

BEFORE THE STATE WATER RESOURCES CONTROL BOARD

PETITION OF (JENNIFER SULLIVAN) FOR REVIEW AND REQUEST FOR STAY: OF (NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD) ACTION RE: MASONITE'S FORMER WOOD PRESERVING FACILITY HIGHWAY 101 CLOVERDALE, CA CASE NO. INSO266)

Pursuant to California Water Code Section 13321 and 23 California Code of Regulations Section 2053, Jennifer Sullivan respectfully submits this petition for review and requests a stay of the North Coast Regional Water Quality Control Board No Further Action and Termination of Monitoring and Reporting Program, Order No. R1-2023-0028.

I. BACKGROUND

- **Site Background:**

Molalla Forest Products started operations in August 1954. The wood treatment facility was constructed in the early by Mollala Forest Products, which operated the wood preserving plant and adjacent lumber mill. Mollala used oil-based PCP and water-based chromated-copper-arsenate as wood preservatives. The wood treatment plant consisted of an operations building, chemical storage tanks, two pressure vessels or retorts, an unlined recycling pond, and wood storage areas. Masonite Corporation purchased Mollala in 1969 or 1970 and continued to operate the wood treatment facility until 1976 when wood treatment operations were terminated. (Exhibit A pg.8)

Masonite has a long documented history of violations, of illegal discharges of hazardous waste throughout the property, into tributaries of and directly into the Russian River. In April 9th, 1975, water board inspectors noted Masonite was in violation of Waste Discharge Without Permit for 393 consecutive days and because they had been notified and warned of these actions yet continued the violations, Masonite was willful and negligent.

In 1976 Masonite dismantled wood treatment operations and initiated cleanup under a DHS approved plan. It was a state of California managed Superfund site because of Pentachlorophenol and other associated related wood treatment contaminates.

August 1982 – New Name, New Owners For Mill Timber Realization Company - Managed by Woodland Services Company. Masonite doing business under new name. (Cloverdale Reville, September 8th, 1982.)

1982 – Property sold to Louisiana Pacific.

April 21, 2010: MW-37 was installed to replace the LP Well in the groundwater monitoring program.(Exhibit C pg.5)

- **NFA Status:** North Coast Regional Water Quality Control Board No Further Action and Termination of Monitoring and Reporting Program was issued on January 21, 2026.

Challenged Actions: NCRWQCB issued this NFA, despite a PCP groundwater rebound of 130x at one of the last two remaining monitoring wells, MW 37 in 2024, and the destruction of these wells before the NFA was issued and the site closed. Also inadequate public notice to the residents of Cloverdale and Russian River stakeholders of the notice, of the PCP rebound, and suppression of critical information and spoliation of evidence, failure to provide substantial evidence of groundwater plume stability, documented aquifer interconnection, and incompatible land use considerations.

II. REASONS FOR THE STAY

SUBSTANTIAL HARM TO THE CLOVERDALE COMMUNITY & RUSSIAN RIVER STAKEHOLDERS AS THE NFA IS BASED ON FALSE INFORMATION AND AN INADEQUATE NOTIFICATION TO AND EXCLUSION OF THE PUBLIC FOR COMMENT PERIOD

SUMMARY:

The NFA determination is based on a false/omitted administrative record and a predetermined closure before the public was allowed to comment. The public was excluded totally from a decision the board was about to make, closing the former Masonite site and issuing an NFA, a decision with massive impact on the community and lasting consequences and we were left out. **The Discharger (International Paper), its consultant (AECOM), and the Regional Board Geologist all omitted the July 2024 monitoring data showing a 130x toxic rebound in bedrock well MW-37.** (Exhibit M Timeline)

