

Childs, Guy@Waterboards

From: Alison O'Sullivan <alisono@edoncall.com>
Sent: Sunday, January 10, 2016 8:48 AM
To: Wyels, Wendy@Waterboards; Creedon, Pamela@Waterboards; Deeringer, Andrew@Waterboards; Pulupa, Patrick@Waterboards; MacDonald, Alex@Waterboards; 'Castanos, Kristen T.'; 'Ross Oliveira'; grego@edoncall.com; building@cityofwilliams.org; 'Suzie Dawley'; kmundi@colusadhhs.org; wes.miliband@stoel.com; Laputz, Adam@Waterboards
Cc: Okamoto, Mayumi@Waterboards; Knight, Nickolaus@Waterboards; Altevogt, Andrew@Waterboards; Childs, Guy@Waterboards; Hold, Howard@Waterboards
Subject: RE: Morning Star ACLC: O'Sullivan Letter
Attachments: Pic 1.pdf; Pic2.pdf; Pic 3.pdf; RWQCB - OS ltr.pdf

Please place the following information and materials into the record.

Greg and Alison O'Sullivan

From: Wyels, Wendy@Waterboards [<mailto:Wendy.Wyels@waterboards.ca.gov>]
Sent: Thursday, December 24, 2015 11:00 AM
To: Creedon, Pamela@Waterboards; Deeringer, Andrew@Waterboards; Pulupa, Patrick@Waterboards; MacDonald, Alex@Waterboards; Castanos, Kristen T. (kristen.castanos@stoel.com); Ross Oliveira (roliveira@morningstarco.com); grego@edoncall.com; alisono@edoncall.com; building@cityofwilliams.org; Suzie Dawley; kmundi@colusadhhs.org; wes.miliband@stoel.com; Laputz, Adam@Waterboards
Cc: Okamoto, Mayumi@Waterboards; Knight, Nickolaus@Waterboards; Altevogt, Andrew@Waterboards; Childs, Guy@Waterboards; Hold, Howard@Waterboards
Subject: Morning Star ACLC: Prosecution Team's evidence

Advisory Team, Morning Star, and interested persons:

As required by the Hearing Procedure for Administrative Civil Liability Complaint R5-2015-0549, the Prosecution Team is providing the documents required to be submitted by 24 December 2015. The following documents are attached to this email:

- Legal and Technical Analysis, including amended ACLC and amended Attachment A to the ACLC
- Evidence List
- Witness List

These documents, as well as the individual evidence documents, will be available on the Water Board's website by 5:00 pm today. The website is at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. In addition, a disk containing the evidence documents has been mailed to the Discharger and to the Advisory Team contacts.

Please feel free to contact me if you have any questions.

Wendy Wyels

Supervisor, Compliance and Enforcement Section
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
(916) 464-4835

Greg & Alison O'Sullivan

21880 Parkway Drive
Red Bluff, CA 96080

Sent VIA EMAIL

Sunday, January 10, 2016

Wendy Wyels
Supervisor, Compliance and Enforcement Section
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Dear Ms. Wyles ,

Attached are several pictures and illustrations (photo overlays). We are very concerned that the ground water pollution, unauthorized solid waste disposal and increased seepage from Morning Star 2015 expansion is (or will) affect our property. Both in terms of productivity and overall value. As of this memo we do not full understand the affects. Consequently, we cannot offer a solution i.e. additional onsite/offsite monitoring wells on or close to the OS/MS property line, significant (200 feet+) setbacks of LAA's, from property lines, or realignment and deeping (6-8 feet) of common drainage ditches running along our common border,

It is important for all to understand that our cultural and farming practices are likely to change on this ranch including a phase-out of rice on about 200-300 acres of class one soil that borders the Morning Star property. Our plans are to look at high value tree/vine crops, row crops and deep rooted crops like alfalfa. It is likely that these crops would be significantly affected by additional seepage caused from the cooling pond expansion and ground water contamination. We understand from crop consultants that nitrates and heavy metals are becoming an increasing concern with the state of California and farm properties like ours will not be exempt from increased regulations, tracking and micronutrient budgeting.

We are further concered with the regulatory process related to this expansion. It is unfortunate that the lead agency(s) City of Williams, Colusa County, or Water Quality did not require the expansion to follow the CEQA process. I am sure these issues could have been mitigated. Additionally, that the nuisance created by this situation may well affect the land value of the ranch could have been avoided. At minimum it has created a "material fact" and "stigma" that will require disclosure to any possible buyer, orchard developer or investor.

The following pictures are of seepage water discovered this summer. As background the O'Sullivan 469 ranch enrolled in the GCID water bank program. Consequently, the entire ranch did not receive irrigation in 2015 (469 acres followed). However, the last portion of our deliver ditch had seepage water in it all summer. This in turn entered the property (rice field) and was present summer and fall. These pictures were taken 12/31/2015.

Pic 1 Seepage overview.

Pic 2 Likely Seepage flow direction from elevated cooling pond.

Pic 3 Delivery ditch box/seepage level (20 inches).

Greg & Alison O'Sullivan

21880 Parkway Drive
Red Bluff, CA 96080

Sent VIA EMAIL

As an interested party we ask that you incorporate our concerns in any agreements, mitigation, further analysis, and/or draft - final remediation plans. However, until we have more information about both on site exposure (O'Sullivan) and offsite (Morning Star) we cannot endorse any remediation plan. We expect that more information, analysis, and even onsite investigation (testing, water samples, and hydrological analysis) will be required. Please know we will cooperate and work with Morning Star, City of Williams, County of Colusa and the Regional Water Quality as they move forward to address various issues related to the Cease and Deist Order, Civil Liability Compliant and likely a comprehensive remediation plan that addresses our concerns.

Greg & Alison O'Sullivan