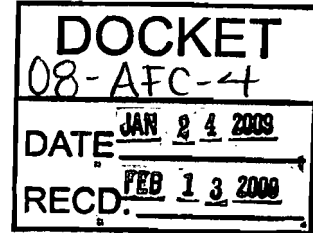


Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028
January 24, 2009

California Energy Resources
Conservation and Development Commission
1516 Ninth Street
Sacramento, CA 95814



Dear Mr. Celli,

Sorry I could not correspond sooner about my comments on the truck transportation and others but my computer crashed and I ended up buying a new model and then learning where everything was in "Word" program. My dial up internet ended up with a virus and I will probably purchase an AT&T internet connection.

My response to the communication I received from Mr. Babula of the California Energy Resources Conservation and Development Commission is attached. Mr. Babula's response to my Evidentiary Hearing report was filled with generalities and errors.

The California Health Laws Related to Recycled Water (CHLRRW) is a **series of LAWS specifically designed to the concerns of recycled water**. Every law in the USA specifically defines its lawful requirements in precise terms. A dog is a dog and not a cat, by law. A man is a man and not a woman, by law, and so on.

"Disinfected Secondary -23 recycled water" does not mean secondary treated water that has been disinfected; it has a precise meaning defined in the CHLRRW, Title 22, June 2001 Edition Section 60301.225 as "Disinfected secondary -23 recycled water means recycled water that has been oxidized and disinfected so that the median concentration of total coliform bacteria in the disinfected effluent does not exceed a most probable number (MPN) of 23 per 100 Milliliters utilizing the bacteriological results of the last seven days for which analysis has been completed and the number of total coliform bacteria does not exceed an MPN of 240 per 100 milliliters in more one sample in any 30 day period". Where in this definition is the terms "secondary treated recycled water"? It's a dream.

Disinfected tertiary recycled Water is defined in my attached response to Mr. Babula on pages 12, 13, and 14. Nowhere in any part of the CHLRRW Title 22 (or the Water Code), June 2001 Edition **(the Law and not a Standard) are the terms "Recycled Water that has undergone tertiary treatment and disinfection" or "meets all the requirements for Title 22 Disinfected tertiary treated water"**. There is no "tertiary treated" or "tertiary treatment" terms anywhere in Title 22 or the Water Code of the CHLRRW. How can anyone meet the terms of something that is not in existence?

In Enclosure 4 there is a news report concerning the Olivenhain Water District. This water district wants to ship their recycled water from their water district to a landfill located in Riverside County by tank truck. The appeals court stated Olivenhain and the landfill need an Environmental Impact Report (EIR) in order to do so. The Environmental issues in my response # 8 on pages 6 through 7, my environmental issues in response # 11 on page 11 and my environmental issues on page 16 must, by law, require an EIR to be carried out by the OGP. Never in the history of California has a court refused a request for an Environmental Impact Report when the request was based on environmental issues.

Thanks for your assistance and in my opinion someone has perjured themselves and I am in the process of forwarding my attached response to the State Attorney General to investigate my claim. I can read plain English and so can the Attorney General. A law is still a law regardless of what SDG&E wants, and to deliberately add words to a law to in an attempt to make it agree to what you want it to be is unlawful, and, to me, is a form of perjury when it involves California official business.

Sincerely,



Archie McPhee

