

Ozone Process Consultants, Inc.

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

July 12, 2012

Re: Response to Comments from Clark Pacific dated 6/25/2012 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" or "Clark Pacific") at the Former Spreckels Sugar Company Facility in Yolo Co. The comments are a response to initial comments submitted by Clark Pacific dated 6/25/2012 on the same matter.

In summary, I believe the evidence submitted by Clark Pacific's supposedly inferring dust-free PCC removal operations and no contamination of well water are misleading and not to point. The evidence they submitted is clearly not sufficiently conclusive to allow Clark Pacific to continue their activities at the site without substantial safeguards to prevent further contamination of groundwater and exposure of neighbor's to the toxic effects of windborne contaminated calcium carbonate.

Drinking Water Samples Submitted by Clark Pacific - Clark Pacific submitted an aerial photo showing the location of an onsite well and a well distantly removed from the Spreckels property. They also submitted laboratory analyses showing similarity of the water constituents from each well water source thus inferring that no groundwater contamination had occurred at the plant.

The reality is that the site selected for comparison of groundwater with that of the plant is so far removed from the plant area of contamination that it is unlikely that any groundwater contamination would show up at such a removed site even if there were extensive groundwater contamination at the plant and immediate surrounding area.

Indeed, Clark Pacific's own annual well monitoring program performed to comply with previous orders of the Board clearly and unmistakably show a dramatic increase in constituents in the groundwater plume as it migrates under the plant directly toward the Historic Nelson Ranch. I refer to my previous submittal to the Board in this matter dated 6/25/2012. In that letter which contained all the raw sampling data and graphical representations I stated,

"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 pure calcium 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.”

Videos Submitted by Clark Pacific - Videos submitted by Clark Pacific purportedly showing lime removal operations on a windy day do not, in fact, appear to be taken on a windy day at all. For instance, if one observes trees in the background when the videos were taken the tree limbs do not appear to be swaying or moving as would be certainly be expected on windy days. Further, at least one of the videos appear to show paper/cardboard trash on the premises that also do not appear to be moving as would be expected under “windy” day conditions. Also, the entire grounds appear to be completely wetted in the videos seemingly indicating that a recent rain event occurred which would further minimize any dust generated. Additionally, there was no time or date stamp on the videos so no determination of then existing meteorological conditions can be independently determined. Finally, the videos of the moving equipment are taken from so far away that even if there were dust emissions generated they could not be clearly seen. In summary, the videos submitted as evidence do not provide any evidence that the PCC removal operations are dust free.

In stark contrast, the videos taken by Brenda Cedarblade and submitted to the Board in her submittal of 6/25/2012 clearly show a substantial airborne plume of PCC being generated by the removal operations and being blown directly toward the Historic Nelson Ranch.

We suggest real time video cameras should be permanently mounted at the site in the future and that such video output be archived and available to review by interested and designated parties as well as regulatory agencies to verify Clark Pacific’s claim that their operations do not result in fugitive dust emissions. We also suggest that dust monitors be installed to quantify the amount of any fugitive emissions.

YSAQMD Inspection Reports – Clark Pacific has submitted only a small selected sample of inspection reports of the YSAQMD which reports, perhaps not unexpectedly, did not result in citations issued by the YSAQMD. However, Clark Pacific did not submit copies of other inspection reports which did result in violations and fines levied for fugitive dust emissions

Further, in spite of a history of gross violations issued by the YSAQMD to Clark Pacific or their agents for dust generated by the PCC removal, we believe the inspection and enforcement activities of the YSAQMD have been questionably lax in this matter. For instance, Historic Nelson Ranch specifically requested on a number of occasions, (as did I when speaking to one inspector) that samples be taken of the obvious accumulated whitish dust on animals, buildings, trees, and grasses on the ranch and analyzed to determine if it was merely “normal farm dirt”, as was repeatedly claimed by the YSAQMD inspector, or whether it was PCC drift indicating violations of the YSAQMD permit by Clark Pacific. Yet the YSAQMD repeatedly refused to undertake this obvious testing. Finally Historic Nelson Ranch had an independent lab take a control-of-custody sample by an EPA-certified lab. These results were reported in the comments submitted 6/25/2012 on this matter by Don Mooney and unquestionably showed the contamination source was the PCC waste piles on Clark Pacific’s property and that such contamination was highly toxic.

Further, Clark Pacific has not submitted or divulged to the Board that the copies of the permit from the YSAQMD clearly state that sprinklers were to have been a required control strategy. Indeed, the site has been required as far back as 2000 when Spreckels Sugar still owned the plant to use sprinklers to suppress dust from such PCC stockpiles. Additionally, records at the YSAQMD clearly show the co-owner of Clark Pacific’s trucking contractor acknowledged that

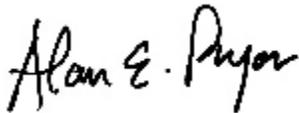
the sprinkler system was removed and they needed to reinstall it. Yet this was never done and the Historic Nelson Ranch has been subjected to excessive PCC dust emissions ever since

In summary, Clark Pacific has not provided any substantive evidence disproving the facts presented showing a massive and continued violation of the Water Board's previous orders and we repeat our prior 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

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

A handwritten signature in black ink that reads "Alan E. Pryor". The signature is written in a cursive, slightly slanted style.

Alan Pryor
President