



515 E MAIN ST, STOCKTON, CA 95202

RESTORETHEDELTA.ORG

November 9, 2021

Megan S. Knize, Hearing Officer
State Water Resources Control Board
Administrative Hearings Office
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Policy Statement of Restore the Delta Regarding Pending Water Right Application (A030531B) of the City of Stockton for a permit to appropriate water from the San Joaquin River originating from wastewater discharges by the City

Dear Ms. Knize:

Restore the Delta wishes to enter our policy statement as an “interested person” into the State Water Resources Control Board’s administrative hearing record on the City of Stockton’s Water Right Application stated above.

We understand that the question before the Administrative Hearings Office of the State Water Board in this matter is whether the application should be canceled for lack of due diligence on the City’s part, or whether the Water Board should instead establish a time schedule by which the City of Stockton submits information the Water Board needs to process Application A030531B so that the City may obtain a permit to divert additional water under this Application.

It would be premature, unwise, and unjust of this proceeding to cancel the City of Stockton’s water right application. We find the Water Board’s notice of public hearing and pre-hearing conference in this matter skews its chronology (pages 3-4) to appear that the City has been less than diligent in proceeding with Application 30531B to increase diversions, showing only large gaps between periods of correspondence with the City. It fails to note the State Water Board’s own numerous delays in processing this

RE: Policy Statement of Restore the Delta Regarding Pending Water Right Application (A030531B) of the City of Stockton for a permit to appropriate water from the San Joaquin River originating from wastewater discharges by the City

application while dealing with, first, the drought of 2012-2016, then the four-year evidentiary proceeding in the change petition for California WaterFix, followed by completing Phase 1 of a long-delayed Bay-Delta Plan in late 2018. In the meantime, the City of Stockton began and completed construction of its Delta Water Supply Project (DWSP) for its first water rights permit (A030531A) to divert 30 million gallons per day (mgd, equivalent to 33,600 acre-feet per year), and sized the intake of its diversion facility and raw water pipeline to accommodate not just the first permit but a second as well (i.e., a permit based on A030531B). This represents a substantial investment of capital, engineering, and expertise in facilities that position the City to diligently divert additional supplies from the San Joaquin River for treatment and distribution once the State Water Board processes the subject application.

Moreover, let those without the sin of delay and lack of diligence cast the first stone. Both the U.S. Bureau of Reclamation and California Department of Water Resources were granted time extension requests for their respective Central Valley Project and State Water Project permits, both of which expired and to our knowledge have not been extended. Certain underground tunnel facilities remain mired in planning stages six years later, and the State Water Board still has yet to issue licenses to both projects, let alone modify existing permits.

We agree with the City of Stockton that their construction of the city's DWSP and associated treatment plant represent a diligent prosecution of their earlier permit and their subject application. Cancellation of the application for the additional 33,600 AF/year risks stranding the City's water diversion and treatment assets, which diligently and efficiently divert the City's own treated wastewater from the River and treats it for reuse by Stockton residents. While the City maintains it has financial capacity to put water to beneficial use under a new permit that could be issued on Application 30531B, the City's fiscal condition remains precarious from the ravages of the coronavirus pandemic recession and a prolonged history of economic disinvestment. Cancellation of this water right application would worsen this picture for the City.

The hydrological and ecological footprint of the City's water system is tiny relative to that of key parties to this proceeding that would cancel the City's application. The face value of the City's existing permit plus its subject application would be about 67,000 acre-feet, just over half its original application of 122,000 acre-feet. This reduced amount is just over 1 percent of total Delta exports by the CVP and SWP combined in 2011, a very wet water year.

RE: Policy Statement of Restore the Delta Regarding Pending Water Right Application (A030531B) of the City of Stockton for a permit to appropriate water from the San Joaquin River originating from wastewater discharges by the City

Finally, forcing the City of Stockton to accept its water diversion and treatment system as a partially stranded asset would be discriminatory. Stockton is home to a large environmental justice (or “disadvantaged”) community, and can ill afford to have its municipal water system be the object of harassment by the Water Board and protestants to this proceeding. We urge the Administrative Hearings Office of the State Water Board reject calls to cancel this application and instead engage with the City of Stockton to plan a schedule for the City to provide information necessary to process Application 30531B.

Thank you for considering Restore the Delta’s policy statement in this matter.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director



Tim Stroshane
Policy Analyst

cc: Harry Black, City Manager, City of Stockton
Mel Lytle, Director, City of Stockton Municipal Utilities Department
Robert Granberg, Granberg & Associates
Hon. Kathy Miller, Member, San Joaquin County Board of Supervisors
California Senator Susan Talamantes Eggman, District 5
Dante Nomellini, Central Delta Water Agency
Dillon Delvo, Executive Director, Little Manila Rising
Matt Holmes, Community Organizer, Little Manila Rising
Tama Brisbane, Executive Director, With Our Words, Inc.
Irene Calimlim, Program Director, Greenlining the Hood
Jasmine Leek, Executive Director, Third City Coalition
Rachel Zwillinger, Water Policy Advisor, Defenders of Wildlife
Jon Rosenfield, Senior Scientist, San Francisco BayKeeper
Bill Jennings, Executive Director, California Sportfishing Protection Alliance
Doug Obegi, Natural Resources Defense Council
Brandon Dawson, Executive Director, Sierra Club California
Deborah Sivas, Director, Stanford Environmental Law Clinic