

APPENDIX D

NFA Letter for Agricultural Repair Shop USTs





California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



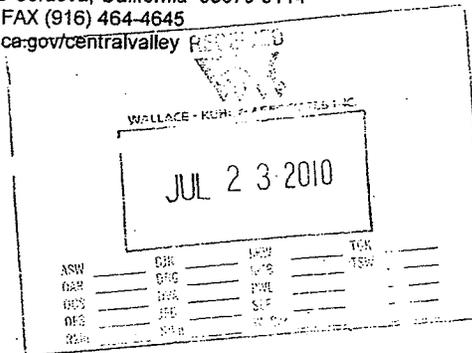
Linda S. Adams
Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor

16 July 2010

Mr. Ryan Nakkèn
Clark Pacific
1980 South River Road
West Sacramento, California 95691



NO FURTHER ACTION REQUIRED, FORMER UNDERGROUND STORAGE TANKS, FORMER SPRECKELS AGRICULTURAL REPAIR SHOP, 40600 COUNTY ROAD 18C, WOODLAND, YOLO COUNTY (LUSTIS NO. 570342)

This letter confirms the completion of a site investigation and corrective action for the former underground storage tanks system at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the underground storage tanks are greatly appreciated.

Based on the information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your former underground storage tanks site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code.

Please contact Mr. David Stavarek at (916) 464-4673, or by e-mail at dstavarek@waterboards.ca.gov if you have any questions regarding this matter.

PAMELA C. CREEDON
Executive Officer

Enclosures (Memorandum and NFAR Checklist)

cc w/encs.: Mr. Mark Owens, SWRCB, UST Cleanup Fund, Sacramento
Ms. Barbara Rinker, SWRCB, UST Cleanup Fund, Sacramento
Mr. Jeff Pinnow, Yolo County Environmental Health Services, Woodland
Ms. Mari O'Brien, Wallace-Kuhl & Associates, Inc., West Sacramento

dfslc:\proj\570342LN FAR

California Environmental Protection Agency





California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Secretary for
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Arnold
Schwarzenegger
Governor

TO: Jim Munch, P.E.
Senior Engineer
UST Program

FROM: David Stavarek, P.G.
Engineering Geologist
UST Unit II

DATE: 11 January 2010
Updated 7 July 2010

SIGNATURE: 

SUBJECT: **NO FURTHER ACTION REQUIRED, FORMER SPRECKELS SUGAR PLANT
AGRICULTURAL REPAIR SHOP, 40600 COUNTY ROAD 18C, WOODLAND,
YOLO COUNTY (LUSTIS NO. 570342)**

I reviewed our case file and the 29 May 2009 *Subsurface Investigation Report of Findings and No Further Action Request (Report)*, prepared by Wallace-Kuhl & Associates, Inc. (WKA) on behalf of the Responsible Party and current property owner, Reverse Exchange Properties Inc./Clark Pacific. Following is a summary and my comments regarding this case and the criteria for issuing a No Further Action Required (NFAR) letter. See attached copy of WKA's Figures 1, 2, and 3 for location of site, site features, borings, and monitoring wells.

BACKGROUND

The Former Agricultural Repair Shop (FAGRS) area is an approximately 150 by 260 feet area near the center of the Former Spreckels Sugar Plant. The Former Spreckels Sugar Plant operated as a sugar processing facility from 1936 until 1996. In 2002, the property was sold to Sugarland Farms LLC, and then in 2008 to Reverse Exchange Properties Inc. Clark Pacific concrete products currently occupies the Former Spreckels Sugar Plant, but they have shut down operations at this location.

The FAGRS is currently a dirt covered area with a beet seed warehouse, a mechanical repair shop building, and a vehicle wash rack. WKA indicated in a 2008 Phase I Environmental Site Assessment report that three underground storage tanks were removed from the site in 1988 under permit from Yolo County Environmental Health Services (YCEHS). The three USTs consisted of an 8,000-gallon regular gasoline tank, 6,000-gallon unleaded gasoline tank, and 1,200-gallon waste oil tank; there were no records of when the USTs were installed nor at the time of their removal.

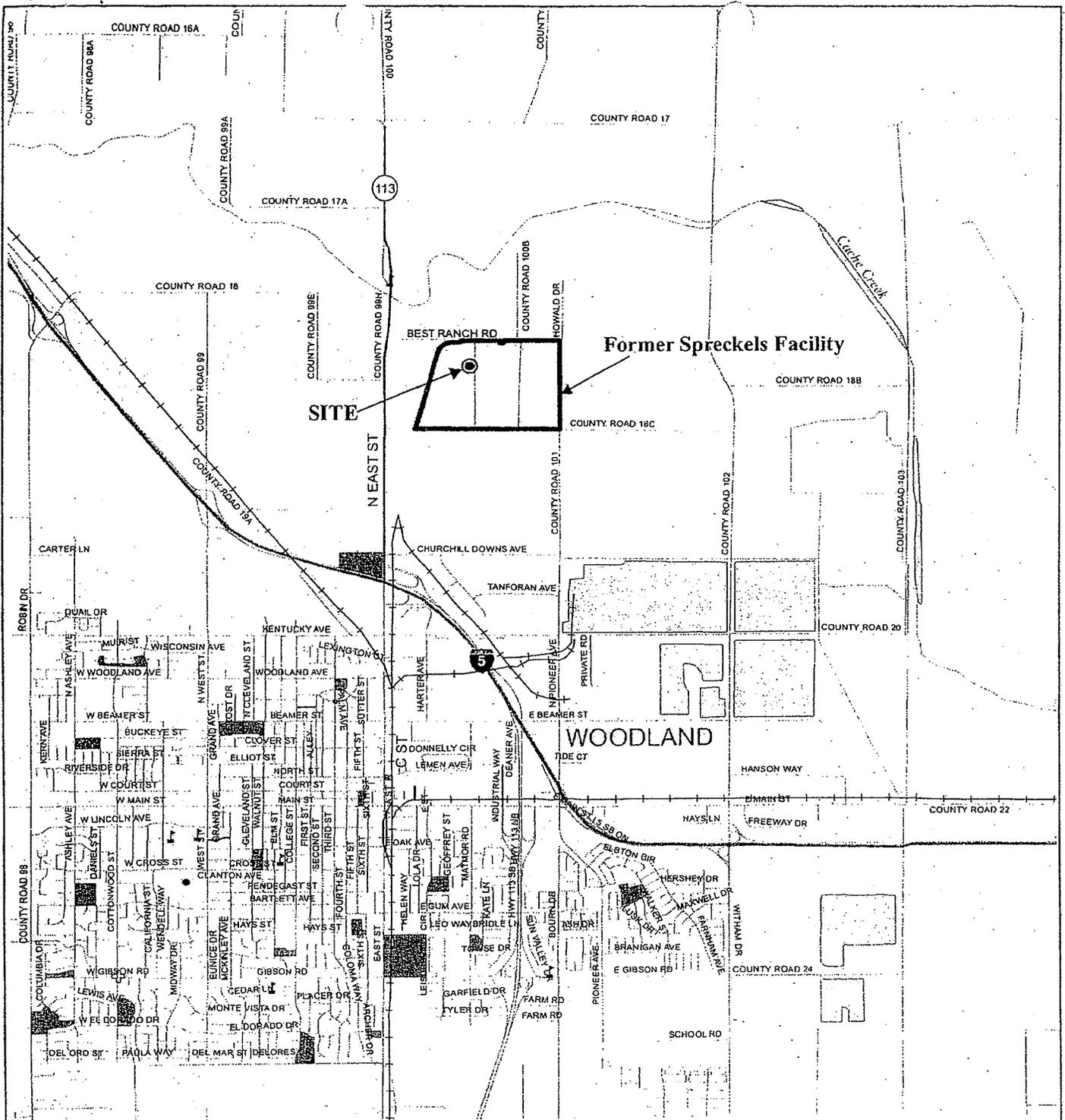
INVESTIGATIONS

A total of 12 borings, monitoring wells were installed in four of the borings, have been used to investigate the soil and groundwater beneath the FAGRS area since December 2007. Soil results indicated 2.1, 1.9, 1.2, 6.5, and 1.2 milligrams per kilogram of total petroleum hydrocarbon as diesel (TPHd) 21, 20.5, 18, 14, and 21 feet below ground surface (bgs), respectively, in soil beneath the FAGRS area. Gasoline hydrocarbons including oxygenates,

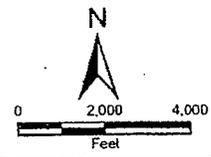
California Environmental Protection Agency

groundwater monitoring wells surrounding the grab sample locations were non-detect for all constituents. As indicated above, the laboratory indicated that diesel hydrocarbons detected (in the grab samples) were higher boiling point than typical diesel. Further, the grab groundwater samples were also subject to a result of mixed media (soil and water) interference and were not as representative of actual groundwater conditions, as were the installed monitoring wells. As such, the heavier hydrocarbons present in groundwater do not pose a threat to water quality and human health. All groundwater monitoring wells were properly abandoned on 13 and 14 May 2010. It was estimated that approximately three pounds of TPH remain in soil and 0.13 pounds in groundwater, and this TPH will continue to degrade over time.

All appropriate documents have been submitted to Geotracker, and the Yolo County Environmental Health Service and the current property owner have no concerns regarding case closure. As such, I concur with WKA's and Reverse Exchange Properties Inc./Clark Pacific's request for closure, and recommend that a NFAR letter be issued for closure of this case.

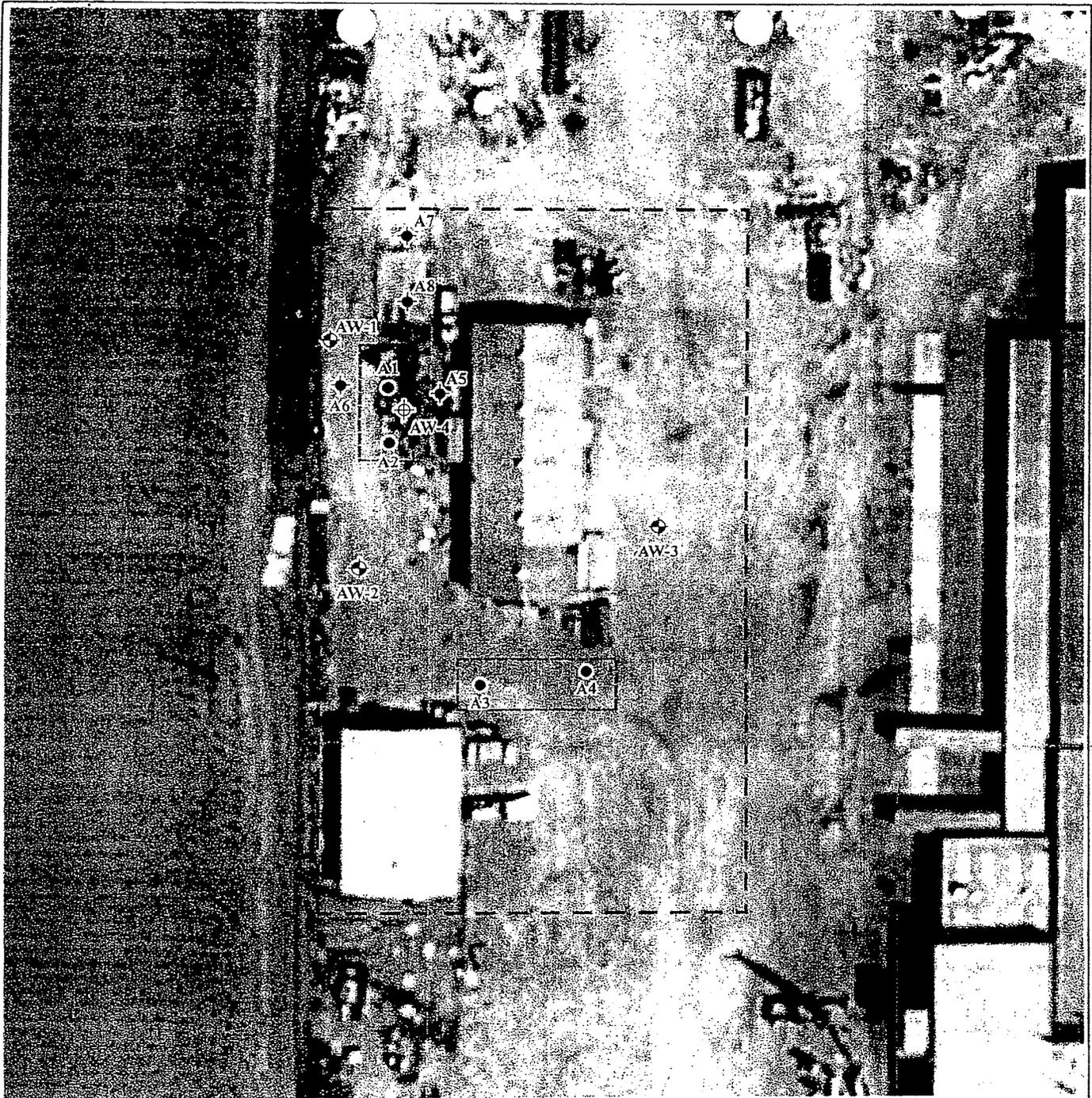


Adapted from Data Provided By Yolo County, 2007
 Projection: NAD 83, California State Plane, Zone 11



VICINITY MAP
FORMER SPRECKELS SUGAR FACILITY
AGRICULTURAL REPAIR SHOP AREA
 Woodland, California

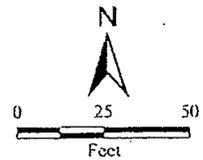
FIGURE 1	
DRAWN BY	TJC
CHECKED BY	MOB
PROJECT MGR	SA
DATE	5/09
WKA NO. 7864.13	



Projection: NAD 83, California State Plane, Zone II

LEGEND

- ⊕ Deep monitoring well
- ⊖ Shallow monitoring well
- Approximate soil boring location (December 14, 2007)
- ◆ Approximate soil boring location (February 11, 2008)
- ▭ Potential former tank location
- - - Site boundary



SITE PLAN
FORMER SPRECKELS SUGAR FACILITY
AGRICULTURAL REPAIR SHOP UST AREA
 Woodland, California

FIGURE 3	
DRAWN BY	TJC
CHECKED BY	MOB
PROJECT MGR	SAA
DATE	5/09
WKA NO. 7864.13	

TABLE 2
 Summary of Hydrocarbon Analytical Results for Grab Groundwater Samples collected on December 13, 14, & 17, 2007
 Concentrations reported in micrograms per liter (ug/L)

Sample Designation	Sample Date	EPA 8015V				EPA 8260B					
		TPHd		TPHmo		TPHg	Benzene	Toluene	Ethylbenzene	Total Xylenes	MTBE
		w/o silica gel	w/ silica gel	w/o silica gel	w/ silica gel						
A-1	12/17/2007	960	440	2200	2100	<50	<0.50	<0.50	<0.50	<0.50	<0.50
A-2	12/17/2007	76	<50	<100	n.a.	<50	<0.50	<0.50	<0.50	0.61	<0.50
A-3	12/14/2007	62	<50	160	<100	<50	<0.50	<0.50	<0.50	<0.50	<0.50
A-4	12/13/2007	68	<50	<100	n.a.	<50	<0.50	1.5	<0.50	<0.50	<0.50
A5	2/11/2008	210	110	590	320	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
A6	2/11/2008	2300	1200	12000	10000	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
A7	2/11/2008	110	<50	<100	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
A8	2/11/2008	110	<50	<100	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
ESL		640	640	640	640	26	0.0362	63	420	150	4

Notes:

- TPHd = Total Petroleum Hydrocarbons-as-Diesel
- TPHmo = Total Petroleum Hydrocarbons-as-motor-oil
- TPHg = Total Petroleum Hydrocarbons-as-gasoline
- MTBE = Methyl-tert-Butyl Ether
- ESL = Environmental Screening Level as set by San Francisco Bay Regional Water Quality Control Board
- n.a. = not analyzed

**TABLE 4
GROUNDWATER ANALYTICAL RESULTS
HYDROCARBONS AND ADDITIVES
Former Spreckels Agricultural Repair Shop UST Area
40600 County Road 18C
Woodland, California
WKA No. 7864.13**

Concentrations reported in micrograms per liter (µg/L)

SAMPLE DATA		EPA 8015M	EPA 8260B																		
Sample Designation	Date Sampled	TPHd	TPHg	Benzene	n-Butylbenzene	sec-Butylbenzene	tert-Butylbenzene	Isopropyl benzene	Toluene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Ethylbenzene	Total Xylenes	MTBE	DIPE	ETBE	TAME	tert-Butanol	1,2-Dibromoethane	1,2-Dichloroethane	
AW1	2/25/2009	<50	<50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50
AW2	2/25/2009	<50	<50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50
AW3	2/25/2009	<50	<50	<0.50	na	na	na	na	<0.50	na	na	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	na	na
AW4	2/25/2009	<50	<50	<0.50	na	na	na	na	<0.50	na	na	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	na	na
Water Quality Numerical Limits																					
California Primary MCL				1.0					150			300	1750	0.4					1000	0.5	
California Public Health Goal (OEHHA)				0.15					150	330	330	300	1800	13					100	0.4	0.4
Amore and Hantala Applied Tox. Vol. 3, No. 6, 1983				170				0.8		15	15				0.8			290,000		7,000	
California Drinking Water Action Level					260	260	260														
Federal Register, Vol. 54, No. 97, pp. 22138-22139									42			29	7								
USEPA IRIS Reference Dose								700													
USEPA Superfund Provisional Reference Dose		56-140																			
Taste and Odor Threshold from USEPA Health Advisory		100																			
USEPA Superfund Provisional Cancer Slope Factor			2																		
McKee & Wolf Water Quality Criteria SWRCB # 230																					
California Secondary MCL																					

Notes:
 USEPA or EPA = United States Environmental Protection Agency
 TPHd = Total petroleum hydrocarbons-as-diesel
 TPHg = Total petroleum hydrocarbons-as-gasoline
 MTBE = Methyl-tert-butyl ether
 DIPE = Diisopropyl ether
 ETBE = Ethyl-tert-butyl ether
 TAME = Tert-amyl methyl ether

Water Quality Numerical Limits per the Tri-Regional Appendix A
 MCL = Maximum Contaminant Level
 OEHHA = Office of Environmental Health Hazard Assessment
 IRIS = Integrated Risk Information System
 SWRCB = State Water Resources Control Board
 na = not analyzed

**TABLE 1 - CHECKLIST OF REQUIRED DATA
FOR NO FURTHER ACTION REQUESTS AT UNDERGROUND STORAGE TANK SITES**

Site Name and Location:		Former Spreckels Sugar Ag Shop, 40600 Co. Rd. 18C, Woodland, Yolo County						
<input checked="" type="checkbox"/>	1. Distance to production wells for municipal, domestic, agriculture, industry and other uses within 2000 feet of the site;	Five water supply wells within 2,000 feet of site, but petroleum hydrocarbons are largely non-detect beneath the site, therefore, no threat to supply wells.						
<input checked="" type="checkbox"/>	2. Site maps, to scale, of area impacted showing locations of former and existing tank systems, excavation contours and sample locations, borings and monitoring wells elevation contours, gradients, and nearby surface waters, buildings, streets, and subsurface utilities;	Yes, see reports; 24 Jan 2008, 28 Feb 2008, and 29 May 09.						
<input checked="" type="checkbox"/>	3. Figures depicting lithology (cross section), treatment system diagrams;	Yes, see Reports listed in item 2.						
<input checked="" type="checkbox"/>	4. Stockpiled soil remaining on-site or off-site disposal (quantity);	No, no Soil from UST work onsite.						
<input checked="" type="checkbox"/>	5. Monitoring wells remaining on-site, fate;	No, all 4 groundwater monitoring wells destroyed by 13 and 14 May 2010.						
<input checked="" type="checkbox"/>	6. Tabulated results of all groundwater elevations and depths to water;	Yes, see 29 May 2009 Report.						
<input checked="" type="checkbox"/>	7. Tabulated results of all sampling and analyses:	See 29 May 09 report and others listed in item 2.						
<input checked="" type="checkbox"/>	Detection limits for confirmation sampling							
<input checked="" type="checkbox"/>	Lead analyses							
<input checked="" type="checkbox"/>	8. Concentration contours of contaminants found and those remaining in soil and groundwater, and both on-site and off-site:	See reports listed in item 2.						
<input checked="" type="checkbox"/>	Lateral and			<input checked="" type="checkbox"/>	Vertical extent of soil contamination			
<input checked="" type="checkbox"/>	Lateral and			<input checked="" type="checkbox"/>	Vertical extent of groundwater contamination			
<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				
<input type="checkbox"/>	9. Zone of influence calculated and assumptions used for subsurface remediation system and the zone of capture attained for the soil and groundwater remediation system;	No active remediation.						
<input checked="" type="checkbox"/>	10. Reports / information	<input checked="" type="checkbox"/>	Unauthorized Release Form	<input checked="" type="checkbox"/>	QMRs	see reports 1989 through 2009		
	<input checked="" type="checkbox"/>	Well and boring logs	<input type="checkbox"/>	PAR	<input type="checkbox"/>	FRP	<input checked="" type="checkbox"/>	Other
<input checked="" type="checkbox"/>	11. Best Available Technology (BAT) used or an explanation for not using BAT;	UST removal and natural attenuation.						
<input checked="" type="checkbox"/>	12. Reasons why background was/is unattainable using BAT;	Petroleum hydrocarbons largely non-detect in soil and groundwater, natural attenuation has degraded residual hydrocarbons.						
<input type="checkbox"/>	13. Mass balance calculation of substance treated versus that remaining;	Concentrations detected indicates no mass remaining in subsurface see report 29 May 09.						
<input type="checkbox"/>	14. Assumptions, parameters, calculations and model used in risk assessments, and fate and transport modeling;	See 29 May 2009 Report for Site Closure.						
<input checked="" type="checkbox"/>	15. Rationale why conditions remaining at site will not adversely impact water quality, health, or other beneficial uses.	Petroleum hydrocarbons left are largely non-detect						
<input type="checkbox"/>	16. WET or TCLP results	See reports						
By: DFS	Comments: In 1988 a 1,200-gal waste oil, 8,000-gal and 6,000-gal gasoline USTs were removed. Initial investigations in December 2007 and February 2008 indicated low concentrations of petroleum hydrocarbons. Subsequent soil and groundwater investigations indicated no apparent threat to groundwater or human health. Therefore, all monitoring wells were destroyed on 13 and 14 May 2010, and documents entered into Geotracker, therefore, closure is warranted.							
Date:  8 July 2010								

YOLO COUNTY ENVIRONMENTAL HEALTH
 UNDERGROUND STORAGE TANK
 PERMIT TO OPERATE APPLICATION

DEC 2 - 1988

Owner: Amstar Corporation, Spreckels Sugar Division

Mailing Address: P.O. Box 2240

City: Woodland State: California Zip: 95695

Facility Name: Spreckels Sugar Factory 3

Address: County Road 18C

City: Woodland

Number of Tanks Active: 6 inactive: 0

Please indicate which monitoring alternative (1-7) will be used for each tank:

Container No.	Capacity	Location	Contents	Monitoring Alternative
201Q-1	5,000 gal.	Farm	diesel	exempt status ¹⁷ REMOVED 8- 27 87
201Q-2	1,000 gal.	Farm	diesel	exempt status REMOVED 8-14-87
542Q-1	1,000 gal.	Maint.	reg. gas	#5 REMOVED 8-17-87
417Q-1	8,000 gal.	Ag shop	reg. gas	#5 - Abandoned 10/21/88 (Removed)
417Q-2	6,000 gal.	Ag shop	unleaded gas	#5 - Abandoned 10/21/88 (Removed)
417Q-3	1,200 gal.	Ag shop	waste oil	request closure permit - Abandoned 10/21/88 (Removed)

"This information is true to the best of my knowledge."

