

From: Carolyn Wessman
To: [Hartzell, Marty@Waterboards](mailto:Hartzell.Marty@Waterboards)
Cc: srichards@bayarea.com; laura.a.whitney@usace.army.mil; johnson.jere@epa.gov
Subject: Cleanup And Abatement Order ("CAO") R5-2014-0124
Date: Monday, June 05, 2017 1:56:54 PM

Jack Wessman
Clayton, CA 94517
PO Box 949

June 5th, 2017

The Central Valley Regional Water Quality Control Board (the Board), Marty Hartzell, "The Persecution Team", Et Al;

Re: Cleanup and Abatement Order ("CAO") R5-2014-0124

Upon advice of counsel, we cannot agree with the plan to release Sunoco of their proven responsibility to the mining site located on Morgan Territory Road. Sunoco, a proven responsible party, has an obligation to remedy the problem they helped create. Their site plan, if accepted carte blanc by the Central Valley Water Board, would release Sunoco forever and saddle us, the owners and non-miners, with a remediatory gimmick with absolutely no guarantee of any kind of sustainability or efficacy. Meanwhile, that Sunoco company, with a net worth of \$30 billion whose president receives over \$6,000,000 per year and employs over 19,000 people, would be free of future peril forever, at the paltry cost of a mere \$200,000, is ridiculous.

We, the current owners and non-miners, have spent over \$100,000.00 at the Board's insistence, simply to obtain a worthless "Mining Exemption" regardless of the fact that we the owners have never mined the site. We have exhausted our retirement funds and our children's college funds to the tune of more than \$350,000.00.

For over 43 years we have cooperated with the State Department of Water Resources in their attempt to "remediate" the site here at the Mt. Diablo Mines. In 43 years however, absolutely nothing has been accomplished by the Board, despite the \$1,000,000.00 grant earmarked for this purpose several years ago by the state. We on the other hand; have capped most of the mine tailings with over 53,000 tons of clean fill and prevented that rainfall which once drenched those rocks and boulders from leaching contaminants into the water shed, we have diverted most of that rainfall by building up the low side of the tailings with said clean fill and compacting it, directing the site runoff through large culverts into 3 settlement ponds as well. We cannot stop the mineral springs, neither can the Board.

We, the owners and non-miners, are the only innocent owners of an abandoned mercury mine in the Sate of California who have continually attempted to, and been successful in, improving the mine site run-off. All without any help whatsoever from the Central Valley Regional Water Quality Board, or any other governing entity for that matter. Furthermore, if Sunoco claims the extent of their mining and therefore their liability to fall within the two percentile range for remediation of the site, we beg the evidence be considered that our activities here at the Mt. Diablo Mines constitutes a total of 0.00% of the damage done and therefore the extent of our liability must be 0.00%.

Marty, now that you and the Persecution Team intend to release Sunoco, the last "Responsible Party" free of obligation, what is next?

CC:

Julie Goodrich - KPIX

Pacific Legal Foundation Sacramento

Laura Whitney Tedrick - US Army Corp Of Engineers

Gary J. Riley - EPA

Sam Richards - East Bay Times

Patric Pulupe - Regional Water Quality Control Board

Jerelean M. Johnson - EPA

Marty Hartzell - Regional Water Quality Control Board



Virus-free. www.avast.com