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RESTORETHEDELTA.ORG

via email: Robert.LHeureux@waterboards.ca.gov

May 7, 2021

Robert L'Heureux
Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Subject: **Stockton Coalition Comments for Sacramento River and San Joaquin River Basin Plan Triennial Review**

Dear Robert:

Restore the Delta (RTD) is a grassroots campaign of residents and organizations committed to restoring the Sacramento-San Joaquin Delta so that fisheries, communities, and family farming can thrive there together again; so that water quality is protected for all communities, particularly environmental justice communities; and so that Delta environmental justice communities are protected from flood and drought impacts resulting from climate change while gaining improved public access to clean waterways. Ultimately our goal is to connect communities to our area rivers and to empower communities to become the guardians of the estuary through participation in government planning and waterway monitoring. RTD advocates for local Delta stakeholders to ensure that they have a direct impact on water management decisions affecting the well-being of their communities, and water sustainability policies for all Californians. This letter is also signed by our Stockton community partners in this campaign: Little Manila Rising, Fathers and Families of the San Joaquin, Third City Coalition, LGBTQ+ Social Justice Initiative, and With Our Words, Inc.

Thank you for the opportunity to provide comments to Region 5 Water Board (Region 5) for the Triennial Review of the above Basin Plan. Our comments are focused on San Joaquin River issues. To develop these comments we reviewed the Board's Notice announcing the Triennial Review (issued in March this year), the fifth edition of the Sacramento/San Joaquin River Water Quality Control Plan (revised May 2018), and State Water Board

Resolution No. 68-16 which describes the water boards' collective antidegradation policy concerning the waters of California. We also held an internal discussion with our youth climate water heroes to get their views on water quality concerns they bring to their work to further inform our comments.

We also incorporate by reference the comments provided by the coalition led by California Sportfishing Protection Alliance, which are focused on selenium contamination issues in the lower San Joaquin River basin and Delta. Our coalition shares the concerns they raise, and recently continued our participation in the ongoing review of the Grasslands Bypass Project waste discharge requirements, a responsibility of Region 5.

Top Beneficial Uses and Water Quality Issues Already in the Work Plan

We have three types of comments for you: first, we share with you our views on the top beneficial uses and issues for which Region 5 board and staff should be mindful over the next three years, and then we connect these beneficial uses and issues to priorities contained in Region 5's most recent three-year work plan. Finally, we describe priorities we respectfully request you consider including in your next work plan.

The beneficial uses we request you consider for high priority protection in the next three years for the San Joaquin River include:

- Fish flows and biodiversity to and through the Delta
- Subsistence fishing in the River and the Delta
- Water contact and non-contact recreation
- Drinking water quality and landscaping
- Water quality effects of climate change—including sea level rise, flooding risks, and water temperature
- Restoring interconnections between surface river channels and groundwater aquifer systems
- Breathing clean air as a water quality issue
- Homeless people residing near, comforted by, but not necessarily aware of waters of the San Joaquin River and the Delta

We suggest these beneficial uses not in any particular ranking. They are all very important to us and our communities.

Region 5's existing high priorities we think must continue, since they are unfinished. These include:

- Delta Nutrient Research Plan (#16)
- Temperature (#11)

- Dissolved Oxygen Objectives for the Delta (#12)
- Delta Methylmercury Control Program (#23)

The Temperature program must move forward with its current scope but expand to include temperature as a parameter that affects the potential for harmful algal bloom formation. By expanding its scope, the Temperature program should then connect to the Delta Nutrient Research Plan, combining efforts to come up with comprehensive regulatory approach to control not just the nutrient components that literally feed cyanobacteria, but also temperature conditions that stimulate their massing as blooms. Such an integrative approach to regulating water quality constituents would work eventually, we hope, to protect not just fish flows and biodiversity as beneficial uses in the lower San Joaquin River and the Delta, but also subsistence fishing, drinking water quality, and air quality. These are key. A growing and alarming body of research shows that harmful algal blooms release airborne toxins with respiratory health effects—a situation where failure to protect water quality parameters like temperature may contribute to air pollution and compromise public health near water bodies where such blooms occur.

The Temperature and Dissolved Oxygen work plan items are also related. It is scientifically established that warmer water holds less oxygen, and colder water more, for aquatic organisms. It follows that the water quality objectives developed from these two research efforts must take account of each other, and arrive at water quality objectives that work to use temperature to help boost dissolved oxygen retention. Moreover, the temperature objective that Region 5 develops from this process must connect with and inform as similar set of considerations the State Water Board is facing on the Sacramento River, which is the largest source of potentially colder water in the entire Delta watershed, since the Sacramento contributes on average about 80 percent of inflows to and through the Delta estuary. Time is of the essence, with drought already affecting the watershed and much of California, and reservoir operations having left the basin with low reserves of cold water for release later this year. Failure to protect stores of cold water upstream threatens not just anadromous Chinook salmon runs but the potential for warmer water flowing into the Delta and greater vulnerability to the growth and spread of mats of harmful algal blooms. It seems to us clear using the Region 5 temperature parameter to help inform State Water Board flow objectives for the Sacramento's cold water supply would benefit not only salmon and steelhead populations but contribute to protection of many beneficial uses that are also harmed when algal blooms flourish.