"These tanks have been registered with the State Water Resources Control Board."

Signature: Joan F. Woerner Date: 11-27-85
 Print Name: Joan F. Woerner Title: Industrial Relations Mgr. Phone: (916)662-3261

NOTE: TANK NO 7 WAS FOUND DURING AUG 1987 REMOVALS
 THIS TANK WAS FULL OF WASTE OIL. THE OIL WAS
 REMOVED BY A LICENSED RECYCLER AND THE TANK
 REMOVED. NO EVIDENCE OF CONTAMINATION OBSERVED

JWA
 9/24/87

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE M / M / D / D / Y / Y		CASE #		SIGNED _____ DATE _____		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT MR. RYAN NAKKEN		PHONE (916) 371-0305		SIGNATURE	
	REPRESENTING <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OTHER LAND OWNER		COMPANY OR AGENCY NAME CLARK PACIFIC			
	ADDRESS 1980 SOUTH RIVER ROAD, WEST SACRAMENTO, CA 95691					
RESPONSIBLE PARTY	NAME <input type="checkbox"/> UNKNOWN		CONTACT PERSON		PHONE ()	
	ADDRESS STREET CITY STATE ZIP					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) FORMER SPRECKELS AG SHOP		OPERATOR SPRECKELS SUGAR		PHONE () N/A	
	ADDRESS 40600 COUNTRY ROAD 18C WOODLAND YOLO 95776					
	CROSS STREET N. EAST STREET					
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME YOLO COUNTY ENVIRONMENTAL HEALTH // MOUSHUMI HASEN		CONTACT PERSON DAVID STAVAREK		PHONE (530) 666-8646	
	REGIONAL BOARD CENTRAL VALLEY REGIONAL BOARD		CONTACT PERSON DAVID STAVAREK		PHONE (916) 464-4673	
SUBSTANCES INVOLVED	(1) NAME		QUANTITY LOST (GALLONS)			
	1. UNLEADED GASOLINE		6,000-GALLON TANK 417Q-2		<input checked="" type="checkbox"/> UNKNOWN	
	2. REGULAR GASOLINE		8,000-GALLON TANK 417Q-1		<input checked="" type="checkbox"/> UNKNOWN	
3. WASTE OIL		1,200-GALLON TANK 417Q-3		<input checked="" type="checkbox"/> UNKNOWN		
DISCOVERY/ABATEMENT	DATE DISCOVERED 0 M / 1 W / 1 D / 0 Y / 8 Y		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> OTHER			
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE: 1 M / 0 W / 2 D / 1 Y / 8 Y		TANKS REMOVED			
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input checked="" type="checkbox"/> OTHER (OT) UNKNOWN AT THIS TIME					
COMMENTS	_____					



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

Linda S. Adams
Secretary for
Environmental
Protection

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<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

19 October 2009

Attached Distribution List

NOTIFICATION OF PROPOSED LEAKING UNDERGROUND STORAGE TANK (LUST) CASE CLOSURE, FORMER SPRECKELS SUGAR PLANT AGRICULTURAL REPAIR SHOP UST AREA, 40600 COUNTY ROAD 18C, WOODLAND, YOLO COUNTY (LUST CASE #570342)

Staff at the Central Valley Regional Water Quality Control Board is considering closure of LUST Case No. 570342 for the unauthorized release of petroleum hydrocarbons (diesel and motor oil) at 40600 County Road 18C, Woodland, California. In 1988, three (3) underground storage tanks (USTs) and associated dispensers and piping were removed from the subject site. During a property transfer assessment in 2007 and 2008, diesel and motor oil hydrocarbons were detected in soil and grab groundwater samples below and near the former USTs. Further investigation of soil and groundwater (using shallow and deep monitoring wells) indicated that only trace concentrations of diesel hydrocarbons remain in soil, but petroleum hydrocarbons including semi-volatile organic compounds were not detected in groundwater. Because the minimal remaining concentration levels in soil do not adversely impact groundwater quality or human health and safety at the subject and adjacent properties, *no further action* related only to the former USTs is being considered at this time. However, the case will remain open to allow time for you as affected/interested parties and property owners to comment on the proposed case closure. **This notice must also be posted in a public viewing area at the Clark Pacific company office at this site in Woodland.** If you have any comments regarding **only the closure of this UST case**, please submit them to me by **11 December 2009** at the following address:

**Regional Water Quality Control Board – Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670**

Once your comments are received, we will review them to determine the proper forum to address your concerns. If your comments are not received by the specified date, we will complete our case closure process and issue a *No Further Action Required* letter to the parties responsible for the site.

If you have any questions, I can be contacted at (916) 464-4673, or reached by e-mail at dstavarek@waterboards.ca.gov.

DAVID F. STAVAREK, P.G.
Engineering Geologist
UST Enforcement Unit II

dfs\c:\PROJ\570342PP001

California Environmental Protection Agency



APPENDIX E
Draft Cease and Desist Order



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CEASE AND DESIST ORDER R5-2012-XXX

FOR
CLARK STRUCTURAL, LLC AND CLARK PACIFIC CORPORATION
FORMER SPRECKELS SUGAR COMPANY FACILITY
YOLO COUNTY

DRAFT

TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, ("Central Valley Water Board" or "Board") finds that:

1. On 14 March 2003, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order R5-2003-0047, for the former Spreckles Sugar facility. The WDRs include compliance schedules for the removal and characterization of Precipitated Calcium Carbonate (PCC) from various ponds and storage piles.
2. The facility covered approximately 230 acres and is located outside of Woodland, at the intersection of County Roads 101 and 18C. The facility was formerly owned by Imperial Sugar Company and formerly operated by Holly Sugar Corporation doing business as Spreckels Sugar Company. The facility operated from 1937 until 2000, and manufactured sugar from sugar beets.
3. Clark Structural, LLC currently owns the portion of the facility that is subject to this Order (Assessor Parcel Numbers 027-250-051, 027-250-191, and 027-250-061). Clark Pacific Corporation operates the facility. Clark Structural, LLC and Clark Pacific Corporation are hereafter collectively referred to as "Discharger". The Central Valley Water Board adopted Name Change Order R5-2012-xxx on ___ August 2012 to revise WDRs Order R5-2003-0047 to reflect the current owner and operator of the facility. The Discharger is responsible for compliance with WDRs Order R5-2003-0047.
4. Prior to the end of 2000, Spreckles Sugar Company generated wastewater that was discharged to land at an average rate of 2.6 million gallons per day. The primary waste streams were generated from beet "washwater" and from slurried PCC; the waste was managed in mud settling ponds, PCC ponds, PCC waste piles, and irrigated cropland. This Order applies to the PCC waste piles only, since the discharge of waste ceased in 2000, and the mud settling ponds and PCC ponds have been remediated and closed to the satisfaction of the Board.
5. Provision 3.e of WDRs Order R5-2003-0047 states: *By 15 December 2006 complete and submit a report that documents that all remaining stockpiled PCC has been removed from the storage area.*

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6. Provision 3.f of WDRs Order R5-2003-0047 states: *By 15 August 2007 complete and submit a report that presents the results of PCC storage area confirmation sampling and an interpretation of the data that compares the results of background quality, and assesses the need to remediate and/or close the storage area. If applicable, the report shall also discuss any soil over-excavation performed to remove additional impacted native material.*

HISTORY OF REMOVAL OF PCC

7. According to an aerial survey performed in 2005 by Sugarland Farms, LLC (a former property owner and operator) approximately 305,000 tons of PCC remained on-site. In August 2005, Sugarland Farms, LLC contracted with a third party to remove a minimum of 50,000 tons per year or more if market conditions allow. PCC has a number of beneficial uses. In the agricultural industry, it is used as a soil conditioner to raise the pH of acidic soils and as a fertilizer. At dairies, PCC is used to prevent mastitis and control flies. It can also be used in the power generation industry at biomass plants to control combustion emissions.
8. The WDRs required that the remaining PCC piles be completely removed from the site by 15 December 2006. In a letter dated 7 August 2006, Sugarland Farms, LLC requested a five year extension.
9. In a letter dated 16 August 2006, Central Valley Water Board staff stated that the WDRs would not be revised, but indicated that staff would not propose enforcement as long as Sugarland Farms, LLC removed the PCC piles remaining at an annual rate of 50,000 tons per year. Following this schedule, the PCC would be removed by 2011.
10. Sugarland Farms, LLC sold the property to Reverse Exchange Properties February 2008. Reverse Exchange Properties sold the property to Clark Structural, LLC in May 2010. Clark Pacific Corporation began operating the property in early 2008. As owner and operator, Clark Structural, LLC and Clark Pacific Corporation are responsible for maintaining compliance with the WDRs, which includes PCC removal and site cleanup.
11. On 11 April 2012, staff conducted an inspection of the PCC piles. Staff observed that the Discharger was relocating one of the PCC piles to form a compacted, low profile stockpile. However, a significant volume of PCC remained in a loose, un-compacted state that could be subject to wind and precipitation events.
12. Board staff also reviewed the Second Half 2011 Semi-Annual Report, which stated that the Discharger had removed approximately 36,000 tons of PCC during 2011. According to the Semi-Annual Reports, between 2008 and the end of 2011, the Discharger removed approximately 142,000 tons of PCC, or an average of 35,500 tons/yr. The Second Half 2011 Semi-Annual Report estimated that approximately 60,000 tons of PCC remained on-site.

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13. Staff met with the Discharger on 27 April 2012 to discuss compliance issues. During the meeting the Discharger disclosed that a recent survey found that approximately 120,000 tons of PCC remained on-site, as compared to the 60,000 tons reported in the 2011 Annual Report. The Discharger stated that PCC is only removed from the site as market conditions allow.
14. A Notice of Violation was issued on 30 April 2012 for non-compliance with Provisions 3.e and 3.f of the WDRs. The NOV required the submittal of a work plan and proposed schedule of PCC removal and phased cleanup.
15. On 18 May 2012, the Discharger submitted a work plan and schedule for removal of the PCC. This Order incorporates the Discharger's removal schedule.
16. During May 2012, the Discharger conducted a survey of the PCC piles to determine a more precise estimate of the volume of PCC remaining on-site. According to the Discharger, previous estimates were low and the May 2012 survey shows that approximately 212,000 tons of PCC remain on-site.
17. According to the Discharger, the current market demand for PCC would support the removal of 60,000 tons per year. The Discharger has divided the PCC piles into three areas for phased cleanup; these areas are identified as Areas A, B, and C (see attachment A, which is attached hereto and made part of this Order by reference). Current volumes of PCC in each area, based on the May 2012 survey, are listed below, as a proposed cleanup dates.

VOLUME OF PCC REMAINING AND PROPOSED CLEANUP DATES

Area	Volume (cubic yards)	Proposed Cleanup
A	83,640	1 August 2012
B	96,765	1 January 2016
C	24,580	1 April 2013

18. In addition to a phased removal of the PCC, the Discharger has proposed to conduct a phased cleanup of the PCC storage area and conduct a phased soil confirmation sampling program to meet the requirements of Provision 3.f of the WDRs and to support a "No Further Action" request. This Order incorporates the Discharger's schedule of PCC removal and phased cleanup.
19. The Discharger has not met the schedule in WDRs R5-2003-0047, which is a violation of the WDRs. This Order provides a revised schedule for the Discharger to complete the removal of PCC from the site through a phased cleanup of the PCC storage Area A during the summer of 2012, with the remaining removal and cleanup of Area C by April 2013, and Area B by December 2015.

REGULATORY CONSIDERATIONS

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20. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised September 2009 (hereafter "Basin Plan"), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
21. The designated beneficial uses of underlying groundwater, as stated in the Basin Plan, are domestic, agricultural, and industrial supply.
22. Surface water runoff from the site drains to the south and then into the regional surface water drainage system that ultimately empties into the Yolo Bypass, which drains to the Sacramento San Joaquin Delta. As described in the Basin Plan, the beneficial uses of the Sacramento San Joaquin Delta are municipal and domestic supply; agricultural supply, industrial supply, industrial process supply, water contact recreation, non-contact water recreation, warm fresh water habitat, cold freshwater habitat, migration of aquatic organisms, spawning, reproduction, and/or early development, wildlife habitat, and navigation.
23. Water Code section 13301 states in part,

When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventative action...
24. As a result of the events and activities described in this Order, the Central Valley Water Board finds that the discharge of waste is taking place or threatening to take place in violation of WDRs Order R5-2003-0047. This Order requires the Discharger to take appropriate remedial action and to comply in accordance with the time schedule set forth below.
25. Water Code section 13267, subdivision (b)(1) states that:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
26. The Discharger owns and operates the facility subject to this Order. The technical reports required by this Order are necessary to determine compliance with the facility's WDRs and this Order.

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27. The issuance of this Order is an enforcement action by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2) of Title 14, California Code of Regulations.
28. On XX August 2012, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Central Valley Water Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order under Water Code section 13301 to establish a time schedule to achieve compliance with waste discharge requirements.

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13301 and 13267, Clark Structural, LLC and Clark Pacific Corporation, its agents, successors, and assigns shall, in accordance with the following tasks and time schedule, implement the following closure schedule and activities to ensure compliance with WDRs Order R5-2003-0047.

Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

1. Beginning with calendar year 2012, the Discharger shall remove no less than 60,000 tons of PCC per year. The PCC may be used for beneficial reuse or appropriately disposed of.
2. The Discharger shall comply with the removal schedule proposed in its 18 May 2012 work plan, and summarized in Finding 17, above.
3. By **30 August 2012**, the Discharger shall submit a report documenting that it has completed the offsite removal of all remaining PCC in Area A (approximately 83,640 cubic yards).
4. By **1 October 2012**, the Discharger shall submit an *Area A Confirmation Soil Sampling Report*. As proposed in the work plan dated 18 May 2012, a minimum of three soil samples will be collected from a depth of one, three, and five feet at two locations within Area A. An additional background sample shall be collected from a previously uncontaminated location near the PCC area and the background soil samples will also be collected from one, three, and five feet. Samples shall be analyzed for total dissolved solids (TDS), bicarbonate, calcium, and sodium using a deionized water waste extraction test. Results shall be evaluated and submitted in the confirmation soil sampling report.

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5. By **15 October 2012, and annually each year thereafter**, the Discharger shall submit and immediately implement an *Erosion Control Plan* describing Best Management Practices (BMPs) that will be employed to protect the remaining PCC stockpiles and storage area from wind and precipitation events during the wet season.
6. By **30 April 2013**, the Discharger shall submit a report documenting that it has completed the off-site removal of all remaining PCC in Area C (approximately 24,580 cubic yards).
7. By **15 May 2013 and annually each year thereafter**, the Discharger shall submit and immediately implement a *Dust Suppression Plan* describing BMPs that will be employed to protect the remaining PCC stockpiles and storage area from wind and precipitation events during the dry season.
8. By **1 October 2013**, the Discharger shall submit an *Area C Confirmation Soil Sampling Report* as proposed in work plan dated 18 May 2012 and as described in the Item 4, above.
9. By **30 December 2015**, the Discharger shall submit a report documenting that it has completed the off-site removal of all remaining PCC in Area B (approximately 96,765 cubic yards).
10. By **1 March 2016**, the Discharger shall submit an *Area B Confirmation Soil Sampling Report* as proposed in work plan dated 18 May 2012 and as described in the Item 4, above.
11. Beginning with **August 2012**, the Discharger shall submit monthly progress reports describing the work completed to date to comply with each of the above requirements. In addition, the reports shall provide (a) weekly observations describing actions taken during the removal process and phased cleanup using the *Progress Report* document provided in the 18 May 2012 work plan, and (b) a description of the specific BMPs that were implemented in response to the *Erosion Control Plan* and the *Dust Suppression Plan*. The monthly progress reports shall be submitted by the **15th day of the month following the end of the previous month** (i.e., the August 2012 report due 15 September 2012).

In accordance with California Business and Professions Code sections 6735, 7835, and 7835.1, engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. All technical reports specified herein that contain workplans for, that describe the conduct of investigations and studies, or that contain technical conclusions and recommendations concerning engineering and geology shall be prepared by or under the direction of appropriately qualified professional(s), even if not explicitly stated. Each technical report submitted by the Discharger shall contain the

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professional's signature and/or stamp of the seal.

The Executive Officer may extend the deadlines contained in this Order if the Discharger demonstrates that circumstances beyond the Discharger's control have created delays, provided that the Discharger continues to undertake all appropriate measures to meet the deadlines. The Discharger shall make any deadline extension request in writing at least 30 days prior to the deadline. The Discharger must obtain written approval from the Assistant Executive Officer for any departure from the time schedule shown above. Failure to obtain written approval for any departures may result in enforcement action.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions.

Failure to comply with this Order or with the WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX August 2012.

PAMELA C. CREEDON, Executive Officer

Attachment A: Site Map

TAD/WSW: 31-May-12

APPENDIX F
Ozone Process Public Comment



Ozone Process Consultants, Inc.

2736 Brentwood Place, Davis, CA 95618 • Telephone and Fax: (530) 758-5173

June 25, 2012

Re: Draft Cease and Desist Order R5-2012-XXX for Clark Structural and Clark Pacific Corporation at the Former Spreckels Sugar Company Facility in Yolo Co.

To Whom It May Concern,

These comments are submitted as an interested party in the matter of the draft Cease and Desist Order R5-2012-XXX for Clark Structural and Clark Pacific Corporation (the "Dischargers") at the Former Spreckels Sugar Company Facility in Yolo Co.

In summary, I believe the draft order is insufficient in ensuring protection to humans, livestock, and the environment in the many ways. It is apparent that a unhealthy and/or hazardous condition exists at the site due to Discharger's failure to timely remove the PCC piles in a manner that is not harmful to nearby residents. It is Discharger's responsibility to lawfully operate under permits issued by both the Water Board and the YSAQMD. Discharger's failure to do so has resulted in continued ongoing exposures to toxic chemicals by the neighbors, their domestic animals, and to wildlife, and further contamination of the groundwater upon which their neighbors rely.

We request that the Water Board

- 1) Impose stiff penalties on Discharger for continued negligent operations
- 2) Require immediate tarping of all exposed PCC piles
- 3) Require that comprehensive Emission Reduction, Waste Management, and Waste Characterization Plans be implemented prior to any further PCC removal and that such removal proceed on an accelerated basis more quickly than is allowed under the proposed Cease and Desist Order
- 4) Require that groundwater contamination be completely characterized for all possible contaminants
- 5) Require that Discharger sample downgradient water quality on the Nelson Historic Ranch site to ensure that it meets all federal primary and secondary drinking water standards and to provide a new deep water well if existing water quality is inadequate

More specifically,

1) Additional Extensive Testing of the Precipitated Calcium Carbonate (PCC) Contamination Should be Completed Before More Disturbance and Removal of the PCC to Prevent Offsite Contamination by Winds and Intentional Spreading on Other Agricultural Lands

2) In Addition to Imposing Severe Monetary Penalties for Intentional and Gross Disregard of the Permits Governing Their Activities, a Much Shorter Schedule for Removal of the PCC Should be Imposed or the Discharger is Rewarded for their Willful Negligence..

3) An Adequate Plan to Prevent Offsite Dust Emissions Should be Completed BEFORE ANY Additional PCC is Removed to Prevent Further Excessive Exposures of Nearby

Humans and Animals. Until such a Plan is Submitted and Approved, the Entire Amount of PCC Should be Immediately Tarpred to Prevent Continued and Harmful Fugitive Dust Emissions from Adversely Impacting Neighbors Proven to Have Been Impacted by Discharger's Negligent Operations.

4) An Intensive and Immediate Surface Water Monitoring and Waste Runoff Management Program by Discharger Should be Required to Ensure that Additional Contamination of Public and Private Lands Does Not Occur

5) The Discharger Should Have the Current Onsite Groundwater Contamination Adequately Characterized and Remediated. Discharger Should also be Required to Test all Water Sources Downgradient of the Onsite Contaminated Plume to Ensure Compliance with all Existing Drinking Water Standards. Discharger should be Required to Provide a New Deep Water Well to the Affected Horse Ranch to the East if their Water Sources are Contaminated by the Discharger's Plume

Further detailed information justifying each of the above recommendations follows:

1) Additional Extensive Testing of the Precipitated Calcium Carbonate (PCC) Contamination Should be Completed Before More Disturbance and Removal of the PCC to Prevent Offsite Contamination by Winds and Intentional Spreading on Other Agricultural Lands

There is and has been no required routine testing of the stockpiled contaminated PCC to guarantee that all of the PCC is not contaminated with heavy metals, ammonia, and/or other organic and inorganic contaminants. It appears that Staff is relying on analysis of only a few surface grab sample collected by the Discharger's agent to characterize the waste and deeper sections of the PCC pile has not been investigated at all.

There is ample reason to believe that there may be extensive contamination of some parts of the PCC pile and the soil underlying the waste pond underlying the PCC pile. For instance, the location on the property on which the PCC was stockpiled was an unlined pond into which many other types of industrial wastes were routinely deposited over the many years of operation of the sugar plant (from the mid 1930s to about 2000. These wastes included cooling tower blowdown which contained hexavalent chromium and zinc and many other water treatment chemicals. Additionally, lead acetate and asbestos were deposited in the same ponds as the PCC for many years. It is extremely unlikely that the PCC is not contaminated with one or more of these or other contaminants. It possibly included PCBs from oil-filled transformers that were manifested as moved to the site from many other Spreckels facilities over the years and subsequently stored on the site. Yet there is no record of their subsequent proper removal from the site and disposal.

Many of the descriptions of the PCC in various documents over the years describe it in different ways including off-white, tan, and "dirt-colored" depending on where and when the PCC was sampled. If the material were almost pure calcium carbonate it should be uniformly white. The variations in color would seemingly indicate that a variety of impurities exist in the PCC.

Indeed, one recent sample of the PCC material that drifted onto the adjacent Historic Nelson Horse Ranch during PCC removal operations contained over 400 mg/kg ammonia and 32 mg/kg chromium. These values are far in excess of those reported by the Discharger when obtaining or reporting on the previous and existing PCC discharge/removal permits.

The degree of possible contamination of the site is evidenced by the fact that the entire site has been listed as a possible "Brownfield" site for future characterization by the EPA which characterization has not yet been performed.

Routine testing of the PCC must be required as new portions of the PCC pile are exposed to ensure that the PCC can be safely redistributed on agricultural lands without unknowing contamination of these farm properties and to minimize potential adverse exposures when the PCC drifts onto the adjacent Historic Nelson Horse Ranch or other nearby properties when disturbed for loading and removal. Failure to ensure an increased scrutiny and monitoring of the PCC for contamination could unknowingly cause spread of toxic chemicals to farm lands and similarly expose Discharger's adjacent neighbors to the PCC-laden dust drift to which they have been negligently exposed.

2) In Addition to Imposing Severe Monetary Penalties for Intentional and Gross Disregard of the Permits Governing Their Activities, a Much Shorter and More Carefully Monitored Schedule for Removal of the PCC Should be Imposed or the Discharger is Rewarded for their Willful Negligence.

This Cease and Desist order is proposed because the Dischargers, either intentionally or unintentionally, grossly misjudged and underestimated the amount of PCC on the property and/or grossly overreported the amount of PCC that have been removed from the property on an annual basis.