1. **Failure of Oversight:** The Board Geologist's duty is to independently verify the site's stability. By ignoring a **130x rebound** and instead recommending well destruction, the Geologist failed their professional and regulatory duty to the public.
2. **Misrepresentation of Site Size, History, and Conditions To Supervisor:** "The site is located southeast of Cloverdale on approximately 3.5 acres of a 267-acre property." The Burdened Property is 22.85 acres, board Geologist reduces the scale and complex history of the site. Also omitted was the June 2024 PCP rebound in MMW 37 and the sites Superfund history. (Exhibit C)
3. **Harm to the Community, Public Health, and Russian River:** The Board approved the destruction of the last two remaining monitoring wells, now there's no way to monitor the PCP plume. The Regional water board's Geologist and AECOM knew about the Esmeralda development of 600+ homes and 100+ room hotel, (Exhibits H & I)

III. RECENT SAMPLING RESULTS OMITTED IN WELL DESTRUCTION WORK PLAN & WELL DESTRUCTION WAS APPROVED & NFA PREDETERMINATION

On October 14, 2025, AECOM/the discharger International Paper, emailed the Monitoring Well Destruction Work Plan for MW-12 and MW-37 Former Masonite Wood Treatment Facility, Cloverdale, California, to NCRWQCB staff. The work plan **excluded recent sampling data information about MW 37 and** included questionable sampling data about MW 12. (Exhibit D)

The the omitted sampling results is significant because it excludes a 130x rebound/increase of PCP measured in the groundwater in July of 2024. (Exhibit A, pg. 30& 39)

Here's the paragraph from (Exhibit E pg.1)

“Site characterization activities were implemented at the former wood treatment facility in the 1980’s and continued through 2008. Over the course of soil and groundwater characterization activities, multiple phases of drilling and monitoring well installation were performed to assess impacts to soils and shallow groundwater occurring in unconsolidated overburden materials and fractured bedrock materials. Post remediation monitoring of shallow groundwater was performed following two phases of remediation, the 1990 soil removal and 2003 shallow groundwater in-situ treatment. Additional assessment of bedrock groundwater quality was performed between 2004 and 2008. As a result of these actions, the extent of groundwater impact was confirmed, and IP developed a monitored natural attenuation (MNA) plan for groundwater remediation. **As of the most recent groundwater sampling event conducted in July 2024 at remaining monitoring wells MW-12 and MW-37, analyte concentrations are either below the site’s water quality goal (i.e., at MW-12) or continue to exhibit natural attenuation (i.e., at MW-37).** Both remaining wells are installed within the burdened areas of the property where groundwater use is prohibited through a Covenant and Deed Restriction recorded in 2013.”

The last groundwater sampling event was in July 2024 and the Pentachlorophenol levels in **MW 37 rebounded to 130 ug/l**, the remediation goal is **1 ug/l**. (Exhibit A. pg. 30 & 39). This is higher than measurements taken in 2010 which was 90 ug/l. This rebound doesn’t show natural attenuation as AECOM claims. The **130x rebound** was recorded by AECOM.

This is significant because the destruction of the last two monitoring wells was allowed despite the 130x rebound. The rebound shows that the PCP plume is not stable. The work plan paints a false and misleading picture that the PCP plume at MW 37 is stable.

On October 1, 2025, two weeks before the false work plan email, NCRWQCB staff, in a memo state, “PCP concentrations in bedrock groundwater at the remaining bedrock well **MW-37** were significantly lower for two years following the November 2020 groundwater extraction event. **The July 2024 monitoring data indicates that PCP concentrations have rebounded to pre-extraction event levels, as shown on (Figure 7.)** However, the July 2024 groundwater monitoring results show MNA is continuing based on the presence of PCP degradation products, low nitrate concentrations, and the detection of carbon dioxide in groundwater samples.” (Exhibit A & C pg).

The rebound began in 2022. The last three samples taken, in 2022, 2023, & 2024 showed PCP levels rising. (Exhibit A)

NCRWQCB staff knew about the rebound and didn't require AECOM to include it in the well destruction work plan. **When a groundwater plume is unstable, monitoring wells should not be destroyed, nor should the case be closed, nor should a NFA be issued.** (Exhibit C pg7.)

