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June 7th, 2017

Marty Hartzell
Senior Engineering Geologist
Central Valley Regional Water Quality Control Board
11020 Sun Center Dr., Ste. 200
Rancho Cordova, CA 95670

RE: Tentative Settlement Agreement and Stipulated Order, Mount Diablo Mercury Mine, Contra Costa County

Dear Mr. Hartzell,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 110,000 acres. We include more than 8,000 donors and supporters.

Thank you for the opportunity to comment on the Tentative Settlement Agreement and Stipulation for Entry of Order R5-2017 for Sunoco Inc. (TSASE) in the matter of the Mount Diablo Mercury Mine (Mine). Save Mount Diablo has followed the progress of CAO R5-2014-0124, the subsequent petition, and court ruling on the matter.

We understand that due to the ruling of the Sacramento Superior Court, Sunoco cannot be held liable for cleanup of the Mine based on a theory of corporate successor liability. However, our concern is that the maximum expenditure point for Sunoco of \$200,000 is insufficient to perform enough work to make significant progress in Mine cleanup. We understand that the scope of work described in Attachment A of the TSASE is the only activity the \$200,000 is designed to achieve, but given that of the five parties still subject to CAO R5-2014-0124 (not including Sunoco), three of them have no remaining assets to perform Mine cleanup, the work that Sunoco performs may be the only significant ‘bite at the apple’ to come for some time.

We encourage Sunoco and the Central Valley Regional Water Quality Control Board to consider if a more ambitious scope of work and larger spending limit, or at least a larger spending limit, is possible to achieve greater reductions in existing and future contamination.

Regards,

Juan Pablo Galván
Land Use Manager

