

To: California Regional Water Quality Control Board  
Central Valley Division  
11020 Sun Center Drive  
Rancho Cordova, CA 95670

June 23, 2012

RE: Cease and Desist Order R5-2012-XXX for Clark Structural, LLC and Clark Pacific Corporation at the former Spreckels Sugar Company Facility in Yolo County.

Executive Officer Pamela C. Creedon and Water Board Directors:

**General Comments.**

I am submitting comments on the above cited draft Cease and Desist Order issued to Clark Structural and Clark Pacific Corporation (from now on referred to as "Clark Pacific") at the former Spreckels Sugar Facility in Yolo County. I am familiar with the problems involving Clark Pacific and the removal of lime piles at that property and impacts on neighboring properties. I have followed the issues since Clark Pacific first proposed to locate at the former Spreckels Sugar site outside Woodland in Yolo County, and have submitted letters to local bodies involved in approvals to permit the facility, commented on the Mitigated Negative Declaration for the project, and tried to assist the neighbors when problems arose from lime dust blowing onto the neighboring homes/businesses, affecting the residents, their stock and domestic animals, and visitors. I have also been out to the neighboring property, which is owned by Ted Wilson and Brenda Cedarblade, and have seen first-hand some of the problems associated with the lime piles and their removal. I support the Cease and Desist Order currently being considered by the Board, but I believe that it does not go far enough.

Clark Pacific has shown flagrant disregard for impacts of their activities on neighboring properties, residents, wildlife and the environment. Clark Pacific is under orders issued by the Water Board to remove the lime piles. The Waste Discharge Requirements included compliance schedules for the removal and characterization of the Precipitated Calcium Carbonate from ponds and storage piles. The Yolo Solano Air Quality Management District also issued requirements for minimization of dust generated by lime pile removal. Clark Pacific is responsible for lawfully operating under the requirements of the permits issued by the Water Board and the AQMD, but they have not. Their failure to do so has resulted in ongoing exposure to toxics by the neighbors, their animals and wildlife and to continued contamination of the ground water that very likely flows under the neighboring properties.

Clark Pacific should be penalized for their negligent operations, and they should be required to adopt and implement plans to prevent any further generation of lime dust **prior** to any further removal of the lime from their property. I also believe that the schedule proposed by the draft Cease and Desist Order for further removal of the lime piles is too generous. Future removal should be

accelerated in order to attempt to eliminate or reduce potential continued exposure of the already impacted neighbors, their animals, resident wildlife and the environment to dust from the contaminated lime piles. However, this must be done in a way that does not expose the neighbors to any more of the toxic lime dust.

In addition, I believe that Clark Pacific should be required to immediately adopt plans to stop any further discharge of the contaminated lime into ground and surface waters and conduct comprehensive studies to determine the extent of contamination in the soil and groundwater and to implement plans to remediate that contamination.

#### **Air Borne Contamination from Lime Pile Removal.**

A number of neighbors have complained for years about the lime dust blowing onto their properties, adversely affecting their health and that of their animals. Those who have been exposed to the dust have experienced difficulty breathing, burning in the throat and nasal passages, skin rashes, blisters, sores and burns, and eye problems, many of which have persisted for days after the exposure. These neighbors have been forced to live with this toxic dust for years, suffering repeated illnesses from the exposure. Yet there has been little official action to address the complaints or remediate the impacts on the neighbors due to Clark Pacific's negligence.

In April of 2012, Grayland Environmental performed sample collection work at 41070 County Road 18C, a property immediately adjacent to the Clark Pacific property. The purpose of the work was to evaluate outdoor soil and indoor dust at the site for potential contamination as a result of the recent disturbance of soil and lime piles at the adjacent property where the sugar beets were once processed and which is now the property of Clark Pacific. The work was conducted by a State of California registered Professional Geologist.

An initial walk through at 41070 indicated that the disturbance of large volumes of soil at the adjacent property (Clark Pacific) had resulted in the accumulation of large amounts of dust across much of the property at 41070 and inside of the site structures (barns, stalls, offices, and a home.) A soil sample was taken from a small pile of soil present along the property line between the two facilities. For comparison, a dust sample from inside the home on the property at 41070 was also taken. The samples were tested for total chromium, total alkalinity as calcium carbonate, ammonia and for the hydrogen ion concentration.

Laboratory results indicated that levels of all three analytes were present in the soil sample and also in the dust sample, though at much higher concentrations. Total Chromium in the dust from the home was 32 mg/kg; Ammonia in the home was 407 mg/kg and Alkalinity as calcium carbonate in the home was 7,000 mg/kg. These are toxic levels and the occupants of the facility and home are exposed to it on a nearly daily basis. It is likely that hexavalent chromium is also

present. If these toxic chemicals are present at high levels in any portion of the lime piles, the materials should be treated as hazardous waste, not as a soil amendment, and certainly should not be allowed to continue to contaminate neighboring properties and near-by waterways. Clark Pacific should be required to conduct a thorough analysis of the remaining lime on the site and the soil that has potentially been contaminated with the lime and other constituents, and to remediate for the contamination as required by law.

