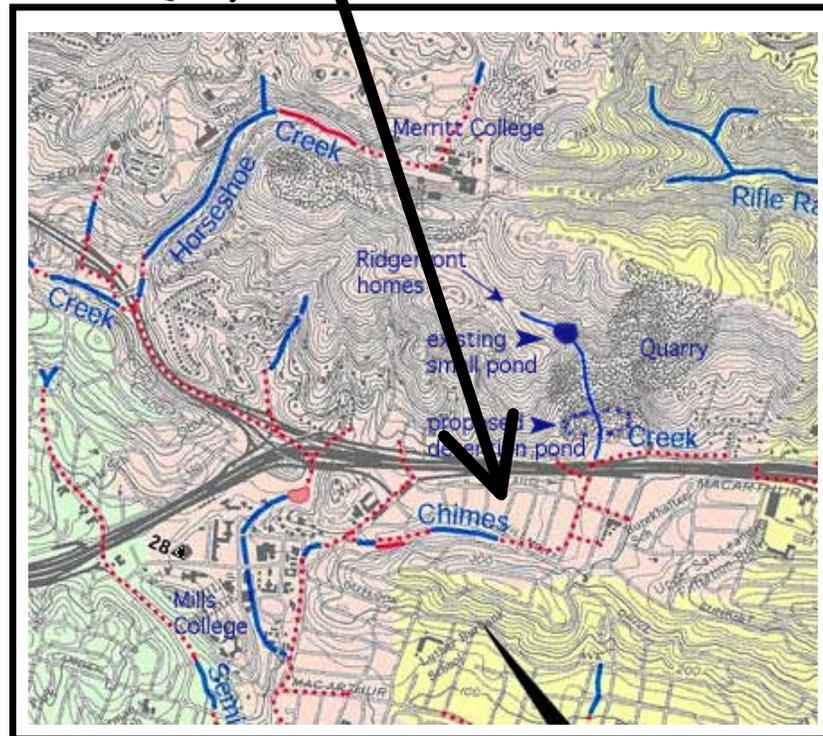


## Chimes Creek is a perennial creek originating in the headwaters above the Leona Quarry ...



While the Quarry was in operation, and before recent construction activities for the new development began, Chimes Creek was “culverted” in a large metal pipe that carried the waters down the hillside, and under the 580 Freeway, to form the main trunk of the storm drain network coursing through the Burkhalter neighborhood. A section of Chimes Creek daylights behind residential properties on Delmont Ave., before going underground to cross Seminary Ave., where it briefly surfaces on the Mills College campus. Chimes Creek joins Horseshoe Creek to form a part of the Lions Creek watershed into the Bay.

The following pages document the contamination of this creek -- despite repeated assurances by City officials of BMP's, inspections and permits -- directly caused by grading activities and lack of enforcement of creek protection measures at the Leona Quarry site.



During the first week of April, residents living along Chimes Creek began to notice mud and silt in the water coming down the creek. Coincidentally, tractors and large machinery were assembling at the Quarry site, beginning to trench and dig, and by April 9, had completely removed the asphalt parking lot at the base of the Quarry.



By April 24, 2004, the corrugated metal pipe had been repositioned to dump creek water onto open grade. Presumably, this was in accordance with the approved "Creek Diversion Plan" required to be in place before the Grading Permit could be issued. (The Grading Permit was issued on Fri, 4/23/04)

The water was collecting into a grassy, foamy muddy pond that was drained by two 6" pipes. It was not clear if the two pipes had any filters to keep contaminants out of the flow. Responding to these pictures the following week, City officials claimed the developer had taken care of this matter by connecting the diversion pipe to the drain pipes to prevent the creek from silt contamination.



As of May 23, 2004, the creek water continues to dump onto open grade. The creek water somehow collects into a narrow ditch (which has apparently replaced the muddy pond) where it is picked up by the 6" drain pipes. City officials continue to assert that this condition was corrected in late April.



Creek water has been leaking through the pipe joints for some time now, as evidenced by the "lush" growth along its drain path.



**Creek leakage is NOT supposed to be part of the Creek Diversion Plan.**



From the narrow ditch, the creek water travels through the 2 black pipes (at the bottom half of the picture) and drains into the storm drain system. A sorry-looking silt fence (BMP??) has been installed to keep the silt out of the intake basin.

In the background is a flex pipe that is used for pumping in muddy groundwater that has accumulated in the excavated pits nearby.

A closeup of the drain pipes show silt and sediment that has settled since Friday afternoon when construction activities ceased for the weekend. This image was taken on Sunday, May 23, 2004.



Since April 6, 2004, residents along Chimes Creek have been observing silty, contaminated water coming through the storm drain into the Creek. Periodically the water level fluctuates along with a swelling of reddish brown sediment that leaves its mark at the high point, much like a scum-filled bath tub ring.

Our local councilperson, Desley Brooks, insists that this is only “normal” Quarry activity. According to her assistant, Mica Miro, there are experts who are monitoring the situation and we should trust them and let them do their job without us “nitpicking” and “looking over their shoulder.”

City officials continue to maintain that the water coming out of the construction site is clean because they “personally” checked the manholes, and they have been assured - by the contractor - that the creek has been properly diverted.

