

**Exhibit 10**

-----Original Message-----

From: Mark Brest van Kempen [mailto:mbvk@sbcglobal.net]

Sent: Wednesday, December 28, 2005 12:58 PM

To: Mark Brest van Kempen; Ward, Ron (PWA); Osalbo, Faustino Jun

Cc: Brooks, Desley; Nadel, Nancy; Uzegbu, Marcel; Estes, Lesley; Schwarz, Alison; 'klichten@waterboards.ca.gov'; 'friendsof2creeks@yahoo.com';

'nannystu@pacbell.net'; Neary, Mike; Office of the Mayor;

'gantenbein@n-h-i.org'; 'chiye@cazuma.com'; Lau, David W;

'jean@jeanquan4council.org'; 'cityochang@aol.com'; 'Barbara Sutherland ';

rrcollins@n-h-i.org; Mirsaedi, Emad; nancy peterson; Movassaghi, Maziar;

Cappio, Claudia; McGill, Phillip; tcaspers@cctimes.com

Subject: Re: Chimes Creek turbidity and pumping

Correction: the extremely turbid water released into Chimes Creek was 480 NTU, not 700-800 NTU as previously stated below.

on 12/28/05 12:46 PM, Mark Brest van Kempen at mbvk@sbcglobal.net wrote:

> Ron,

>

> Chimes Creek is opaque with silt again after this last storm.

> According to City inspector the detention pond is overflowing this

> morning and overflowed this past Sunday releasing extremely turbid

> water (in the 700-800 NTU range) into Chimes Creek.

>

> Is this now acceptable?

>

> The sanitary sewer manhole on Oakdale ave that we keep telling the

> City about is spewing raw sewage into the Creek. This is the same line

> that will take on the additional 470 households being built in the

> development.

>

> Over a cubic yard of my property collapsed into the creek from this

> latest flash flood from the quarry. I have never seen erosion like

> this here even in much worse storms.

>

> The contractors seem to be pumping water from the Quarry night and day

> and still the pond overflows whenever it rains.

>

> Nobody in the community as far as I know has heard anything from

> DeSilva Gates regarding damage from the last release. (From David

> Lau's email: "We have directed DSG to make contacts with the private

> property owners.")

>

> And we still have yet to hear the rationale that the City used when

> issuing a Category II Creek Permit for work that included a large

- > amount of earthwork within 100 feet of Chimes Creek.
- >
- > Please respond to these issues as the community is very upset and
- > concerned about future storms.
- >
- > Thank you,
- >