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California Energy Resources  
Conservation and Development Commission  
1516 Ninth Street  
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Dear Mr. Celli,

(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.

**"Disinfected Secondary -23 recycled water"** does not mean secondary treated wastewater 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 does not exist because "secondary treated recycled water" is a wastewater treatment definition while "Disinfected Secondary-23 recycled water" is the definition of a degree of disinfection and not treatment. The California Energy Commission (CEC) cannot insert the word "treatment" or "treated" into a "California Law" and claim that Law has **not** been changed.

The precise definition of "**RECYCLED WATER**" is defined in the CHLRRW, Water Code, June 2001 Edition, Section 13050(n) as follows: **"Recycled Water' means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would otherwise occur and is therfor considered a valuable resource."** Where in this definition is the term "Disinfected" or the terms "Disinfected Secondary -23" or the term "**tertiary treated**". It is for this reason that the CHLRRW, Title 22, June 2001 was enacted. Many of the general uses in the "Water Code" were identified and specified in "Title 22" instead of using a general term such as irrigation. For example "Disinfected Secondary-23 recycled water can only be used for irrigation of "Any non-edible vegetation where access is controlled so that the irrigation cannot be used as if it were part of a park, playground or school yard" while "Disinfected tertiary recycled water"

can be used for "Food crops including all edible root crops, where the (tertiary treated) recycled water comes in contact with the edible portion of the root". Do these different uses agree with the above definition of the CHLRRW, Water Code, June 2001 of "RECYCLED WATER" quoted word for word above? NO. Even **Un-disinfected secondary recycled** water is defined in Title 22, Section 60301.900 as: " "Un-disinfected secondary recycled water" means oxidized wastewater". **Note the term wastewater.**

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 requirements of something that is not in existence?

In accordance with California Law, specifically CHLRRW, Title 22, June 2001 Edition, the lawful terms are:

- 1) Disinfected tertiary recycled water and NOT Disinfected tertiary TREATED recycled water.(see Section 60301.230).
- 2) Disinfected Secondary-2.2 Recycled water and NOT Disinfected secondary TREATED-2.2 recycled water (see Section 60301.220).
- 3) Disinfected secondary-23 recycled water and NOT Disinfected secondary TREATED-23 recycled water (see Section 60301.225).
- 4) Un-disinfected secondary recycled water and NOT Un-disinfected secondary TREATED recycled water (see Section 60301.900).
- 5) Recycled Water and NOT TERTIARY TREATED Recycled water (Section 13050(n), (see CHLRRW, Water Code, June 2001 Edition). (Quoted word for word above in the bottom paragraph of page 1)

Any attempt to insert the word(s) "**treated**" or "**treatment**" or "**tertiary treated**" into the 5 above titles, definitions, or lawfully defined uses by wording, or implied wording which is intended to alter their meaning and lawful defined uses is unlawful and, in my opinion, is perjured testimony when involving California State business.

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 near 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 for the tank truck transportation of recycled/reclaimed water. 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 the above as an 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 with 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

PS The above cover letter is what I intend to forward to the California State Attorney and possible other legal agencies for their input. On one occasion in a pump station certification the contractor supplied used pumps without nameplates for a new pump station. The contractor was required to provide new pumps for this new San Diego pump station before I certified it as operational correct. I pay attention to detail which your CEC staff does not. Trusting contractor accomplishments without precise contract documentation and a system of checks and counterchecks is worse than dumb. San Diego City had faults but their contract documents were precisely exact with no loopholes, but contractors still used the lack of skill of the inspectors to try their cost saving, money saving tricks. Does the CEC even have/require inspections or have qualified inspectors to verify contract specifications before and during construction?

I noticed a couple of typos in my original document but I have since learned where my "correct spelling" icon in my new "Word Vista" program is located.