The Discharger has already been granted one 5-year extension for removal of all of the PCC yet the majority of the initial amount of PCC is still on site after 10 years. The extended schedule offered for removal of the PCC essentially rewards the Dischargers for this overt negligence by not imposing more severe remedies including substantial fines.

Further, the extended time period for the Discharger to complete removal is far too long in that it needlessly subjects the already impacted and sensitized neighbors and their animals to additional years of exposure to extensive wind-borne particulates blowing from the disturbed, contaminated PCC pile. Further, as discussed below, extension of the removal time allowed for the PCC increases continued ongoing groundwater contamination which will be shown later herein to be grossly excessive and undoubtedly due to leaching from the PCC piles.

3) An Adequate Plan to Prevent Offsite Dust Emissions Should be Completed BEFORE ANY Additional PCC is Removed to Prevent Further Excessive Exposures of Nearby Humans and Animals. Until such a Plan is Submitted and Approved, the Entire Amount of PCC Should be Immediately Tarpred to Prevent Continued and Harmful Fugitive Dust Emissions from Adversely Impacting Neighbors Proven to Have Been Harmed by Discharger's Negligent Operations.

Potentially sensitive neighbors living nearby include a home for mentally disabled adults, an organic vegetable ranch, and a horse and cattle ranch. There have been numerous demonstrated adverse health reactions by humans and cattle and horses as reported by Discharger's neighbors when the wind blows the disturbed PCC in their direction. These have required medical and veterinarian intervention for respiratory tract inflammation and distress and skin and eye irritations and allergic reactions. This has required extensive medical and veterinarian care and treatment over the past several years which treatments are directly correlated with increased PCC removal activity by Discharger and reported complaints by neighbors.

I have personally experienced the adverse health and physical effects of this PCC drift when I visited the ranch to the east of the property on May 2, 2010. When I arrived that morning, there was a continuous plume of dust rising from the PCC pile which worsened every time a wind gust occurred. I personally observed this dust depositing over the entire exterior of my car by the time I left after only about 2 hours at the site. Indeed, my car turned from its normal silver grey color to a dirty tan color with one hour and up to 1 mm of the dust could be scraped off the car hood on the downwind side by the time I left. This dust was apparent throughout the ranch's barns and stalls and even covered all the walls and furniture surfaces in their home. At that time, the owner of the ranch had visible swelling in her face and arms and had reddened, weeping eyes. I also observed cattle and horses with copious mucous discharges from the noses and could see a similar accumulation of this fugitive dust in their ears and corners of their eyes. Some had visible rashes on their hides.

Within ½ hour of going onsite and being directly exposed to the blowing PCC dust, I began feeling a burning sensation in my nose and had stinging eyes. Within an hour of arriving on the site and after closely inspecting the visible plume of dust blowing from the PCC piles directly in front of the neighbor's barn, I was coughing could beat my clothes with my hands and the dust would rise from them. I left after about two hours and changed my clothes and showered immediately after driving from the ranch to my Davis home. Yet that evening, I had an unmistakable rash covering portions of my arms and face. I took an antihistamine which mostly alleviated the symptoms by the next morning although I was still removing a chalky brown substance from my nostrils until mid-day. Quite honestly, I could not imagine living under these conditions and it is clearly adversely affecting the health and welfare of the property owner and animals on the ranch.

These symptoms experienced by me and reported by the ranch owners to the Dischargers are completely consistent with adverse exposures as noted on the MSDS for PCC. Knowing this, the Dischargers have repeatedly shown a wanton disregard for the health and safety of these downwind neighbors by not following agreed-upon procedures under their permit to safely move the PCC granted by the Yolo-Solano Air Quality Management District (YSAQMD).

For instance, during 2008 and 2009 alone, over a dozen complaints were lodged with the YSAQMD regarding fugitive particulate emissions resulting from removal of the PCC by Discharger's trucking contractor. These violations resulted in a number of \$10,000 fines. During discussions regarding these penalties with the YSAQMD, the trucking firm acknowledged that they had removed the sprinkler system which was a previously required and integral part of their dust control system as specified in their YSAQMD permit. This sprinkler system was required by the YSAQMD as far back as 1999 as was to have been operated twice per day to maintain a ½ inch crust on the PCC pile or more if required for adequate dust suppression. This sprinkler system has never been reinstalled despite still being a required part of their permit to remove the PCC

Until recently, the fugitive emissions were only arising from portions of the PCC pile which had been recently disturbed by moving operations. The problem with fugitive emissions has very much worsened recently, however, because the Discharger has completely broke down and disrupted all the hills of PCC that had remained covered with grass and vegetation for more than a decade and moved it into several new piles. This has loosened all of the previously compacted PCC which makes it far easier to be wind-borne. Also, all removal of PCC was previously done from the center of a massive PCC pile and surrounded by 20 foot compacted PCC berms which somewhat helped to minimize drift emissions. Unfortunately, all these original, partially stable PCC piles have now been disrupted and spread far apart which loose piles have greatly exacerbated the problem of fugitive emissions. Hills and mounds that were across the site away from the ranch are being relocated just across from the main barn, show arena, and spectator seating. The other mounds have been sheered off and the lime walls are

left exposed to wind which carries airborne PCC directly toward a community garden that is used by both children and developmentally disabled adults and that has provided tons of food to the local community each year.

Finally, the Discharger has been in repeated violation of the YSAQMD Permit which requires the Discharger to be in compliance with the following YSAQMD rule specifically incorporated into their permits, *"A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property."*

This is a very clear and unequivocal requirement of their permit and it has been grossly and repeatedly violated.

4) An Intensive and Immediate Surface Water Monitoring and Waste Runoff Management Program by Discharger Should be Required to Ensure that Additional Contamination of Public and Private Lands Does Not Occur

A previous WDR by Water Board in 1996 required a Waste Management Unit (WMU) to be installed to contain any runoff from the PCC waste. Such a WMU has never been installed despite the fact that the PCC were characterized as a "designated waste" by the Water Board in 2000.

In 2008, the Water Board required Clark Pacific to submit a mitigation measure providing for "Standard procedures to dispose of contained run-off water". Such mitigation measures were obviously never implemented because one runoff sample collected on Discharger's eastern property line in showed a Biological Oxygen Demand of 140 mg/kg and a Chemical Oxygen Demand of 3,700 mg/kg. Clearly this indicated a severe surface water contamination problem emanating from Discharger's site which must be properly characterized and remediated beginning with having a proper WMU plan immediately submitted to the Water Board for approval and installation.

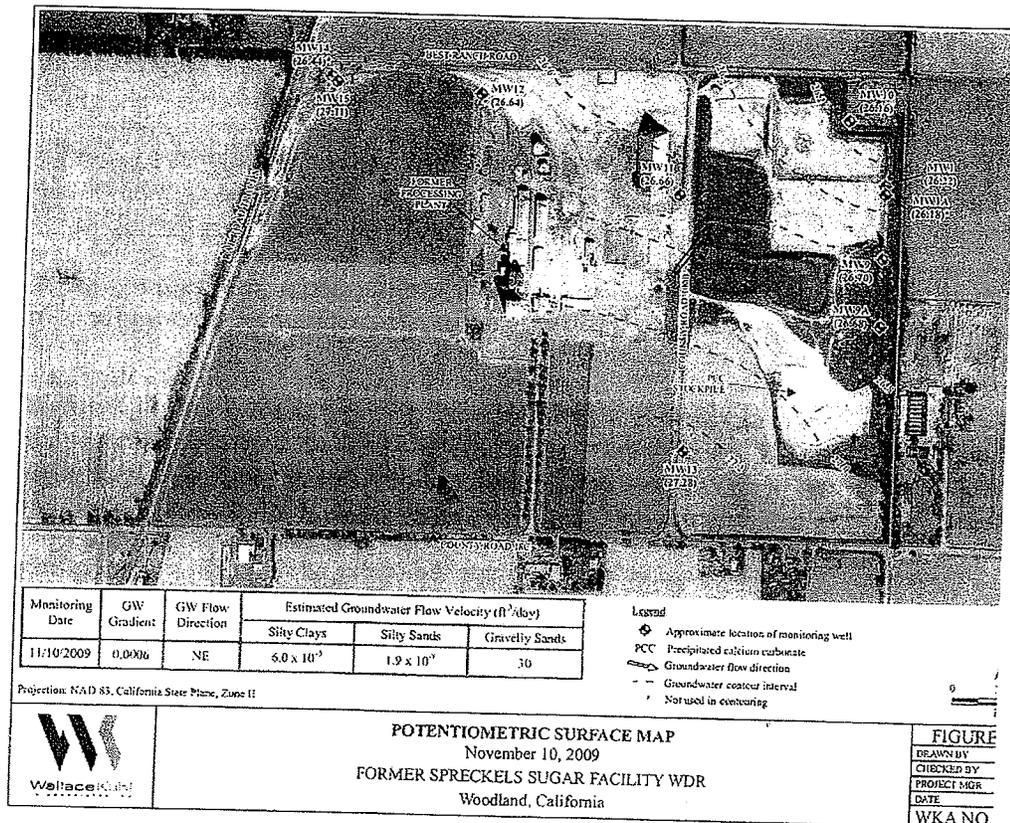
Additionally, as noted by the YSAQMD and observed by the Water Board, Discharger has been repeatedly leaving PCC dust on county roads and in adjacent ditches which has been documented as far back as 2004 by the YSAQMD and continues to date in direct violation of the previous WDRs issued by the Water Board.

5) The Discharger Should Have the Current Onsite Groundwater Contamination Adequately Characterized and Remediated. Discharger Should also be Required to Test all Water Sources Downgradient of the Onsite Contaminated Plume to Ensure Compliance with all Existing Drinking Water Standards. Discharger should be Required to Provide a New Deep Water Well to the Affected Horse Ranch to the East if their Water Sources are Contaminated by the Discharger's Plume

A very serious and uncharacterized groundwater contamination plume exists at the site based on the Dischargers own semi-annual water quality analyses of samples taken from monitoring wells on the site and submitted to the Water Board. This has resulted in contamination of groundwater that is well in excess of drinking water standards for some parameters by neighbors down gradient in the plume. The Discharger should be required to implement all efforts at remediation of this contaminated plume and provide a deep water well to the horse ranch so affected to ensure they have access to safe sources of water.

The following discussion describes the extent of this contamination as evidenced from monitoring well samples

Well Locations - The following photo shows the locations of the monitoring wells from which samples were taken by Discharger.

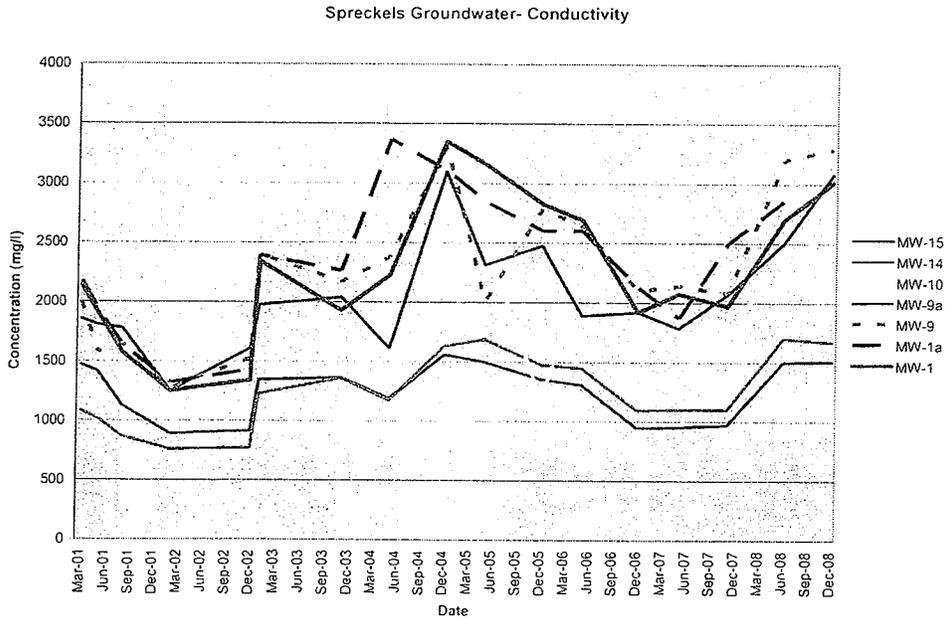


Well 14 and 15 are those on the upper northwest corner of the property and are considered by the Water Board to be "reference" wells (i.e. those unaffected by the plant's operations) because they are upgradient from the direction of groundwater flow. The groundwater generally flows towards the east, northeast, or southeast (depending on when it was measured in the past) under the plant then under the calcium carbonate piles then under the horse ranch and the UC property to the north of the horse ranch. Wells 1, 1a, 9, 9a, and 10 are all situated on the northeast boundary of the former plant site and represent increased concentrations of contaminants in the groundwater that presumably could only have been added by plant activities.

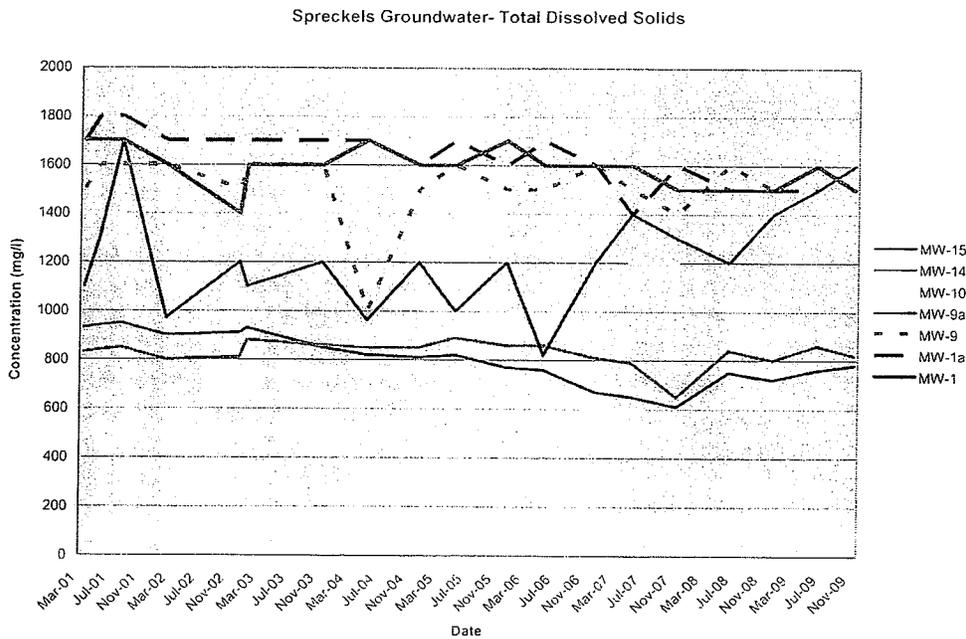
Groundwater Concentrations

For every constituent shown on the graphs below (and as reported in Appendix A), the wells to the east of the plant (i.e. on the eastern border between the plant and properties to the east) are substantially higher than the reference wells in the northwest corner of the plant indicating that these constituents are added to the groundwater as it flows under the plant.

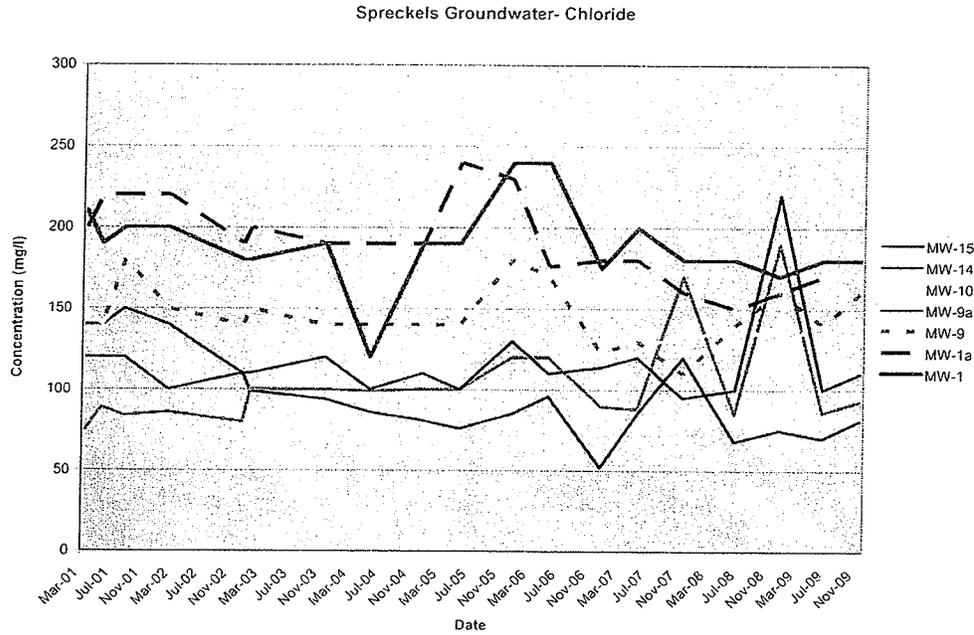
Electrical Conductance (or Conductivity) is a general measure of the amount of electrically conductive salts in the water. There is a federal drinking water standard of 1,600 micromhos/cm which is easily exceeded by the wells to the east. The charts show that reference wells (solid red and dark blue lines on all charts) are just at or below the federal standard clearly indicating the plant as the source of the increase in groundwater conductivity to above federal standards.



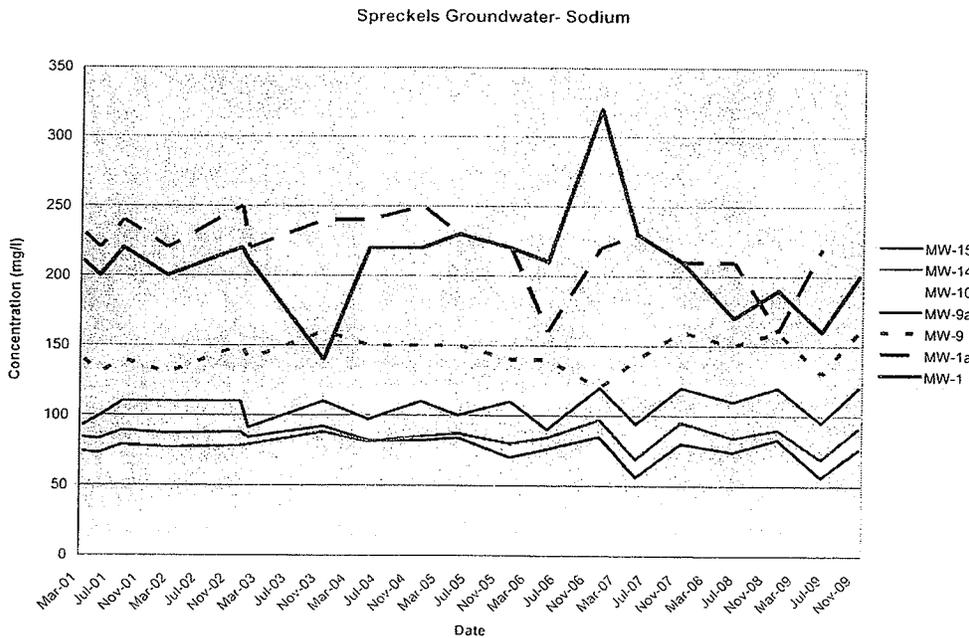
Total Dissolved Solids (or TDS) is another measure of how much total solids (organic and inorganic) are dissolved in the groundwater. There is a federal drinking water limit of 1,000 milligrams per liter (or mg/l = parts per million = ppm). Both reference wells are well below the standard while all eastern wells are well above the standard.



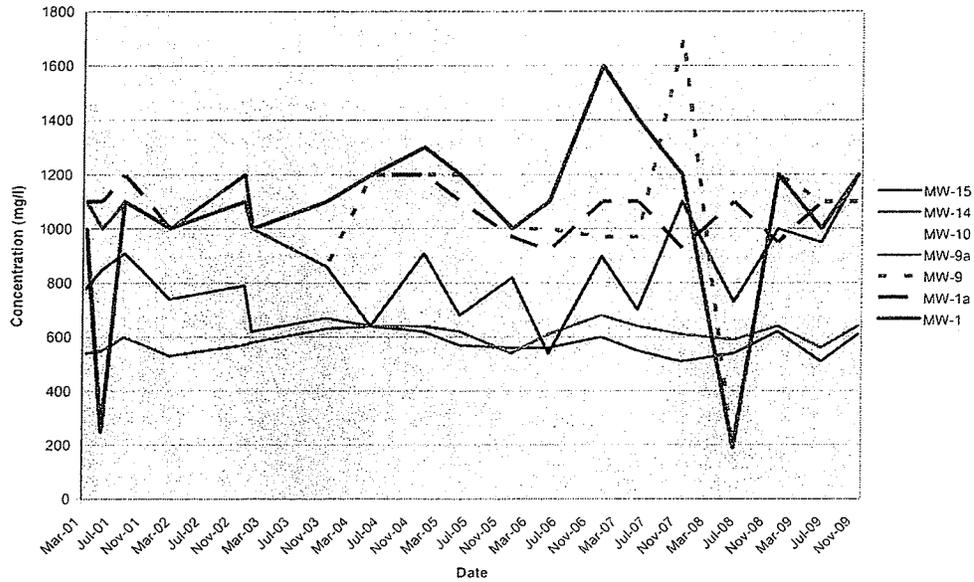
Chloride has a federal drinking water standard of 500 mg/l and both the reference wells and eastern wells are well below this limit. However, the eastern wells show a consistently higher concentration of chlorides than the reference wells indicating a substantial amount of chlorides are being added to the groundwater as a result of it passing through the plant underground.



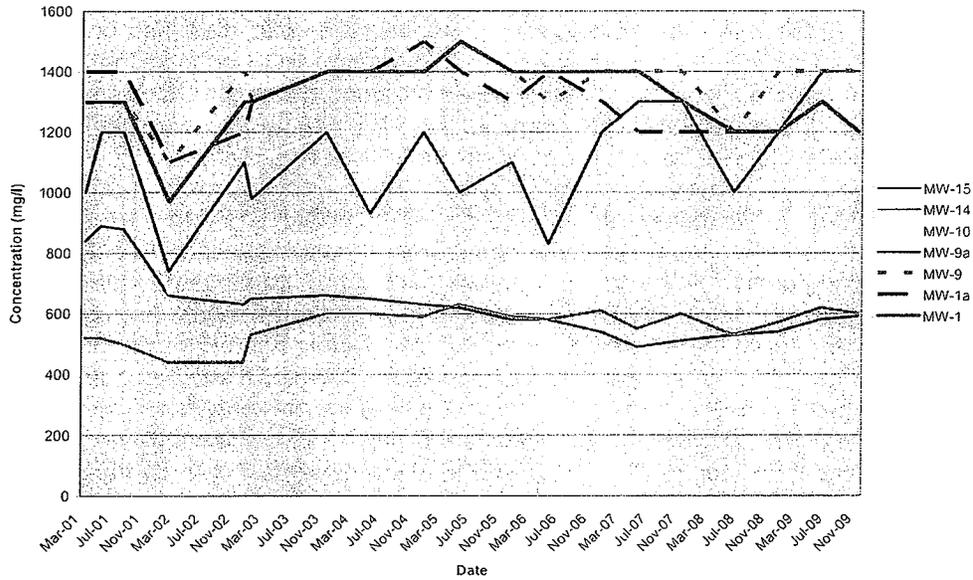
Sodium, hardness (calcium and magnesium carbonate), and alkalinity (bicarbonate and carbonate) do not have drinking water standards but all eastern wells are well in excess of the reference well.



