

Appendix A

**Attachments to the City of Chino's
Draft EIR Comment Letter**

http://www.ledger.news/news/local_news/what-s-in-your-water-contaminated-water-allegedly-from-mule/article_a80d2316-f99b-11e8-8a84-63071e05b2e3.html

What's in Your Water?—Contaminated Water Allegedly from Mule Creek State Prison Could Make People Sick — Some Say it Already Has

Jack Mitchell Dec 10, 2018



Taken at 8:33 a.m. on October 16, 2017, the two pipes are seen spewing dark, opaque discharge near Tower #3.

David Anderson

Sierra Communication and Construction Incorporated (SCCI) Supervisor, David Anderson is sick. Not just sick of the lack of oversight, the lack of a state facility addressing their alleged industrial and domestic sewage spilling into federal waterways, the lack of acknowledging the catastrophic failure of the sewer and storm drain system at Mule Creek State Prison, and the lack of any state agency to publicly address the issues, make the public aware or attempt to fix the problem — but literally physically ill.

SCCI was hired to install a culvert along the perimeter of Mule Creek State Prison in December 2012. By early October 2017, Anderson began feeling the effects of contaminate exposure along with the three-man crew from SCCI working on the project Chris Stoy (SCCI Foreman), Jim Hampton (SCCI Laborer), and Matthew Anderson (SCCI Equipment Operator). Anderson and Hampton experienced muscle aches, joint pain, fatigue, dizziness and disorientation, cough, wheezing, and severe mental irritation. In fact, Hampton called in to work and said he just did not trust himself to drive because he was so lightheaded and dizzy. Anderson also had some visual impairment of color sensitivity. His voice would fade every day. Stoy suffered the same ailments, but his muscle and joint pain was far worse. He also suffered severe headaches that would not go away. Matthew Anderson began to suffer chronic nosebleeds that continue to this day. All four men have yet to be diagnosed, but all four were exposed to contaminated water on the job site and the dirt they were using to fill the culvert tested positive for *Escherichia coli* (E. coli) bacteria. In fact, it tested off the charts.

The multi-million dollar question — Is Mule Creek State Prison and the California Department of Corrections and Rehabilitation (CDCR) contaminating the soil where the prison is located, and is industrial and domestic sewage being dumped into Mule Creek and the federal waterways?



A sign warns of contaminated water. The pumps seen near the pipe are directing the flow from the main outfall back to the Tower 3 cleanout.

David Anderson

“Having experienced what myself and the crew from SCCI have gone through, working at Mule Creek State Prison to build a culvert and witnessing, firsthand, the debris, and varying degrees of contamination such as soap and discolored water — a perpetual flow of contaminated water. I can say with 100 percent certainty that Mule Creek State Prison has a catastrophic failure of their sewer and storm drain system and CDCR is dumping industrial and domestic sewage into Mule Creek,” said Anderson.

Neighboring properties agree with Anderson, and it isn't the first time Mule Creek State Prison, the CDCR and California State Prison System have been told they are contaminating Mule Creek. When neighbors complained of black water running into Mule Creek in 2006, tests of wells that provide drinking water to those neighbors

revealed that wells had high levels of nitrates that may have come from the prison's inadequately treated sewage. One well was contaminated with cleaning solvent that may have come from a dry cleaning plant, running at that time, out of Mule Creek Prison.

"I tested the water in Mule Creek," said Jim Scully, a Retired Sacramento City Police Department officer who owns property along Mule Creek. "The results tested positive for coliforms and organics known to be hazardous to human and environmental health. It also tested positive for caffeine."

These test results were thrown out, as they weren't conducted by a disinterested third party.

"I asked the Water Board to conduct their own tests, and at the time they said it was up to the CDCR. They basically dismissed it, buried it and failed to complete a full investigation," said Scully.

At the time, no one argued that the Mule Creek Prison had an overtaxed wastewater facility that couldn't process the effluent it was taking in. Mule Creek State Prison was built in 1987 to house approximately 1,700 inmates. By 2006 it had 3,996 inmates and a staff of 1,000, and ran at 230 percent of design capacity. MCSP opened with a secondary Wastewater Treatment Plant (WWTP). The contract with CDCR required the building of a Tertiary Treatment Plant to complete the system when the prison population reached 1,700 inmates, or two years after the first construction contract to build the prison was let. There is no tertiary treatment plant. The original WWTP was supposed to process 760,000 gallons per day, but is only capable of processing 740,000 gallons per day, if in good repair and operating to design capacity. In 2007, it was reported by then Warden Rich Subia, the flow was closer to 900,000 or 950,000 gallons per day. Spills and contaminated wells were attributed to the overcrowded facility. The prison was fined \$50,000 by the Regional Water Quality Control Board. Wells were drilled on the prison's property to try to pinpoint the cause and trace the contamination and the findings were "inconclusive."

Today, Anderson says he knows exactly the source of the contamination.

"Sewage is flowing from all the storm drain outlets, which suggests multiple cross connections between the sewer and storm drain systems. Storm drain systems are not interconnected, which means the source of the waste flow would be entering from multiple cross connections. Modern storm drain and sewer systems use piping material, which is highly reliable and widely used outside of the buildings; they are proven in civil engineering applications," said Anderson. "Modern building codes do not allow those materials to be used underneath buildings. Mule Creek installed cast iron piping for use in the sewer system, which can be highly susceptible to corrosion. When combined with hot water and the corrosive agents used in various prison applications like dish washing, clothes washing, and cleansers used in the meat processing facility, the cast iron pipes will fail. They ate their pipes."

The service life for cast iron pipes is expected to be 30 to 50 years barring factors that would shorten the expected useful life, such as corrosives. Mule Creek just celebrated its 30th Anniversary. Factoring in the number of inmates that the sewer system serves, a shortened life expectancy and eventual failure, if it has not already occurred, is inevitable.

Anderson contacted Sally Barron, a retired chemist and investigator with the California Air Resources Board and obtained a list of hazardous materials as reported by CDCR to Amador County Environmental Health and verified the soaps and cleansers are highly corrosive. The labeling on some of these cleansers warn to store only in plastic containers as the material will corrode metal containers to the point of failure. The lack of investigative persistence in 2006 may have allowed sewage and other contaminants to continue to be discharged into Mule Creek and into the soil down to the groundwater table for over the past decade.

