_Comments from Woody Maxwell regarding the Water policy plan:

The Malzacher's live on a small farm with a domestic well in Santa Paula. They produce citrus and avocados as well as other crops. The City of Santa Paula wants to put a new sewage plant within 100' of their front door. The City is prohibited from discharging to the Santa Clara River because of high salt content, thus the current design envisions a series of percolation ponds. Hydrology reports indicate that the amount of water to be discharged will produce a water mound and the wastewater will thus transit into and under the Malzachers farm. The pollutants will be taken up within the orchard and potentially translocated into the fruit. The crew-chief for the pickers has already said that when the plant is built, the packing shed will no longer buy the fruit. Because of all this, the Malzachers sued the City of Santa Paula for inverse condemnation and lost only because the plant is not yet built. One of the grievances was the level of water cleanliness they were putting into the ground, title 22, which we have on tape recordings from a P&D representative (consulting firm hired by the City of Santa Paula who prepared the EIR)telling the city council that it is drinkable water. The Malzachers recently received a letter from Gov. Schwarzenegger's office stating that the CA regional boards are in charge of water safety and we have been told by the LA/RWQCB that they follow the state's guidelines or criteria. There is thus a large area of uncertainty in who is actually responsible for public health. Where does the buck stop?

The Malzacher's have continually pointed out the health concerns related to having a sewage plant within 100' and up gradient from their house and domestic well and no health hazard assessment was ever deemed necessary by any controlling body. Your Board, in essence, approved the permit for the Santa Paula plant by way of the LA/RWQCB.

Every entity that hears about this situation, claim that it should not be possible for a sewage plant to be this close to a residence and at the very least a health evaluation completed. At the same time, no government entity will claim jurisdiction to enforce that a health evaluation be completed and enforce that anything else should be done differently. Again, when brought to the attention of Governor Schwarzenegger's office, they deferred all of the liability to your office and to the office of the Los Angeles California Regional Water Quality Control Board. That said, if you do not enforce an evaluation to be completed and allow this plant to continue with all of the known health and environmental hazards, you will be held liable for the damages.

While the above is for illustrative purposes by showing what is happening to one family, I now wish to comment on the report presented to your Board on Oct 2nd in the MWDSC board room on the Recycled Water Policy.

There are several inconsistencies within the environmental analyses that accompanied the staff report. The environmental impacts as called out by staff are under-represented. Many are potentially significantly adverse, but staff has failed to account for such the result of the staff analyses thus understates reality. Points of conflict in the draft staff report and certified regulatory program environmental analysis water recycling policy

1. Ag. Resources--- anything that affects the agriculture in the state, will directly affect the state's economy. See potential problems in Salinas, Sonoma, Orcutt, and Otay due to use of title 22 water. Rose et al (WERF 2004) notes that reclaimed water, including Title 22 water, carried several different pathogens. Irrigation with this water thus carries risk. Pruden, et al (2006) noted that antibiotic resistant genetic material could be found within this type of water. Because the distinctions that water purveyors want to make between potable and agricultural water is ludicrous, we eat what we grow and the plants absorb the toxins which we then ingest.
-Many crops pick up toxins from the soil and bioaccumulation; rice is a prime example with arsenic. Phytoremediation uses crop bioaccumulation for removing toxins from soils. Thus, depending on the crop, different plants will bioaccumulate materials found in Title 22. This is a potentially adverse impact and needs more review.

2. Air Resources--- The cleaner that effluent is, the more solids are removed. About 3 tons of solids are produced per MGD. Each ton of biosolid either composted or land applied will produce between 2,000 and 4,000 cu ft of methane. If, however, you take the solids off before they enter the plant, less actual biosolid is produced. If you use pyrolysis, this can be converted to energy rather than wasting the methane to the atmosphere. This then is in accord with the recent state Supreme Court decision where land spreading would be in contradiction to that decision. Sewage sludge which will produce methane, a gas with a conversion factor into CO_2 at about 21x. A solution to the increased air pollution would be to burn the solids to produce electricity. This would be best available technology.
3. Through pyrolysis, the pathogens are destroyed (this includes prions), as are the pharmaceuticals, endocrine disrupters, etc. The heavy metals are also sequestered via this process. When many solids are digested, the bacterial degradation will break down materials into soluble forms and sewer plants are poorly designed to deal with solutions, which then pass into the environment via the effluent, including Title 22.
4. Biological resources----Hg, Cd, Pb all bioaccumulate and are toxic
a. Pharmaceuticals, triclosan (which when reacted with the Chlorine in the disinfection process becomes carcinogenic), endocrine disrupters are in the treated waste stream and the soil can't absorb them all. It will eventually change the soil ecosystem, which is a significant adverse environmental impact. We don't know what the tipping point is and it should be studied.
5. Geology----- use of percolation ponds will cause mounding in many cases -> see the problems related to the planned sewage plant in Santa Paula
6. Hazards----- the emissions are known to be toxic and there is an approved sewage plant within 100' of the Malzacher's residence. But on a general basis for inland areas using ponds, scientists at the Naval Research Lab at Monterey have indicated that aerosols will be created with wind runs across water surfaces if the wind speed exceeds about 8m/s. Thus the risk to down wind areas from aerosolized pathogens may present some added risk that is not considered in your staff analysis.
7. Land use----this plan, because of its addition to the overall water supply, will allow for greater population which as we know is associated with a potentially significantly potential adverse environmental impact.
8. Noise and light------cumulative effect due to greater population potentially significant adverse environmental impact
9. Population and Housing----increased water availability will allow for greater population so potentially significant adverse environmental impact
10. Recreational demand---due to population increase may also create a potentially significant adverse environmental impact

Loss to economy both now (Salinas valley, Sonoma area, and Orcutt) due to use or misuse of Title 22 water and future clean up costs may represent a potentially significant adverse environmental impact. The formation of biofilms in irrigation pipes which will then spray water filled with bacteria onto crops that we eat and then ingest antibiotic resistant bacteria represents a potentially significant adverse environmental impact.

Another example is the perchlorate pollution in Simi Valley and Lake Mead because government regulators looked the other way. It is much cheaper to clean the water before it leaves the polluter than to say "oops sorry" and try to remove it out of the environment (see the current estimate for storm water cleanup in Ventura county ~$400,000,000).

Newspaper articles highlight the present and future dangers of not taking care of our sewage properly. See the Sunday LA Times 9/30/07 on Antibiotic resistance problems with the soldiers in Iraq and the Amoeba in Hume Lake. Imagine a sick loved one dying from a known bacterial infection with no antibiotics to save them. This is a growing problem and the science supports that there is a link back to the water quality.

The long term gain is harder to quantify but any time an area truly takes care of its environment; the economy always improves, often in ways that aren't currently envisioned. Since this proposed policy plan and the Santa Paula sewage plant will both be affecting our environment and our health for a long time then this policy should be as aggressive as possible to ensure the future of the public's health. That is your job description------protecting public health!