Spreckels Groundwater- Hardness as CaCO3

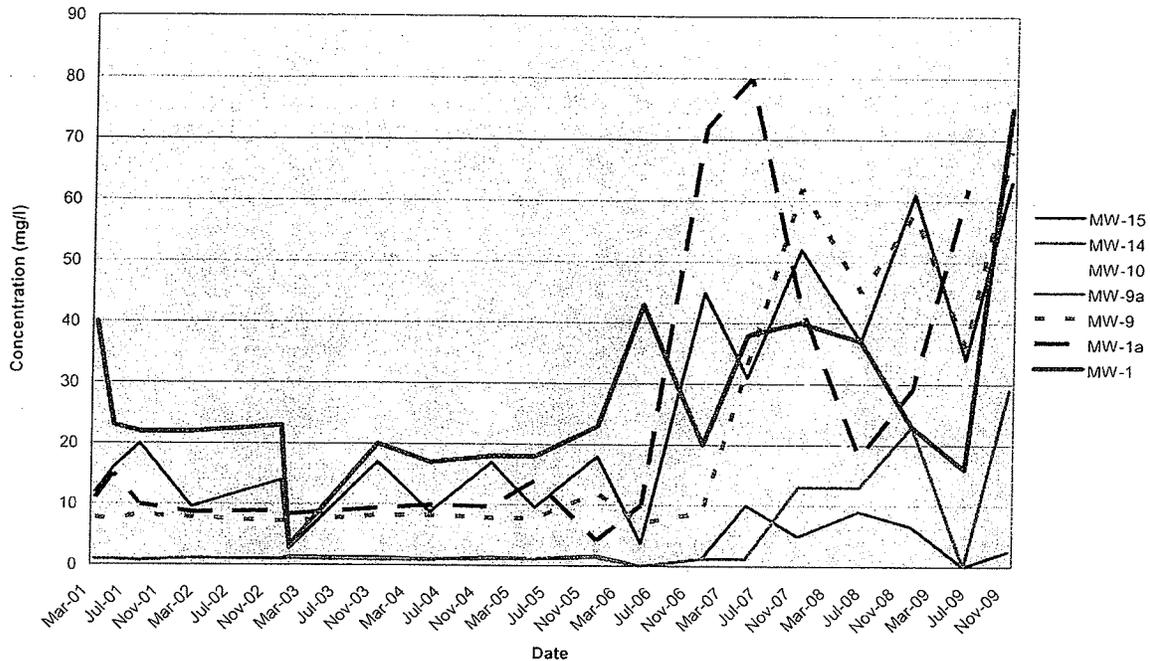


Spreckels Groundwater- Alkalinity



Total Organic Carbon (TOC) also does not have a federal drinking water standard but there is again a clear pattern of TOC increasing on the easternmost test wells indicating that the plant added TOC to the groundwater.

Spreckels Groundwater- Total Organic Carbon



TOC can include anything of including hydrocarbon materials including oils, diesel and gas known known to have leaked on the site. It could also possibly include PCB-laden transformer oil which was previously stored on the site with no record of its proper removal and remediation. Other sources of hydrocarbon contamination are solvents used on the site and disposed of in the waste ponds, sugar beet juice, and/or other sources of decomposing biomass.

It is premature to speculate as to the nature of this TOC but it is imperative that this is determined because it may include any number of harmful organic materials and/or toxic byproducts of organic decomposition in the soil. For instance, at one point elevated levels of formaldehyde were detected in the groundwater at the plant. It was argued by the former operators of the plant that the formaldehyde was due to natural organic decomposition in the soil and not to the paraformaldehyde the plant was using in their operations and disposing in the waste ponds. They thus claimed that they should not be held responsible for naturally-occurring processes. Either way, a toxic hydrocarbon chemical was shown to be leaching into the groundwater and it is essential that the entire TOC contamination be further characterized to ensure the safety of the groundwater plume

Conclusions of Groundwater Monitoring Results

Groundwater contamination is clearly increasing in concentration in a variety of minerals, salts, and organic materials as it migrates through the old plant site to the extent that it is now unsuitable for drinking water. Further, the high levels of salts in the groundwater are likely the primary contributing factor to the slow death of the trees observed over the last 6 years on the property line between the Discharger and the horse ranch to the east of the plant. The increases in groundwater contamination are not just seen in hardness, alkalinity, conductivity, and TDS expected because of the huge amounts of calcium carbonate from the piles leaching into the shallow groundwater. Increases in groundwater contaminants are also seen in sodium, chloride,

and TOC indicating other constituents other than just purecalcium carbonate are also leaching into the groundwater.

Much more needs to be done to characterize the other materials in this water to determine if the plume also exceeds other drinking water standards under neighboring properties or if it contains any toxic organic or chlorinated organic chemicals that pose a risk to wildlife or humans.

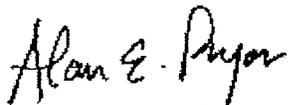
In summary, it is apparent that a unhealthy and/or hazardous condition exists at the site due to Discharger's failure to timely remove the PCC piles in a manner that is not harmful to nearby residents. It is Discharger's responsibility to lawfully operate under permits issued by both the Water Board and the YSAQMD. Discharger's failure to do so has resulted in continued ongoing exposures to toxic chemicals by the neighbors and further contamination of the groundwater upon which their neighbors rely.

We request that the Water Board

- 1) Impose stiff penalties on Discharger for continued negligent operations
- 2) Require immediate tarping of all exposed PCC piles
- 3) Require that comprehensive Emission Reduction, Waste Management, and Waste Characterization Plans be implemented prior to any further PCC Removal
- 4) Require that groundwater contamination be completely characterized for all possible contaminants
- 5) Require that Discharger sample downgradient water quality on the Nelson Historic Ranch site to ensure that it meets all federal primary and secondary drinking water standards and to provide a new deep water well if existing water quality is inadequate

Please feel free to contact me if you have any questions about or desire clarification or documentation of any of the information or statements herein or wish for any further information.

Respectfully Submitted



Alan Pryor
President

Appendix A

Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaC03	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	
MW-15	Mar-01	7.45	1471	34.8	nd	840	840	60	140	780	5.6	84	930	630	0.9
	May-01	7.18	1416	na	nd	890	890	62	140	850	nd	83	940	600	0.9
	Aug-01	7.41	1130	65.2	nd	880	880	60	150	910	6	89	950	610	0.7
	Feb-02	6.99	890	14	nd	660	660	68	140	740	7.4	87	900	480	1.1
	Dec-02	7.32	915	12	nd	630	630	65	110	790	7.5	88	910	600	1
	Jan-03	7.86	1346	12	nd	650	650	68	99	620	7	84	930	670	1.3
	Nov-03	7.71	1363	13	nd	660	660	72	94	670	7.2	92	850	600	1.3
	May-04	7.47	1190	10	nd	650	650	74	86	640	7.2	82	820	580	0.97
	Dec-04	7.65	1561	5	nd	630	630	69	81	620	8.1	82	810	580	1.3
	May-05	7.22	1500	50	nd	620	620	64	76	570	7.9	84	820	580	1.1
	Dec-05	8.59	1354	90.81	nd	580	580	58	85	560	44	70	770	620	1.7
	May-06	7.82	1308	170	nd	580	580	62	96	560	39	76	760	660	nd
	Dec-06	7.77	946	615.8	nd	540	540	59	52	600	35	85	670	800	1.2
	May-07	7.82	953	57.66	nd	490	490	63	85	550	36	56	650	730	10
	Nov-07	7.8	970	16	nd	510	510	41	120	510	46	80	610	520	4.9
	Jun-08	7.85	1500	29.1	<.10	530	530	64	68	540	10	74	750	560	9
	Dec-08	7.33	1510	48.2	<.10	540	540	65	75	620	11	83	720	580	6.6
	Jun-09	mnt	mnt	mnt	<.10	580	580	56	70	510	12	56	760	570	.10
	Nov-09	7.31	mnt	mnt	<.10	590	590	64	81	610	10	76	780	600	2.5
Primary MCL		xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	10	xxx	xxx	xxx		
Secondary MCL			6.5 - 8.5	xxx	xxx	xxx	xxx	xxx	250	xxx	xxx	xxx	500	xxx	
Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaC03	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-14	Mar-01	7.79	1084	na	nd	520	520	80	75	540	13	74	830	630	0.9
	May-01	7.56	1020	na	nd	520	520	82	89	550	13	73	840	600	0.9

	Aug-01	7.55	870	5.2	nd	500	500	90	84	600	15	79	850	610	0.7
	Feb-02	6.29	758	9	nd	440	440	78	86	530	15	77	800	480	1.1
	Dec-02	7.64	773	10	nd	440	440	85	80	570	15	78	810	600	1
	Jan-03	7.91	1227	10	nd	530	530	83	100	580	17	79	880	650	1.1
	Nov-03	7.84	1361	10	nd	600	600	90	100	630	14	88	860	620	0.9
	May-04	7.05	1175	7	nd	600	600	96	99	640	13	81	850	600	0.92
	Dec-04	7.64	1635	4	nd	590	590	92	100	640	13	85	850	640	1.1
	May-05	7.2	1690	63	nd	630	630	90	100	620	12	87	890	640	1.1
	Dec-05	8.48	1477	29.07	nd	590	590	58	120	540	67	80	860	660	1.4
	May-06	7.82	1450	20.9	nd	580	580	89	120	610	54	84	860	720	nd
	Dec-06	7.71	1095	175	nd	610	610	89	90	680	45	97	810	740	1.2
	May-07	7.88	1102	57.66	nd	550	550	90	88	640	48	69	790	690	1.2
	Nov-07	7.83	1100	5	nd	600	600	61	170	610	52	95	650	620	13
	Jun-08	7.23	1700	21	<.10	530	530	89	85	590	12	84	840	650	13
	Dec-08	7.34	1670	6.9	0.13	570	570	89	190	640	11	90	800	660	23
	Jun-09	mnt	mnt	mnt	<.10	620	620	81	86	560	10	69	860	680	10
	Nov-09	7.38	mnt	mnt	<.10	600	600	89	93	640	11	91	820	660	29
Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaC03	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-13	Mar-01	7.44	1437	5.5	nd	840	840	98	160	780	nd	92	1200	800	1.8
	May-01	7.18	1198	na	nd	760	890	97	150	770	5.3	94	1200	890	1.1
	Aug-01	7.41	1054	7.2	nd	660	880	100	140	850	26	90	1200	810	1.7
	Feb-02	6.99	891	12	nd	520	660	91	150	740	26	92	1200	860	1.7
	Dec-02	7.32	961	7	nd	670	630	98	150	780	27	94	1200	800	1.8
	Jan-03	7.7	1583	8	nd	660	660	98	160	780	23	94	1200	790	1.4
	Nov-03	7.56	1741	4	nd	710	710	110	160	890	28	110	1200	780	1.3
	May-04	6.97	1601	7	nd	720	720	120	160	880	25	96	1100	800	1.1
	Dec-04	7.47	2130	5	nd	710	710	110	160	850	25	100	1100	760	1.3
	May-05	7.11	2140	7	nd	720	720	110	170	850	27	100	1100	830	1.4
	Dec-05	8.44	1926	52.1	nd	670	670	74	200	760	150	95	1100	920	2.1
	May-06	7.55	1837	34.5	nd	640	640	100	190	780	140	95	1100	990	1.1
	Dec-06	7.5	1397	10.1	nd	660	660	110	146	890	115	110	1200	1200	1.3

	May-07	7.61	1451	31.59	nd	620	620	110	120	850	120	94	1100	1100	11
	Nov-07	7.58	1421	14	nd	650	650	78	150	810	97	110	1990	1990	26
	Jun-08	not sampled													
	Dec-08	not sampled													
	Jun-09	not sampled													
	Nov-09	not sampled													
Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaCO3	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-11 Shallow	Mar-01	7.3	1648	10.3	1	890	890	98	120	820	13	140	1200	900	2.8
	May-01	7.16	1417	na	nd	850	850	97	120	780	13	130	1200	890	3.1
	Aug-01	7.34	1231	7.8	nd	840	840	100	120	830	15	140	1200	900	2.7
	Feb-02	6.93	1032	28	nd	690	690	91	140	760	15	140	1200	910	2.8
	Dec-02	7.26	1061	18	1	820	820	98	120	820	15	140	1200	960	2.7
	Jan-03	7.67	1750	19	nd	820	820	93	140	770	17	130	1200	870	2.6
	Nov-03	7.56	1942	15.1	nd	890	890	100	130	830	14	140	1200	830	0.2
	May-04	6.5	1659	8	nd	900	900	100	130	830	14	140	1100	840	3.1
	Dec-04	7.54	2349	5	nd	880	880	100	130	830	16	130	1200	870	3
	May-05	7.02	2312	6	nd	910	910	100	130	830	16	130	1200	860	2.8
	Dec-05	8.41	1085	30.87	0.42	850	850	94	160	810	87	130	1200	950	3.8
	May-06	7.61	1093	35	0.47	860	860	90	160	760	70	130	1200	1000	2.3
	Dec-06	7.41	1518	11.6	nd	820	820	96	110	860	64	150	1100	1000	2.7
	May-07	7.54	1553	7	nd	720	720	120	120	880	76	110	1200	1000	30
	Nov-07	7.5	1509	8	nd	780	780	73	130	800	85	130	1100	880	22
	Jun-08	not sampled													
	Dec-08	not sampled													
	Jun-09	not sampled													
	Nov-09	not sampled													
Well	Date	PH	Conductivity	Turbidity	Ammonia	Total	CaCO3	Calcium	Chloride	Hardness	Nitrate	Sodium	TDS	TFDS	Total

MW-10 Shallow	Sampled				as Nitrogen	Alkalinity				Cac03					Organic Carbon
	Mar-01	7.46	1846	8.1	nd	1200	100	100	150	990	nd	110	1400	980	7.8
	May-01	7	1657	na	nd	1200	120	120	140	1100	33	110	1400	1000	19
	Aug-01	7.59	1319	8	nd	1200	120	120	160	1200	nd	120	1400	1100	8
	Feb-02	6.82	1062	9	nd	670	100	100	150	990	0.2	110	1300	920	5.8
	Dec-02	7.1	1100	8	nd	1100	120	120	160	1100	nd	120	1400	1000	6.8
	Jan-03	7.64	2053	8	nd	1100	110	110	160	1000	nd	120	1400	1000	6.3
	Nov-03	7.55	1870	4.8	nd	1200	120	120	150	1200	nd	130	1300	1300	6.4
	May-04	6.81	1942	14	nd	1200	110	110	140	1100	0.4	120	1300	940	5.8
	Dec-04	7.24	2632	7	nd	1200	110	110	220	1100	nd	120	1300	1000	6
	May-05	6.97	2518	7	nd	1200	110	110	140	1000	nd	120	1300	960	5.6
	Dec-05	8.23	1187	25	nd	1100	72	72	170	960	1.2	110	1300	1000	6.9
	May-06	7.52	2162	9-Oct	nd	1100	110	110	170	1000	1.1	120	1300	1100	4.6
	Dec-06	7.48	1723	44.1	nd	1100	110	110	127	1100	nd	120	1300	1200	5.9
	May-07	7.4	1752	14.1	nd	1000	100	100	130	1000	nd	120	1200	1100	33
	Nov-07	7.43	1739	7	nd	1100	81	81	130	1200	nd	120	1200	990	32
	Jun-08	7.28	2390	13	<.1	1100	100	100	140	970	<.5	120	1300	970	16
	Dec-08	7	2580	0	<.1	1100	120	120	130	1200	<.5	120	1300	1000	37
	Jun-09	mnt	mnt	mnt	<.1	1100	100	100	140	970	<.5	96	1300	950	30
	Nov-09	7.34	mnt	mnt	0.11	1100	110	110	140	1100	<.5	130	1300	950	43
Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaC03	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-9a Shallow	Mar-01	7.4	1857	7.3	78	1000	1000	38	120	1100	nd	93	1100	840	12
	May-01	7.16	1810	na	28	1200	1200	49	120	1000	nd	99	1300	910	16
	Aug-01	7.24	1780	8.8	54	1200	1200	55	120	1100	nd	110	1700	2200	20
	Feb-02	7.2	1247	18	50	740	740	33	100	1000	nd	110	970	700	9.6
	Dec-02	7.33	1611	28	76	1100	1100	50	110	1200	nd	110	1200	930	14
	Jan-03	7.6	1976	10	44	980	980	37	110	1000	nd	91	1100	730	2.7
	Nov-03	7.62	2042	7.1	40	1200	1200	49	120	860	nd	110	1200	800	17
May-04	7.3	1613	5	37	930	930	40	100	640	0.4	97	960	700	8.8	

Dec-04	7.08	3097	5	64	1200	1200	51	110	910	nd	110	1200	900	17
May-05	7.17	2315	8	50	1000	1000	42	100	680	nd	100	1000	720	9.6
Dec-05	8.48	2480	35.11	49	1100	1100	49	130	820	nd	110	1200	1000	18
May-06	7.71	1888	9.6	35	830	830	36	110	540	nd	90	820	870	3.7
Dec-06	7.4	1920	12	nd	1200	1200	49	114	900	nd	120	1200	1100	45
May-07	7.35	1785	5.29	nd	1300	1300	33	120	700	1.1	94	1400	880	31
Nov-07	7.46	2075	5	nd	1300	1300	43	95	1100	1.6	120	1300	960	52
Jun-08	6.89	2500	5	46	1000	1000	46	100	730	<.5	110	1200	840	37
Dec-08	7.1	3080	-1	52	1200	1200	55	220	1000	<.5	120	1400	1000	61
Jun-09	mnt	mnt	mnt	57	1400	1400	51	100	950	<.5	95	1500	1100	34
Nov-09	7.03	mnt	mnt	56	1400	1400	62	110	1200	<.5	120	1600	1100	63

Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaC03	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-1 Shallow	Mar-01	7.34	2000	15.7	34	1300	1300	96	140	1100	nd	140	1500	1100	7.8
	May-01	7.06	1578	na	12	1300	1300	95	140	1000	nd	130	1600	1200	7.5
	Aug-01	7.16	1646	4.5	18	1300	1300	100	180	1100	nd	140	1600	1200	8.3
	Feb-02	6.95	1275	7	21	1100	1100	94	150	1000	nd	130	1600	1200	7.9
	Dec-02	7.23	1529	9	20	1400	1400	100	140	1200	nd	150	1500	1200	7.2
	Jan-03	7.47	2399	27	14	1300	1300	92	150	1000	nd	140	1600	1200	7.3
	Nov-03	7.44	2171	7	nd	1400	1400	100	140	860	nd	160	1600	1100	8.2
	May-04	6.89	2377	9	15	1400	1400	110	140	1200	0.7	150	1000	1000	8.2
	Dec-04	6.96	3308	5	86	1400	1400	100	140	1200	nd	150	1500	1200	7.9
	May-05	6.99	2006	10	18	1500	1500	110	140	1200	nd	150	1600	1100	7.8
	Dec-05	8.42	2792	33.14	19	1400	1400	55	180	1000	1	140	1500	1300	12
	May-06	7.6	2638	14.2	19	1300	1300	95	170	1000	0.8	140	1500	1400	7.1
	Dec-06	7.2	2102	15	nd	1400	1400	10	123	970	nd	120	1600	1500	8.8
	May-07	7.15	2140	12.28	nd	1400	1400	57	130	970	1.2	140	1500	1400	33
	Nov-07	7.44	2080	6	nd	1400	1400	71	110	1700	nd	160	1400	1200	62
	Jun-08	7.01	3200	4	15	1200	1200	100	140	190	<.5	150	1600	1200	45
	Dec-08	6.93	3290	1.1	22	1400	1400	100	160	1200	<.5	160	1500	1200	58
	Jun-09	mnt	mnt	mnt	18	1400	1400	97	140	1100	<.5	130	1600	1200	36
	Nov-09	7.02	mnt	mnt	34	1400	1400	90	160	1100	<.5	160	1500	1200	68

Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaCO3	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-1 Shallow	Mar-01	7.19	2180	7.3	nd	1400	1400	120	200	1100	nd	230	1700	1400	11
	May-01	6.97	1940	na	nd	1400	1400	120	220	1100	nd	220	1800	1400	15
	Aug-01	7.1	1638	4.2	nd	1400	1400	130	220	1200	nd	240	1800	1400	10
	Feb-02	6.9	1322	6	nd	1100	1100	110	220	1000	nd	220	1700	1400	8.7
	Dec-02	7.17	1430	7	nd	1200	1200	120	190	1200	nd	250	1700	1400	8.9
	Jan-03	7.41	2396	10	nd	1300	1300	110	200	1000	nd	220	1700	1300	8.4
	May-04	7.06	2265	11	nd	1400	1400	120	190	1100	0.9	240	1700	1200	9.4
	Dec-04	6.89	3368	7	nd	1400	1400	130	190	1200	nd	240	1700	1300	9.9
	May-05	6.83	3109	7	nd	1500	1500	130	190	1200	nd	250	1600	1300	9.7
	Dec-05	8.49	2846	19	nd	1400	1400	76	240	1100	1	230	1700	1300	14
	May-06	7.63	2604	10	nd	1300	1300	110	230	970	1	220	1600	1500	4.2
	Dec-06	7.29	2605	8	nd	1400	1400	210	176	920	0.6	160	1700	1600	10
	May-07	7.41	2127	7.9	nd	1300	1300	120	180	1100	nd	220	1600	1500	72
	Nov-07	7.37	1870	4	nd	1200	1200	110	180	1100	3.8	230	1400	1200	80
	Jun-08	7.23	2500	5	<.1	1200	1200	110	160	930	2.2	210	1600	1200	43
Dec-08	7	2860	6.2	<.1	1200	1200	110	150	1100	1.6	210	1500	1200	18	
Jun-09	mnt	mnt	mnt	<.1	1200	1200	99	160	950	1	160	1500	1200	29	
Nov-09	6.97	mnt	mnt	0.14	1300	1300	110	170	1100	1.9	220	1500	1100	62	
Well	Date Sampled	PH	Conductivity	Turbidity	Ammonia as Nitrogen	Total Alkalinity	CaCO3	Calcium	Chloride	Hardness Cac03	Nitrate	Sodium	TDS	TFDS	Total Organic Carbon
MW-1 Shallow	Mar-01	7.1	2141	7.2	nd	1300	1300	96	210	1000	nd	210	1700	1200	40
	May-01	6.88	1910	na	nd	1300	1300	97	190	250	nd	200	1700	1300	23
	Aug-01	7.03	1577	8.8	nd	1300	1300	110	200	1100	nd	220	1700	1100	22
	Feb-02	6.76	1250	18	nd	970	970	96	200	1000	nd	200	1600	1100	22
	Dec-02	7.12	1342	28	nd	1300	1300	100	180	1100	nd	220	1400	1100	23
	Jan-03	7.4	2341	22	nd	1300	1300	94	180	1000	nd	210	1600	1200	3.2
	Nov-03	7.4	1928	10.2	nd	1400	1400	100	190	1100	nd	140	1600	1200	20

APPENDIX G
Grayland Sampling Report



April 17, 2012

Project No.: 156-010

Mr. Donald Mooney
Law Offices of Donald Mooney
129 "C" Street, Suite 2
Davis, California 95616

Subject: Outdoor Soil and Indoor Dust Sample Results
Historic Nelson Ranch, 41070 County Road 18C, Woodland, California 95776

Dear Mr. Mooney:

At your request, Grayland Environmental (*Grayland*) has prepared this letter report regarding the environmental sample collection work conducted at the property located at 41070 County Road 18C in Woodland, California (site). The purpose of the work was to evaluate outdoor soil and indoor dust at the site for potential contamination, which may be present as a result of the apparent disturbance of large volumes of soil at the adjacent property, where sugar beets were once processed. This environmental sample collection work was conducted by a State of California registered Professional Geologist (PG).