"David Anderson is a nuts and bolts guy, Jim Scully knows the criminal side with his background, and I know the investigative side and chemistry," said Sally Barron. "The neighbors, Jim and myself have been talking for years about the contamination that is widespread and going directly into the federal waterways. There is definitely widespread contamination. We didn't know how, until Dave got us the design flaw with cast iron and pipes under the buildings. It can't be fixed and should become a Superfund site. You watch, people are going to start getting sick just like the SCCI

crew. The workers and prisoners are at risk at Mule Creek State Prison. I think the contamination is vast. If all this is proven, then the California Prison System, the CDCR, the Water Board, Amador County and the City of Ione should all be held accountable for their inaction. If the state isn't going to listen, the federal government should be made aware and called in."

A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment. These sites are placed on the National Priorities List (NPL).

CDCR hired Source Molecular out of Miami, Florida to test for human DNA in the water stream coming from the storm drain system in April of 2018. Attending the meeting was Terry Bettencourt, Regional Facilities Manager for CDCR, Tamir Ahmed, Associate Director and Gregory Larrabee, Environmental and Regulatory Compliance section.

The two pipes on the left side of this photo were said to have been spouting opaque black water.

David Anderson

"The bulk of the meeting was taken by Mr. Larrabee who indicated CDCR had hired a testing laboratory in Miami Florida to test for human DNA markers in the waste stream coming from the storm drain system. They claimed not to have detected human DNA, Mr. Larrabee and CDCR concluded the waste was bird waste," said Anderson. "He spent 30 minutes emphatically putting forth the argument the waste was not human and undoubtedly natural."

Anderson sat and listened quietly, and was dumbfounded.

"I was told I was building a culvert to protect wildlife. I now know that it had nothing to do with protecting birds and wildlife. The goal for CDCR was to hide industrial and domestic sewage discharges in an underground pipe," said Anderson. "Birds aren't

dying from the electric fence. They are dying from the water itself. I asked for a Stormwater Pollution Prevention Plan (SWPPP) on several occasions and it was never produced. This, I believe was done to prevent the Regional Water Quality Control Board (RWQCB) inspector from observing the contaminated water discharges. The SCCI staff observed one dead bird and it was outside the Mule Creek Prison fence in the water. No birds were observed in the fence enclosure and none in the ditch area. It is a coverup. They know they have catastrophic failure. The industrial and domestic sewage is hitting the famous lone red clay shooting outward in a contaminated plume and being diverted into the storm drain system and dumped into federal waterways."

On September 28, 2018 the RCQWB provided a draft memo review of Mule Creek State Prison's storm water system investigation findings report. In that report, from Kenny Kroyle, from the California EPA — Central Valley Regional Water Quality Control Board for Compliance and Enforcement, several statements stand out.

"The Board staff has reviewed California Department of Corrections and Rehabilitations Mule Creek State Prison's Storm Water Collection System Investigation Findings Report, and found it to be materially deficient. The Investigation Finding Report identifies high groundwater and irrigation water as the sources of continued discharge into the storm water system. As previously stated, this interpretation is inaccurate as it makes large, unsupported assumptions. Board staff believes the data supports the recharge source for local groundwater is either a broken, compromised, or corroded pipes under the Old Prison Facility. Current CDCR staff has confirmed that many sewer pipes in the facility were cast iron. With 30 years of corrosive sewage moving through the pipe, it has corroded many of the pipes. CDCR failed to investigate these pipes as proposed in their approved Storm Water Investigation Workplan. Consequently, sewer pipes under the buildings were not part of the investigation.

The draft memo also includes a summary of the detected waste constituents in the storm water system, they include: one detection of gasoline (96 detections of diesel); 93 detections of oil and grease; VOC's (Volatile Organic Compounds): chloroform (15 detections), Bromodichloromethane (1 detection), Acetone (14 detections), methyl ethyl ketone (4 detections), naphthalene (2 detections), benzene (2 detections),

toluene (3 detections), ethylbenzene (1 detection), and xylene (5 detections); SVOCs (Semivolatile Organic Compounds): benzoic acid (2 detections); Coliforms: total coliform were in 305 out of 305 samples (less than 1,600 MPN), fecal coliform were in 300 out of 305 samples, E. coli was in 303 of 305 samples; electrical sumps had detections of coliforms, chloroform, and freon. Sumps collect groundwater and are plumbed to the storm water system. Caffeine was detected in the storm water as well.

Board staff would like to reiterate, once again, that the data clearly shows wastewater is being discharged to the storm water system, and historically had been discharged to Mule Creek. The Investigation Finding Report also presents data from samples collected from upstream and downstream locations in Mule Creek, which again confirms that the discharges from the storm water system impacted water quality.

Biomarkers data was presented to support the theory that coliform (which has been detected in every sample collected from the storm water system, usually in very high concentrations) are coming from bird waste. However, the absence of one or more human biomarkers does not guarantee that the source is not human. Not all coliform found in a particular sample containing human waste will contain all biomarkers associated with coliform found in human waste. There are numerous biomarkers associated with human waste, and the laboratory has not stated which marker(s) they used in their analysis. The absence of one or more human biomarkers is therefore not enough evidence that the source of the coliform is not human.

Additionally, this analysis is an emerging technology generally used for research purposes, and is not as reliable as other approved methods. The data was produced using a non-EPA method, performed by a non-ELAP (Environmental Laboratory Accreditation Program) from out of state. The laboratory reports also do not describe which biomarkers were used, how samples were preserved, or include a chain of custody," as stated from Kroyle in the Boards report.

"Yeah, bird waste," said Anderson. "Again, they have a catastrophic system failure and are contaminating federal waterways. Anyone I talk to says the California Prison System and CDCR are untouchable. If it is broken here, it can't be fixed — or will cost millions upon millions assuming they haven't contaminated the region to the point

that it can't be cleaned up. The problem is that it is a prison, a major employer, they have other prisons around the state — built the same way and in the same timeframe — that are going to have the same issues. They have to cover it up because they don't know how to fix it. The only way I see this being addressed is a full federal investigation."