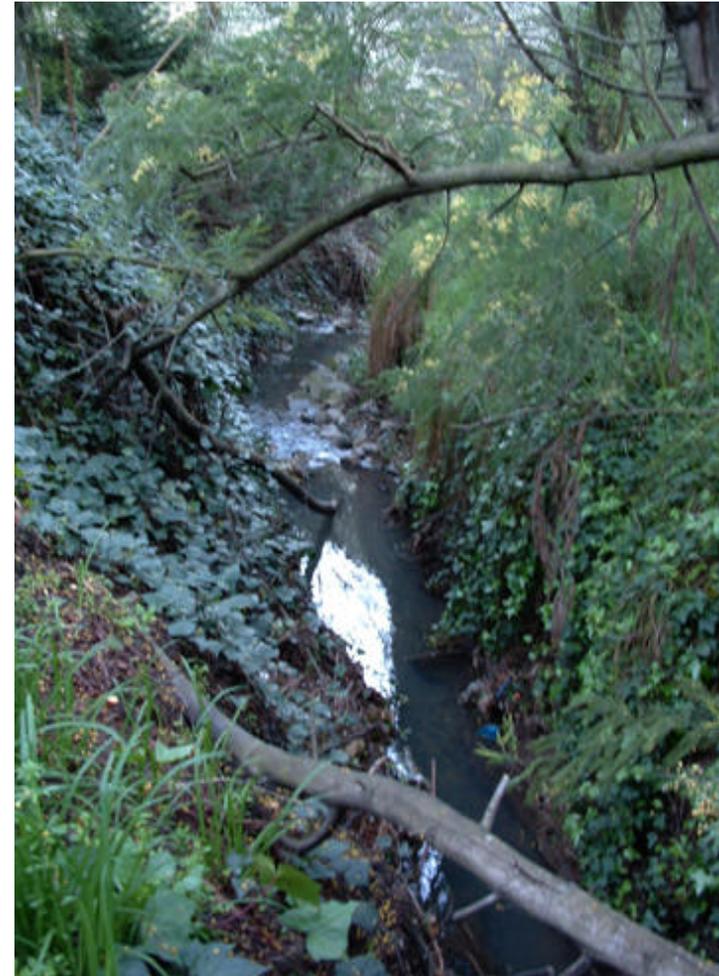
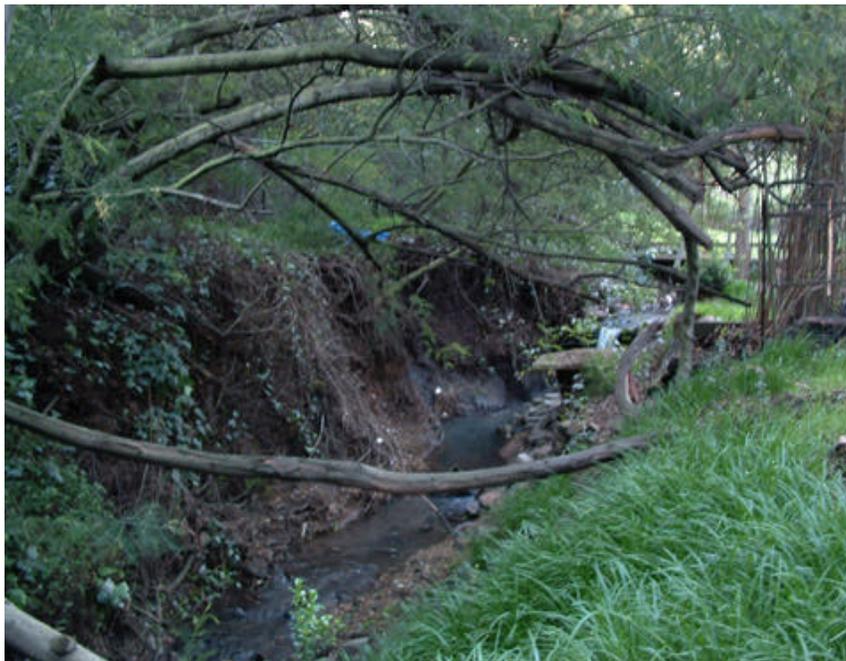
On Friday, May 14, the City Inspector, Jun Osalbo came to Delmont Ave. where he observed the contaminated flow. He invited Mark Brest van Kempen and myself to go to the site later that day to see what was happening -- but at 2 pm, when Mr. Osalbo returned as promised, he informed us that we could not go, but instead, we would review the stormdrain map that he brought with him. It is still not clear why he did not wish to visit the site that day.

As of May 27, the City still cannot explain why the corrugated metal pipe continues to dump the creek onto open grade, nor can they explain why the diversion pipes are transporting mud and silt from the open ditch. Mr. Osalbo now claims the pipe was properly connected, but has been severed only since this past Tuesday.



These are images of Chimes Creek in early March this year, one month before grading activities began at Leona Quarry. The water fluctuates with the seasonal rains and storms, but for most of the year during the dry months, it runs constant - - and surprisingly clear. The erosion that can be seen in the picture below is a result of winter storms that overtax the fragile banks. Residents along the creek have periodic work parties to clean up the creek, picking up trash and debris carried through by the storm drains.

We care about this creek.



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