The three tasks completed for the site included:

- Task 1** Collect a sample of soil from near the property line and a sample of dust from inside of the residential structure at the site for laboratory testing.
- Task 2** Analyze both samples at a California State accredited environmental laboratory for alkalinity (CaCO₃), ammonia (NH₃), total chromium (Cr) and pH.
- Task 3** Prepare this letter report documenting the sample collection work and analytical results of the laboratory samples.

Grayland arrived at the site on April 3, 2012, to conduct a brief site inspection, prior to performing the aforementioned Task 1. A walk through of the horse ranch facility indicated that the apparent disturbance of large volumes of exposed soil at the adjacent property had created the occurrence of widespread, wind-dispersed dust across much of the property, including a significant accumulation inside of the site structures. Areas observed during the site inspection included the horse stalls, arena building, business office and site residence.

Mr. Donald Mooney

April 17, 2012

Following the brief site inspection, a soil sample was collected from a small residual pile of soil present along the property line of the horse ranch, adjacent to the former sugar beet processing facility. The soil material was a slightly yellowish, brownish white color and had a very fine-grained (powdery) texture. The sample was collected in a stainless steel sample sleeve by driving the sleeve through the surface of the pile using a percussion core sampler. The filled sample sleeve was sealed with plastic end caps, labeled (SSP-1) and placed immediately in iced storage for delivery to an environmental laboratory.

To compare this soil material to dust observed inside of the site residence, a sample of dust was collected mainly from the floor and furniture surfaces present in the living room of the residence. An inspection of the dust indicated that there was a strong similarity in grain size (powdery) and color to the soil observed along the property line. The dust was collected using a plastic scraping device and was placed in a sealed plastic bag. The bag sample was placed in a glass sample jar, labeled (SID-1) and placed in iced storage for delivery to an environmental laboratory.

Both of these environmental samples were listed on a chain of custody record and submitted to SunStar Laboratories, Inc., of Lake Forest, California, for chemical analysis. The samples were analyzed for the total threshold limit concentration (TTL) of total chromium using Environmental Protection Agency (EPA) method 6010B, total alkalinity as calcium carbonate (CaCO_3) using EPA method 310.1, ammonia (NH_3) using EPA method 350.2 and for the hydrogen ion concentration (pH) using EPA method 9045B. SunStar is accredited by the State of California Health Department to performed these laboratory methods.

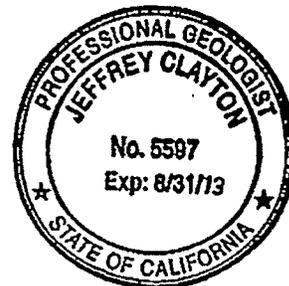
The laboratory analytical results of the environmental samples indicated that reportable concentrations (greater than the method reporting limit) of all three analytes were present in the soil sample (Table 1). In addition, all three of these analytes also were detected in the dust sample, however, at much greater concentrations (Table 1).

If you have any questions regarding this environmental sample collection work and letter report or need additional information, please do not hesitate to contact our office. Thank you for the opportunity to provide our environmental consulting services.

Sincerely,
Grayland Environmental



Jeffrey A. Clayton, P.G.
Principal Geologist



attachment: Laboratory Report #T120597

TABLE 1 LABORATORY RESULTS OF SOIL AND DUST SAMPLE ANALYSES SITE INVESTIGATION 41070 COUNTY ROAD 18C, WOODLAND, CALIFORNIA						
ANALYTE	SAMPLE DESIGNATION					
	SSP-1	SID-1	MRL			
CAM 17 Metals (TTLC)						
Chromium	5.0	32	2.0			
Physical Properties						
Alkalinity (CaCO ₃)	1,350	7,000	60.0			
Ammonia (NH ₃)	17.2	407	5.00			
Hydrogen Ion Concentration						
pH	8.4	7.6	0.1*			
TTLC = Total Threshold Limit Concentration Samples reported in mg/kg = milligrams/kilogram or mg/l = milligrams per liter (parts per million) MRL = Method Reporting Limit * pH units						



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

13 April 2012

Jeff Clayton
Grayland Environmental
1807 Valdora Street
Davis, CA 95618
RE: 156-010

Enclosed are the results of analyses for samples received by the laboratory on 04/06/12 09:00. If you have any questions concerning this report, please feel free to contact me.

Sincerely,



Wendy Hsiao
Project Manager

SunStar Laboratories, Inc.
 25712 Commercentre Dr
 Lake Forest, CA 92630
 949-297-5020

Chain of Custody Record

Client: Grayland Environmental
 Address: 1807 Valdora St, Davis CA 95618
 Phone: 530 756-1441 Fax: _____
 Project Manager: Jeff A Clayton

Date: 4-5-12 Page: 1 of 1
 Project Name: _____
 Collector: JAC Client Project #: 156-010
 Batch #: 720517 EDF #: None

Sample ID	Date Sampled	Time	Sample Type	Container Type	8260	8260 + OXY	8260 BTEX, OXY only	8270	8021 BTEX	8015M (gasoline)	8015M (diesel)	8015M EXL/Carbon Chain	80107000 Title 22 Metals	CaCO3	NH3 Ammonia 350.1	Total Chromium	Laboratory ID #	Comments/Preservative	Total # of containers								
SSP-1	4-3-12	14:45	soil	sleeve													01	STD. TAT <u>4-6-12</u>	1								
SID-1	4-3-12	14:30	dust	jar										XX	XX	XX	02			1							
Relinquished by: (signature) <u>[Signature]</u>					Date / Time <u>4-5-12 / 13:10</u>					Received by: (signature) <u>[Signature]</u>					Date / Time <u>4-5-12 / 13:10</u>					Total # of containers <u>2</u>		Notes					
Relinquished by: (signature) <u>GSO</u>					Date / Time <u>4-6-12 / 9:00</u>					Received by: (signature) <u>[Signature]</u>					Date / Time <u>4-6-12 / 9:00</u>					Chain of Custody seals <input checked="" type="checkbox"/> N/A		Seals intact <input checked="" type="checkbox"/> N/A		Received good condition/cold <u>6.5</u>		Analyze SID-1 for CaCO3 first NH3 second Or third in case there is not enough sample	
Relinquished by: (signature)					Date / Time					Received by: (signature)					Date / Time					Turn around time: <u>STAT</u>							

Sample disposal instructions: Disposal @ \$2.00 each _____ Return to client _____ Pickup _____

COC 112915



25712 Commercentre Drive
Lake Forest, California 92630
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949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
SSP-1	T120597-01	Soil	04/03/12 14:45	04/06/12 09:00
SID-1	T120597-02	Dust	04/03/12 14:30	04/06/12 09:00

SunStar Laboratories, Inc.

Wendy Hsiao, Project Manager

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.



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 Lake Forest, California 92630
 949.297.5020 Phone
 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
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SSP-1
 T120597-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

TTLRCRA Metals by EPA 6010B

Chromium	5.0	2.0	mg/kg	1	2040911	04/09/12	04/09/12	EPA 6010B	
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Conventional Chemistry Parameters by APHA/EPA/ASTM Methods

Total Alkalinity	1350	60.0	mg/l	1	2040914	04/09/12	04/09/12	EPA 310.1	
Ammonia as NH3	17.2	5.00	mg/kg	-	2040915	04/09/12	04/13/12	EPA 350.2	
pH	8.4	0.1	pH Units	-	2041308	04/13/12	04/13/12	EPA 9045B	1-02

SunStar Laboratories, Inc.

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Wendy Hsiao

Wendy Hsiao, Project Manager



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 Lake Forest, California 92630
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 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA. 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

SID-1
 T120597-02 (Dust)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

TTLRCRA Metals by EPA 6010B

Chromium	32	2.0	mg/kg	1	20-10920	04/09/12	04/10/12	EPA 6010B	
----------	----	-----	-------	---	----------	----------	----------	-----------	--

Conventional Chemistry Parameters by APHA/EPA/ASTM Methods

Total Alkalinity	7000	60.0	mg/l	1	20-10914	04/09/12	04/09/12	EPA 310.1	
Ammonia as NH3	407	50.0	mg/kg	10	20-10915	04/09/12	04/13/12	EPA 350.2	
pH	7.6	0.1	pH Units	1	20-11308	04/13/12	04/13/12	EPA 9045B	1-02

SunStar Laboratories, Inc.

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Wendy Hsiao

Wendy Hsiao, Project Manager



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 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
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TTLRC RCRA Metals by EPA 6010B - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------	-------

Batch 2040911 - EPA 3051

Blank (2040911-BLK1)										
Chromium	ND	2.0	mg/kg							Prepared & Analyzed: 04/09/12
LCS (2040911-BS1)										
Chromium	46.4	2.0	mg/kg	50.0		92.8	75-125			Prepared & Analyzed: 04/09/12
Matrix Spike (2040911-MS1)										
Chromium	79.4	2.0	mg/kg	100	4.96	74.5	75-125			Source: T120597-01 Prepared & Analyzed: 04/09/12 QM-07
Matrix Spike Dup (2040911-MSD1)										
Chromium	83.9	2.0	mg/kg	100	4.96	78.9	75-125	5.40	20	Source: T120597-01 Prepared & Analyzed: 04/09/12

Batch 2040920 - EPA 3051

Blank (2040920-BLK1)										
Chromium	ND	2.0	mg/kg							Prepared: 04/09/12 Analyzed: 04/10/12
LCS (2040920-BS1)										
Chromium	104	2.0	mg/kg	100		104	75-125			Prepared: 04/09/12 Analyzed: 04/10/12
LCS Dup (2040920-BSD1)										
Chromium	103	2.0	mg/kg	100		103	75-125	0.925	20	Prepared: 04/09/12 Analyzed: 04/10/12

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Wendy Hsiao

Wendy Hsiao, Project Manager



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Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

Conventional Chemistry Parameters by APHA/EPA/ASTM Methods - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 2040914 - General Preparation										
Duplicate (2040914-DUP1) Source: T120597-01 Prepared & Analyzed: 04/09/12										
Total Alkalinity	1380	60.0	mg/l		1350			2.20	25	
Batch 2040915 - General Preparation										
Blank (2040915-BLK1) Prepared: 04/09/12 Analyzed: 04/13/12										
Ammonia as NH3	ND	5.00	mg/kg							
LCS (2040915-BS1) Prepared: 04/09/12 Analyzed: 04/13/12										
Ammonia as NH3	25.4	5.00	mg/kg	25.0		102	90-110			
Matrix Spike (2040915-MS1) Source: T120597-01 Prepared: 04/09/12 Analyzed: 04/13/12										
Ammonia as NH3	44.2	5.00	mg/kg	25.0	17.2	108	90-110			
Matrix Spike Dup (2040915-MSD1) Source: T120597-01 Prepared: 04/09/12 Analyzed: 04/13/12										
Ammonia as NH3	43.2	5.00	mg/kg	25.0	17.2	104	90-110	2.52	25	
Batch 2041308 - General Preparation										
Duplicate (2041308-DUP1) Source: T120597-01 Prepared & Analyzed: 04/13/12										
pH	8.41	0.1	pH Units		8.44			0.356	20	

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Wendy Hsiao

Wendy Hsiao, Project Manager

Grayland Environmental
1807 Valdora Street
Davis CA, 95618

Project: 156-010
Project Number: 156-010
Project Manager: Jeff Clayton

Reported:
04/13/12 16:16

Notes and Definitions

- QM-07 The spike recovery and or RPD was outside acceptance limits for the MS and/or MSD. The batch was accepted based on acceptable LCS recovery.
- L-02 This result was analyzed outside of the EPA recommended holding time.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Wendy Hsiao

Wendy Hsiao, Project Manager

SAMPLE RECEIVING REVIEW SHEET

BATCH # 7120597

Client Name: GRAVELAND FALLS

Project: 156-010

Received by: SUNNY

Date/Time Received: 4-6-12 / 9:00

Delivered by: Client SunStar Courier GSO FedEx Other

Total number of coolers received 1 Temp criteria = 6°C > 0°C (no frozen containers)

Temperature: cooler #1 7.0 °C +/- the CF (-0.2°C) = 6.8 °C corrected temperature

cooler #2 _____ °C +/- the CF (-0.2°C) = _____ °C corrected temperature

cooler #3 _____ °C +/- the CF (-0.2°C) = _____ °C corrected temperature

Samples outside temp. but received on ice, w/in 6 hours of final sampling. Yes No* N/A

Custody Seals Intact on Cooler/Sample Yes No* N/A

Sample Containers Intact Yes No*

Sample labels match COC ID's Yes No*

Total number of containers received match COC Yes No*

Proper containers received for analyses requested on COC Yes No*

Proper preservative indicated on COC/containers for analyses requested Yes No* N/A

Complete shipment received in good condition with correct temperatures, containers, labels, volumes, preservatives and within method specified holding times. Yes No*

* Complete Non-Conformance Receiving Sheet if checked Cooler/Sample Review - Initials and date SL 4-6-12

Comments:

APPENDIX H

Brenda Cedarblade email and Letter from Law
Offices of Donald B. Mooney



To: Regional Water Quality Control Board
From: Brenda Cedarblade
Re:Draft Clark Pacific Cease and Desist Order

June 25, 2012

We support your cease and desist order for Clark Pacific and Clark Sturctural and request that additional measures are put in place; including but not limited to expediting the removal of the lime from ponds, that the lime and soils that made up the ponds over the years are continually tested for additional known adverse chemicals and materials used in the sugar process. That for item 4 background testing of soils done using soil from adjacent property where there has been no run off or contamination from Spreckles ponds breaking or dumping as occurred in the past to properties located to the North of the site to get a true soil baseline. A clean soil sample would be difficult on their site as there were ponds and dumping on the Spreckles site, as the ground on their site is compromised.

Our problems with exposure to the lime dust generated by Clark Pacific on the neighboring former Spreckels Sugar Plant go back to about 2008. However, starting this past Januray 2012 , we have been impacted by the lime dust on a daily basis.

Recently, I had been gone for a period of time and came back to find my home and everything in it literally covered with lime dust. To this day, I have not been able to get the lime dust removed completely from my home. Due to the exposure and severe reaction to this lime dust, I ended up in the hospital, again. I had and continue to have eye problems attributed to the dust, breathing issues and on bad days rashes, bronchial issues etc...

The doctor's have even have called poison control and recommended I contact Env Health. I filed complaints with the County Env Health, County Counsel, Air Quality and, just as with numerous complaints over the years, they again did nothing. According to the Oct 1, 2003 Spence Trucking permit #P-52-89 YSAQMD permit holder was responsible in item #2 to not discharge from ANY source such quantities of air contaminates or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property District Rule 2.5.

We just had a horse show June 9 -10th 2012 on a gusty, windy weekend and sheets of lime were blown onto our property, exhibitors, their horses and spectators. The lime ruined our show and potential contract for next year. When the dust was blowing during the morning of the show I was not home and the show management went over to their site and complained to Jack Spence and Ryan Nakkon from Clark Pacific . The large area they are stock piling the loose lime is right across from my arena and bleachers. People complained about the dust burning their eyes and throats. We were told by the people next door whatever substance they sprayed on the loose lime pile to compact it

had failed and they had to call the company back. Large chunks of the disc shaped lime , sort of like roofing material blew on the property exposing the loose lime to the wind that came at our show and spectators in sheets. The water truck they had going did little to prevent this.

When we bought our ranch in Woodland adjacent to the Spreckels Sugar factory, that factory had ceased operation. All we could see of the old plant adjacent to our property, however, were grass and plant covered hills about 30 ft. high. The hills even had young trees growing on them. At this time Holly Sugar was maintaining care of these and had them sprinklered periodically. There was a road between our two properties with an easement and they had this patrolled hourly.

The problems really began when Sugarland Farm's LLC; a group of local landowners and attorney's purchased the property. Buildings and cooling towers began being demolished on weekends. Sometimes even Sundays starting at 4-5 in the morning. Sometime during this time in 2007 or 2008 the sprinklers on the hills were removed.

A trucking company was taking out small sections of the backside of these hills. This did not affect us much, as we had the large hills, buffering between our two properties. The hills offered us a barrier. The problems began on windy days when the lime was being loaded and not watered.

Back then we thought this removal of material was going to be done quickly, not knowing how our future was to become adversely affected and our daily lives and business impacted.

As the hills were being removed in 2008 - 2009, though, the problems began to escalate. They were mining heavily and exposing large sections of the hill to the wind without watering it down before excavation. This allowed the loosened lime to start blowing in the wind. After that, the blowing lime became a daily challenge. In 2008 the sections the burrowing owls and bank swallows lived in were demolished and chopped up. We started noticing loose lime dust accumulating all over our property and theirs. On windy days you could taste the chalky material in the air. This became frequent to the point we began feeling like our existence was reduced to that of the parakeet in the mine.

In April 2012 they completely removed the 30 foot hill that was a barrier between our ranch and the old plant and exposed us to the large site they had chopped up with loose lime. This was not at all the small section like they had excavated in the past.

We have water troughs for our cattle and horses, just adjacent to where Clark Pacific was removing the lime with have mosquito fish in them. When Clark Pacific took out the hill across from our house running 7 excavators back to back day after day; a lot of this in the wind, a lot of lime got into the troughs. The water tested alkali and the mosquito fish died off in the troughs closest to the lime operation. This has now happened a few times.

One day in April 2012 we asked Jack Spence to stop until the wind died down and we could find a way to keep the lime from coming on to our property. It was a gusty, windy day. He said he would however; his boss, Clark Pacific would not allow him to stop the removal and the Coutny told them it was ok to continue. We took video of the wind and lime dust on this day and do not agree with their assessment. The wind blew this dust from their equipment, loose lime, the loading, the exposure of the from the sides of the lime hills that were sheered off right into our home.

Historically I have had various health related issues to exposure to the lime dust over the years. Others have as well that have come in contact with the lime dust. Due to the nature of leveling most of the preexisting, compacted lime hills across from us and the restockpiling of loose lime in new hills, we are being forced to live with lime in our home and air daily. My only alternative is to leave my home and property for relief which I have been doing for an extended period, now.

In April 2012, after coming home late and tired, I immediately went to bed not especially noticing the dust; I awoke to find my house filled with this dust that was thick in the house and bed; especially around areas where there were windows, doors or vents. My throat swelled, my eyes swelled shut to the point I could not put food and water in my mouth but was unable to swallow. I began having such severe eye issues that I could not open my left eye and issues with my eye sight. Most of the medical issues I have related to the lime dust exposure seem to get better when I leave my house for an extended period of time and return after about 30 minutes of being back in the home or out on my property where they are removing the lime.

The lime dust is irritating when it gets on my skin and others, it causes rashes and hives, breathing problems and even will burn the skin especially around fingers and my wedding rings if it is hot and I am sweating. I continue to have worsening reactions which the doctors attribute to my previous cumulative exposures. My husband is also having similar health related issues which also started when the lime was beginning to be removed from their site Fugitive dust blew onto our property

Clark Pacific has torn into the whole site, exposing large areas of land and removed a lot of the hills that were covered in lush vegetation and offered us some relief and barrier to their excavation and load out operations. The site is large, flatter and almost the whole area is exposed to the wind. Now that the lime hill is down between the properties, all that remains is large areas of mounds of flattened loose lime, sheered of walls from lime hills that have yet to be removed and the loose lime that is being re stockpiled in a 20 or so foot hill right across from our ranch. We were now totally exposed to the dust. Day and night - 24 hours a day and 7 days a week to lime that was drifting on us in the slightest breeze; into our home, barns, on our food, and vehicles each night in the delta breeze. The dust is so fine that it is in drawers. You can see it around the door where it is coming in through the seems. Visitors to the ranch frequently comment on the taste of chalk or that the air is burning their eyes and throat.

The lime is loose and being stock piled maybe 100 feet directly across from our barn, main arena, bleachers and spectator areas. Boarders complain almost daily about the air issues related to their horses from the site next door and the number of boarders we have has plummeted in recent years, especially lately, as the lime exposure worsened. In the slightest wind, you can taste what everyone describes as "Chalk" in the air when you breath.

Each day I try and clean the dust off the furniture and floor in my house. The day following clean up, I awake to find more of this dust settling on our tables, food, clothing. If we are gone for any period of time, it is thick when we get back. The lime dust has gotten into our vents, it gets on my bed, on our food, clothing. I have to put my cloths in the dryer before I wear them to get the dust off. We have noticed the lime dust even changes the color of the clothing to a burnt color on the shoulders in the pattern of the hanger where the lime lands and is left to settle for any period of time; even though we keep our closet door shut.

We have even tried putting up plastic painters sheets to try and seal the windows, but the lime dust still comes in. I put the sheets of plastic over the bedding when I get up, so that when I go to sleep I can remove them, to try and minimize the lime from getting on the bedding.

When I finally got Yolo County Env Health to come out, they saw the dust and without even testing it they stated it was just farm dust and I had nothing to worry about. We know this is not just farm dust, though, because the dust was very recently limited tested and it clearly shows contamination with alkalinity, ammonia, and chromium. We have been advised to have more extensive testing done.

Spence Trucking now has a water truck spraying roads whenever they load. This is a token measure and does not prevent the exposed hills that are now sheered off and exposed, still 30 feet in some places from carrying the lime in the air across our property, daily. On gusty days we can visibly see the lime coming off in sheets when it is windy out, no matter how much they try and water the roads. The disturbed loose piles are not watered, though.

The people from the trucking company go home and do not water past 5 pm or even on the weekends for that matter. During these times, the lime is left to drift. We have to live with this nasty dust in our house and in the air on our property, 24 hours a day. Even on the sections of dug up lime on their site that they manage to put a crust on, if a rabbit or bird lands on it, you can see the lime dust poof up and carry in the wind.

Our property is on the National Register of Historic Places added in 1972; Building and Property #72000266. We have a 1 acre community garden for adults with developmental disabilities that grow food organically and then donate the food to the local Wayfarer Center and Food Bank. The dust gets on this food too. These mentally disabled people also sometimes complain about issues when the dust gets thick in the air.

On our property we have a permit to hold different events that we got through the County Planning Department and a hearing with the Planning Commission. The weekends are when we have events at our ranch, hosting large horse shows, weddings, children's birthday parties. We have spectators and horse shows. The lime is now affecting these events. People are complaining about the dust burning their eyes and the affects it has on their horses. We have been and are continuing to lose horse boarders because of the uncontrolled lime dust. The dust blows at us during horse shows. We do not think we will be able to have horse shows in the future due to problems from the blowing lime dust. Financially, this lime removal operation is ruining us.

We tried to put up with this dust in hopes they would get rid of it. I stayed away as much as possible from the house and property. I was told the lime was all supposed to be gone by 2006 then 2010-11 then 2013 and now 2015. I was hoping they would get rid of it, but they claim their operation depends on being able to sell it. They only operate if they can sell it, so the lime is not being moved like it should be. This is leaving the lime to further create new problems. Why doesn't Clark Pacific move it to one of their properties and be done with it? It would only take days with enough trucks

We are having other issues we attribute to the lime such as an abnormal amount of corrosion of the metal and paint occurring on vehicles and roofs at the Historic Nelson Ranch property where the lime comes in contact and settles.