There are always many sides to a story. In the interest of getting tests that use EPA methodology, that are performed by a ELAP within the state of California, that includes a chain of custody including how samples were preserved, the Ledger Dispatch has hired a firm to conduct tests as part of our ongoing investigation. Those test results, will include not only a look at human biomarkers, but pharmaceuticals, as well as a full breakdown of VOC's and SVOC's. Those results will be part of our ongoing published investigation looking into the alleged contamination of Mule Creek by CDCR, Mule Creek State Prison, and the California Prison System.

http://www.ledger.news/news/local_news/sewer-and-water-quality-issues-a-widespread-issue-across-california/article_8e721282-ff1c-11e8-ad8a-93e1f0c7276a.html

Sewer and Water-Quality Issues — a Widespread Issue Across California Prisons

Jack Mitchell Dec 15, 2018



Big rainstorms could make the alleged problem worse and more widespread in lone.

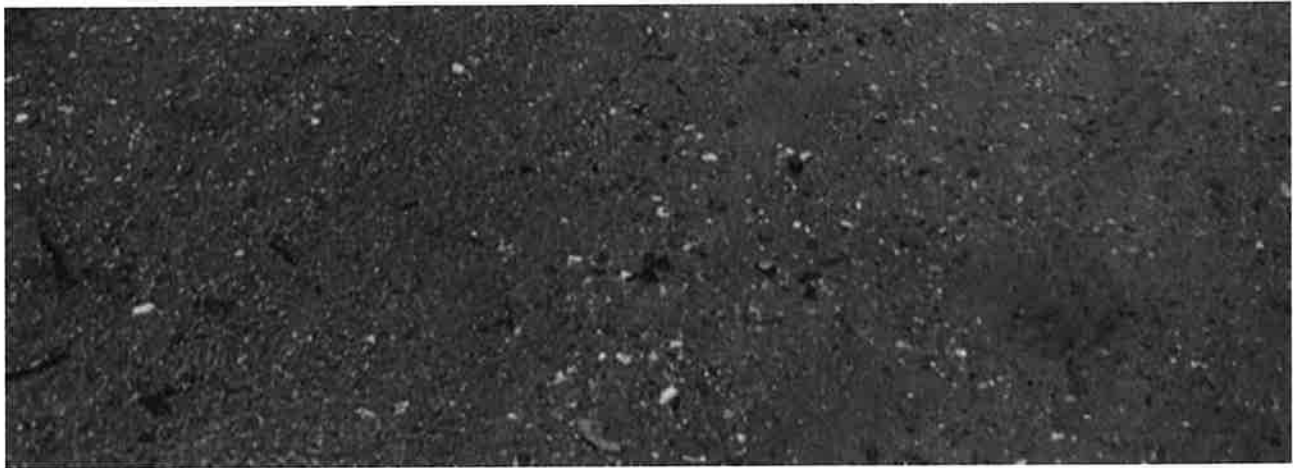
COURTESY PHOTO

When Mule Creek State Prison (MCSP) advertised for bids to install a culvert along the perimeter security road between Tower #1 and Tower #6 in December of 2016, Sierra Communication and Construction, Incorporated (SCCI) reviewed the plan, attended the mandatory meeting, performed pre-inspections, and was awarded the contract. David Anderson, SCCI Supervisor, and his crew Chris Stoy, SCCI Foreman, Jim Hampton, SCCI laborer, and Matthew Anderson, SCCI Equipment Operator went to work.

Assessments of the existing elevations, as well as removing the existing culverts, began in July 2017, which is when SCCI began to notice the storm drain pipes, exiting under the security fence, discharging water. The first few days in August of 2017, SCCI began installing the culvert along with the corresponding drain inlets. Every day, Anderson would ask MCSP staff where the water was coming from and what could be done to stop it.

“As we began to install the culvert, conditions degraded quickly,” said David Anderson. “Water intrusion from an unknown source was evident at every single drain outlet and never stopped. We all observed contamination, such as soap and discolored water. Also, the temperature of the water measured at varying temperatures indicating discharges from within MCSP. So, we asked Terry Bettencourt, as well as all the other available CDCR staff, if there were any hazards or any other concerns we should have. They answered emphatically, ‘no,’ stating that the water was most likely irrigation tail water or possibly minimal amount of incidental wash water from an unidentified source.”





Recent storms could lead to runoff of the potentially contaminated water in Dry Creek.

COURTESY PHOTO

Anderson and the rest of the SCCI crew were convinced that the conditions were being misrepresented and began to take pictures, documenting what they were witnessing.

“The water intrusion became so significant that we planned on capping the worst offenders and leap frog forward to keep the project moving,” said Anderson. “Keep in mind, it was August and we were in drought conditions. The explanations for the amount of water we were dealing with didn’t add up. I became convinced that the Central Valley Regional Water Quality Control Board (RWQCB) needed to get involved,” said Anderson.

Anderson also asked CDCR repeatedly for MCSP’s Stormwater Pollution Prevention Plan (SWPPP). When he received it in November 2017, that plan only addressed aspects within MCSP. To Anderson it was an epiphany.

“It’s like accepting your girlfriend spending a lot of time with her very attractive male cousin. One day, your buddies tell you — You know, she doesn’t have a cousin,” said Anderson. “The SWPPP was presented in the manner as to prevent the RWQCB inspector from observing the water discharges. We weren’t building a culvert to protect wildlife, or to deal with standing water. I think we were building an

underground system to dump industrial and domestic sewage into the federal waterways, hiding the catastrophic failure of MCSP's sewage and storm drain systems."

Anderson's theory is that MCSP dumped corrosive agents used in various prison applications like dish washing, clothes washing, and cleansers used in the meat processing facility. Those corrosives went to work on MCSP's cast iron pipes under their building and caused catastrophic failure.

"Think about it," said Anderson. "Cast iron pipes have a lifespan of 30 to 50 years provided they are not subject to factors that would shorten that lifespan. MCSP just celebrated 30 years, but my guess is the pipes under the buildings, that have never been investigated by the way, were literally eaten by the materials that they were exposed to over the years."

If Anderson's allegations are true, why wouldn't it be fixed and wouldn't we see similar problems at other prison sites, built with the same methods?

