

DEE THOMAS MURPHY – IN PRO PER-

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN LUIS OBISPO**
10

11 DEE THOMAS MURPHY, CITIZEN OF THE
12 UNITED STATES OF AMERICA, RESIDENT
13 OF THE DISCHARGE PROHIBITION ZONE OF
14 LOS OSOS, CALIFORNIA AND INVENTOR OF
15 BEST AVAILABLE DISCHARGE
16 ELIMINATION TECHNOLOGY, AKA
17 RECLAMATOR,

18 Plaintiff,

19 v.

20 ARNOLD SCHWARZENEGGER, GOVERNOR
21 OF THE STATE OF CALIFORNIA; STATE OF
22 CALIFORNIA; CALIFORNIA
23 ENVIRONMENTAL PROTECTION AGENCY;
24 STATE WATER RESOURCES CONTROL
25 BOARD; CALIFORNIA REGIONAL WATER
26 QUALITY CONTROL BOARD, CENTRAL
27 COAST REGION; MATT THOMPSON, P.E.;
28 HARVEY PACKARD; ROGER W. BRIGGS; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: CV080510

DECLARATION OF:
DEE THOMAS MURPHY
IN OPPOSITION TO DECLARATIONS OF:
ROGER BRIGGS; AND HARVEY
PACKARD'S DECLARATIONS IN
SUPPORT OF SPECIAL MOTION TO
STRIKE; AND
JOEL A. DAVIS (State Bar No. 109290),
SUPERVISING DEPUTY ATTORNEY
GENERAL UNDER EDMUND G. BROWN
JR., ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA'S REQUEST FOR
ATTORNEY'S FEES

I, Plaintiff DEE THOMAS MURPHY, declare as follows:

1. I was born in 1948, the year the Federal Water Pollution Control Act was enacted and went into business in the wastewater management industry in 1972, the same year the Clean Water

1 Act amendment was adopted into federal law, the United States Code Title 33 Chapter 26 – WATER
2 POLLUTION PREVENTION AND CONTROL.

3 2. It was common knowledge among us in the industry the adoption of this Act meant
4 an opportunity for private companies. It was a great business opportunity for whoever came up with
5 the “best practicable control technology currently available” which, in compliance with pretreatment
6 requirements pursuant to 33USC26§§1317 and 1316, such [(other than publicly owned treatment
7 works)] technology would eliminate all discharges of all pollutants at each source (building or
8 facility that may discharge pollutants) point source of discharge (and including publicly owned
9 treatment works, i.e. facilities) and such new source being established from July 1977 in compliance
10 with the federally mandated pretreatment requirements as defined in the Act. The RECLAMATOR
11 Technology is such best available technology.

12 3. In the mid 70’s, I begin researching technologies to achieve this end. In 1988 I was
13 successful in the development of the most advanced and innovative extended aeration activated
14 sludge biological process technology within the entire wastewater industry, the latest technology to
15 be developed since 1903, almost 100 years. The technology eliminated discharged of the toxic
16 pollutants associated with domestic wastewater flows for indirect reuse application. Those toxic
17 pollutants are:

- 18 • Nitrogen in excess of 10 milligrams per liter (mg/l)
- 19 • Acidic discharges having a pH less than 7.5
- 20 • Greenhouse gasses that contribute to Climate Change
- 21 • Carcinogenic nitrosamine sources

22 4. Since 1990, I have been granted 9 US Patents and over 30 International Patents.

23 5. I have completed over 1000 turn-key designs for facilities utilizing my advanced
24 Intermittent Decant Extended Aeration Continuous Feed Cyclic Reactor (IDEA-CFCR) ranging in
25 sizes from 25 million gallons per day.

26 6. I have completed over 100 installations of this advanced technology worldwide,
27 serving municipal, commercial and industrial applications as well as individual residential. The
28 technology is the only technology in the wastewater industry suitable for industry-wide application.

1 7. Stan Fincham, around 1992 and 1993, introduced the technology to the defendants as
2 the solution to the Los Osos sewer issue. The defendants demanded a third party evaluation to
3 demonstrate its claimed performance levels. See Exhibit "1" for complete report.

4 8. In March of 1995, upon completion of the Wastewater Performance Evaluation, the
5 National Sanitation Foundation (Now known as "NSF International") submitted the Wastewater
6 Technology Evaluation Report that confirmed my RECLAMATOR performance claims.

7 9. I completed over 100 turn-key project installations between 1990 and 1997. Shortly
8 after 1995, the United States Environmental Protection Agency in association with the defendants
9 boycotted my implementing the technology nationally following dissemination of the Technology
10 Evaluation Report. Since 1997 there have only been 3 installations.