Despite the fact that Clark Pacific and their trucking contractor are required by the permits from AQMD to minimize dust emissions from the lime piles (use of sprinklers to maintain a half inch or better crust on the lime piles to prevent wind borne emissions; use of sprinklers during removal of the lime piles to minimize dust generated during removal.), there have been numerous documented occasions when these these requirements have been ignored, resulting in large clouds of lime dust blowing onto neighboring properties. Though there were numerous complaints lodged with the AQMD which resulted in fines, no effective action has been taken by Clark Pacific to address the consequences of their negligent actions on the neighboring properties, wildlife or the environment.

#### **Contamination to Soil and Groundwater.**

The Clark Pacific property was previously a sugar beet processing facility. Many of the chemicals from the processing, including those from cooling towers and other equipment, were directed into unlined ponds on the property. The primary waste streams were from beet wash water and from slurried precipitated calcium carbonate, but other chemicals also found their way into the ponds, as suggested by report by Grayland Environmental. Hexavalent chromium and zinc were commonly used up into the 1980s to operate in industrial cooling towers as corrosion inhibitors, and waste from the cooling towers was commonly discharged into holding ponds such as those on the processing site. Large quantities of lead acetate were also used in the processing and then discharged into the waste ponds receiving the precipitated calcium carbonate

A Phase I Environmental Assessment was performed by Wallace-Kuhl and Associates in 2007 for the Mitigated Declaration for the Clark Pacific request to construct and operate a pre-cast concrete manufacturing facility on the former Spreckels site. This assessment indicated that the mud ponds, lime ponds and lime piles on the site were the areas with the highest likelihood for soil and groundwater contamination. The assessment reviewed tests for contamination at only one of four known sites for underground storage tanks (USTs) removed in 1986 and 1987. However, though there was a lack of soil and groundwater test data related to removal of 6 of the 7 of the known USTs, the assessment concluded that there was a potential for the presence of petroleum hydrocarbon contamination at all of these locations; that there was potential for groundwater contamination associated with these sites; that there was potential for contamination of soil from the historical use of the on-site railroad tracks; and that

there was potential for asbestos and lead based paint contamination in existing on-site buildings.

Further testing revealed total petroleum hydrocarbons as diesel and total petroleum hydrocarbons as motor oil were detected in the groundwater to at least 25 feet to the east, 15 feet to the north and 20 feet to the south. Ground water was contaminated to a depth of roughly 25 feet.

According to water quality reports generated at the sugar beet processing site, there is clear evidence that the groundwater at the site is contaminated with excessive total dissolved solids, and the contamination is seen in increased hardness, alkalinity, and conductivity. In addition, the water quality reports indicate high levels of total organic carbon or TOC. This could include oils, diesel and gas fuels that were known to have leaked at the site. It could also include PCBs from transformers that had been stored on the site and for which there is no record of removal. It is also very likely that this plume of contaminated groundwater contains other toxic chemicals that leached from the holding ponds into the groundwater, including hexavalent chromium. This contaminated ground water has possibly moved under neighboring property, endangering drinking water wells and those who rely on them. It is imperative that a ground water study be performed at the Clark Pacific property and at the adjoining property to determine the extent and content of this toxic plume and that the contamination be remediated if needed.

#### **Conclusion.**

It is clear that there is contamination at the site and neighboring properties at least partly due to Clark Pacific's negligent operations. Clark Pacific has failed to operate lawfully under the permits issued by both the Water Board and AQMD which has resulted in ongoing contamination of the neighboring properties and their occupants, of wildlife and the environment and of the groundwater upon which the neighbors rely. The contaminated lime dust has also most likely entered adjacent and nearby waterways, potentially contaminating those waterways.

#### **In Summary:**

Clark Pacific should be held accountable for the impacts resulting from their negligent actions. They should be penalized for their negligent operations, and they should be required to adopt and implement plans to prevent any further generation of lime dust prior to any further removal.

Future lime removal should be accelerated in order to attempt to eliminate or reduce potential continued exposure of the already impacted neighbors, their animals, resident wildlife and the environment to dust from the contaminated lime piles. However, this removal must be done in a way that does not expose neighbors to toxic dust plumes.

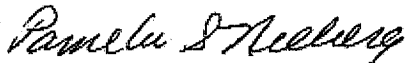
Clark Pacific should be required to immediately adopt plans to stop any further discharge of the contaminated lime into ground and surface waters and conduct comprehensive studies to determine the extent of contamination in the soil and groundwater and to implement plans to remediate that contamination.

Thank you for the opportunity to comment on the draft Cease and Desist Order. If you have any questions, you can contact me at:

[I am retired from the University of California, Davis where I worked for 38 years in the Departments of Avian Sciences and Environmental Toxicology. I was involved in research in neuromuscular disorders and in effects of organophosphate pesticides on cells and tissues and their function.

I currently serve on the Boards of Directors of several organizations including: Sierra Club Yolano Group, chair from 2003 to 2010; Yolo Clean Air; Frontier Fertilizer Superfund Oversight Group, founder and president since 1994, doing oversight work funded by USEPA while they clean up extensive soil and groundwater contamination resulting from Frontier Fertilizer's illegal dumping of pesticides on their property in Davis, CA; and Citizens Alliance for Regional Environmental Sustainability. I am not speaking for any of these groups, but am submitting these comments as a private citizen.]

Sincerely,



Pamela S. Nieberg