"That's why it needs to be covered up," said Anderson. "At MCSP, the catastrophic failure is sending industrial and domestic sewage through pipes that are broken, corroded or eaten away. That sewage hits the famous lone clay and shoots out in all directions. The waste flow is entering the storm drain outlets from multiple cross connections between the sewer and storm drain systems. Other prisons have different geology. They don't have lone clay, so it would react differently. Perhaps, filter downward, instead of out. Different types of soil will filter or absorb contaminants in different ways. However, you would eventually see similar issues at prisons around the state of California."

MCSP is not the only California State Corrections facility with a history of waste water issues. A review of records by the Ledger Dispatch found incidents at prisons up and down the State. The famous Folsom State Prison was fined \$700,000 dollars for spilling sewage into the American River in 2000. The California Men's Colony in San Luis has been cited for numerous sewer spills as recently as 2016, including a 2004 incident when more than 220,000 gallons of raw sewage went into a nearby creek,

resulting in a fine of \$600,000. The Deuel Vocational Institution outside of Tracy has had 15 different incidents that resulted in fines tracked by the Regional Water Quality Board from 2004 to the present, and recently Deuel settled with the board for fines in the millions of dollars. The Sierra Conservation Center outside of Jamestown in Tuolumne County, paid a \$33,000 fine for a water violation in 2012. San Quentin State Prison spilled sewage into San Francisco Bay in 2008 and the Correctional Training facility in Soledad had a series of spills in 2012 and 2013. MCSP was fined \$50,000 by the Regional Water Quality Control Board from an incident in 2007 that resulted in a sewage spill and contaminated wells.

"If I am right, and I believe I am," said Anderson. "The problem isn't unique to the site in lone at MCSP, it's statewide. The state of California has a problem with numerous prison sites throughout the state and no plan, or way, to deal with it. Fixing it will be a monumental task. I think they will attempt to cover it up and hope the inquiries, investigations and incidents can be hidden or diminished so the public will believe they are isolated or one-time problems. They'll mask or hide the larger issue. At MCSP, in lone, with the famous geological impervious clay and the proximity of the institution to federal water ways, you are seeing the catastrophic failure of their system. It isn't a failure of MCSP, or a single prison, but prisons throughout the state. The United States Federal Government needs to intervene and investigate the prisons in the State of California, as clearly the state agencies aren't addressing what is really going on."

As part of our ongoing investigation into the allegations Anderson has made regarding MCSP, the Ledger Dispatch has hired a firm to test the water around MCSP in the interest of getting tests that use EPA (Environmental Protection Agency) methodology, that are performed by an ELAP (Environmental Laboratory Accreditation Program) within the state of California. The tests include a chain of custody, including how samples were preserved. Those test results will include not only a look at human biomarkers, but pharmaceuticals, as well as a full breakdown of Volatile Organic Compound's and Semivolatile Organic Compound's. It will be part of our ongoing published investigation looking into the alleged contamination of Mule Creek by CDCR, MCSP, and the California State Corrections Prison System.

http://www.ledger.news/news/local_news/rainfall-may-worsen-alleged-mule-creek-prison-water-contamination/article_3b63befc-04a2-11e9-9a17-57a0cad08577.html

Rainfall May Worsen Alleged Mule Creek Prison Water Contamination

Jack Mitchell Dec 22, 2018



The view on January 8, 2018, from Tower 4, looking toward Tower 5, shows puddling water after storms.

COURTESY/David Anderson

David Anderson, and his work crew began feeling the effects of contamination exposure at the Mule Creek State Prison (MCSP) site, where they were installing a culvert, in October 2017. Despite the assurances the water intrusion was from irrigation tail water or some other non-threatening source, symptoms gradually grew worse. By January of 2018 the effects were substantial including muscle aches, joint pain, fatigue, dizziness, disorientation, cough, wheezing, mental irritation, nose bleeds, and visual impairment.

"We noticed after rain events that there would be a number of medical style gloves that would be flushed out of the storm drain," said Anderson. "Having no idea where they originated from and considering the wide variety of applications where the gloves could be used, we considered that the presence of the gloves had the potential for pathogen exposure. So, we requested the Central Valley Regional Water Quality Control Board (RWQCB) test for pathogens."

The answer came from Kenny Kroyle, Water Resources Control Engineer of the RWQCB in an email on February 15, 2018 — "We agree that pathogen testing is an important tool to determine if the site is safe. However, it's not our specialty, so our attorney is working on who would be best to involve for that."

Meanwhile Terry Bettencourt, Regional Manager, Facilities Asset Manager Branch and Facility Planning, Construction and Management for the California Department of Corrections and Rehabilitation (CDCR) responded to Anderson on February 22, 2018 addressing issues concerning the storm drain culvert system installation at MCSP. While addressing 21 separate issues, one of the most interesting items — Number 10 — where Bettencourt says — "After reviewing the project specifications and known site conditions the water intrusion is not from ground or rain water." The response, directly opposite of what Anderson and his crew were told when they first encountered major water intrusion.

"We were told it was irrigation tail waters," said Anderson. "And continued working, as CDCR said it was nothing to worry about."

In late February, Anderson stumbled upon what he feels is the source of contamination making him and his crew sick.

“The soil is contaminated,” said Anderson. “The new MCSP Infill Project was built where their spray field was located. That particular spray field had sludge from the sewer plant spread via a truck up until a few years ago. That “soil” was removed and hauled to the location of our “borrow pit”. We used contaminated soil to extensively support and backfill the culvert as it was dry. Every pound of that soil was contaminated. I believe our exposure on the site was affected mostly by something that was airborne which was inhaled. While the water issues of metals contamination, soap, and hot water do not appear related to the “bird” waste issue as claimed by CDCR and no credible explanation is offered, the “soil” they had us use as part of construction of the culvert, is contaminated.”

Laboratory testing of the soil from the borrow pit occurred in June 2018. The tests of the soil, or sludge, moved to Tower #4 at MCSP indicated heavy metals, residual fecal coliform, and Escherichia coli (E. coli) bacteria at high levels as well as undetectable levels of VOC's (Volatile Organic Compounds). Anderson was not satisfied with the results.



Water puddles at the base of Tower 3 at Mule Creek State Prison on January 8, 2018.

