

# LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

129 C Street, Suite 2  
Davis, California 95618  
Telephone (530) 758-2877  
Facsimile (530) 758-7199  
dbmooney@den.org

June 25, 2012

**Via Electronic Mail**  
(pcreedon@waterboards.ca.gov)  
**and Facsimile**

Pamela C. Creedon  
Executive Director  
California Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Re: Request to be Designated Party: Cease and Desist Order R5-2012-XXX  
for Clark Structural, LLC and Clark Pacific Corporation former Spreckels  
Sugar Company Facility, Yolo County

Dear Ms. Creedon:

This office represents Brenda Cedarblade, Ted Wilson, and the Historic Nelson Ranch. Pursuant to the June 1, 2012, notice of a Public Hearing concerning Cease and Desist Order for Clark Structural, LLC and Clark Pacific Corporation former Spreckels Sugar Facility, Ms. Cedarblade and Mr. Wilson request that the Regional Board identify them as designated parties in this matter. Ms. Cedarblade and Mr. Wilson own The Historic Nelson Ranch, which is adjacent to and downwind of the property owned by Clark Structural and Clark Pacific ("Clark Pacific") known as the former Spreckels Sugar Facility. No other parties are affected as directly as Ms. Cedarblade and Mr. Wilson. As the owners of the Historic Nelson Ranch, their health, business and property interests have been severely impacted by the existence of the PCC piles, and Clark Pacific's failure to comply with the March 14 2003, Central Valley Water Board's Waste Discharge Requirements Order R5-2003-0047.

As demonstrated in the comments submitted by Ms. Cedarblade and Ozone Process Consultants, Inc., Clark Pacific's operation regarding the removal of the piles of precipitated calcium carbonate ("PCC") has resulted in significant impacts to the health of individuals living and working at the Historic Nelson Ranch, as well as to the horses that are boarded at the Ranch. Additionally, the PCC has contaminated significant amounts of hay for the Ranch's horses. Clark Pacific and its contractors have shown a callous disregard towards the health and safety of residents and livestock downwind of PCC piles. When the wind blows from the west, the PCC dust encases the Ranch resulting in a trespass and nuisance, which causes significant health impacts to individuals and horses.

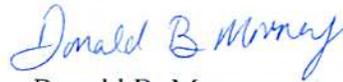
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The current removal of the PCC piles deviates substantially from historic practices. While Clark Pacific has been under the current WDRs from the Regional Water Quality Control Board to remove the PCC piles, Clark has proceeded in a manner that has violated the WDRs, resulting in a continuing nuisance to the adjacent property owners, and is injurious to the public health.

The Historic Nelson Ranch also relies upon groundwater that has been and continues to be impacted by the contamination at the Clark Pacific site. Ms. Cedarblade and Mr. Wilson have a significant interest in ensuring that the PCC piles and the WDRs do not further impact the groundwater resources and that such groundwater contamination is properly remediated.

Based upon the foregoing, Ms. Cedarblade and Mr. Wilson request that the Regional Board grant them status as designated parties. Finally, as designated parties, Ms. Cedarblade and Mr. Wilson request the opportunity to submit rebuttal testimony prior to the scheduled hearing date.

Sincerely,



Donald B. Mooney  
Attorney

cc: Brenda Cedarblade  
Ted Wilson  
Frederick Moss, Assistant Executive Officer  
Wendy Wyels, Supervisor, Compliance and Enforcement Section  
Todd Del Frate, Regional Board (tdelfrate@waterboards.ca.gov)