The claim that MNA is working is false, and the omission of the 130x rebound at MW 37, is a **violation of the California False Claims Act.** Submitting false statements or records to get a "benefit" (like an NFA) is prohibited.

NCRWQCB staff knew about the rebound and what it meant for groundwater, and what it might signal to prospective buyers of the former Masonite property.

“As part of this process, I will also be approaching the potential purchaser and developer of the property to enquire about their plans for obtaining water for their proposed site development, as we want to be sure that any proposed water supply wells are designed and placed to avoid being impacted by residual PCP contamination that remains in the vicinity of the “Old LP well” and current monitoring well MW-37 . The current Land Use Covenant prohibiting use of groundwater in the area of MW-37 should be sufficient to avoid contaminated groundwater, but the potential for migration of contaminated groundwater along fractured and faulted bedrock remains a concern that future users of the site need to be aware of.” (Exhibit H)

The monitoring well destruction work plan **with omitted sampling data** was submitted to NCRWQCB by the discharger International Paper, on October 14, 2025, thirteen days before public comment even opened on October 27, 2025, suggesting the public process was treated as a mere formality. Swift action was taken to destroy MW 12 and MW 37. (Exhibit B, G, and F)

On Monday December 1, 2025, (on the second business day after the public comment period ended), NCRWQCB staff sent an email to Stuart Holmes, of AECOM, to inform him, “We received no public comments regarding the pending case closure of the Former Masonite Wood Treatment Facility case during the public notification period. Additionally, I have reviewed AECOM’S October 14, 2025, monitoring well destruction work plan and concur with the proposed well destruction scope of work. I understand that the well destruction work has been scheduled for Wednesday, December 10, 2025. I will plan on stopping by sometime during that day to see how things are progressing.” (Exhibit F)

On December 11-12, 2025, the last two wells left to monitor the rebounding PCP plume (**MW-37 and MW-12**) **were destroyed, before the NFA was issued and case closed.** (Exhibit E pg1)

This causes substantial harm because we now have no way to monitor the existing plume in general or while future construction is disturbing the soil, ground, and bedrock.

The NFA violates State Water Board Resolution 92-49, which mandates that all pollutant sources be "identified and evaluated" and that closure only be granted if it is "consistent with the maximum benefit to the people of the state.”

The information AECOM provide about MW 12 is questionable because the last “clean” sample AECOM took was in June of 2022, **3.2 ug/l**. The following three occurred in November of 2022 (.85J), June 2023 (1.7J), and July 2024 (0.75J). (pg. 27, AECOM Site Closure Report). In the Site Closure Report list of acronyms there is no J listed in this key, so it’s difficult to know if it means estimated, low concentration, interference, high low bias, ect.

IV. INADEQUATE PUBLIC NOTICE

The public comment period (October 27–November 27, 2025) received zero comments because the public comment period was not effectively communicated to the Cloverdale community and Russian River Stakeholders. The public comment period announcement via the Notice of Proposed No Further Action was posted on the regional water board and Geotracker website. How many people in Cloverdale or Russian River Stakeholders are active on the water board or Geotracker websites?

ZERO public comments were sent in.

Why did the NCRWQCB receive ZERO public comments? I suspect it had something to do with where they posted the public notice, ordinary people are not active on the water boards website or Geotracker page. Zero public comments doesn’t mean the community agreed with the waterboards decision to close the Fomer Masonite case.