We support continuing and bringing to fruition Region 5's efforts at Delta methylmercury control. We recognize that the problem of legacy mercury pollution and its methylation by biological processes poses difficult ecological and public health problems, particularly for subsistence fishing. Many Stockton and other Delta residents supplement their diets by

catching fish and shellfish locally in Delta river channels and sloughs. We estimated that a range of between 60 to 110 individuals with fishing licenses catch fish daily to supplement their family's diets and nourish community gatherings and events. Aggregated for a year, this can mean that as many as 24,000 to 40,000 individuals fish for part of their subsistence in the Delta region. Many residents of Latino, Hmong, Lao, Cambodian, and Vietnamese origin call the Delta home because it enables them to continue river-based cultural subsistence activities. For many, English is not their first language. But flow losses from the Sacramento and San Joaquin rivers could increase contaminants their catch ingested and their human consumption could harm themselves and their families' health.

New Research Areas

Region 5 should consider the following new research areas as high priorities in the next work plan. These include:

- RTD looks forward to partnering with Region 5 Water Board to find humane methods of addressing the presence of homeless people along Stockton's leveed water ways, while finding effective methods for controlling and eliminating trash and untreated sewage from these same water ways—methods that protect water quality and the dignity of people seeking refuge and solace from the housing market. We attach a recent letter to Stockton city and San Joaquin county officials about this heartbreaking situation.
- Urban drinking water quality for environmental justice communities of the Delta should be a high priority as the region enters the second year of what is shaping up to be a very serious drought. We are particularly concerned about the relationship between groundwater conditions in the eastern San Joaquin groundwater basin and Stockton drinking water. We understand that 22 percent of California Water Service Company's (Cal Water's) Stockton drinking water supply comes from this groundwater basin. South Stockton, where a large share of the city's environmental justice community resides, is aggregated into Cal Water's analysis, so it is difficult for us to know what the source of South Stockton's drinking water is—does it come direct from adjacent wells owned and operated by Cal Water? At what point is it treated, and to what degree, before delivery to South Stockton households? Do the water quality reports get independently audited before they are published? Other data sources, like the Eastern San Joaquin Groundwater Authority's groundwater plan lacks crucial details for understanding intersections between groundwater and south Stockton environmental justice communities. We encourage Region 5 to take a role in oversight and commentary on the water quality conditions of drinking water sourced from Cal Water's groundwater wells in the Delta region. Some of our constituents of concern include chromium-6, arsenic, nitrate, and pesticides.

- Restore the Delta and our local partners are also interested in enhanced water quality testing, monitoring, and enforcement around the Port of Stockton and its related industries as part of a strategy to manage and slow the proliferation of harmful algal blooms in Stockton. In addition to upstream discharge of nitrates, salts, and selenium, local sources of nitrate pollution need to be eliminated, as well as other pollutants discharged into local waterways.
- Finally, we continue to be concerned about longstanding selenium discharges and contamination from Salt and Mud slough watersheds tributary to the lower San Joaquin River. RTD and its environmental justice coalition allies in Stockton have participated in the continuing saga of Grasslands Bypass Project. This project properly shunts toxic selenium discharges around the productive national wildlife refuges, but after over a decade attempts to eliminate selenium from these discharges, water quality authorities continue to allow pulse discharges of selenium from storms and continued buildup of selenium in shallow groundwater in the area. Soils in this area are waterlogged with selenium contamination. This buildup will eventually reach the river and contribute more selenium to the lower San Joaquin River for over one hundred miles before reaching south Delta channels. We urge Region 5 to complete studies needed for the upcoming waste discharge requirements (WDR) review on Grasslands Bypass Project. We continue to feel that land retirement is still the most feasible and sustainable alternative to continued irrigation of orchards and fields in this part of the Delta watershed. For your information, the attached ECONorthwest study of the estimated costs of retiring drainage impaired lands. We urge your staff to review it as part of its efforts with the upcoming Grasslands Bypass Project WDR review.

Thank you for considering these comments for the Region 5 San Joaquin River Basin Plan Triennial Review. We look forward to participating in the process as Region 5 Board and staff develop their work plan. If you have questions or concerns, please contact Barbara Barrigan-Parrilla or Tim Stroshane at the contact information below.

Sincerely,



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Tama Brisbane
Executive Director
With Our Words, Inc.

Jasmine Leek, signed via email
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Third City Coalition

Attachments:

- Letter of March 22, 2021, "Solutions Around Homeless Encampments and Waterways"
- ECONorthwest, 2015. *Estimated Costs to Retire Drainage Impaired Lands in the San Luis Unit*. July 6. Prepared for Food and Water Watch, California Water Impact Network, and Citizens Against Taxpayer Funding of the BDCP.

cc: Brandon Dawson, Acting Executive Director, Sierra Club California