

**From:** "John Moore" <[jmoore052@gmail.com](mailto:jmoore052@gmail.com)>

**To:** "Marcus, Felicia@Waterboards" <[Felicia.Marcus@waterboards.ca.gov](mailto:Felicia.Marcus@waterboards.ca.gov)>, "WB-DDW-RecycledWater" <[ddwrecycledwater@Waterboards.ca.gov](mailto:ddwrecycledwater@Waterboards.ca.gov)>, "russell mcglathlin" <[RMcGlothlin@bhfs.com](mailto:RMcGlothlin@bhfs.com)>

**Cc:** "Mark Stone" <[Assemblymember.Stone@outreach.assembly.ca.gov](mailto:Assemblymember.Stone@outreach.assembly.ca.gov)>, "Buill Monning" <[Nicole.Charles@sen.ca.gov](mailto:Nicole.Charles@sen.ca.gov)>, "Jim Johnson" <[jjohnson@montereyherald.com](mailto:jjohnson@montereyherald.com)>, "Bob Jaques" <[bobj83@comcast.net](mailto:bobj83@comcast.net)>, "Joe Livernois" <[joe@vomb.org](mailto:joe@vomb.org)>

**Subject:** Fwd: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

This e-mail to you relates to the Puree Water Monterey project which is the treatment of a mix of municipal effluent and the most toxic agriculture waste waters in the world. As the Chair of the State Water Bd., like it or not, your commendation of the project without any medical verification by a medical expert in the toxicology of the biology, chemistry and the toxins of such a treated wastewater mix makes you responsible along with many others. All of the expert opinions in the EIR and the permit for the project are Waste Water Engineers. All of them assume that because it received a permit, the project was no threat to public health.

The e-mails that I am sending herein are self explainable. Judge Nichols, the current judge in charge of the Watermaster for the Seaside Basin(an adjudicated basin)has recused himself and another judge will be appointed to replace him.

But paragraphs 2 and 4 of his 8/18/18 e-mail make it very clear that he understands that there is a bona fide issue about whether injecting the treated mix into the basin is an "arbitrary" and hence illegal pursuit. Those of us who have had this project approved politically by engineers like Randy Barnhardt, but without any medical evidence whatsoever, will not drink the unproven mix.

I have not set myself up as a self anointed expert about recycled water, but I can tell when a project with critical consequences has been adopted without scientific evidence. See Scan 154 attached. This is a typical opinion of all specialists in the toxicology of such projects. Even the Orange County Water District project which has huge dilution and five years of percolation after treatment(and NO toxic Ag waste) is discovering contaminants (like excess arsenic).

This is the only recycle to potable project in the world to attempt the recycling of Ag waste water and the mix of that with effluent waste. I refer you to all of the expert reports on file with the SWB .

For those reports about IPR and DPR, every panel has clarified that its observations and opinions relate only to "municipal" waste water and that industrial waste must be kept out of the mix.

I fear that the members of the Seaside Basin Watermaster, other than the judge, will do anything to obtain permission to inject the PWM mix into the basin. Given that a judge has now declared that there are bona fide legal issues about the injection, or not, into the basin,

you should take the lead to assure that toxicology of recycled water experts are made available for the next judges selection to aid it in that decision. The Regional Bd. that issued this permit is loaded with members that come from agriculture districts that benefit from the project because the \$100M plus cost of cleaning up their toxic mess will be paid by Cal Am users like me and my family. They are not suitable to be part of the resolution of the legal issues related to whether the permit was granted arbitrarily. They are the creators of the problem.

I don't know the options available to your Board to obtain neutral expert opinions about the health safety of the project. Judge Nichols saw that the issues existed, so we don't need any more publications by political engineers

I attach Scan 156, which quotes Dr. David Spath former Chief of the Division of Drinking Water for the State of Ca. when that Division was in the State Dept. of Health. It was moved to the SWB to avoid medical considerations, like Dr. Spath, in favor of political engineer opinions. Its interesting that your SWB expert panelists express the identical concern for both IPR and DPR, but the permit for the PWM project was issued by the Regional Board(lay people).

BTW, did you know there is a rumor that this project may be named for you in your honor. If you do nothing, you will deserve it. Sorry for typos and format, I have no secretarial skills.

John M. Moore, 836 2d st. Pacific Grove, Ca. 93950 831-655-4540

----- Forwarded message -----

From: <[jmoore052@gmail.com](mailto:jmoore052@gmail.com)>

Date: Mon, Aug 20, 2018 at 12:51 PM

Subject: Re: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

To: McGlothlin, Russell <[RMcGlothlin@bhfs.com](mailto:RMcGlothlin@bhfs.com)>

Cc: Jim Johnson <[jjohnson@montereyherald.com](mailto:jjohnson@montereyherald.com)>, [ronweitzman@redshift.com](mailto:ronweitzman@redshift.com) <[ronweitzman@redshift.com](mailto:ronweitzman@redshift.com)>

I acknowledge receipt of your e-mail. Unfortunately, judge Nichols seems to believe that we poisonee's have administrative relief, when in fact it has to do with whether the PWM mix is safe for injection into the Seaside Basin. I hereby incorporate my Reply sent to you yesterday into this e-mail as if set forth in full. In addition, send the next appointed a copy of this e-mail including my Reply. Thank you for your professional courtesy, which is rare in this political hot bed. John M. Moore 836 2d st. Pacific Grove, Ca. 93950

Sent from my iPhone

On Aug 20, 2018, at 12:11 PM, McGlothlin, Russell <[RMcGlothlin@bhfs.com](mailto:RMcGlothlin@bhfs.com)> wrote:

Mr. Moore:

Please see correspondence below from Hon. Leslie Nichols. Please reply to me acknowledging receipt of this email.