The NCRWQCB should have given extra care and created a comprehensive interested parties list. The NFA decision in this unique case, regarding the Former Masonite site is extraordinarily consequential to the people of Cloverdale and Russian River stakeholders because:

- The site is in the planning process to transition from industrial to residential.
- The controversial planned development of Esmeralda is on the Former Masonite property, and the proposal is to build 600+ homes and a 100+ room hotel.
- The site has a documented, decades long history of Pentachlorophenol contaminated soil and groundwater. Pentachlorophenol is a persistent organic pollutant, a broad spectrum biocide that is still present in the soil and groundwater on the property.
- Serious concerns from the local population with wells to the south of the property.
- It’s prior Superfund status.
- The health and safety of the Russian River.
- To people who live downstream.
- Fears that construction will disturb the property and stir up toxic chemicals into the air, soil, and water, pollute nearby wells, impacting public health.

Because a work plan to destroy the wells was submitted in advance, on October 14th, 2025, nearly two weeks before they even opened the public comment period, and the swiftness in destroying them, makes the NFA decision seem pre-determined.

V. SUPPRESSION OF CRITICAL INFORMATION

The residents of Cloverdale and Russian River stakeholders were kept in the dark about the NCRWQCB's plans with the former Masonite site. The consequence of not being privy to this critical information is Esmeralda Land Company (ELC) has been given an NFA that the residents of Cloverdale and Russian River stakeholders had no say in. We were excluded from a critical process that has a massive impact on the future of our community and our neighbors.

The NFA was granted with the total exclusion of the Cloverdale community and Russian River stakeholders.

Esmeralda Land Company is now using the NFA to declare that the site is now clean and safe. Even though the language on the NFA is nuanced, saying there's residual contamination, clean to the "extent practicable," ELC's focus is on the site posing "little risk to human health."

The actions of NCRWQCB, on their own may be the norm, but all together in this situation are extremely troubling. The statement "Unless significant comments are received," suggests the public had a mountain to climb, and even if they had climbed it wouldn't matter, closure of the site was already predetermined.

Public notice is not a formality; it is a safeguard. By conducting a 'silent' public comment period and then permitting the destruction of the monitoring network **before** any independent review could occur, the Regional Board has prioritized the other interests, over public health and the safety of Cloverdale residents, and the Russian River.

I find it impossible to justify the conclusion that the people of Cloverdale and Russian River stakeholders were given adequate public notice, when the result of the comment period was ZERO comments, from a community that has been and is very engaged.

From The Press Democrat on February 9, 2026. (Exhibit J)

"The more residents have learned about the development, the more they've taken to social media outlets and kitchen-table discussions to reckon with what could be ahead for their city. The city council's public comment period has become a dependable snapshot of some of that debate.

"I've been doing real estate for 25 years and I'm surprised by the amount of engagement," said Michael Yarne, a real estate developer and another Esmeralda principal."

This suppression of the Notice of Proposed No Further Action causes substantial harm because the very communities that the issuance of the NFA impacts the most were excluded from a process meant to include them.

VI. OMISSION OF EVIDENCE OF PLUME INSTABILITY AND FAILURE TO PROVIDE SUBSTANTIAL EVIDENCE OF STABILITY

The Regional Board's "Low-Threat" determination is contradicted by the site's own monitoring data. In a July 2024 sampling, monitoring well **MW-37**, after an extraction of groundwater in 2020, exhibited a rebound of **130 ug/l—remediation goal 1 ug/l**. Under State Board Resolution

92-49, a site is ineligible for closure unless the contaminant plume is proven with substantial evidence to be stable or decreasing. A 130x exceedance in the final year of monitoring is the definition of plume instability.

The Fractured Bedrock Interconnection-The Regional Board's reliance on a 'Low-Threat' closure model is technically flawed because it fails to account for the **Fractured Bedrock** underlying the site. Unlike uniform soil, fractured bedrock contains **preferential pathways** that allow for unpredictable toxic surges, such as the **130x rebound** documented in **MW-37**. By allowing the destruction of the monitoring wells, the Board has 'blinded' the site, making it impossible to detect where the plume will migrate once the site is 'capped' by residential paving and foundations. This violates the safety intent of **Resolution 92-49**.

