

1 THOMAS H. KEELING (SBN 114979)
FREEMAN FIRM
2 1818 Grand Canal Boulevard, Suite 4
Stockton, CA 95207
3 Telephone: (209) 474-1818
4 Facsimile: (209) 474-1245
Email: tkeeling@freemanfirm.com

5 J. MARK MYLES (SBN 200823)
6 Office of the County Counsel
County of San Joaquin
7 44 N. San Joaquin Street, Suite 679
8 Stockton, CA 95202-2931
9 Telephone: (209) 468-2980
Facsimile: (209) 468-0315
10 Email: jmyles@sfgov.org

11 Attorneys for Protestants County of San Joaquin,
San Joaquin County Flood Control and
12 Water Conservation District, and
Mokelumne River Water and Power Authority
13

14 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

15 **BEFORE THE**
16 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

17 HEARING IN THE MATTER OF
18 CALIFORNIA DEPARTMENT OF WATER
RESOURCES AND UNITED STATES
19 BUREAU OF RECLAMATION
20 REQUEST FOR A CHANGE IN POINT OF
DIVERSION FOR CALIFORNIA WATER FIX
21

**TESTIMONY OF LINDA TURKATTE-
REVISED**

1 JENNIFER SPALETTA (SBN 200032)
2 SPALETTA LAW, PC
3 P.O. BOX 2660
4 LODI, CA 95241
5 Telephone: (209) 224-5568
6 Facsimile: (209) 224-5589
7 Email: jennifer@spalettalaw.com

8 Attorneys for Protestants North San Joaquin Water Conservation District

9 OSHA R. MESERVE (SBN 204240)
10 SOLURI MESERVE, A LAW CORPORATION
11 1010 F Street, Suite 100
12 Sacramento, CA 95814
13 Telephone: (916) 455-7300
14 Facsimile: (916) 244-7300
15 Email: osha@semlawyers.com

16 Attorneys for Protestants
17 Local Agencies of the North Delta
18 Bogle Vineyards / Delta Watershed Landowner Coalition
19 Diablo Vineyards and Brad Lange / Delta Watershed Landowner Coalition
20 Stillwater Orchards / Delta Watershed Landowner Coalition

1 I, LINDA TURKATTE, declare,

2 1. I am currently the Director of the San Joaquin County Environmental Health
3 Department, located at 1868 E Hazelton Avenue in the City of Stockton, County of San
4 Joaquin. I have been employed by the Environmental Health Department since 1991, and the
5 Director since 2015.
6

7 2. I have personal knowledge of the Environmental Health Department's efforts regarding
8 ~~blue-green algae~~, cyanobacteria and *Microcystis* and its communications with the State of
9 California regarding the same. The work of the Environmental Health Department, especially
10 its communications with State of California with respect to blue-green algae and *Microcystis* in
11 San Joaquin County, is the subject of my testimony
12

13 3. I am a Registered Environmental Health Specialist with a degree in biological science.

14 4. One of the many roles of the San Joaquin County Environmental Health Department
15 ("EHD") is to educate and provide information to the public so that they can make informed
16 decisions regarding their health and protection of the environment. The EHD is also
17 responsible for issuing well drilling permits and well pump permits in San Joaquin County.
18

19 5. The state agencies, including the California Regional Water Quality Control Board, the
20 California Department of Water Resources, and the California Department of Public Health,
21 conduct monitoring and testing and maintain information about the cyanobacteria *Microcystis*,
22 and the cyanotoxin microcystin which is produced by blue-green algae. As the Director of
23 EHD, I and my staff use and refer to, and refer the public to, the following California-
24 maintained sources of information on blue-green algae and algal blooms in the San Joaquin
25 County Delta and other waters in the County:
26

- 27 • California CyanoHAB Network webpage:
[http://www.mywaterquality.ca.gov/monitoring_council/cyanohab_network/index.ht](http://www.mywaterquality.ca.gov/monitoring_council/cyanohab_network/index.html)
28 [ml](http://www.mywaterquality.ca.gov/monitoring_council/cyanohab_network/index.html)

1 (Exh. SJC-016.)