Russell M. McGlothlin  
Brownstein Hyatt Farber Schreck, LLP  
1020 State Street  
Santa Barbara, CA 93101  
805.882.1418 tel  
805.453.2955 cell  
[RMcGlothlin@bhfs.com](mailto:RMcGlothlin@bhfs.com)

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From: Leslie C. Nichols [<mailto:lesliecnichols@earthlink.net>]  
Sent: Monday, August 20, 2018 12:03 PM  
To: McGlothlin, Russell  
Subject: RE: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

Dear Mr. McGlothlin:

Thank you for correcting my error. I did indeed mean to refer to Mr. Moore's submission. Please accept that clarification so that Mr. Moore will know that I did indeed review the entire submission, including his correspondence. Thank you again.

Judge (Ret) Leslie C. Nichols

-----Original Message-----

From: "McGlothlin, Russell"

Sent: Aug 20, 2018 10:11 AM

To: 'Leslie Nichols'

Subject: RE: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

Dear Judge Nichols:

I assume that in your reference to "Mr. Johnson's submission" below you were referring to "Mr. Moore's submission," correct? Mr. Moore's submission regarding the Pure Water Monterey project included correspondence to a news correspondent at the Monterey Herald, Mr. Jim Johnson, but the correspondence to Watermaster was submitted by Mr. Moore. I just want to obtain clarification before I send to the parties. Thank you.

Russell M. McGlothlin  
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1020 State Street  
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From: Leslie Nichols [<mailto:lesliecnichols@earthlink.net>]  
Sent: Saturday, August 18, 2018 2:07 PM  
To: McGlothlin, Russell  
Subject: Fwd: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

Dear Mr. McGlothlin:

Please note my obvious typographical error. The next annual report is due by January 15, 2019 not 2018 as stated. Thank you.

Judge (Ret) Leslie C. Nichols

Begin forwarded message:

From: Leslie Nichols <[lesliecnichols@earthlink.net](mailto:lesliecnichols@earthlink.net)>

Subject: Fwd: CALAM v. City of Seaside et al. Monterey Superior Court case no. M66343; Assignment no. 1043757-16

Date: August 18, 2018 at 1:59:13 PM PDT

To: "Russell M. McGlothlin" <[RmcGlothlin@bhfs.com](mailto:RmcGlothlin@bhfs.com)>

Dear Mr. McGlothlin:

By the August 13, 2018 message (which you sent to all parties on the service list), I explained why it was necessary for me to withdraw as the judge assigned for all purposes in this matter. You responded on the following day and advised me that the consensus among counsel was that assignment of an out of county judge has served the parties well, and that there would be no stipulation to waive the requirements of Code of Civil Procedure 394. That is perfectly understandable, and I am certain that a successor judge will be promptly appointed. It has been a privilege to serve on this and many matters on the Chief's assignment over the last almost ten years, but I now announce my withdrawal as judge on this matter, as mandated by the revised policy described below.

Your August 14 message also drew my attention to Mr. Johnson's submissions, and I today received in the mail the Notice of Lodging of Correspondence Received re Pure Water Monterey Project. I have reviewed the entire submission. In my opinion, the concerns stated in the submission should first be addressed by the Water Board and held in abeyance until the Board has considered the application for the PWM Project. Thereafter, the matter should be thoroughly addressed, as I am confident it will be, in the next annual report due by January 15, 2018. Of course, the matter could be considered at an earlier time on the Court's own motion or on a timely filed motion by any Party. This procedure is called out in the Amended Decision at Section III.N.

I am pleased that there is public interest in this matter, or in any matter implicated by the exercise of the Court's jurisdiction over this case. You will recall that, at each of the first two annual reviews over which the Court presided, those reviews were held in open court. On each occasion, the Court specifically inquired if any member of the public or the press, not a party to the proceedings, was present in court. No one responded. It was for that reason, and taking into the transactional costs of all counsel attending the court proceedings, that the court convened the most recent review by telephonic conference. The matter was posted, and the court was open, but, once again, no member of the public or press attended.

I am confident that this matter will be thoroughly addressed. A successor judge will have at his or her disposal the Notice of Lodging of Correspondence Received re Pure Water Monterey Project, and the jurists may elect to review the Board's action on the Court's own motion, consider a separate motion brought by any party, or await consideration until the matter is thoroughly vetted, along with other matters covered, in the next comprehensive annual report .

Please advise Mr. Johnson along with all parties on the service list, of this communication.

Judge (Ret) Leslie C. Nichols