Internal Board Knowledge of Ongoing Risks - An internal email from the Regional Board's Engineering Geologist dated April 28, 2025 (See Exhibit E), explicitly admits that the '**potential for migration of contaminated groundwater along fractured and faulted bedrock remains a concern.**' Despite this recorded concern and the knowledge of residual PCP contamination near **MW-37**, the Board proceeded to approve the destruction of the monitoring network just months later. This proves the Board prioritized the developer's schedule over the very 'concern' their own experts documented regarding the safety of future site users.

This causes substantial harm because since the monitoring wells have been destroyed we have no way to monitor the stability or instability of the PCP plume and it unable to track its movement. Any future grading or construction will permanently bury the evidence of the 130x toxic surge, making it impossible to ever verify the safety of future residents and the Russian River without the ability to monitor a known/found hot spot.

VII. FAILURE TO REQUIRE A SOIL MANAGEMENT PLAN OR PERFORM CUMULATIVE TEQ ANALYSIS

A "Low-Threat" determination is a mathematical impossibility without calculating the synergistic effects of the 17 most toxic dioxin congeners known to exist in PCP-impacted bedrock. A Human Health Risk Assessment (HHRA) based on the Toxicity Equivalence (TEQ) of the total toxic load, should have been done.

This causes substantial harm because we don't know the actual toxicity of the property and the NFA is being used by Esmeralda Land Company to say the site is safe.

VIII. LAND USE INCOMPATIBILITY

The site is transitioning from industrial use to a high-density "Village Residential" and "Village Hospitality" project. Under Resolution 92-49, the Board must consider "all demands being made and to be made on those waters". The absence of a dioxin risk assessment, a TEQ, and HHRA for the proposed 600+ homes and 100+ room hotel, constitutes a failure to meet the "adequate characterization" requirement for site closure and residential use.

IX. LACK OF SUBSTANTIAL HARM TO OTHER PARTIES A review and stay in this matter will not cause substantial harm to the Regional Board, the Discharger, or the Developer for the following reasons:

- **Pre-Acquisition Status:** The "Real Party in Interest" (The Developer) has not yet purchased the property. A stay at this stage does not interfere with property rights; rather, it protects the buyer from assuming massive environmental liabilities based on a contested "No Further Action" (NFA) letter.
- **No Active Construction:** The project is currently in the planning and entitlement phase. There are no grading permits in use, no construction crews on site, and no equipment to idle. A stay preserves the **Status Quo** without any physical or operational disruption.
- **Protection of Public Investment:** The City, residents of Cloverdale, Russian River stakeholders, and future homeowners are best served by an administrative pause. It is far more harmful to allow a development to proceed over an unstable toxic plume than it is to wait 90 days for the State Board to verify the site's safety.
- **No Emergency Timeline:** This site has been contaminated for over 50 years and is vacant. There is no public or private emergency that justifies rushing a residential development over a documented **130x toxic rebound** in bedrock well **MW-37**.
- **Extra Time Allowance For Procedures To Be Followed:** protects the potential buyer and other interested parties. It ensures that all interested parties have time to discover, further research, and contemplate the extent of the properties toxic past and the complicated cocktail of persistent organic pollutants that remain on the property. How this persistent contamination could impact public health, future residents, the challenges it may present selling the homes they plan to build, and the possible damage to the developments reputation. It allows for more time for the developer and the city to conduct due diligence to understand more about the liabilities they could face, especially since the NFA was issued to the total exclusion of the Cloverdale community and Russian River stakeholders, with other water board violations. It's a reset for the NFA to be issued properly, and by following board rules and procedures.

X. SUBSTANTIAL QUESTIONS OF FACT

Why did the 2026 Regional Board ignore the formal technical findings of the 2007 Regional Board? If the site wasn't deemed ready for closure in 2007 due to bedrock-shallow interconnection and missing dioxin data, and no bedrock remediation has occurred since, why would it be ready or approved now?