A few months ago Jack Spence doing the removal of lime, even noted the issues of he lime drifting onto our property and said he had no idea why the County would give us a permit to put our barn close to the lime piles. When we built our barn, it was next to grass covered hills. We did not know what was to be or the restrictions the lime operation would impose on our lives and use of our property. We did not know that the green covered hills and land, would be opened and expose the chalky lime talc underneath. The lime piles that were adjacent to our fence in some areas has even now spilled directly onto our property, we can see the chunks that have been flung there off the tires of the heavy equipment.

More and more of the hills are being cut up and restockepiled creating new mountains of loose lime. This process in itself creates a tremendous amount of dust as the big excavators tear into solid lime hills dating to 1937, load the lime chunks and crush it making loose lime airbornee and then restockpile it, driving over the area with the large tires that toss the dust up into the air.

We do not think disturbing the lime hills, re stockpiling it and exposing more surface area to wind was ever properly disclosed to any agency and was NOT the intent of any permits or orders to remediate the problems. Even when they do try and water the roadways to minimize the dust, their runoff water is running off the lime, down the county road, off their site in the culverts and draining. I would imagine this is making the issues worse with the groundwater aquifer rather than protecting us in any meaningful way. The public road and ground around the plant used to even bubble with colored water seeping

up from below ground. Clark Pacific keeps trying to convince me that it is ok as it is only lime and not harmful to their health. But, my doctors tell me a different story.

I have been having various allergic reactions that are increasing in affect. When it is really blowing and I have to take in the horses, I have no option but to be out in this blowing lime. More often than not, my body's reaction to exposure to the lime dust will lay me up for days. I get something called dermagraphia. This is a condition is where your swollen and people can write words by lightly touching your skin. The doctors are quite concerned by this as I am. I feel more like a lab rat than a human being. I have my throat swell to the point where I can put food in my mouth and not be able to swallow it. As I am exposed more and more, my body has worse and worse reactions.

The operation has ruined our lives. Now that the hills are down, when it is slightly breezy and I have to stay inside my home, I have to sleep or watch TV covering my mouth with a wet towel or put it over my face at night. Inside my house when the sun hits the air right, you can see the crystals glisten in air of my home. I have to wear a breathing mask when outside, even on some days inside my own home. I have had skin burns that are attributed to the lime alkalinity mixing with sweat. I wake up sometimes when the wind picks up at night unable to breath, with my chest tight; it feels like I am being buried alive.

We no longer have the luxury of opening our windows to allow the delta breeze to cool off our home. Our windows and doors have to stay shut, as the lime is in the air and will get in and settles on everything. But when I get home after being away for awhile, I have had to throw open all of the windows and doors just to try and get the lime out after being gone. My husband trys to help and changes the filters in our vents almost weekly. They are covered and test positive for the lime.

In April 2012 when it was blowing and terrible, and I was sickened and in the hospital from my contact with this dust blowing on our ranch, I requested Clark Pacific to have a company clean my house and get the lime dust out as I was too sick and my doctor did not want me near it. They never responded.

We have also had to throw out lots of hay from our barn when it gets covered in lime because if there is lime dust on the product the horses are consuming, it could lead to any any number of problems overtime as a result.

Clark Pacific has no water on the site they are loading from as is required by their permit. This is the reason they disconnected the sprinklers in the past. The trucks have to drive across 100B to get water. There is daily track out from their trucks and loaded trucks along 100B. When traffic on 100B drives over the lime rock and lime dirt left behind by the trucks, the dust blows up into the air and it is visible as the air plume usually drifts toward our ranch. We have video of this.

The trucks hauling the lime go down the road with lime rocks falling off their tires and bouncing out of the bed of the trucks. You can see the lime dust coming up from the bed

as they travel down the roads and freeways of the trucks in the air because the trucks are not tarped.

I believe there is a lot more than just lime in the piles also because I noticed when they excavate certain sections of the lime pile, they get into rings that are discolored, not white. I also notice that when they hit certain sections, I have more swelling, or reaction to the dust. I also noticed our horses, more than once, all break out in full body rashes at the same time when they excavate certain portions of the lime. One of them was so bad this past April, that the vet had to give it medicine to control the reaction that caused it to founder, where the feet of the horse almost came off. I did not know this at the time, because I was in the hospital myself from a severe reaction after being out in the wind and lime.

YSAQMD says that they do not see anything wrong. Our video and photographs tell another story however. I also notice that the operation next door will totally shut down just prior to AQMD coming out to observe. I have documented the guys working and then leaving in their truck 30 minutes or so before AQMD arrives right in the middle of the work day. So I have learned to videotape the events before and when I call them. In the videotapes and photographs you can visibly see the lime blowing off their piles, being thrown around by the truck tires in the wind, even small sheets of the crusted lime coming at us.

The Cache Creek settling basin is less than 1.5 away. We have nesting Swainson Hawks that have been documented by the State of California. There is or was until early this past year a ditch between the two properties that went to Cache Creek and between wooded areas. Clark has filled this ditch in so any runoff will now flow right onto our property.

I do not believe Clark Pacific's operation are legal and request that they immediately do everything possible to alleviate this problem immediately. Somebody has to help us. I hope the Water Board will.

We suggest immediate relief by ordering the following:

Protection from Blowing Lime –

1. Complete tarping & posting the entire lime pond site should be ordered. Tarping would provide immediate relief from blowing lime. It would also be a positive prevention plan for animals such as the Swainson Hawks that nest above this and other habitat from becoming in contact with alkali material.
2. Removal should only allowed to take place in areas as they pull tarp back. Prevention of removing any lime or soil should be prohibited until an adequate dust suppression plan in place that includes 24 hr sprinklers.
3. Clark Pacific should also actually provide the earthen berm that Clark Pacific was supposed to do along east and south boarder per their use permit APN -27-25-05 and -027-250-19. Clark Pacific should also provide a 300 foot buffer area

between the two sites where no mechanized vehicles are permitted across from the ranch and horse barns, arena and spectator areas.

4. Accelerated removal of the contaminated lime in a manner that prevents any further fugitive emissions on our property should be ordered.
5. On Site water source to wash their trucks to prevent track out, to water the areas and to provide the sprinklers 24 hour should be required.
6. Removal and replacement of lime with topsoil suitable for agricultural should be required to prevent lime mixed in soil from blowing on us.
7. Cessation of any excavation or removal activities when winds exceed 5 mph.
8. Washing off streets after each truck is driven out on them to remove all visible signs of soil material track out at time of occurrence.
9. All trucks leaving site with lime should be tarped and covered. All wheels, rims, and bodies of vehicles should be washed prior to exiting on to City or State Roads from the containment area.

Thorough Testing of the Lime and all Underlying Soils and Aquifers for all Possible Toxic Chemicals and Materials

Thorough Testing and Analysis of Any Private Wells that Could be Affected by the Migrating Contaminated Water Plume Should be Performed and a New Deep Well Installed if Contaminated

A Detention Holding Basin Should be Installed Preventing the Runoff of the Contaminated Water from the Site to Protect Neighbors and from Going toward the Cache Creek Settling Basin and Wetlands in this Area.

Cleanup of any fugitive dust and soils from this site on our property.

Sincerely,

Brenda Cedarblade – By Email – Hardcopy to follow
Historic Nelson Ranch

**Log of Veterinarian Visits and Issues Potentially Related or Due to Lime Exposure –
Not All Are Listed**

May 2012- Euthanasia of Horse due to Veterinary issues related to the lime on May 4, 2010

Jan 26, 2010 – doctor and veterinary visits related to lime dust coming onto property from lime removal. Horses have irritated eyes, coughing, drainage, some have hives along load out area.

Feb 23, 2009

Feb 4, 2009

Jan 14, 2009

Dec 22, 2008

Nov 3, 2008

Oct 6, 2008

Sept 22, 2008

June 11, 2008

May 3, 2008 – Doctor and veterinarian related to lime dust. Horses have hives, irritated eyes and lungs

April 10, 2008

March 25, 2008

Jan 30, 2008

Jan 17, 2008

Jan 18, 2008 - Letter from veterinarian about threat of lung disease in proximity to lime stock

1/16/08 - Complaint to AQMD they came out and took pictures of cattle and horses with lime on them and respiratory distress, eyes watering ,, NOV 0005999 #3297

1/15/2008 - Necropsy

Nov 6, 2007

Oct 2007

Sept 13, 2007

July 24, 2007

Feb 19, 2007

Dec 4, 2006

Pct 2, 2006

July 26, 2006

May 30, 2006

March 16, 2006

Jan 3, 2006

Sept 19, 2005

August 3, 2005

April 20, 2005

March 4, 2005

Sept 20, 2004

August 18, 2004

Sept 20, 2004

Feb 10, 2003

Log of My Medical Visits Related to Symptoms of Lime Dust Exposure

May 8 2012- Dr. Gollober Respiratory Distress

May 3, 2010 Dr. Howell related to lime dust exposure

April 23, 2012 – Woodland Hospital

April 3, 2012 - Dr Lynch – Eye swollen, problems, discomfort, blurry

April 3, 2012 – Dr Gollober – Problems swallowing, itchy bumps on arms and neck, left lung sore to breath in . Noted healed dermatofibroma. Folliculitis on exposed arms, neck and leg. Horses also swollen. Related to lime dust in house. Referred me to environmental agencies and insurance as an option.

March 30 – April 2nd Dermographia

March 30, 2012 - Dr Gollober -Re-check allergic reaction to lime. Swelling of eyes, Brown bumps on arms sore to touch, left eye symptoms. Lesion that appears to be a burn – contacted poison control who referred to Yolo County Env Health. Stay away from house/contact with lime.

March 29, 2012= Dr Gollober – Awoke with Swollen eyes, trouble breathing, throat hurt, rash and bumps appeared, blood in sputum of nose, tightness in lungs likely related to lime removal. Recommended cleaning company for lime in house.

Feb 28, 2012- First Sight Eye Dr. – Painful Eye

Feb 21, 2012- Dr Chu – Persistent Pain in eye. Eye “hurts”

Feb 17, 2012- Dr – Eye problems feels like metal in eye. Difficulty with refraction.

Dec 30, 2011 – Dr Howell - Eye pain. Sensation of foreign body in eye. On going.

Jun 27, 2011 – Dr. Luc , Dr Howell, Dr Gollober - Eye problem, sensation of foreign object in eye.

Jun 17, 2011- Dr Luc, Eye Irritation, Redness, Painful –Swelling in eyelid

May 3, 2010 – Dr. Howell - Eye irritation – feels like metal under eyelid and trouble breathing, pain in right lung. Blurry vision.

Jan 26, 2010 – doctor Dr. Horney – dermatology related to lime dust issues and irritant, swollen eyes, breathing issues.

1/22/2010 – Dr. Howell – Brown spots that bleed on exposed areas of body to lime dust.

1/6/2010 – Dr Howell – seen for exposure to lime dust from Spreckles site. Urticaria resulting. Contact Dermatitis & Atopic Dermatitis and skin related problems.

5/6/2008 & 5/7/2008 Dr Henschell & Dr Zavod & Dr Whitcombe- related to urgent care and rash possibly from lime, and site. Rash on face, neck and scalp where exposed to the lime that was blowing from pile being cut into and left exposed to the wind.

Feb 29, 2008 – Dr Brown and Henschell Rash and pruritic and intermittent vesicles & erthwemaous. Blister like appearances. Respiratory issues. Lime blowing on ranch at time and week before form load out.

Feb 15, 2008 Dr. Henschell – Exposure to open lime – Dermatitis, Mild Anemia, Rash and respiratory distress, dermatitis. Burning skin and eyes. Chest discomfort. Multiple brown erythematous papules on body. Avoid irritants.

Feb 7, 2008 Dr Brown – patch test. Rash. Outbreaks. Fatigued. Post inflammatory hyperpigmentation on body. Microcytic anemia. Recurrent rash and fatigue when exposed to lime dust...

Feb 6, 2008 Nurse Dickson, Dr. Pires, Dermatitis, patch test, exposure to open lime dust.

1/25/2008 – Dr. Henschell – Referral from Emergency room. Airway closure. Chest pain. Eyes swollen. Rash on areas exposed to lime, papules resulting, fatigue, stomach upset, ulcer like lesions on throat. Referral to toxicology. Better after moving away from lime dust. + issues related to Spreckles site.

1/15/2008- Allergic reaction to exposure. Emergency Room. Rash, IV Fluids, ranitidine, cough. Neighboring properties and husband having issues and similar rashes as well. Testing. Contact dermatitis. Toxicologist.

1/9/2008 – Follow up from emergency room to exposure to neighboring property (Spreckles). Allergic reactions, pruritis. Pruritic rash and nose. Breathing related issues.

1/6/2008- Dr. Kramer & Dr McCAskill - Emergency Room- Allergic Urticaria & Environmental Reaction. Severe.

12/27/2007 Emergency Department – Severe allergic reaction to exposure from Spreckles site. Dizziness, trouble swallowing. Facial swelling and on arms and feet. Pain in lungs. Probably had previous exposure. Upper respiratory infection.

12/26/2007 – Dr. Bland Follow up to Emergency. Allergic reaction to spraying and neighboring property (Spreckles) . Breathing treatment. Skin rash. Allergic rhinitis.

Several papules. Possible anaphylaxis. Sore lungs. Watery Eyes. Acute distress. Treated for wheezing.

12/26/2007 – Woodland Emergency Department. Exposure to things from Spreckles site and clean up seen ...

12/25/07 – Dr Bland – Emergency - Rash and Sore Lungs. Itchy eyes, Cough. EKG. Abnormal - Erythematous. Raised lesions. Acute Allergic Reaction. Bronchospasm.

12/24/07 – McCAskill PA – Exposure – Rashes Itching. Shortness of breath. Difficulty swallowing. Rough Cough. Allergic urticaria. Hives. “Environmental Reaction “Avoid contact.

11/28/06 – Biopsy 2 lesions on body. Erythematous lesions bleeding often and then scab over.

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

129 C Street, Suite 2
Davis, California 95616
Telephone (530) 758-2377
Facsimile (530) 758-7199
dbmooney@dcn.org

June 25, 2012

Via Electronic Mail
(pcreedon@waterboards.ca.gov)
and Facsimile

Pamela C. Creedon
Executive Director
California Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Comments on the Cease and Desist Order R5-2012-XXX for Clark Structural, LLC and Clark Pacific Corporation former Spreckels Sugar Company Facility, Yolo County

Dear Ms. Creedon:

This office represents Brenda Cedarblade, Ted Wilson, and the Historic Nelson Ranch. Pursuant to the June 1, 2012, notice of a Public Hearing concerning Cease and Desist Order for Clark Structural, LLC and Clark Pacific Corporation former Spreckels Sugar Facility, Ms. Cedarblade and Mr. Wilson submit comments on the proposed Cease and Desist Order (CDO). Ms. Cedarblade and Mr. Wilson own The Historic Nelson Ranch, which is adjacent to and downwind of the property owned by Clark Structural and Clark Pacific ("Clark Pacific" or "Dischargers") known as the former Spreckels Sugar Facility. As the owners of the Historic Nelson Ranch, their health, business and property interests have been severely impacted by the existence of the PCC piles, the Dischargers' failure to comply with the March 14 2003, Central Valley Water Board's Waste Discharge Requirements Order R5-2003-0047, the callous disregard to the adjacent property owners' regarding the method and timing of removing the PCC piles. These comments incorporate the comments and documents submitted by Brenda Cedarblade and Ozone Process Consultants, Inc. In addition to those comments, the following comments and evidence is provided regarding the proposed Cease and Desist Order.

Clark Pacific's operation regarding the removal of the piles of precipitated calcium carbonate ("PCC") has resulted in significant impacts to the health of individuals living and working at the Historic Nelson Ranch, as well as to the horses that are boarded at the Ranch. (See Comments submitted by Brenda Cedarblade and Ozone Process Consultants, Inc.) When the wind blows from the west, the PCC dust encases the Ranch resulting in a trespass and nuisance, which causes significant health impacts to individuals and horses. The current removal of the PCC piles deviates substantially from historic practices. While Clark Pacific has been under the current WDRs from the

Regional Water Quality Control Board to remove the PCC piles, Clark has proceeded in a manner that has violated the WDRs, results in a continuing nuisance to the adjacent property owners, and is injurious to the public health. The CDO and enforcement of the WDRs fails to adequately address the impacts to individuals and animals that are downwind from the PCC piles.

1. The Cease and Desist Order Fails to Impose any Civil Penalties.

While the Cease and Desist Order identifies the longstanding and continuing violations of the current WDRs, the Regional Board does not propose imposing any administrative civil penalties against the Discharger. The Discharger failed to meet the 2007 deadline for removal of the PCC piles, has repeatedly failed to provide the Regional Board an accurate estimate of the quantity of remaining PCC and has allowed the PCC piles to be in a loose, uncompacted state that makes the PCC subject to wind and precipitation events. Moreover, the Dischargers failed to meet the informal deadline with the Regional Board staff when staff agreed to take no enforcement action if the Discharger removed the remaining piles by 2011. Not only did the Dischargers fail to remove the required amount of PCC, the Dischargers failed to provide an accurate accounting of the amount of PCC remaining. The assessment of an Administrative Civil Liability would ensure that the Discharger is not rewarded for its repeated violations and the misrepresentations as to the amount of PCC remaining. By not assessing any such penalty, the Regional Board has effectively provided the Dischargers a financial windfall for its noncompliance. The CDO should be amended to provide for a significant Administrative Civil Liability that reflects the Dischargers' continuing failure to comply with its legal obligations under the CDO.

2. The Dischargers Have Repeatedly Misrepresented the Quantity of PCC Remaining

As a result of the Discharger's continuous misrepresentations as to the quantity of PCC remaining, the Discharger has failed to meet the removal requirements in the WDR. The proposed CDO states that the Discharger conducted the most recent survey May 2012. As the Discharger has repeatedly underestimated the amount of PCC, the Regional Board should direct that an independent third party consultant, selected by the Regional Board, and paid for by the Discharger, conduct an investigation as to the quantity of PCC remaining. In order for the Regional Board's Cease and Desist Order to be effective, the Regional Board must have an accurate accounting of the quantity of PCC that remains at the site.

3. The Dischargers' Removal of PCC Has Resulted in Significant Contamination of the Adjacent Property.

The Dischargers have failed to properly remove the PCC which has resulted in significant emissions from the site and contamination of the Historic Nelson Ranch. In

Ms. Pamela C. Creedon
June 25, 2012
Page 3

April 2012, on behalf of Ms. Cedarblade and Mr. Wilson, dust and soil samples were performed at the Historic Nelson Ranch. (See April 17, 2012 Letter from Grayland Environmental to Donald B. Mooney, attached to this comment letter.) The samples were taken at a time when Clark Pacific and its contractor were actively disturbing the PCC piles as a result of excavation and hauling. It should be noted that the samples were taken on April 3, 2012, eight days prior to the staff's April 11th inspection wherein the staff observed a significant volume of PCC remained in a loose, uncompacted state that could be subject to wind and precipitation events. (See Draft Cease and Desist Order at page 2, paragraph 11.) The soil sample was collected from a small residual pile of soil on Ranch's property, but adjacent to Clark Pacific's property. The soil material was slightly yellowish, brownish white color and had a very fine-grained (powdery) texture. Dust samples were collected from inside the residence at the Ranch.

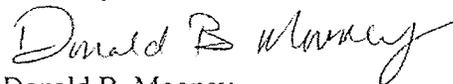
The samples were analyzed for total chromium, total alkalinity as calcium carbonate (CaCO_3), ammonia (NH_3) and for the hydrogen ion concentration (pH). The laboratory results for the soil sample indicated that all three analytes were present in the soil greater concentrations than the reporting limits. The dust samples in the house, all three analytes were detected at much higher concentrations. Thus, the emissions generated from removal of the PCC piles have resulted in significant contamination to the Historic Nelson Ranch.

The CDO should be amended to ensure that the continuing removal of the PCC will not contaminate nearby properties. The CDO should also be amended to require independent testing of the materials and contaminants contained in the remaining PCC piles at the site.

4. The CDO's Should Direct that Copy of Reports Be Submitted to Adjacent Property Owners

Paragraphs 3 through 11 of the proposed CDO provides for the Discharger to submit reports to the Regional Board. The proposed CDO should be amended to require that copies of all such reports be mailed directly to Ms. Cedarblade and Mr. Wilson, or their designated representative. As the adjacent property owners, they should be notified immediately of the progress of the removal and the compliance with the mandatory requirements contained in the CDO.

Sincerely,



Donald B. Mooney
Attorney

Ms. Pamela C. Creedon
June 25, 2012
Page 4

Attachment: April 17, 2012 Letter from Grayland Environmental to Donald B. Mooney

cc: Brenda Cedarblade
Ted Wilson
Frederick Moss, Assistant Executive Officer
Wendy Wyels, Supervisor, Compliance and Enforcement Section
Todd Del Frate, Regional Board (tdelfrate@waterboards.ca.gov)

April 17, 2012

Project No.: 156-010

Mr. Donald Mooney
Law Offices of Donald Mooney
129 "C" Street, Suite 2
Davis, California 95616

Subject: Outdoor Soil and Indoor Dust Sample Results
Historic Nelson Ranch, 41070 County Road 18C, Woodland, California 95776

Dear Mr. Mooney:

At your request, Grayland Environmental (*Grayland*) has prepared this letter report regarding the environmental sample collection work conducted at the property located at 41070 County Road 18C in Woodland, California (site). The purpose of the work was to evaluate outdoor soil and indoor dust at the site for potential contamination, which may be present as a result of the apparent disturbance of large volumes of soil at the adjacent property, where sugar beets were once processed. This environmental sample collection work was conducted by a State of California registered Professional Geologist (PG).

The three tasks completed for the site included:

- Task 1** Collect a sample of soil from near the property line and a sample of dust from inside of the residential structure at the site for laboratory testing.
- Task 2** Analyze both samples at a California State accredited environmental laboratory for alkalinity (CaCO₃), ammonia (NH₃), total chromium (Cr) and pH.
- Task 3** Prepare this letter report documenting the sample collection work and analytical results of the laboratory samples.

Grayland arrived at the site on April 3, 2012, to conduct a brief site inspection, prior to performing the aforementioned Task 1. A walk through of the horse ranch facility indicated that the apparent disturbance of large volumes of exposed soil at the adjacent property had created the occurrence of widespread, wind-dispersed dust across much of the property, including a significant accumulation inside of the site structures. Areas observed during the site inspection included the horse stalls, arena building, business office and site residence.

April 17, 2012

Mr. Donald Mooney

Following the brief site inspection, a soil sample was collected from a small residual pile of soil present along the property line of the horse ranch, adjacent to the former sugar beet processing facility. The soil material was a slightly yellowish, brownish white color and had a very fine-grained (powdery) texture. The sample was collected in a stainless steel sample sleeve by driving the sleeve through the surface of the pile using a percussion core sampler. The filled sample sleeve was sealed with plastic end caps, labeled (SSP-1) and placed immediately in iced storage for delivery to an environmental laboratory.

To compare this soil material to dust observed inside of the site residence, a sample of dust was collected mainly from the floor and furniture surfaces present in the living room of the residence. An inspection of the dust indicated that there was a strong similarity in grain size (powdery) and color to the soil observed along the property line. The dust was collected using a plastic scraping device and was placed in a sealed plastic bag. The bag sample was placed in a glass sample jar, labeled (SID-1) and placed in iced storage for delivery to an environmental laboratory.

Both of these environmental samples were listed on a chain of custody record and submitted to SunStar Laboratories, Inc., of Lake Forest, California, for chemical analysis. The samples were analyzed for the total threshold limit concentration (TTL) of total chromium using Environmental Protection Agency (EPA) method 6010B, total alkalinity as calcium carbonate (CaCO_3) using EPA method 310.1, ammonia (NH_3) using EPA method 350.2 and for the hydrogen ion concentration (pH) using EPA method 9045B. SunStar is accredited by the State of California Health Department to performed these laboratory methods.