COURTESY/David Anderson

"They need to re-test the sludge pile near Tower #4," said Anderson. "Using the protocol as outlined by the EPA document — Behavior and Determination of Volatile and Organic Compounds in Soil. The EPA indicates that any soil with VOC contamination is a threat to groundwater. Studies have shown that the contamination can migrate downward with gravity over the years. Notwithstanding the hazard to groundwater, it is reasonable to assume it is a hazard to the general public, especially considering the health issues my crew and I have had from the job site. The sludge pile near Tower #4 will not have detectable amount of VOC's at the surface which is where it was sampled. Inside the sludge pile, where we dug nearly ten-feet deep, is where VOC's will still be bonded in the dirt in an aqueous phase. This is why the EPA suggests sampling be done at a much deeper depth."

Keep in mind, CDCR has been required by the RWQCB to dispose of bio-solids at an approved landfill offsite since 2015. Before then, since 2007, CDCR was required by the RWQCB to track and record any disposal of wastes including those moved to Tower #4.

“The waste material was moved to Tower #4 as part of earthwork operations of construction of the new construction of the MCSP Infill in 2014,” said Anderson. “There were no permits, there are still no warning signs as required by Best Management Practices or any notification to any regulating authority warning the general public or restricting access.”

RWQCB responded to Anderson in August 2018 — “RWQCB feels that, in our best professional judgment, that the potential VOC’s in the borrow pile would not be a threat to water quality at this time, and therefore have not approved additional sampling.”

As for the mysterious water intrusion, on January 29, 2018, both the Amador County Public Health and Environmental Health Departments were notified that the RWQCB personnel determined via sampling and laboratory analysis, that water discharging from a storm water drainage system at MCSP was not solely storm water or irrigation water, but was gray water, sewage, or a mixture. MCSP was ordered by the RWQCB to cease discharge of this wastewater immediately. All water from the drainpipe must be contained and properly disposed of at the prison’s wastewater treatment facility or by hauling to another approved treatment facility and that no water from this pipeline may be discharged to land or surface water without a permit.

Under no circumstances was CDCR to discharge flows into Mule Creek. CDCR was to investigate the location and nature of sewage cross connections and report those findings to the RWQCB. That order also directed CDCR to install flow meters on the storm drain system, conduct dye testing, smoke testing, CCTV testing, among other requirements. CDCR failed to achieve any milestone in compliance with RWQCB’s orders.

MCSP covers an area of 65 acres and the RWQCB calculated the volume of storm water flows that could be anticipated would require 80 “baker tanks.” A baker tank is a trade name which describes trailerable tanks that are used for temporary water storage. The baker tanks would accommodate the accumulated flow from MCSP and hold it temporarily until it could be sent into the sewer system. CDCR acquired 12 baker tanks to manage the storm water discharge, not the suggested 80.

“We didn’t realize when we started the culvert, that the 24” diameter pipe was meant to drain all 65 acres of MCSP,” said Anderson. “That’s crazy.”

March 22, 2018, rainfall overwhelmed the discharge system and topped the perimeter security road and washed over the “borrow pile” near Tower #4 and into neighboring properties. During the height of the event, MCSP opened the slide gates and discharged into Mule Creek in violation of the RWQCB. 14 days later, another storm hit and CDCR staff opened the slide gates yet again, flowing into Mule Creek. The RWQCB did nothing. And it should be noted, at an early stage in their investigation, MCSP notified RWQCB that they had disabled the flow meters installed in the drain system as they were becoming plugged and CDCR was unable to maintain them.

“This fact will have more relevance when MCSP announces the source of the mysterious water intrusion we’ve been discussing,” said Anderson. “I believe the catastrophic failure of MCSP’s sewer system and cross connections between the sewer and storm drain systems is contaminating the Federal waterways. What is the tipping point when a third party takes responsibility for an investigation? Where is the oversight? This is contamination. The water, the soil — and no one is doing anything about it.”

http://www.ledger.news/news/local_news/mule-creek-signs-of-the-times-part-four-of-the/article_272ad5fc-0a1e-11e9-960e-131036ca94c0.html

Mule Creek Signs of the Times—Part four of the ongoing investigation of alleged contamination of the Federal Waterways by Mule Creek State Prison (MCSP), the California Department of Corrections and Rehabilitation (CDCR) and the California Prison System

Jack Mitchell Dec 29, 2018



Stacy Rhoades and Jim Scully with one of the signs that was put up in June 2018.

Jack Mitchell

Placed along Mule Creek since June 2018, the signs read:

BIOHAZARD

Mule Creek Prison has illegally discharged sewage and contaminated waste water into Mule Creek for over 20 years! Do not allow your children or pets to contact the water due to health issues experienced by those who did. (File CW-241842) Regional Water 916-464-4676. Signed by Citizens for Clean Groundwater.

In September of 2006, Senator Dave Cox spoke out about the lack of mitigation measures for the proposed prison expansions, including MCSP. Five bills had been passed by the Senate on August 30, 2006 aimed at addressing statewide overcrowding issues in the prison system. Cox opposed three of the five bills and amendments. He attempted to add to four of the bills which were not passed by the Senate. Cox called the package of bills “a watered down, half cooked proposal.”

“Our concern with respect to the addition of beds at lone was looking at the material that has been presented. I couldn’t find anything that had to do with external mitigation. When you think about the requirements that we make of industry, businesses, or developments when they come into a community — none of that has been made relative to the expansion of MCSP,” said Cox.

Cox’s amendments were an attempt to ensure that external mitigation funding was to be provided to local communities impacted by proposed prison expansion. One of the failed amendments in 2006 stated: “The state and CDCR shall mitigate local impacts of any project provided for in this act. Impacts for which mitigation shall be provided include, but are not limited to impacts in the area of water services, wastewater treatment, storage and disposal, transportation, health care services, education, fire protection and law enforcement.”

“lone has taken the position and Amador County has taken the position ‘we don’t want any expansion because you didn’t keep your word to us to begin with,’” said Cox. “What I am looking for is the external mitigation that takes care of that which is over 1,700 beds if we can’t get the 400-bed increase stopped.