- 2 • State Water Board's Surface Water Ambient Monitoring Program (SWAMP)
 3 Freshwater CyanoHABs Program (Blue-Green Algae):
 4 http://www.waterboards.ca.gov/water_issues/programs/swamp/freshwater_cyano_bacteria.shtml
 5 (Exh. SJC-017.)
- 6 • California Department of Public Health Blue-Green Algae (Cyanobacteria)
 7 Blooms webpage:
 8 <https://www.cdph.ca.gov/HealthInfo/environhealth/water/Pages/Bluegreenalgae.aspx>
 9 (Exh. SJC-018.)

10 6. On June 6, 2016, I was contacted by Christine Joab, Environmental Scientist with the
 11 California Regional Water Quality Control Board, Central Valley ("CVWB"). Ms. Joab's email
 12 stated that in 2006 the State of California established a statewide Blue-Green Algae Working
 13 Group. That group has now evolved into the California Cyanobacteria ~~and~~ Harmful Algal
 14 Bloom (CCHAB) Network. The goal of the CCHAB Network is to develop collaborative
 15 relationships among the federal, tribal, state, regional and local agencies concerning the
 16 impacts of cyanobacteria on our water resources and communicate cyanobacteria information
 17 to the public. (Exh. SJC-019.)

18 7. In the June 6, 2016, email, Ms. Joab stated that water quality monitoring conducted on
 19 June 2, 2016, by the Department of Water Resources (DWR) in the San Joaquin River
 20 (Stockton Deep Water Channel) between the City of Antioch and the Port of Stockton had
 21 found widely scattered colonies of the cyanobacteria, *Microcystis*. (Exh. SJC-019.)

22 8. On June 6, 2016, EHD responded to Ms. Joab's CVWB email and requested CVWB to
 23 identify specific areas where blue green algae was observed and for water sampling and
 24 analysis. (Exh. SJC-020.)

25 9. On June 6, 2016, CVWB emailed EHD with blue-green algae monitoring that had been
 26 conducted by the state Department of Water Resources, including a monitoring schedule and
 27
 28

1 maps of monitoring stations throughout the Stockton Deep Water Channel in San Joaquin
2 County. (Exh. SJC-021.)

3 10. On June 6, 2016, Lisa Medina, a Senior Registered Environmental Health Specialist
4 and EHD Public Information Officer, contacted Ms. Joab at CVWB by telephone to further
5 discuss cyanobacteria concerns in San Joaquin County and to request State assistance with
6 plans to post warning signs at various recreational areas throughout San Joaquin County.
7

8 11. On June 7, 2016, CVWB responded to Ms. Medina by email and provided information
9 regarding cyanobacteria ~~from blue-green algae~~ caution signs. (Exh. SJC-022.)

10 12. On June 7, 2016, CVWB provided additional follow-up information with EHD's sign
11 request. (Exh. SJC-023.)

12 13. As a result of the information from the State, EHD placed caution signs warning the
13 public of the dangers of blue-green algae at various marinas and recreational areas throughout
14 San Joaquin County and the Delta.

15 14. On June 8, 2016, EHD forwarded its joint news release with the San Joaquin County
16 Public Health Department regarding cyanobacteria ~~from blue-green algae~~ to CVWB for
17 questions and comments. (Exh. SJC-024.)

18 15. On June 8, 2016, CVWB responded to EHD regarding the joint news release with
19 comments. (Exh. SJC-024.)

20 16. On June 8, 2016, CVWB also sent EHD materials on dog deaths related to Cyanotoxin
21 poisoning. (Exh. SJC-025.)

22 17. On June 17, 2016, CVWB sent EHD an email with additional information and updates
23 on cyanobacteria ~~from blue-green algae~~. (Exh. SJC-026.)
24
25
26
27
28

1 18. On June 22, 2016, CVWB sent EHD an email to inform EHD of the new website
2 launched by the Center for Disease Control regarding reporting of harmful algal blooms. (Exh.
3 SJC-027.)

4 19. On July 1, 2016, EHD called CVWB to inquire about testing or monitoring in Smith
5 Canal, located in the legal Delta in Stockton and San Joaquin County.

6 20. On July 6, 2016, CVWB responded to EHD's July 1 email and stated that the state's
7 "Department of Water Resources does not conduct any cyanobacteria monitoring in Smith
8 Canal. Most of the research on cyanobacteria that DWR is conducting is in the Central Delta."
9 (Exh. SJC-028.)

