

Written Statement submitted

To: Members of the Board, The San Diego Regional Water Quality Control Board (SDRWQCB).

For: The Feb.11, 2009 Public Hearing of SDRWQCB.

By: Dr. Alice C. Tang, The Yes We Can Community Solutions.

Re: Agenda 7, CONSIDERATION OF SETTLEMENT, City of Escondido  
(Tentative Order No. R9-2009-0003)

Dear Members of the Board of SDRWQCB,

I believe that you have no choice but to reject the present Settlement referenced above on three grounds:

Ground I: Both versions of the Settlement Order R9-2009-003 (Attachment D and E in your Supporting Document 4) were in error when they stated that "Issuance of this Order is exempt from the provisions of the California Environmental Quality Act .... because it can be seen with certainty that there is NO possibility that the activity in question may have a significant effect on the environment".

While such statement is routinely made correctly, in this particular case, it is in error. The prior illegal disqualification (see ground III below) of a competing SEP renders that CEQA reference to be in error. Unfortunately, Ground III bars me from proving Ground I to you. I have been barred from presenting any evidentiary written statement to you through that illegal process dictated by the Hearing Procedures of Nov. 25, 2008 that is the basis of my Ground III.

Ground II: Public Board members must not vote to harm the citizens they are charged to benefit and to protect. The present settlement, by the agency's own admission when the two versions of the orders (attachment D vs. E) were compared, gives the public the same one Order: "Waste it or lose it".

Clearly, that is not an Order that protects the public.

Ground III: Public Board members must not vote to approve Orders that were created through process that is illegal. In this case, the Hearing Procedure created on Nov. 25, 2008 by attorney Catherine George Hagan of your staff.

Again, I am barred by that Hearing Procedures to present any evidentiary written statement without risking this communication to be refused admittance. However, I believe you can prove to yourself quite easily that both Ground I and III are true by reading information not submitted by me today, but by your own website file "active ACLC R9-2005-0265" as of Feb. 4, 2009. If you were not sure of the solidity of the proof, please ask for copies of all emails between myself and attorneys Hagan, McGinness, Delano and Ms. Rebecca Stewart during the

period October 28th through December 31th of 2008. You will find my case compelling.

I urge you to read beyond the package of documents you are given today. When you read R9-2005-0265 in the active ACLC file on your web site, ask yourself why was this agenda item postponed from the Nov. 12 public hearing? Why was an Advisory Team set up to write a Hearing Procedures with the only purpose of ensuring that the current SEP would have remained the only one possible? Was a 10-day period between Nov.25 and Dec.5, 2008, reasonable for the purpose of dividing citizens into two classes, one with "Designated Party Status" and one without? Was a competing SEP barred from submission for lack of that Designated Party Status to the benefit of the public? Why was it so important that no public provide evidentiary written statement to you today?

I am here today as much for myself as for the three Hispanic young ladies at the Escondido public library on Dec.15, 2008, who listened, after 5 PM, to why I was objecting to the SEP that SDRWQCB appeared determined to keep as the only one. They happened to have just witnessed my inability to send my email written objections to that SEP, thus missing the deadline that was used to disqualify my objection. They all left me with their names, willing to verify my failed attempts to send emails to attorney Hagan between 4.15 PM to after 5 PM that day.

They also told me that they would gladly participate in the SEP by YWCCS. 15 minutes was all what it took for them to understand why the SEP of YWCCS can help the citizens of Escondido get out of the constant threat of future fines like the \$1.335,000 they just had to pay. Escondido is one of the poorest community in San Diego, water and sewer fees already exceed 5% of many struggling households' gross rent or home cost. They also told me they understood very well why our SEP would reduce a lot of organics from the City's wastewater, thus reduce pollution and save energy/money.

I presume that by reading my Dec. 19 email to attorney Hagan, you would also understand very well why CEQA condition was not met in this particular settlement case in front of you today. An approval action would have REAL possibility that the activity in question may have a significant effect on the environment". The retired public works director, Mr. Larry Michaels, thought my estimate of 30% reduction in organics in the wastewater "conservative". (He also said: "How come nobody ever thought of that before?")

It is gratifying to me that your own Prosecution Team agreed with my objection to the SEP in front of you and is opposing it on the very same basis I presented which attorney Hagan characterized as not "a valid objection". My offered proof that my email was obviously blocked on the afternoon of Dec. 15, just like her email that failed to reach me on Nov. 25, as well as the fact that I had kept printed RWQCB web page to demonstrate why I was unable to submit material on time was also never given a response or explanation. It is not until now when

I read your Hearing Agenda page that I saw the public had specifically been protected against such abuse.

Many young community college students like the young women I met that day work 2 or three jobs to help their family hold on to their homes. They do not deserve the callus responses of upscale environmentalists, who were uneasy about the unsupportable high value of the land purchased by the monopoly SEP of the present settlement agreement, but rationalized to me that: "There will be other money than this \$700K to do the SEP of YECCS in the future". They seem to not realize that the only way for Escondido citizens to have another \$675,000 in the future for SEP is by being fined more. The SEP of YECCS would prevent that fine.

For me, as a recognized wastewater expert\*, it is equally important that Escondido, other than being my community, is the size of city most ideal to collect data to quantify the field effectiveness of the SEP proposed by YWCCS. The reduction of organics into the treatment plant, and the resulting savings of energy and money to the public, needs to be documented by a public agency. Escondido can become the leader in this first-ever conservation program.

Your failure to provide a chance to evaluate the SEP of YWCCS is the equivalence of the Public Utility Commission failing to allow the program of switching the public into "energy saving bulbs" that had made PUC so successful.

\* Again, for fear of having this written statement denied into the record, I write the following, rather than providing copy of it, to establish my credential as a wastewater expert: "Resolution of the Board of Directors of San Diego County Water Authority Honoring Alice C. Tang upon Her Retirement from the Board of Directors of San Diego County Water Authority: Whereas, Dr. Alice c. Tang served as a member of the Board of Directors of the San Diego County Water Authority representing the City of San Diego from Oct. 1979 to May 1986; and Whereas during her tenure served as a member of the Engineering and Operations, Finance and Insurance, Environmental Polity, Public Information, Administrative Policy and the Long Range Planning Committees; and Whereas her education and degrees in Chemistry, chemical Oceanography, and Marine Biology have enabled her to make outstanding contribution in the field of water quality and reclamation, including the development of Aquaculture as a viable treatment process both privately and through her role in the Reclamation Project by the City of San Diego; and Whereas she has been very active in her community as President, Director and member of various financial, professional, civic, social and community organizations; and whereas her service both public and private have resulted in great benefit to all people of San Diego County; Now, therefore, be it resolved that the Board of Directors of the San Diego County Water Authority offers its most sincere appreciation to Dr. Alice C. Tang

for her years of dedicated service; Passed, approved and adopted this 15th day of May, 1986.”