In the original contract in September of 1985, the CDCR, Amador County, the City of lone, and the Amador County Unified School District agreed to build a 1,200 bed prison (augmented to a 1,700-bed prison) with certain terms and conditions. In that contract: “The Department (CDCR) shall timely carry out and implement completely all of the conditions and mitigation measures in the Amended Statement of Findings attached hereto and by this reference included in full herein. The Department’s (CDCR’s) location of a sewage treatment plant on the five acres of land north or east of the prison as set forth in subparagraph 4.a of the Amended Statement of Findings. The prison will have the following sewage treatment and disposal systems: The CDCR will construct a new sewage treatment plant capable of treating effluent to secondary and tertiary levels of treatment. It will be constructed on-site on 5 acres of land near Collings Road and will be capable of treating 0.76 millions of gallons per day. Effluent treated to a level suitable for creek discharge will be piped underground across State-owned land to Sutter Creek during the rainy season when the creek has a sufficient level of flow and the soil is relatively saturated.”

The sewage treatment plant was never built. Mitigation measures and conditions were never met, and still have not been met to date. That is before looking into the alleged catastrophic failure of MCSP’s sewer system and cross connections of the storm water drain system, as has been covered in this investigative series by the Ledger Dispatch.

Which brings us to the signs: BIOHAZARD — Mule Creek Prison has illegally discharged sewage and contaminated waste water into Mule Creek for over 20 years! Do not allow your children or pets to come into contact with the water due to health issues experienced by those who did. (File CW-241842) Regional Water 916-464-4676. Signed by Citizens for Clean Groundwater.

“Every property owner adjacent to MCSP has seen the contamination and the result of dumping industrial and domestic sewage into Mule Creek,” said Jim Scully, a retired Sacramento City Police Officer who owns property along Mule Creek. “I tested the water in Mule Creek. The results tested positive for coliforms and organics known to be hazardous to human and environmental health. It also tested positive for caffeine.”

These test results were thrown out, as they were not conducted by a disinterested third party.

“I asked the Regional Water Quality Control Board to conduct their own tests, and at the time they said it was up to the CDCR. They basically dismissed it, buried it and failed to complete a full investigation,” said Scully. “This has been going on for twenty years and no one is doing anything about the contamination of soil as well as the contamination of Federal Waterways.”

That alleged contamination, as well as a new subdivision being built at Castle Oaks Golf Course that backs up to Mule Creek worries Scully. In fact, it terrifies him.

“If kids or pets come in contact with that water in Mule Creek,” said Scully. “There is no telling how sick they might get. If new home owners think the smell at certain times of the year is bad, wait until one of their pets, or God forbid, one of their children, get into that river. It prompted the Citizens for Clean Groundwater to post signs in an effort to make sure they know the danger.”

Incoming Lone City Council Member, Stacy Rhoades shares that concern.

“I have a history with wastewater issues in Lone, have toured and seen the inner-workings of MCSP,” said Rhoades. “Taking away alleged contamination for just a second. The day they flipped the switch for MCSP, it was known there were major capacity issues and the system was flawed — broken may be a better word. Lone’s Wastewater Treatment Plant is hopelessly overloaded. With new subdivisions, as well as Cal Fire’s training facility expansion — it’s going to be a big problem. As for alleged contamination at MCSP, what is perhaps the most shocking is that not a single agency in the state is willing to investigate or do anything. I am of the opinion, the only way

the contamination issues will get resolved is by having the Federal government intervene. 20 years has gone by, and nothing is being done. We have on record, slide gates being opened when they aren't supposed to, a history of sewage spills into Mule Creek, and now four workers digging a culvert with mysterious illnesses and documentation of water or sewage intrusion from an unknown source that flows consistently. When does the state investigate? Where are the answers?"

As for the signs along Mule Creek.

"I hope it warns people," said Scully. "We've done all we can, but we need a full investigation."

"It's a cyclical problem over years," said Rhoades. "There's some newspaper articles, some discussion, and then right back to creating a larger problem. We need to break the cycle, get the sewage treatment plant we were promised, and investigate and address the alleged contamination and fix it. It's time to quit passing this problem on to the next group of leaders and actually do something to make sure we have a safe and beautiful place for all of us to share."

As part of our ongoing investigation into the allegations Anderson has made regarding MCSP, the Ledger Dispatch, has hired a firm to test the water around MCSP in the interest in getting tests that use EPA (Environmental Protection Agency) methodology, that are performed by an ELAP (Environmental Laboratory Accreditation Program) within the state of California. The tests include a chain of custody, including how samples were preserved. Those test results will include not only a look at human biomarkers, but pharmaceuticals, as well as a full breakdown of Volatile Organic Compound's and Semivolatile Organic Compound's. It will be part of our ongoing published investigation looking into the alleged contamination of Mule Creek by CDCR, MCSP, and the California State Corrections Prison System.

For the first three parts of our ongoing series visit:

Part 1: http://www.ledger.news/news/local_news/what-s-in-your-water-contaminated-water-allegedly-from-mule/article_a80d2316-f99b-11e8-8a84-63071e05b2e3.html

Part 2: http://www.ledger.news/news/local_news/sewer-and-water-quality-issues-a-widespread-issue-across-california/article_8e721282-ff1c-11e8-ad8a-93e1f0c7276a.html

Part 3: http://www.ledger.news/news/local_news/rainfall-may-worsen-alleged-mule-creek-prison-water-contamination/article_3b63befc-04a2-11e9-9a17-57a0cad08577.html

http://www.ledger.news/news/local_news/rwqcb-confirms-contamination-at-mule-creek-state-prison-part-five/article_24ec3930-0f9f-11e9-aaca-dbb18e9e49dc.html

RWQCB Confirms Contamination at Mule Creek State Prison—Part five of the Ledger Dispatch's investigation of contamination of Mule Creek by Mule Creek State Prison

Jack Mitchell Jan 5, 2019



Turbid discharge can be seen at the Tower 3 outfall on November 11, 2017.

David Anderson

"We've been following the series of articles in the Ledger Dispatch, and we are very concerned with the discharge and flow of contaminated water that is occurring at Mule Creek State Prison (MCSP) coming from an undetermined source," said Andrew Altevogt, Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (RWQCB). "Based on the California Department of Corrections and Rehabilitation (CDCR) tests over the past year and the range of constituents, including VOC's (Volatile Organic Compounds), E. coli (Escherichia coli bacteria), coliform and metals — we can tell you somewhere things are getting into the storm drain system at MCSP. There is contamination occurring, but we don't know where it is coming from."