Why did NCRWQCB approve the monitoring well destruction given the increases of PCP in groundwater? And keep the rebound from the public?

Did NCRWQCB notify Esmeralda land company?

Why did NCRWQCB allow the monitoring wells to be destroyed before the case was closed?

Why wasn't a comprehensive interested party list developed and used for a Proposed No Further Action decision that would have a lasting and substantial impact on the lives of the Cloverdale Community and Russian River stakeholders.

Why did NCRWQCB approve closure and issue an NFA, on a historically contaminated property, with a recent PCP rebound, and unstable plume, and surrounded by the controversy of ELC and their proposal to build 600+homes and 100+room hotel, with zero involvement from the local community? (Exhibit I)

What will the future developer use to monitor or test the existing groundwater PCP plume now that the monitoring wells have been destroyed?

With the former Masonite's history of "willful and negligent" discharge violations, one documented by the water board lasted for 363 consecutive days, former state Superfund status, , how can the site be determined safe without TEQ, Dioxin and 17 toxic, 2,3,7,8-substituted congeners testing?

Will CEQA and EIR rules mandate a TEQ, Dioxin and 17 toxic, 2,3,7,8-substituted congeners testing with an NFA from the waterboard?

Is it safe to allow 600+ homes and a 100+ room hotel on a site where a TEQ, Dioxin and 17 toxic, 2,3,7,8-substituted congeners, and HHRA testing hasn't been done?

Why not just clean the Land Use Covenant/Deed Restricted Area? Remove the Railroad Tracks and excavate? With Smart Train planning to come to Cloverdale this makes more sense than cleaning the site up after homes are built?

Why wasn't a Soil Management plan required before closure?

XI. STATEMENT OF POINTS AND AUTHORITIES

THE REGIONAL BOARD VIOLATED THE STABILITY MANDATE OF RESOLUTION 92-49 Under **State Water Resources Control Board Resolution 92-49 (Section III.G)**, a site cannot be closed unless the toxic plume has been proven with substantial evidence to be "stable or decreasing."

- **The Violation:** The Regional Board's own data from July 2024 shows that bedrock well **MW-37** experienced a **130x toxic rebound** (surging to 130 ug/l PCP). A 130x increase in toxicity is the literal definition of an **unstable plume**. Issuing an NFA during an active toxic surge is an abuse of discretion and a direct violation of Resolution 92-49.

PRE-DECISIONAL BIAS RENDERED THE PUBLIC PROCESS A FICTION

23 CCR § 2728 and the Board's own policies require meaningful public notification. Under **Resolution 92-49** and **Water Code § 13267**, a monitoring network must remain intact until the

Board has made a final determination based on the *entire* administrative record, including public comments.

The "Second Business Day" Email: Makes it look like the Board was rushing to clear the path for the developer rather than performing an independent review of the site's stability.

SPOILIATION OF EVIDENCE AND PROCEDURAL IMPROPRIETY Under **Water Code § 13320**, the State Board may vacate an action that is improper or inappropriate.

- **The Violation:** By permitting the destruction of the only wells capable of monitoring the 130x surge (**MW-37 and MW-12**) in December 2025, the Board permitted the **Spoilation of Evidence**. This act physically prevents the State Board from performing its oversight duties and forces the community to accept a "Low-Threat" determination that can no longer be verified.

FAILURE TO PROVIDE ADEQUATE NOTICE TO STAKEHOLDERS The State Board's **Environmental Justice Policy** and **Public Participation Plan** mandate "meaningful involvement" for all affected communities.

- **The Violation:** The Regional Board failed to provide adequate notice to the Cloverdale Community and Russian River stakeholders of the Proposed No Further Action. The community was totally excluded from the public comment process despite the significant impact the board's decision would have on the people of Cloverdale and our neighbors.