11 10. A fairly recent example (2005) of how the defendants boycotted the RECLAMATOR
12 technology occurred at a project referred to a Fox Hills Development in Los Banos California. Fox
13 Hills Development had contracted with me to design and provide a RECLAMATOR for their
14 project, starting out at 402 homes, having a buildout of 3,500. Upon finding out about the
15 technology I had sold to my client to serve his project located in the central region of the State of
16 California, the Water District informed my client he would not get water for his project if he allowed
17 the RECLAMATOR on the project site. My client broke the contract. The 80,000 gallons per day
18 RECLAMATOR, currently sitting in Indiana, was designed to produce pure water and generate
19 electricity, the hydro-electric generator turbines are one of my latest developments and patents. The
20 RECLAMATOR was determined upon evaluation by a Montgomery Watson and Harza (MWH)
21 engineer to be capable of reclaiming approximately 80% of the electricity it utilized to operate,
22 thereby producing two sustainable resources, water and electricity. Upon becoming aware of this,
23 MWH sent my client a list of inferior package plants and was told by the defendants to break his
24 contract for the RECLAMATOR or he wouldn't get water for his project. However, to the best of
25 my knowledge, my client had to pay for a \$30,000,000 sewer plant having no sewer pipes coming to
26 it and then went bankrupt as a result.

27 11. There was a segment of society ("The Society") within the United States including
28 governmental authorities that didn't want to let go of the control and power and revenue which they

1 were realizing from pre-Act status-quo. With this, The Society, under the guise of a federal agency,
2 but as a 501(c)3, organized to present themselves to become the administrator of the United States
3 Environmental Protection Agency, aka USEPA. [The Society is clearly defined in my Federal
4 Complaint, Case #C084876, a part of Exhibit "1" previously submitted to the Court]. The Society's
5 members all shared the same mindset, to continue to force implementation of publicly owned
6 treatment works, disregard the newly mandated pretreatment requirements, and continue operating in
7 the same pre-Act status-quo mode of waste management practice, forcing all private point sources to
8 hookup without enforcing and implementation of federally mandated pretreatment requirements.

9 12. The Society maintains control at the federal level, the state regulatory levels, at the
10 municipal public works levels, community service districts, special districts, etc. The Society in
11 general has one common thread, most of them are civil engineers trained to implement sewer
12 projects, not regulatory services and enforcement of law. For over 32 years, the Society has been
13 complicit in political corruption and not been held accountable.

14 13. The Society, in violation of federal law, continued operating status-quo after adoption
15 of the Clean Water Act amendment because approximately 50% of all municipal funds came from
16 publicly owned treatment works projects. Acknowledgement of the RECLAMATOR by The
17 Society will initiate a paradigm shift that will virtually eliminate need for the segment of regulatory
18 government established to manage and regulate discharges of waste, thus the defendants.

19 14. "It is difficult to get a man to understand something when his salary depends upon his
20 not understanding it" - Upton Sinclair. Such is the case with The Society. Administrating of the Act
21 represented a paradigm shift which would have virtually eliminated most all members of The
22 Society's jobs. It would have virtually eliminated all governmental control over development,
23 control of projects and control of revenues and control over who receives such revenues.

24 15. The defendants are members of this society and harbor the same mindsets, mindsets
25 that violate the federally mandated requirements of 33USC26. The result is: Our United States
26 Government's regulatory authority structure has been knowingly and maliciously a mass assault on
27 the American public utilizing a toxic substance, i.e. sewage, poisoning our drinking water and enjoy
28 for recreation, the air we breath and grossly contributing to the degradation of your environment.

1 16. The defendants in this case have been operating in this mindset for over 30 years as
2 declared in the Roger Briggs Declaration. The defendants are not only incompetent as demonstrated
3 many times over in the attached Exhibit "3", but willfully unlawful and complicit.

4 17. The defendants stated on the radio interview of September 14, 2007 that I was lying
5 to the public in regards to the performance of my product, the RECLAMATOR, telling the public at
6 large the RECLAMATOR discharged waste that would pollute their drinking water aquifer,
7 knowing it did not produce such poor quality of water. To the contrary, the defendants have been
8 aware of its performance for over 15 years since the defendants and/or their agents were submitted a
9 copy of the final NSF International Report. The defendants knowingly conveyed false facts to the
10 public so as to secure a quarter billion dollar public works project for the County of San Luis
11 Obispo, when in fact, pretreatment requirements are mandatory and are required to be applied at each
12 private point source to contain pollutants prior to any discharge into any publicly owned treatment
13 works by any person.

14 18. Upon application of the sustainable alternative water source technology there will no
15 longer be reasonable need for public sewers to waste and pollute water. The defendants must
16 realize, the era of the publicly owned treatment works is over.

17 19. The RECLAMATOR technology constantly produces "new" water that meets the
18 USEPA Maximum Contaminant Level Goal (MCLG) drinking water quality standard, non-
19 enforceable public health goals. See Exhibit "3".