The severity of contamination is also undetermined.

According to David Anderson, a worker that was hired to install a culvert along MCSP, there is massive failure of the sewer system underneath the prison facility.

"With the perpetual flow of contaminated water I have witnessed and documented," said Anderson, "MCSP has a catastrophic failure of their sewer and storm drain system and is dumping industrial and domestic sewage into Mule Creek. The problem is the State of California can't fix it, or won't, because a prison sits on top of it and if it is happening here, it's likely a problem throughout the entire prison system in California. It's too expensive to fix, no plan, and they (CDCR) continue to get away with the contamination."

"We've been waiting for David to take on Goliath," said Stacy Rhoades, of the Lone City Council. "And make no mistake CDCR thinks they are Goliath and untouchable. Neighboring property owners and history shows that contamination is an issue. It's been a problem for decades and nothing has been done to address it."



Central Valley Regional Water Quality Control Board has confirmed that contaminated water from an undetermined source is flowing from Mule Creek State Prison.

David Anderson

"We've really only been made aware that contaminants have been entering the storm drain system this past year," said Harold Hold, RWQCB Compliance and Enforcement Section. "Previous issues were related to MCSP's spray fields collection and spills, not failure of the sewer system or looking beneath the prison."

CDCR has done some camera work as well as smoke tests, but the results were inconclusive.

“Somewhere, contaminants are getting into the system,” said Altevogt. “Most likely, it is under MCSP itself. While CDCR conducted tests, they haven’t done enough of it or taken a look under the prison itself. Until that is done, we won’t know if that is the source of contamination. But the source, whatever it may be, is likely to be found under the prison.”

In April of 2018 CDCR hired source molecular out of Miami, Florida to test for human DNA in the water stream coming from the drain system. The tests claimed to not have detected human DNA and the CDCR concluded the waste was bird waste.

“DNA source tracking is in its infancy,” said Altevogt. “It’s experimental.”

The RWQCB reviewed the California Department of Corrections and Rehabilitations Mule Creek State Prison’s Storm Water Collection System Investigation Findings Report, and found it to be materially deficient. Additionally, the data clearly shows wastewater is being discharged to the storm water system, and historically had been discharged into Mule Creek.

The Ledger Dispatch has hired a firm to conduct tests as part of our ongoing investigation. Those tests will include a look at human biomarkers, pharmaceuticals, as well as a full breakdown of VOC’s and SVOC’s. To date, no studies other than minimal smoke tests and camera work have been conducted. A look beneath MCSP has yet to be started or completed, yet a constant flow of contaminated water is in MCSP’s storm drain system.

For the first four parts of our ongoing series visit:

Part 1: http://www.ledger.news/news/local_news/what-s-in-your-water-contaminated-water-allegedly-from-mule/article_a80d2316-f99b-11e8-8a84-63071e05b2e3.html

Part 2: http://www.ledger.news/news/local_news/sewer-and-water-quality-issues-a-widespread-issue-across-california/article_8e721282-ff1c-11e8-ad8a-93e1f0c7276a.html

Part 3: http://www.ledger.news/news/local_news/rainfall-may-worsen-alleged-mule-creek-prison-water-contamination/article_3b63befc-04a2-11e9-9a17-57a0cad08577.html

Part 4: http://www.ledger.news/news/local_news/mule-creek-signs-of-the-times-part-four-of-the/article_272ad5fc-0a1e-11e9-960e-131036ca94c0.html

http://www.ledger.news/news/board-of-supervisors-join-investigation-of-mcsp-part-in-the/article_d5c26124-1532-11e9-b192-1bb961920c15.html

Board of Supervisors Join Investigation of MCSP—Part 6 in the Ongoing Investigation of Contamination into Mule Creek by CDCR

Jack Mitchell Jan 13, 2019



Dark, opaque water seen outside of MCSP in 2017 has raised questions among many locals.

COURTESY/David Anderson

Michael Israel, Amador County Director of Environmental Health stood before the Board of Supervisors on Tuesday, January 8, and reviewed issues going back as far as 2006 and investigations into Mule Creek State Prison (MCSP) with regard to public health. Early in 2018 MCSP opened their slide gates, releasing stormwater and sanitary and industrial waste into Mule Creek. The Regional Water Quality Control Board (RWQCB) sent a cease and desist order, and told MCSP to contain the stormwater and put it through their treatment plant and investigate the source of the storm water contamination.

"With every significant storm event, we are seeing from the state warning center there are sometimes several million gallons of flow that MCSP have to release because they do not have adequate storage to contain that stormwater," said Israel. "It does appear that very clearly there are contaminants in the stormwater. The water well samples are not at levels of contamination that our office can make a health base standard. We are seeing benzoic acid, a food additive at low levels, but unusual, and acetone pretty universally. They are below levels that would concern public health. The RWQCB ordered an investigation on potential sources, and also to conduct a domestic well monitoring program. CDCR has not followed through on their sampling program and they have stalled on their exploration of sources of contamination."

"Isn't the RWQCB asking MCSP to investigate kind of like asking the fox how many chickens are in the coop?" said District 2 Supervisor, Richard Forster. "If you're going to build confidence you have to have an independent that is doing the testing."

"Unlike the issues at the dump that has no documented off-site impacts historically and recently, in my opinion, from the potential threat to public health, I would expect the RWQCB to pursue MCSP more rigorously," said Israel. "We have not seen a good investigation. We have not seen adequate information from CDCR or the RWQCB."

In 2006, private citizens tested Mule Creek and caffeine was found. To date pharmaceuticals have never been tested. 2006 findings concluded Mule Creek is heavily influenced by MCSP.

"If there is a problem, there is a problem," said District 5 Supervisor, Brian Oneto. "If not, there is not. But, there should be a robust work plan if there is a problem. Be transparent."

Israel noted that based on findings public health concerns with incidental contact are much more remote.

"The main concern is consumption," said Israel. "It is key to follow up, if there is something we need to track. Our first and foremost concern is consumption."