REQUESTED ACTION: PETITIONER RESPECTUFULY REQUESTS:

- **THE STATE BOARD STAY AND VACATE THE NFA**
- **RE-OPEN THE PUBLIC COMMENT PERIOD AND USE A COMPREHENSIVE INTERESTED PARTIES LIST TO COMMUNICATE WHAT CLOSURE OF THE FORMER MASONITE SITE INVOLVES AND MEANS**
- **INFORM THE PUBLIC OF THE MONITORING WELL DESTRUCTION IN DECEMBER DESPITE THE REBOUND OF PCP**

LIST OF EXHIBITS:

Exhibit A: Site Closure Report, Former Masonite Wood Treatment Facility Cloverdale, California. AECOM Environment for International Paper 2025. Geotracker

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/5632535994/T0609793185.PDF

Exhibit B: Notice of Proposed No Further Action For Masonite's Former Wood Preserving Facility Highway 101 Cloverdale, California Case No. 1NSO266. October 27, 2025. Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6411008536/251001_NFA_memo.pdf

Exhibit C: Case Closure Summary and No Further Action recommendation October 1, 2025. Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6411008536/251001_NFA_memo.pdf

Exhibit D: Monitoring Well Destruction Work Plan for MW-12 and MW-37 Former Masonite Wood Treatment Facility, Cloverdale, California October 14, 2025 (upload date Oct 21, 2025) Geotracker.

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/7635119915/T0609793185.PDF

Exhibit E: Monitoring Well Destruction Report for MW-12 and MW-37 Former Masonite Wood Treatment Facility, Cloverdale, California January 7, 2026. Geotracker

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/8288119792/T0609793185.PDF

Exhibit F: Email Correspondence Re: Monitoring Well Destruction and Work Plan, and Date to Destroy. (Correspondence dates October 14, 2025 --- October 28, 2025 --- December 1, 2025) Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5647733390/251201-Well-DestructWP-concur.pdf

Exhibit G: No Further Action and Termination of Monitoring and Reporting Program, Order No. R1-2023-0028. January 21, 2026 Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7166867911/260121_FAB_Masonite_NFA_ltr.pdf

Exhibit H: Email correspondence Re: Site Closure Report - Former Masonite Facility - Cloverdale - March 2025. Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3661405265/250428_InitialResponse_SiteClosureRpt.pdf

Exhibit I: Email Correspondence. Plans for water supply at Esmerelda project Monday, April 28, 2025. 5:21:00 PM Geotracker.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/7361600577/250428_to_esmerelda_Plans-watersupply.pdf

Exhibit J: High-end Cloverdale housing, resort project puts ‘little country town’ at crossroads. Feb 9, Amie Windsor Press Democrat. <https://www.pressdemocrat.com/2026/02/09/cloverdale-esmeralda-development-housing-resort/?share=cusromasce2drsshddrs>

Exhibit K: Former Masonite Wood Preserving Facility, Cloverdale, CA, Case #1NSO266
Subject: Case Pre-closure Letter : October 9, 2025.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3564450919/251009_FAB_Pre-Closure.pdf

Exhibit K: Monitoring Well Destruction Work Plan for MW-12 and MW-37 Former Masonite Wood Treatment Facility, Cloverdale, California October 14, 2025.

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/7635119915/T0609793185.PDF

Exhibit L: A print out of an online petition I did for the community of Cloverdale and Russian river stakeholders to sign asking the water board to reopen the public comment period that we never had.

Exhibit M:

TIMELINE OF OMISSIONS, PREDETERMINED BIAS, AND MISSING NARRATIVE:

April 28, 2025 – “Case in Cloverdale and generally agree that the case should be able to be closed. I will be working on a case closure summary memo in the coming weeks that will have to go through peer and supervisor review before I can issue a case pre-closure letter.”(Exhibit H)