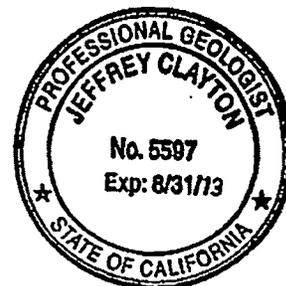
The laboratory analytical results of the environmental samples indicated that reportable concentrations (greater than the method reporting limit) of all three analytes were present in the soil sample (Table 1). In addition, all three of these analytes also were detected in the dust sample, however, at much greater concentrations (Table 1).

If you have any questions regarding this environmental sample collection work and letter report or need additional information, please do not hesitate to contact our office. Thank you for the opportunity to provide our environmental consulting services.

Sincerely,
Grayland Environmental

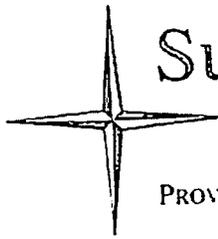


Jeffrey A. Clayton, P.G.
Principal Geologist



attachment: Laboratory Report #T120597

TABLE 1 LABORATORY RESULTS OF SOIL AND DUST SAMPLE ANALYSES SITE INVESTIGATION 41070 COUNTY ROAD 18C, WOODLAND, CALIFORNIA						
ANALYTE	SAMPLE DESIGNATION					
	SSP-1	SID-1	MRL			
CAM 17 Metals (TTLIC)						
Chromium	5.0	32	2.0			
Physical Properties						
Alkalinity (CaCO ₃)	1,350	7,000	60.0			
Ammonia (NH ₃)	17.2	407	5.00			
Hydrogen Ion Concentration						
pH	8.4	7.6	0.1*			
TTLIC = Total Threshold Limit Concentration Samples reported in mg/kg = milligrams/kilogram or mg/l = milligrams per liter (parts per million) MRL = Method Reporting Limit * pH units						



SunStar
Laboratories, Inc.

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE

25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

13 April 2012

Jeff Clayton
Grayland Environmental
1807 Valdora Street
Davis, CA 95618
RE: 156-010

Enclosed are the results of analyses for samples received by the laboratory on 04/06/12 09:00. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Wendy Hsiao
Project Manager

SunStar Laboratories, Inc.
 25712 Commercentre Dr
 Lake Forest, CA 92830
 949-297-5020

Chain of Custody Record

Client: Grayland Environmental
 Address: 1807 Valdara St, Davis CA 95618
 Phone: 520 756-1441 Fax: _____
 Project Manager: Jeff A. Clayton

Date: 4-5-12 Page: 1 of 1
 Project Name: _____
 Collector: JAC Client Project #: 156-010
 Batch #: 7780577 EDF #: None

Sample ID	Date Sampled	Time	Sample Type	Container Type	8260	8260 + OXY	8260 BTEX, OXY only	8270	8021 BTEX	8015M (gasoline)	8015M (diesel)	8015M Ext./Carbon Chain	8010/7000 Title 22 Metals	CaCO ₃	NH ₃ Ammonia 350.1	Total Chromium	Laboratory ID #	Comments/Preservative	Total # of containers
SSP-1	4-3-12	14:15	Soil	sleeve										XX	XX	XX	01	SID. TAT 4-6-12	1
SIO-1	4-3-12	14:30	dust	jar										XX	XX	XX	02		

Relinquished by: (signature) <i>[Signature]</i>	Date / Time 4-5-12 / 13:10	Received by: (signature) <i>[Signature]</i>	Date / Time 4-5-12 / 13:10	Total # of containers: <u>2</u> Chain of Custody seals: <input checked="" type="checkbox"/> VNA Seals intact: <input checked="" type="checkbox"/> VNA Received good condition/cold: <input checked="" type="checkbox"/> G.S. Turn around time: <u>STW</u>	Notes Analyze SIO-1 for CaCO ₃ first NH ₃ second Cr third in case there is not enough sample
Relinquished by: (signature) <i>[Signature]</i>	Date / Time 4-6-12 / 9:00	Received by: (signature) <i>[Signature]</i>	Date / Time 4-6-12 / 9:00		
Relinquished by: (signature)	Date / Time	Received by: (signature)	Date / Time		

Sample disposal instructions: Disposal @ \$2.00 each _____ Return to client _____ Pickup _____

COC 112915



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

Grayland Environmental
1807 Valdora Street
Davis CA, 95618

Project: 156-010
Project Number: 156-010
Project Manager: Jeff Clayton

Reported:
04/13/12 16:16

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
SSP-1	T120597-01	Soil	04/03/12 14:45	04/06/12 09:00
SID-1	T120597-02	Dust	04/03/12 14:30	04/06/12 09:00

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Wendy Hsiao, Project Manager



25712 Commerce Centre Drive
 Lake Forest, California 92630
 949.297.5020 Phone
 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

SSP-1
 T120597-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

TTL RCRA Metals by EPA 6010B

Chromium	5.0	2.0	mg/kg	1	2040911	04/09/12	04/09/12	EPA 6010B	
Conventional Chemistry Parameters by APHA/EPA/ASTM Methods									
Total Alkalinity	1350	60.0	mg/l	1	2040914	04/09/12	04/09/12	EPA 310.1	
Ammonia as NH3	17.2	5.00	mg/kg	-	2040915	04/09/12	04/13/12	EPA 350.2	
pH	8.4	0.1	pH Units	-	2041308	04/13/12	04/13/12	EPA 9045B	1-02

SunStar Laboratories, Inc.

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Wendy Hsiao, Project Manager

Grayland Environmental 1807 Valdora Street Davis CA. 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

SID-1
T120597-02 (Dust)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

TTLRC RCRA Metals by EPA 6010B

Chromium	32	2.0	mg/kg	1	2040920	04/09/12	04/10/12	EPA 6010B	
----------	----	-----	-------	---	---------	----------	----------	-----------	--

Conventional Chemistry Parameters by APHA/EPA/ASTM Methods

Total Alkalinity	7000	60.0	mg/l	1	2040914	04/09/12	04/09/12	EPA 310.1	
Ammonia as NH3	407	50.0	mg/kg	10	2040915	04/09/12	04/13/12	EPA 350.2	
pH	7.6	0.1	pH Units	1	2041308	04/13/12	04/13/12	EPA 9045B	1-02

SunStar Laboratories, Inc.

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Wendy Hsiao

Wendy Hsiao, Project Manager



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 Lake Forest, California 92630
 949.297.5020 Phone
 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

TTLRC RCRA Metals by EPA 6010B - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch 2040911 - EPA 3051										
Blank (2040911-BLK1)				Prepared & Analyzed: 04/09/12						
Chromium	ND	2.0	mg/kg							
LCS (2040911-BS1)				Prepared & Analyzed: 04/09/12						
Chromium	46.4	2.0	mg/kg	50.0		92.8	75-125			
Matrix Spike (2040911-MS1)				Source: T120597-01		Prepared & Analyzed: 04/09/12				
Chromium	79.4	2.0	mg/kg	100	4.96	74.5	75-125			QM-07
Matrix Spike Dup (2040911-MSD1)				Source: T120597-01		Prepared & Analyzed: 04/09/12				
Chromium	83.9	2.0	mg/kg	100	4.96	78.9	75-125	5.40	20	
Batch 2040920 - EPA 3051										
Blank (2040920-BLK1)				Prepared: 04/09/12 Analyzed: 04/10/12						
Chromium	ND	2.0	mg/kg							
LCS (2040920-BS1)				Prepared: 04/09/12 Analyzed: 04/10/12						
Chromium	104	2.0	mg/kg	100		104	75-125			
LCS Dup (2040920-BSD1)				Prepared: 04/09/12 Analyzed: 04/10/12						
Chromium	103	2.0	mg/kg	100		103	75-125	0.925	20	

SunStar Laboratories, Inc.

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 949.297.5020 Phone
 949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA. 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

Conventional Chemistry Parameters by APHA/EPA/ASTM Methods - Quality Control
SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------	-------

Batch 2040914 - General Preparation

Duplicate (2040914-DUP1)		Source: T120597-01		Prepared & Analyzed: 04/09/12						
Total Alkalinity	1380	60.0	mg/l		1350			2.20	25	

Batch 2040915 - General Preparation

Blank (2040915-BLK1)				Prepared: 04/09/12 Analyzed: 04/13/12						
Ammonia as NH3	ND	5.00	mg/kg							

LCS (2040915-BS1)				Prepared: 04/09/12 Analyzed: 04/13/12						
Ammonia as NH3	25.4	5.00	mg/kg	25.0		102	90-110			

Matrix Spike (2040915-MS1)		Source: T120597-01		Prepared: 04/09/12 Analyzed: 04/13/12						
Ammonia as NH3	44.2	5.00	mg/kg	25.0	17.2	108	90-110			

Matrix Spike Dup (2040915-MSD1)		Source: T120597-01		Prepared: 04/09/12 Analyzed: 04/13/12						
Ammonia as NH3	43.2	5.00	mg/kg	25.0	17.2	104	90-110	2.52	25	

Batch 2041308 - General Preparation

Duplicate (2041308-DUP1)		Source: T120597-01		Prepared & Analyzed: 04/13/12						
pH	8.41	0.1	pH Units		8.44			0.356	20	

SunStar Laboratories, Inc.

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Wendy Hsiao

Wendy Hsiao, Project Manager



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Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

Grayland Environmental 1807 Valdora Street Davis CA, 95618	Project: 156-010 Project Number: 156-010 Project Manager: Jeff Clayton	Reported: 04/13/12 16:16
--	--	-----------------------------

Notes and Definitions

- QM-07 The spike recovery and or RPD was outside acceptance limits for the MS and/or MSD. The batch was accepted based on acceptable LCS recovery.
- I-02 This result was analyzed outside of the EPA recommended holding time.
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety

Wendy Hsiao, Project Manager

SAMPLE RECEIVING REVIEW SHEET

BATCH # T120597

Client Name: GRAVELAND FALLS

Project: 156-010

Received by: PUNNY

Date/Time Received: 4-6-12 / 9:00

Delivered by: Client SunStar Courier GSO FedEx Other

Total number of coolers received 1 Temp criteria = 6°C > 0°C (no frozen containers)

Temperature: cooler #1 7.0 °C +/- the CF (-0.2°C) = 6.8 °C corrected temperature

cooler #2 _____ °C +/- the CF (-0.2°C) = _____ °C corrected temperature

cooler #3 _____ °C +/- the CF (-0.2°C) = _____ °C corrected temperature

Samples outside temp. but received on ice, w/in 6 hours of final sampling. Yes No* N/A

Custody Seals Intact on Cooler/Sample Yes No* N/A

Sample Containers Intact Yes No*

Sample labels match COC ID's Yes No*

Total number of containers received match COC Yes No*

Proper containers received for analyses requested on COC Yes No*

Proper preservative indicated on COC/containers for analyses requested Yes No* N/A

Complete shipment received in good condition with correct temperatures, containers, labels, volumes preservatives and within method specified holding times. Yes No*

* Complete Non-Conformance Receiving Sheet if checked Cooler/Sample Review - Initials and date SL 4-6-12

Comments:

APPENDIX I
YSAQMD Records



YOLO/SOLANO AIR QUALITY MANAGEMENT DISTRICT

FIELD INSPECTION REPORT

DATE: 03-04-2011	PERMIT NO. P-52-89 (t1)
TIME SPENT: 10:55am - 12:30pm	SAFETY CONCERNS? NO []
SOURCE NAME: Jack Spence, Inc.	
ADDRESS: 40600 CR 18C; Woodland	PHONE: (530) 865-3144
CONTACT PERSON: Scott Cooper	TITLE:
EQUIPMENT OBSERVED: Lime Pile	
OPERATING SCHEDULE: HRS/DAY	DAYS/WEEK
WEEKS/YEAR	
WEATHER: Sunny 59°F	WIND (Dir/Speed): NNW 3-5 mph

TYPE OF INSPECTION CHECK ONE	<input type="checkbox"/> ANNUAL	<input type="checkbox"/> SURVEILLANCE	<input type="checkbox"/> OTHER
	<input checked="" type="checkbox"/> COMPLAINT	<input type="checkbox"/> FOLLOW-UP	

WAS A NOTICE OF VIOLATION ISSUED? [] YES [X] NO NOTICE OF VIOLATION # _____

WAS A NOTICE TO COMPLY ISSUED? [] YES [X] NO NOTICE TO COMPLY # _____

- VEE Taken
- Photographs Taken
- Source Test Observed
- Other

Inspector: Robert Dovi	Date: 03-04-2011
Supervisor:	Date:

Inspection date entered in database [No]

(See comments below)

RECEIVED
 SACRAMENTO
 CYR/OCB
 12 JUN 22 PM 1:19

Comments:

Dave Smith (DS) received a phone call from [REDACTED] at 10:00am on 03-04-2011 concerning visible emissions emitting from the Jack L. Spence property. No formal complaint was initiated but Bob Dovi (BD) was sent to the site to inspect lime removal operation.

BD arrived at the Jack L. Spence property at 10:55am. BD observed two (2) earth movers, two (2) bull dozers, and three (3) water trucks all active in the lime mining operation. Mining activity was located at the border of this property and the adjoining [REDACTED]. A water truck was observed following an earth mover (scraper) as it extracted a layer of lime. After the lime was removed, the scrapper took its load to a holding area on level ground. The water truck poured copious amounts of water onto the haul road and the newly excavated lime. No visible emissions were detected. BD observed a repeat of this same process several times with no visible emissions detected. BD drove around the outskirts of the property [REDACTED]. BD also parked [REDACTED] to observe any migration of dust or visible emissions. No visible emissions were detected. BD left property at 12:30pm.

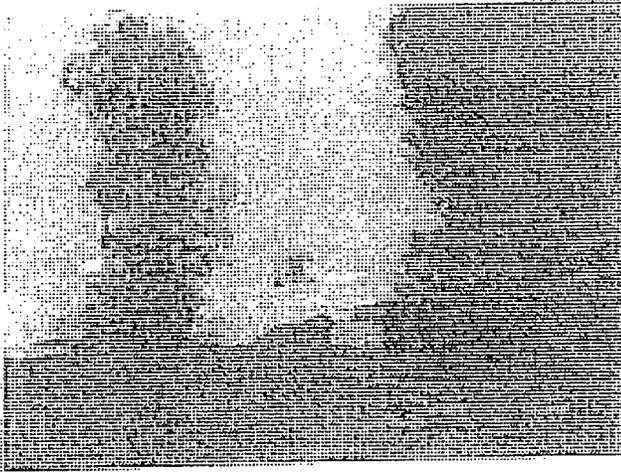


Photo taken 03-04-11 from CR 18C at property line between Jack L. Spence and [REDACTED]. Photo looking north. No visible emissions from earth mover as it heads toward BD.

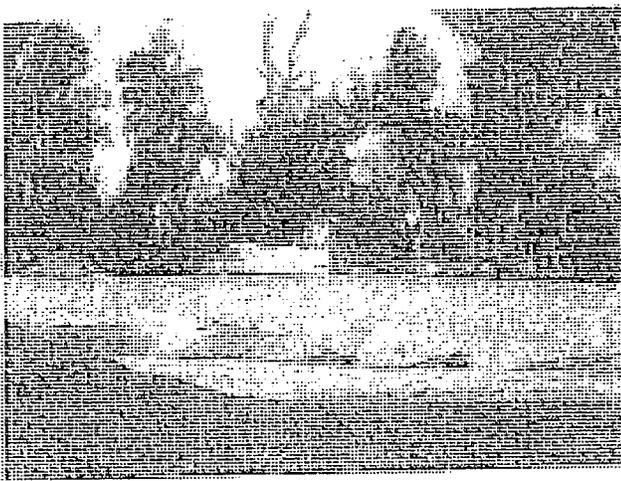


Photo taken 03-04-11 from CR 100B looking towards [REDACTED].



Photo taken 03-04-11 from CR 100B looking towards east.
Earth mover extracting lime from area bordering with
No visible emissions.



Photo taken 03-04-11 from CR 100B looking towards east.

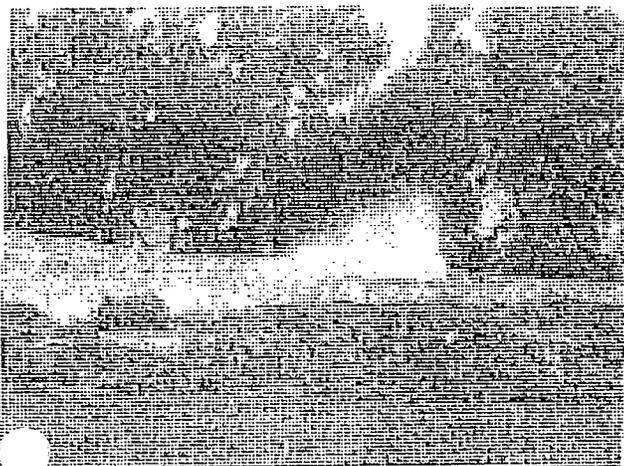


Photo taken 03-04-11 from CR 100B looking towards east.
Water truck actively wetting down haul road and freshly
excavated lime.

Photo taken 03-04-11 at entrance to Jack L. Spence on CR 100B looking north along CR100B. Some track out but no visible emissions at time of surveillance. Evidence of water truck being used due to wet grass on either side of road.

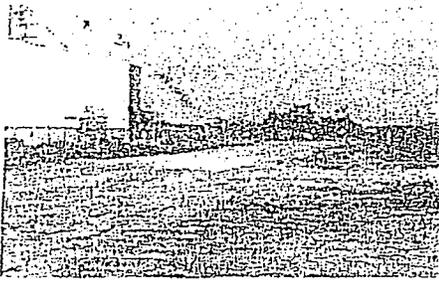


Photo taken 03-04-11 from CR 100B looking east.

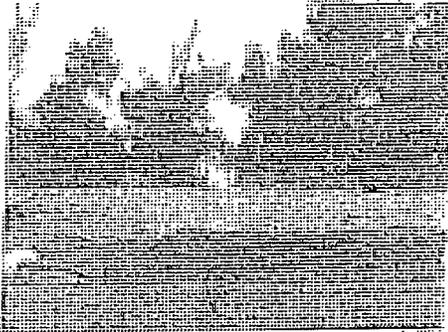


Photo taken 03-04-11 from CR 100B looking east.

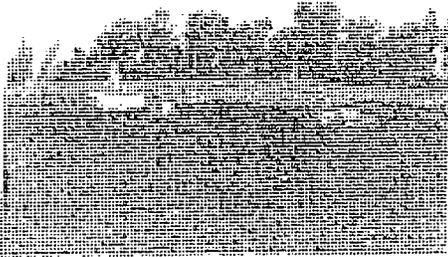


Photo taken 03-04-11 from CR 100B looking east.



YOLO-SOLANO AQMD
COMPLAINT FORM

DATE: 3/29/12	TIME: 10:25 AM	RECEIVED BY: CMK	ASSIGNED TO:
---------------	----------------	------------------	--------------

COMPLAINANT:

Name: [REDACTED]	Res. Phone: [REDACTED]	Wk. Phone:
Address: [REDACTED]		Confidential: <input type="checkbox"/> Yes <input type="checkbox"/> No
City: [REDACTED]	Zip Code:	
Referred By: Name:		Phone:
Agency:		

EXPLANATION: (Who, what, when, why) OCCURRED BEFORE: Yes No

Location of Problem: Freckles factory in Woodland
Exact Time of Observation: 3/29/12 (10:00 - present?)
Description of Problem: Lime being removed from old Freckles property is getting in her house + property making herself, her employees & animals sick. She states that this is an emergency + they need to be shut down from removing lime.

NATURE OF COMPLAINT: LIFE THREATENING OR IMMINENT DANGER? YES ___ NO (Check all that apply)

ODOR <input type="checkbox"/>	FUMES <input type="checkbox"/>	OPEN BURN <input type="checkbox"/>	SMOKE <input type="checkbox"/>	DUST <input checked="" type="checkbox"/>
OTHER <input type="checkbox"/> Describe:				

ACTION TAKEN:

Referred to Another Agency?	
Name:	Agency: Phone:
Inspection Report: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NOV Issued: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
F:\COMPLIANCE\INSPECTION REPORTS\COMPLAINTS	NOV #:
Network Path: E:\Cts\Complain.rpt # 3659-2012-03-29	CN Issued: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
CN #:	
Reply to Complainant: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Source Name: JAIL L. SAENCE
Phone Call: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit #: P-52-89 (az)
Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No	

INSPECTOR COMMENTS:

NO APPRECIABLE VISIBLE DUST WAS OBSERVED.

Richard N. Hoover
DISTRICT INVESTIGATOR
RICHARD N. HOOVER

[Signature]
SUPERVISOR REVIEW

File: Ag Burn
 Complaint
 Source

Name: _____

**YOLO/SOLANO AIR QUALITY MANAGEMENT DISTRICT
FIELD INSPECTION REPORT**

SOURCE NAME: Jack L. Spence		P/O #: P-52-89(a2)	
EQUIPMENT LOCATION: 40600 CR 18C; Woodland		FACILITY No.: 01483	
DATE: 03 / 29 / 2012		TIME: 11:30 a.m. - 12:10 p.m.	
CONTACT PERSON: Scott Cooper		TITLE:	
PHONE #: 530-865-3144		SAFETY CONCERNS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
WEATHER: Overcast, 60°F		WIND DIRECTION & SPEED: S @ 10 mph	

TYPE OF INSPECTION:	<input type="checkbox"/> ANNUAL	<input type="checkbox"/> SURVEILLANCE	<input type="checkbox"/> SOURCE TEST	<input checked="" type="checkbox"/> COMPLAINT #: # 3659
	<input type="checkbox"/> START-UP	<input type="checkbox"/> FOLLOW-UP	<input type="checkbox"/> OTHER	

EQUIPMENT OBSERVED: Lime Pile and earth moving equipment			
OPERATING SCHEDULE:			
<input type="checkbox"/> VEE TAKEN	<input checked="" type="checkbox"/> PHOTOGRAPHS TAKEN	<input type="checkbox"/> SOURCE TEST OBSERVED	<input type="checkbox"/> OTHER

WAS A NOTICE OF VIOLATION ISSUED?	NOV #	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WAS A NOTICE TO COMPLY ISSUED?	NTC #	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
INSPECTION ENTERED INTO DATABASE?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

INSPECTOR: Richard N. Hoover	<i>RNH</i>	DATE: 03 / 29 / 2012
REVIEWED BY: <i>mc</i>		DATE: 3/30/12

COMMENTS:

RNH observed operations at the lime pile on the property located at CR 100B and CR 18C, in response to complaint # 3659. Work was being performed on the lime pile to move the pile away from the eastern boarder to the middle of the property (in order to facilitate subsequent removal). Two earth-movers, one front-end loader, one dozer and a water truck were observed in support of that operation.

General area conditions indicated very moist soil from the recent rains (puddles of standing water were observed in fields adjacent to the subject property) and the air was relatively cool and humid.

Initially, observations were made from CR 100B looking east. Photos # 1-5 were taken from that vantage point. Photos 1-4 show various pieces of equipment in the process of moving material. Photo #5 shows the water truck spraying down the area with water.

