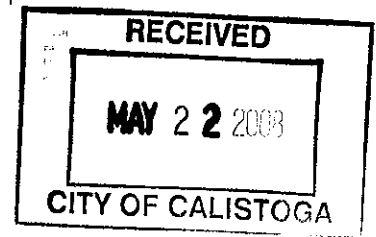


City of Calistoga
Planning Commission



Paul G. Smith
3747 Langtry Road
St. Helena, California 94574

May 20, 2008

Sirs:

The City of Calistoga is moving towards eminent domain proceedings to acquire unincorporated properties in the County's Agricultural Preserve. The City has yet to clarify any proposed use for the target properties adequate to provide justification for this taking and annexation. While there is a suitable, ideally located undeveloped property within the city limits and while the Calistoga General Plan documents that wastewater infrastructure is in balance with planned growth, the City apparently intends to justify condemnation, acquisition and annexation of excellent adjacent vineyard lands based on its perceived need for increased wastewater storage and disposal. While we wait for the City to validate its basis for taking these properties, we all need understand the true nature of the City's "wastewater problem".

Treated wastewater is discharged to the Napa River when flows are adequate. When flows are inadequate this wastewater must be stored or disposed of on land. The environmentally preferred approach towards disposal of treated wastewater is to reclaim it for use in irrigating landscaping or agricultural crops. This is a common approach. Unfortunately, in the case of Calistoga's wastewater, the high level of BORON prevents it to be used to irrigate vineyards.

FACT 1: Boron is not present in the City's municipal water supply.

FACT 2: Boron enters the wastestream from private and business users of geothermal water.

FACT 3: The Calistoga Municipal Code specifically states discharge of boron-laden geothermal water into the wastestream is illegal:

13.08.395 Geothermal or mineralized water discharges.

- A. The City is required to utilize land irrigation as a method of wastewater effluent disposal during the summer dry season when there is insufficient flow for dilution in the Napa River, and it is therefore necessary to limit the concentration of boron, total dissolved solids, chlorides and sulfates that could have a toxic effect upon plant growth or degrade groundwater that could otherwise be used as a source of irrigation water.
- B. Regulations pertaining to restriction of boron content as set forth in CMC 13.08.345 and other sections of this chapter shall be strictly enforced.
- C. No person or entity shall by any connection, use, maintenance, construction, alteration or repair of sanitary sewer facilities, discharge or cause to be introduced into the sanitary sewer

system any substance or material which has an element of chloride or sulfate exceeding 250 milligrams per liter, or of total dissolved solids that would exceed 500 milligrams per liter. All such discharges are prohibited. (Ord. 435 § 6, 1988; Ord. 322 § 1, 1976).

13.08.345 Prohibited wastes – Toxic Substances

Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with or create any hazard in the sewage treatment processes, effluent quality, or receiving water quality requirements to humans, animals, or plant life are prohibited

FACT 4: According to the State of California, Department of Conservation database there are 47 geothermal wells in Calistoga.

1	05590023	Amax Exploration, Inc.	620
2	05590125	C. J. Associates	Lincoln Ave
3	05590119	California Div. of Mines and Geology	Les
4	05590075	California Div. of Mines and Geology	Les
5	05590074	California Div. of Mines and Geology	Les
6	05590054	Calistoga (private) well	Cirio's
7	05590050	Calistoga (private) well	Donshick
8	05590057	Calistoga (private) well	Calistoga Spa
9	05590056	Calistoga (private) well	Calistoga Spa
10	05590129	Calistoga (private) well	Ester
11	05590051	Calistoga (private) well	Wilkinson
12	05590052	Calistoga (private) well	Dober
13	05590058	Calistoga (private) well	Little Village
14	05590053	Calistoga (private) well	Fox
15	05590114	Calistoga (private) well	Grant St
16	05590085	Calistoga (private) well	View Road
17	05590061	Calistoga (private) well	Golden Haven Spa
18	05590121	Calistoga (private) well	View Road
19	05590055	Calistoga (private) well	Greenwood Ave
20	05590063	Calistoga (private) well	Michael Way
21	05590133	Calistoga (private) well	Silverado Tr
22	05590134	Calistoga (private) well	Silverado Tr
23	05590062	Calistoga (private) well	Tubbs Lane
24	05590070	Calistoga (private) well	Godward
25	05590064	Calistoga (private) well	Greenwood Ave
26	05590065	Calistoga (private) well	Geyser
27	05590071	Calistoga (private) well	Geyser
28	05590049	Calistoga (private) well	Shade Factory
29	05590080	Calistoga Joint Unified School District	CHS
30	05590122	Calistoga Mineral Water Co.	
31	05590124	Calistoga Mineral Water Co.	CMW
32	05590013	Calistoga Power Co.	Pacheteau
33	05590082	City of Calistoga Exploration, Inc.	Calis
34	05590123	City of Calistoga Exploration, Inc.	CDHS

35	05590131	Crystal Geyser Water Co.	Crystal
36	05590132	Crystal Geyser Water Co.	Crystal
37	05590128	Crystal Geyser Water Co.	Crystal
38	05590127	Crystal Geyser Water Co.	Crystal
39	05590130	Crystal Geyser Water Co.	Crystal
40	05590120	Napa Valley Springs Mineral Water Co.	Fox
41	05590059	Pacheteau's	Pacheteau
42	05590060	Pacheteau's	Pacheteau
43	05590068	Pacheteau's	Pacheteau
44	05590135	Palisades LLC	Palisades Resort
45	05590081	Quast, Max	Roman Spa
46	05590083	VIP Associates	Village Inn
47	05590048	Wilson, Constance S.	Wilson

FACT 5: The discharge of geothermal waters contaminate the entire wastestream with BORON, rendering it unsuitable for reclamation and vineyard irrigation.

FACT 6: The General Plan acknowledges the impacts of the BORON-laden wastewater as well as the required permits for geothermal discharge: "...Calistoga currently has few resources available to monitor and enforce the provisions of these permits", and "...enforcement of existing sewer ordinance requirements would reduce these impacts."

Fact 7: The General Plan states: "Removal of boron is possible through pre-treatment."

Given the City's apparent apathy towards the boron contamination of the wastewater, the real question is not whether the City needs to condemn, annex and convert agricultural lands for use as wastewater storage and disposal. But rather is the City acting in a socially, economically and environmentally responsible fashion by allowing the few within the City limits to contaminate the otherwise reclaimable irrigation water which is, in fact, a valuable public resource. And, should the City's failure to address this internal problem provide any justification for eminent domain of private properties, annexation of Napa County lands and ultimate conversion of the Agricultural Preserve to a City utilities use.

The answers should be very clear to everyone, particularly the City of Calistoga.

Sincerely,