No clustering of illnesses have been related to discharges based on the list of state mandated communicable diseases. Data supports that contaminants do not seem to be making it into the drinking water system at this time. Four workers building a culvert at MCSP claim to have gotten sick by exposure to either contaminated water they witnessed or a borrow pile that was not soil, but sludge scraped off of the MCSP spray fields. The RWQCB has gone on record that they found contaminants in the stormwater system.

"We were made aware of the issue of storm water contamination a year ago," said Andrew Altevogt, Assistant Executive Officer of the RWQCB. "We've issued orders, there have been responses. We're still in the middle of the process. Everyone agrees it is a complicated problem. We have asked CDCR to sample, and they have done that. With regards to investigating the pipes at MCSP preliminary work has been done including camera tests and smoke tests. The initial tests were inconclusive."

"We have spent over \$2 million to date in conducting a comprehensive site wide investigation of the storm water collection system at MCSP," said Gregor Larabee, Chief Regulatory Compliance for CDCR. "We have done camera work, we did do smoke testing and we've done dye tracing. Nothing has shown a cross connection between sanitary sewer and storm water at the institution. Non-stormwater events are likely a result of groundwater infiltrating the center corridor stormwater collection system. It was identified during our camera work. You see the presence of water in the soil. We do not identify that as sewage. We did camera work through the center corridor up to each building. We are in the process now of negotiating an assignment

with our consultant to do additional camera work that will include all the way under the buildings all the way out to the mains. We have found no evidence of cross connection of sewer and storm drain. CDCR takes this issue very seriously and we are working cooperatively with RWQCB. We are focused on identifying any issues that are present and taking care of them.”

“The problem with the RWQCB is that they don’t seem to be able to get CDCR to do anything,” said Sally Barron, a noted chemist and retired investigator with the California Air Resources Board. “CDCR had a contract with the City of Lone. When the population reaches a certain mark, they would build a tertiary treatment plant. It is a contract. It is valid. As far as CDCR’s investigation into cross connection under the prison, the iron pipe has an estimated lifespan of 30-40 years using cold water,” said Barron. “There are three sewer systems. You have the sanitary sewer system. You have the stormwater system and you have the industrial sewage system which handles the waste from the prison industries that run three large operations inside the prison. They run hot water, and especially the meat processing facility uses extremely caustic chemicals to clean their processing area because they are USDA investigated, and therefore, they have to meet USDA standards so they can sell the products that they make there. Yes, caffeine was found in Mule Creek. The MCSP industries also has a big coffee roasting operation inside the prison and it decaffeinate coffee. If the coffee was coming from the sanitary sewage system, it would be in the form of by-products after digestion, not raw caffeine coming down the creek.”

“When MCSP gets over a tenth of an inch of rain, they will open their slide gates,” said Barron. “They will let the stormwater and sewage go down Mule Creek. Well, Mule Creek goes to Sutter Creek, which has rights to the water, and keeps going south into the Mokelumne River and there is a big fish hatchery down there and so, it seems to me, that the State of California is deliberately pouring contaminated sewage water into Federal waters which are the homes for the listed species such as salmon and steelhead in that area.”

Oneto asked if Larabee would comment on these allegations. Initially he said he had no comment, and then came back to address the board.

“We have not done anything specific to caffeine,” said Larabee. “Levels that we are aware of are relatively low. We are focused on the much more serious issues identified by the RWQCB. Samples from the stormwater collection system have been taken daily from January 2018 through October 2018. We sent notice to the RWQCB that we open our slide gates when there is a tenth of an inch of rain in an hour or three tenths of an inch in twenty four hours.”

The board then questioned CDCR on the subject of volume — clean water in, wastewater out — thresholds on the system at MCSP and the contract that CDCR would build a tertiary treatment plant.

“I don’t have any of that information readily available,” said Larabee. “I am honestly not familiar with the specifics of that contract. I can’t offer any information on that. The RWQCB has complete access to MCSP. All the folks working in the enforcement group on this issue at the prison can gain access to MCSP, notification for clearance is the only restriction.”

Ione resident Jim Scully who owns property along Mule Creek then came to the podium.

“There is more than a little liability in this issue,” said Scully. “This has been brought here before. I brought the contract to this board five or six years ago. The contract is still valid. Two decades of yelling and screaming and seeing absolutely nothing done from anyone. Five state agencies that have jurisdiction had professional paralysis. Go to your boss, scratch out an injunction commanding every employee to immediately comply with your instructions. We’ve been at this for over two decades. Finally something is being done. What is really upsetting, is how many people had to get ill before the people that claim to be highly paid professionals, did what they need to do.”

The Ledger Dispatch did receive an official response from CDCR out of Sacramento.

“CDCR has conducted an extensive investigation of its storm and sewer systems in full cooperation with the Central Valley Regional Water Quality Control Board, the State Water Board and officials at the Environmental Protection Agency. To date, that investigation has not discovered a link between the sewer system and the storm drains. Nonetheless, CDCR has committed to conduct additional tests to satisfy the concerns of these agencies and to ensure the safety of Amador County residents.”

“As District 2 Supervisor, I want to ensure the residents of lone and property owners nearby MCSP are not impacted negatively from operations at MCSP,” Said Forster. “If people are getting sick, the responsible entity needs to be held accountable. The county has personnel looking at this issue to determine if the information from the State is accurate. I hope CDCR and other State departments with oversight authority are honest and transparent with their analysis and information conveyed to the public. The county has always taken the stance with MCSP of trust but verify.”

When CDCR was asked when the additional tests would occur, if it would include investigating all three sewer systems and under the prison, who would conduct those tests and when those tests would be made, public CDCR responded.

“For now, we have nothing new to announce.”

For the first five parts of our ongoing series visit:

Part 1: http://www.ledger.news/news/local_news/what-s-in-your-water-contaminated-water-allegedly-from-mule/article_a80d2316-f99b-11e8-8a84-63071e05b2e3.html

Part 2: http://www.ledger.news/news/local_news/sewer-and-water-quality-issues-a-widespread-issue-across-california/article_8e721282-ff1c-11e8-ad8a-93e1f0c7276a.html

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Part 5: http://www.ledger.news/news/local_news/rwqcb-confirms-contamination-at-mule-creek-state-prison-part-five/article_24ec3930-0f9f-11e9-aaca-dbb18e9e49dc.html