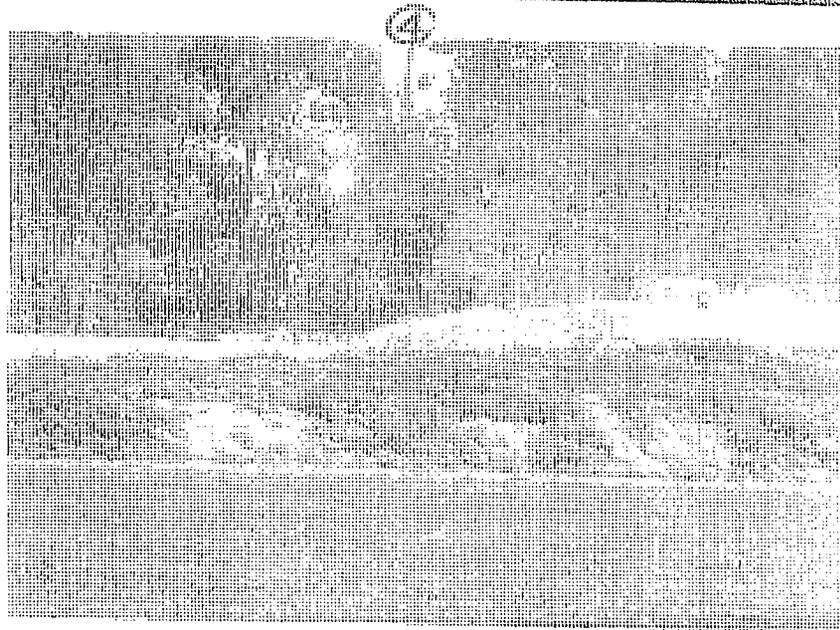
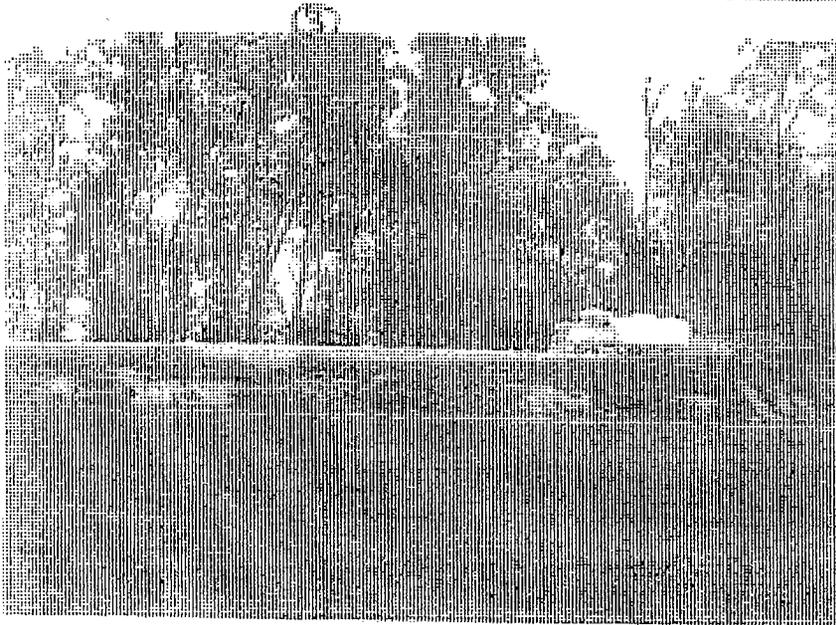
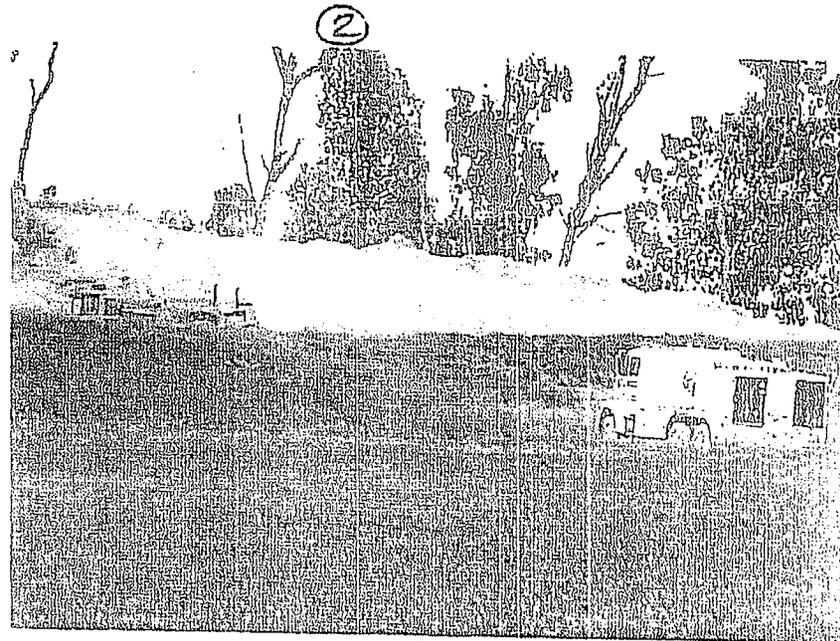
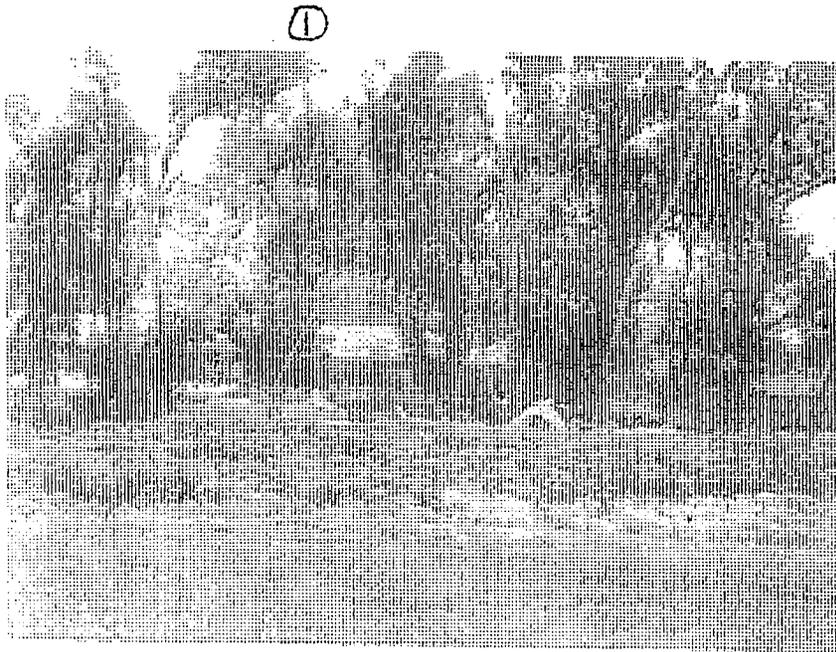
Then observations were made along the eastern property line looking north from CR 18C. Photos # 6-8 were taken from that vantage point showing movement of material from the pile near the property line.

Overall, RNH did not observe any appreciable visible dust being created by the operation. If small amounts of dust were stirred up, they would have been carried toward the north with the wind conditions existing at the time of observation. No dust was observed crossing the property line.

Prior to leaving the site, RNH was approached by and spoke with Scott Cooper, who explained that when working close to the property line, they specifically schedule the work for days like today, in order to minimize any dust impacts. By moving the loose material from the pile near the eastern property line to a load out area (near the center of the property) and compacting it, it provides a much more cleaner and efficient operation when later transporting the material from the property, with greatly reduced dust impact to the neighbor.

Shortly after returning to the District Office, RNH spoke with the complainant via phone call. The complainant indicated that the plumes of dust created by the work were being video-taped as we spoke. I related my findings (that from what I observed, there did not appear to be any dust impacts). The complainant was quite agitated and indicated that the house was filled with dust, and that someone needed to come back out and stop the lime pile work immediately. RNH provided assurance that those concerns would be relayed to the District Management and if they determined that a return visit would be appropriate use of District resources, I could come back out.

Meanwhile, District Deputy APCO Paul Henalrigh had received remote communications regarding the complaint situation, and visited the site as well. RNH subsequently spoke to PH via phone call while PH was at the site, and relayed the phone conversation with the complainant. PH then did contact the complainant directly.

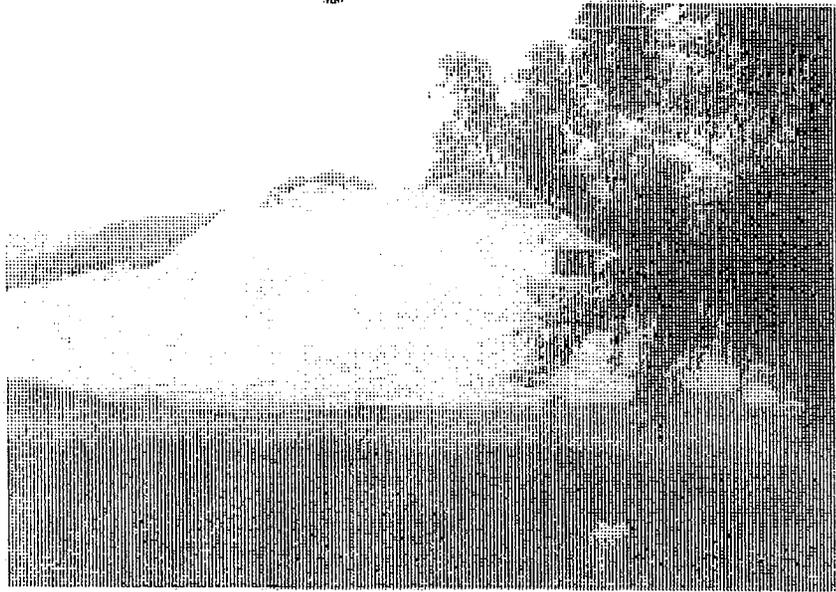


JACK L. SPENCE

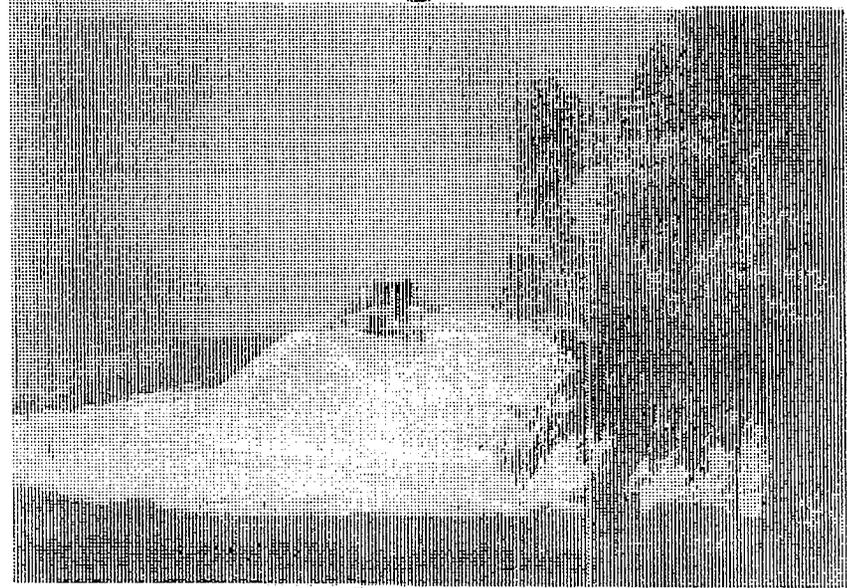
COMPLAINT # 3659

3/29/2012

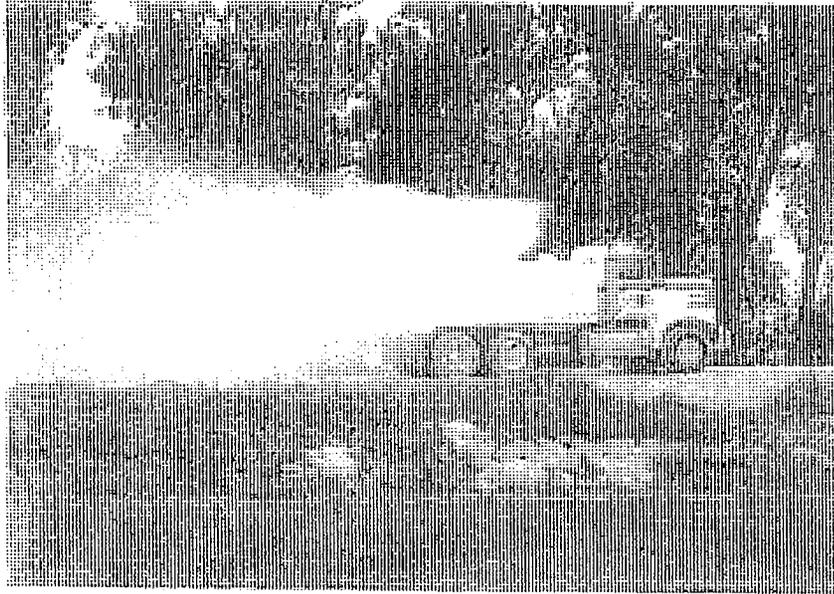
7



5



7



5



JACK L. SPENCE

COMPLAINT # 3659

3/29/2012

**YOLO/SOLANO AIR QUALITY MANAGEMENT DISTRICT
FIELD INSPECTION REPORT**

SOURCE NAME: Jack L. Spence		P/O #: P-52-89(a2)	
EQUIPMENT LOCATION: 40600 CR 18C; Woodland		FACILITY No.: 01483	
DATE: 4/4/2012		TIME: 12:50 p.m. - 1:15 p.m.	
CONTACT PERSON:		TITLE:	
PHONE #:		SAFETY CONCERNS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
WEATHER: Sunny, clear		WIND DIRECTION & SPEED:	

TYPE OF INSPECTION:	<input type="checkbox"/> ANNUAL	<input type="checkbox"/> SURVEILLANCE	<input type="checkbox"/> SOURCE TEST	<input checked="" type="checkbox"/> COMPLAINT #:
	<input type="checkbox"/> START-UP	<input type="checkbox"/> FOLLOW-UP	<input type="checkbox"/> OTHER	

EQUIPMENT OBSERVED: Precipitated Calcium Carbonate (PCC) load out operations			
OPERATING SCHEDULE:			
<input type="checkbox"/> VEE TAKEN	<input type="checkbox"/> PHOTOGRAPHS TAKEN	<input type="checkbox"/> SOURCE TEST OBSERVED	<input type="checkbox"/> OTHER

WAS A NOTICE OF VIOLATION ISSUED?	NOV #	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WAS A NOTICE TO COMPLY ISSUED?	NTC #	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
INSPECTION ENTERED INTO DATABASE?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

INSPECTOR: Paul Hensleigh <i>PH</i>	DATE: 4/4/2012
REVIEWED BY: <i>W/C</i>	DATE: 4/4/12

COMMENTS:

In response to an e-mail complaint received 4/4/2012, Paul Hensleigh (PH) went to 40600 County Road (CR) 18C to observe the operations. PH approached from Best Ranch Road (CR 18A), headed south on CR 100B, east on CR 18C, and parked near the intersection of CR 101 and CR 18C. PH remained at this location for ~25 minutes.

PH observed no activity occurring at the site - CR100B was saturated with water, a couple hundred yards before and after the driveway entrance to the Spence site. PH observed no visible dust on the property and no visible dust leaving the property.

As PH was parked at this location, complainant approached in a vehicle (driving East on CR 18C) and spoke with PH briefly. Complainant stated that the activity had stopped about 45 minutes before then. Complainant drove away to the South on CR101.

Observing no air quality violations and no activity occurring at the time, PH left the site.

RECEIVED
 COMPLAINTS
 DIVISION
 APR 22 PM 1:19

Debbie Nassar

From: Michael Sears <Michael.Sears@yolocounty.org>
Sent: Monday, April 23, 2012 9:55 AM
To: Ryan Nakken
Subject: YCEH Complaint
Attachments: MX-M623N_20120423_095626.pdf; Clark Pacific Sample.pdf

Ryan Nakken,

Here is the Complaint that was received by YCEH on 04-02-12 regarding public nuisance dust from the Clark Pacific facility.

Because our scanner is not of the best quality, there are two lines that were unintentionally erased. On the second page, first line of the sixth paragraph, it should read "I asked to see the area where the property line occurs. There was not any dust blowing over the property line or..."

On the fourth page, first line of the third paragraph, it reads "I did not feel well and went to the doctor. We drove past the lime pile and 100B and noticed that..."

On the sixth and final page, the last sentence of the second paragraph reads "I am making an appointment to go back to the eye doctor today."

I apologize for the problem with the scanner.

The photographs will be sent in a separate e-mail shortly.

Thank you,

Michael Sears

Hazardous Materials Specialist II
Yolo County Health Department
Environmental Health Division
137 N. Cottonwood St., Ste. 2400
Woodland, CA 95695

(530) 666-8646

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Please consider the environment before printing this email.

From: Ryan Nakken [mailto:~~ryan.nakken@yolocounty.org~~]
Sent: Friday, April 20, 2012 4:59 PM
To: Michael Sears
Subject: RE: YCEH Complaint

Michael,

Please include the analytical results from samples taken in 2005 and any photos associated with your inspection.

Thanks,
Ryan

From: Michael Sears [mailto:Michael.Sears@yolocounty.org]
Sent: Friday, April 20, 2012 4:18 PM
To: Ryan Nakken
Subject: FW: YCEH Complaint

Ryan Nakken,

I just realized that I need to remove any references to the complainant from the complaint form before I send it to you. So I cannot send it to you this afternoon. I will get this to you on Monday.

Thank you,

Michael Sears

Hazardous Materials Specialist II
Yolo County Health Department
Environmental Health Division
137 N. Cottonwood St., Ste. 2400
Woodland, CA 95695

(530) 666-8646

 Please consider the environment before printing this email.

I received a voice mail message from Jeff Pinnow, on March 29, 2012. I called [redacted], which was forwarded to me from my supervisor. [redacted] on that date and instructed [redacted] to complete and submit a Yolo County Environmental Health (YCEH) Complaint Form, which I e-mailed to [redacted].

On March 29, I also called Mr. Rick Hoover of the Yolo/Solano Air Quality Management District (YSAQMD), because YSAQMD had also been contacted by [redacted] and made a site visit that same day. I contacted Mr. Hoover who confirmed that he and Paul Hensleigh, also of YSAQMD, had just returned from making a site visit to [redacted] s property. He stated that they did not witness any dust traveling from the Clark Pacific facility property to [redacted] property. Additionally, he stated that the ground was wet and there was standing water on the Clark Pacific property, which would prevent dust from forming.

I then called Ryan Nakken, Facility Manager of the Clark Pacific facility at (916) 275-3752, on that same date. He told me that there is no dust coming from their property. He said the ground is wet, because it rained yesterday. He also said that they keep a water truck nearby when working on the lime piles for dust control.

I received the completed YCEH Complaint Form in my e-mail on April 02, 2012.

I arrived at 41070 CR 18C, Woodland, CA 95695 on April 02, at approximately 13:00 to investigate the complaint of dust blowing onto her property from [redacted] Clark Pacific facility. [redacted] answered door and invited me inside the trailer home to see the dust [redacted] mentioned in her complaint. There was a whitish dust on her microwave, stove, coffee maker, computer, and spice containers, which I photographed.

[redacted] stated that [redacted] there was not any dust blowing over the property line or visibly in the air that I could detect, even though there was a moderate wind blowing during the entire time that I was on-site. However, Clark Pacific was not running heavy equipment at that time and was not working on the lime piles. But the equipment and lime piles were clearly visible from that location. The area where the property line occurs was overgrown with new spring plants. There was no visible dust on the green plants. [redacted] took me into the horse stable area and pointed out some metal rafters that had a coating of dust. I took a photograph of the dust covered rafters.

[redacted] s complaint stated that [redacted] house was covered with chalky dust. The trailer did not appear to be covered with chalky dust during the inspection. In [redacted] s complaint she stated that her eyes had swollen shut, she was having trouble breathing, and she has brown welts on her arm due to the conditions caused by dust. [redacted] : complaint also stated that horses present on her property had large welts, white chalk in their eyes, and water was draining from their eyes caused by the dust. During the inspection, I did not observe any overt indications that these alleged problems exist.

There is no indication that dust has been blowing over the property line from the Clark Pacific facility and onto [redacted] s property. I did not witness any dust in the air during my inspection, even though it was windy. There is dust in the trailer home and on the rafters of the arena, but there is nothing that would indicate that it is anything other than "normal" dust accumulation.

Visible Emissions Surveillance

Jack L. Spence Lime Removal, Woodland

Date	Time	Temp./Winds	Comments
4-2-12	10:30-10:50am	57F, NNW 5-8	Earthmovers and bull dozers were parked on facility. No activity other than one (1) water truck actively watering down the hill between site and Nelson Ranch. Water was also applied to lime pile in middle of property. No visible emission observed. No violations reported.
4-5-12	10:00-10:15am	55F, NNW 5 mph	No activity at site. No visible emissions. No track-out at entrance. No violations reported.
4-10-12	10:00 – 10:20am	60F, Calm, drizzle	Lots of activity at site. Met with Scott Cooper who is in charge of lime removal. The berm between the properties is no totally removed and lime is in large pile in middle of property. Water trucks were active. No visible emissions. No track-out.
4-19-12	9:30 – 9:45am	60°F NNW 3-5 mph	No activity at site. No visible emissions. No track-out at entrance.
4-26-12	1:40 – 1:55pm	62°F SW 14 mph gusts to 20mph	No activity at site. No visible emissions. No track-out at entrance.
05-01-12	11:00 – 11:20am	71°F NNW 5-8 mph	No activity at site. No visible emissions. No track-out at entrance.
5-21-12	11:15-11:25am	80°F SSW 5-7 mph	No activity at site. No visible emissions. No track-out at entrance.
6-4-12	11:00 – 11:10am	65°F SSW 5-8 mph	No activity at site. No visible emissions. No track-out at entrance.
6-15-12	8:00 – 8:25am	70°F NNW 1-5 mph	Site was active at time of surveillance. Spoke with water truck driver who stated that no hauling of lime to take place today only movement of lime from eastside to center of property. Two (2) water trucks actively watering haul roads and piles. Two(2) bull dozers and two(2) earth movers active. Visible emissions <20% opacity throughout property. No track out at entrance. Conditions of dust plan were met at time of inspection. No violations reported.
6-21-12	12:15 – 12:30pm	79°F SSW 6-10 gusts to 13 mph	Site was active at time of surveillance. Only movement of lime from eastside to center of property. No product removed. Two (2) water trucks actively watering haul roads and piles. Two (2) bull dozers and two(2) earth movers active. Visible emissions <20% opacity throughout property. No track out at entrance. Conditions of dust plan were met at time of

			inspection. No violations reported Note: Farm field just south of entrance to Nelson Ranch was being harvested. Dust was blowing across CR18C directly into Nelson ranch. Also, field to south and north of Nelson ranch had crop activity and blowing dust.
6-26-12	10:30 – 10:45am	68°F N 1-5 mph	Site was active. Only movement of lime from north side to center of property. Two (2) water trucks were active. Haul road (Rd 100B) was watered at time of surveillance. Bull dozer and earth mover were active. No material removed from property at time of surveillance. No violations issued at time of surveillance.
6-28-12	10:20 – 10:30am	79°F SSW 5 mph	Only one water truck was active on site watering down haul roads and lime pile. All other equipment including bull dozers and earth movers were idle and parked along one haul road. One bull dozer was loaded onto a trailer. No product was removed from site. No other activity. No visible emissions observed at time of surveillance.

Permit P-52-89(t1)
 Scott Cooper, Manager (530-865-3144)

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