October 1, 2025 – Waterboard Geologist writes Email to Supervisor – Geologist recommends Site Closure and omits June 2024 PCP rebound—before public comment period & Omits the Former Masonite previous Superfund status, and the June 2024 PCP rebound in MW 37, and describes the site, “The site is located southeast of Cloverdale on approximately 3.5 acres of a 267-acre property, when the deed restricted area is 22.8 acres.” Geologist minimizes site’s history and complexity of current situation, including the omission of trying to transition the site from industrial to residential with the building of 600+ homes and a 100+room hotel. (Exhibit C)

October 9, 2025 - Case Pre-Closure Letter to AECOM. Asking AECOM to put together a mailing list for public comment period. Along with instructions on what to do and not to do. Uncertain if list compiled by AECOM were ever notified. (Exhibit K)

October 14, 2025 – AECOM letter to Regional Water Board geologist – Omits PCP rebound and has similar language to Closure Memo to Supervisor sent on October 1, 2025. (Exhibit D)

October 27, 2025 – Public Notice of Case Closure. (Exhibit B)

December 1, 2025 – Board agrees with well destruction. Well destruction had already been planned for December 10, 2025. Email correspondence, AECOM, Diablo property management, waterboard (Exhibit F)

December 11-12, 2025 - Last two remaining monitoring wells were destroyed. (Exhibit E)

January 7, 2026 - Monitoring Well Destruction Report for MW-12 and MW-37 (Exhibit E)

January 21, 2026 - Issued - No Further Action and Termination of Monitoring and Reporting Program, Order No. R1-2023-0028 (Exhibit G)

PROOF OF SERVICE

I, **Jennifer Sullivan**, declare that I am over the age of 18 years. My address is **675 Geysers Rd. Cloverdale, CA 95425**

On **February 13, 2026**, I served the **Petition for Review and Request for Stay and Vacate** regarding the Former Masonite Site (Case No. 1TSR083 / 1NSO266) by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid, in the United States Mail at **Cloverdale/CA**, addressed as follows:

Recipient	Mailing Address
State Water Resources Control Board	Office of Chief Counsel, Attn: Water Quality Petitions 1001 "I" Street, 22nd Floor, Sacramento, CA 95814
North Coast Regional Water Quality Control Board	Attn: Executive Officer 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403
International Paper Company (The Discharger)	Attn: Environmental Counsel / Corporate Secretary 6400 Poplar Avenue, Memphis, TN 38197
Esmeralda Land Company (The Developer)	Attn: Devon Zuegel 912 Euclid Ave #1 Miami, Fl 33139

DECLARATION OF SUBSTANTIAL HARM

I, **Jennifer Sullivan**, declare under penalty of perjury under the laws of the State of California:

1. **Systemic Exclusion:** Cloverdale residents and Russian River stakeholders were excluded from the public comment period for Case No. 1NSO266. This procedural silencing constitutes a substantial and irreparable harm to our right to due process.
2. **Threat to Regional Water Supply:** By granting an NFA while a toxic plume remains unstable and unmonitored, the Board places the water supply and the health of thousands of Russian River stakeholders at risk.
3. **Irreversible Change to Cloverdale:** This development of 600+homes and 100+room hotel will forever change the character and safety of Cloverdale. If a stay and request to vacate is not granted, this massive project will be built upon a "blinded" toxic legacy and the silencing of the people. The harm of proceeding with on a flawed approval far outweighs any administrative delay.

Executed on: February 13, 2026, in Cloverdale, California.

VERIFICATION AND DECLARATION

I, **Jennifer Sullivan**, am the Petitioner in this matter. I am a resident of Cloverdale, California, and a stakeholder whose community has been systemically excluded from the public process regarding Case No. 1NSO266. I have read the foregoing Petition for Review and Request for Stay and know the contents thereof.

I declare under penalty of perjury under the laws of the State of California that the information provided in this petition is true and correct to the best of my knowledge, and that this petition is filed in the interest of protecting the public health and the future of the Cloverdale community.

Executed on: February ____, 2026, at Cloverdale, California.

JENNIFER SULLIVAN, Petitioner
