

Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028
March 17, 2009

The Energy Resources Conservation
And Development Commission of
The State of California
1516 Ninth Street, MS 14
Sacramento, CA 95814

DOCKET 08-AFC-4	
DATE	MAR 17 2009
RECD.	APR 02 2009

Attention: Ken Celli

Dear Commissioners,

At the Orange Grove Energy Power Plant meeting on March 16, 2009 it was proven beyond any doubt that the Fallbrook Public Utility District (FPUD) must provide "Disinfected tertiary recycled water" for all recycled water delivered to the Orange Grove Energy Power Plant (08 - AFC - 4). This is California Law, specifically, the California Health Laws related to Recycled Water, (CHLRRW), Title 22, June 2001 Edition. California Health laws are the laws of California and these laws must be followed for the health protection of all California workers as well as the general public regardless of the excuses made, at this meeting, by FPUD's GM Keith Lewinger.

In response to a commissioners concerns about the California Regional Water Quality Control Board Order No. 91-39 dated May 20, 1991 and quoted by GM Lewinger in opposition to the use of the specific term "Disinfected tertiary recycled water" please note, Order # 91-38 was enacted in 1991 and it is now outdated and has been replaced by the CHLRRW, Title 22, June 2001 Edition (10 years later). Obviously there has been new data submitted to the Dept of Health Services Division of Drinking Water and Environmental Management to require changes for worker and the general public's health benefits.

Please note that in the 08-AFC-4 project FPUD is a sub-contractor and the goal of any contractor or sub is to make as big a profit as possible. That, to me, can be the only reason for GM Lewinger to oppose requiring the exact specification of "Disinfected tertiary recycled water" for the project 08-AFC-4 in the contract documents. Lewinger has stated plans to retire in 2010 so what's with this "what will happen on 10 years if a change is made"? I am concerned only with today. In 10 years, today's legislation will be grandfathered in and any new changes for recycled water will be required only for all new projects.

I demand that all contract documents for the delivery of all recycled water by FPUD to the Orange Grove Energy Power Plant (08-AFC-4) be superseded to contain the specific wording "Disinfected tertiary recycled water, per California Health Laws Related to Recycled Water, Title 22, June 2001 Edition". This leaves FPUD with no wiggle room and must comply. To do otherwise places the commissioners in a position of expressing little or no concern for the health

of California workers and the general public. This exact specification of "Disinfected tertiary recycled water" for the Orange Grove Energy Power Plant Project also creates a very tight positive contract for the health protection of all Californians.

Please inform me personally of your reply to this request. The law is the law, nothing changes that fact and it must be exactly followed by all for the health of all Californians.

Please distribute to all commissioners.



Archie D. McPhee
Intervenor and certified expert witness
in water and wastewater engineering.

Copy to: Mr. Babula



Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028
March 19, 2009

RECEIVED BY
2009 MAR 23 PM 1:48
CHIEF COUNSEL OFFICE

Jared Babula, Senior Staff Council
California Energy Commission
1516 Ninth Street, MS-14
Sacramento CA 958114

Dear Mr. Babula,

Enclosed is a copy of a request I made to the Energy Resources Conservation and Development Commission of the State of California demanding that the Fallbrook Public Utility District (FPUD) be required to specify in all contract documents with the Orange Grove Energy Power Plant (OGP) that all recycled water delivered to OGP will be exactly specified to be "Disinfected tertiary recycled water" in accordance with the California Health Laws Related to Recycled Water, Title 22, June 2001 Edition. This is a California's health law as of June 2001 which specifies that all recycled water delivered to the OGP shall be "Disinfected tertiary recycled water" for the uses OGP has specified in their design documents.

The California Regional Water Quality Board San Diego Region Order No. 91-39 (Waste Discharge Requirements) dated May 20, 1991 has been replaced by the California Health Laws Related to Recycled Water, Title 22, June 2001 Edition. Order 91-39 is an 18 year old order man and not California law which the above referenced CHLRRW is.

FPUD is simply a subcontractor in this project. Why are you giving so much credibility to a subcontractor whose main concern is making a profit? Why is this subcontractor so reluctant to use the CHLRRW specification of "Disinfected tertiary recycled water" in FPUD's contract with OGP? If these California health law (CHLRRW) are to be strictly obeyed, why the objection to pin FPUD down to "Disinfected tertiary recycled water per Title 22 of the CHLRRW, June 2002 Edition thereby presenting no wiggle room for FPUD to comply? The law is the law.

Please advise me of your and the commissioners decision in this matter. I do not want any workers or Californian's health issues on my conscience.



Archie D. McPhee



Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028
March 19, 2009

Jared Babula, Senior Staff Council
California Energy Commission
1516 Ninth Street, MS-14
Sacramento CA 958114

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Please advise me of your and the commissioners decision in this matter. I do not want any workers or Californian's health issues on my conscience.



Archie D. McPhee





**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
ORANGE GROVE POWER
PLANT PROJECT**

**DOCKET No. 08-AFC -4
PROOF OF SERVICE
(Revised 2/17/09)**

APPLICANT

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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on April 2, 2009, I served and filed copies of the attached Archie McPhee Comments to Babula/Celli (08-AFC-4) Orange Grove. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[www.energy.ca.gov/sitingcases/orangegrovepeaker]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;

- by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original signed by _____
Teraja` Golston