20 20. I designed it to consistently achieve drinking water quality to get above the rouge
21 regulatory stonewalling. The latest version of the technology incorporates a "definite barrier" back-
22 flushable ultra-filtration membrane technology that WILL NOT ALLOW ANY "waste", i.e. disease
23 carrying pathogens, to be discharged from the system. See the RECLAMATOR ENGINEERING
24 MANUAL in Exhibit "1" and also the letter from the membrane manufacture, TriSep, in Exhibit "3"
25 additionally confirming the performance aspect of the product. See TriSep letter in Exhibit "3".

26 21. The topic RECLAMATOR has been operating at my house in the Los Osos
27 Prohibition Zone now for over a year, eliminating nitrate discharges and producing non-acidic
28

1 having a pH level [7.5 and above], a healthier and more pure water than the public drinking water
2 supplied by Golden State Water Company. See Creek Laboratories Data in Exhibit “1”.

3 22. The defendants claim they have a right to lie, defame me and my technology,
4 continue poisoning the people within their jurisdiction and continue issuing waivers to allow
5 discharges to continue [See the defendants proposed AB885 Regulations in Exhibit “3”] in spite of
6 federal requirements defined in 33USC26. The problem with this mindset is; lying is a violation of
7 God’s Law which takes supremacy over any of man’s laws, and rightfully so. God’s Law, aka The
8 Ten Commandments, and in Exodus 20:16 states: “Thou shalt not bear false witness against thy
9 neighbor.” It also states: “Thou shalt not covet what belongs to your neighbor”. How can a public
10 servant be allowed to continue to lie, to oppress and stonewall technology the world needs NOW?

11 23. Proverbs 12:19 states: “Truthful words stand a test of time but lies are soon exposed”.
12 Furthermore, Matthew 5:6 states: “God blesses those who hunger and thirst for justice”.

13 24. The Society has furthermore hidden the fact from the public that greenhouse gas
14 emissions generated by onsite septic systems, i.e. OWTS, contributes to Global Warming at a rate of
15 2.9 times (2.9X) that of the average vehicles per household’s per day. The defendant’s complicit
16 nature of the past 30 plus years has contributed to the environmental crisis our planet faces today.

17 25. The defendants issue Executive Orders to take emergency actions in regard to
18 combating the elements which are causing Global Warming, Climate Change and are promoting
19 emergency actions to be taken to conserve water when the RECLAMATOR eliminates the wasting
20 of water. It’s THE ULTIMATE GREEN MACHINE that provides for conservation of 100% of all
21 household water used. 100% of the new water it produces is at least the quality of water supplied to
22 households by public water purveyors AND virtually eliminates 100% of greenhouse gas emissions.
23 See Exhibit “3”.

24 26. The defendants continuous stonewalling actions in blatant disregard for the clear and
25 present danger that the citizens of Los Osos and California face could not be anymore obvious. The
26 defendants, as regulators, i.e. public servants, have arrogantly transgressed into an agency that is in
27 the business of monitoring “waste discharges” instead of requiring the “elimination of discharges of
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1 pollutants". They have no regard for the challenges we as a human race face locally and globally in
2 the 21st Century of Climate Change and Environmental degradation.

3 27. God's Word in Romans 13:1-2 states: "Let every soul be subject to the governing
4 authorities. For there is no authority except from God, and the authorities that exist are appointed by
5 God. Therefore whoever resists the authority resists the ordinance of God, and those who resist will
6 bring judgment on themselves".

7 28. "What we need is technology, innovation and a paradigm shift" ~Edmund G.
8 Brown Jr., Attorney General of the State of California, West Coast Green Conference (2008). The
9 defendants need to act in accordance to the wishes of the Attorney General of the State of California.

11 DATED: April 27, 2009

DEE THOMAS MURPHY

12 By: 
13

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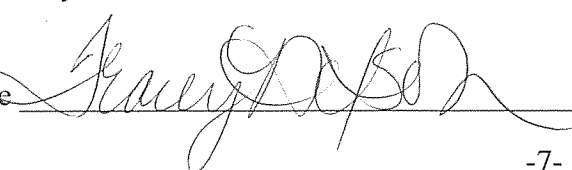
16 STATE OF CALIFORNIA)
17) SS.
18 COUNTY OF SAN LUIS OBISPO)

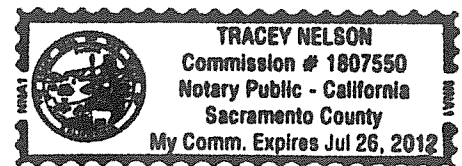
19 On April 27, 2009 before me, Tracey Nelson, Notary
Public, personally appeared Dee Thomas Murphy
20 _____, who

21 proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
22 subscribed to the within instrument and acknowledge me that he/she/they executed the same in
23 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

24 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
25 paragraph is true and correct.

26 WITNESS my hand and official seal.

27 Signature 
28 _____



(Seal)