10 21. On July 8, 2016, CVWB sent EHD an email with the latest update on *Mycrosystis*
11 conditions in the Stockton Deep Water Channel. It stated that the DWR completed its third
12 dissolved oxygen monitoring run on July 5, 2016, in the channel from Prisoner's Point to the
13 Port of Stockton's Turning basin with a color coded visual representation of *Mycrosystis* levels.
14 (Exh. SJC-029.)

15 22. On July 28, 2016, CVWB sent EHD an email with the latest update on *Mycrosystis*
16 conditions in the Stockton Deep Water Channel and notifying EHD that CVWB had been
17 contacted by Connie Cochran, the City of Stockton's Public Information Officer, inquiring about
18 cyanobacteria in the Deep Water Channel (McLeod Lake and Weber Point). (Exh. SJC-030.)

19 23. Also on July 28, 2016, EHD responded to CVWB's email stating that EHD has been
20 communicating with CVWB staff Alisha Wenzel in Christine Joab's absence and that the
21 CVWB status updates on the cyanobacteria and *Mycrosystis* conditions in San Joaquin County
22 are critical to keeping EHD informed on the issue. (Exh. SJC-031.)

23 24. On August 3, 2016, CVWB emailed EHD with the ~~lasts~~ latest visual bloom observations
24 from the Department of Water Resources on cyanobacteria bloom densities from Prisoners
25

1 Point to the Port of Stockton Turning Basin in San Joaquin County and to make EHD aware
2 that CVWB also has reports of cyanobacteria in Discovery Bay, the Big Break Regional
3 Shoreline area, and the downstream end of the Stockton channel at McCloud Lake and Weber
4 Point in the heart of downtown Stockton in San Joaquin County. (Exh. SJC-032.)

5 25. On August 4, 2016, CVWB cc'd EHD in an email regarding a Stockton resident's
6 complaint. In a previous email from August 2, 2016, attached to the response, Michelle Wood
7 of CVWB stated that she was responding in regards to the cyanobacteria/ *Microcystis* algae
8 blooms inquiry "because the City of Stockton and Delta are in the Central Valley region of the
9 water Board." (Exh. SJC-033.)
10

11 26. Attached to the August 4, 2016, email from CVWB is a July 29, 2016, email from the
12 California State Parks, DBW Aquatic Invasive Species Program to Ms. Joab at the CVWB with
13 the subject line *Egeria Densa*¹ Treatment and containing a notification on the California State
14 Parks Boating and Waterways Submersed Aquatic Vegetation Control Program from August 1
15 through August 5, 2016. (Exh. SJC-033.)
16

17 27. Also attached to the August 4, 2016, email from CVWB is a July 29, 2016, email from
18 California State Parks with the subject line Water Hyacinth Treatments and containing a
19 notification on the California State Parks Boating and Waterways Floating Aquatic Vegetation
20 Control Program from August 1 through August 5, 2016. (Exh. SJC-033.)
21

22 28. On August 11, 2016, the California Water Quality Monitoring Council emailed EHD with
23 upcoming webinars and new videos, including a program on "Bacteria Monitoring for Safe &
24 Healthy Waters." (Exh. SJC-034.)
25
26

27 ¹ *Egeria Densa* is an invasive freshwater aquatic herb in the waterweed family
28

1 29. On August 16, 2016, the California Water Quality Monitoring Council released a new
2 web portal devoted to the question: "Are harmful algal blooms affecting our waters?" It
3 contained a link to the California Harmful Algal Blooms Portal at www.MyWaterQuality.ca.gov.
4 (Exh. SJC-035.)

5 30. On August 17, 2016, CVWB and EHD exchanged emails regarding other regional
6 monitoring and observation of cyanobacteria. CVWB stated that they wanted to keep EHD
7 aware of conditions in the Delta and San Joaquin River as the CVWB becomes aware of them
8 and they would like to discuss the opportunities for conducting some similar monitoring in the
9 San Joaquin County ~~S~~surface ~~W~~waters, which mainly consist of the San Joaquin Delta, for
10 cyanobacteria and Microcystis microcystin toxin conditions. (Exh. SJC-036.)

11 31. On August 22, 2016, CVWB sent EHD an update regarding current cyanobacteria
12 bloom density condition in the San Joaquin River. It stated that monitoring was completed on
13 August 15, 2016, and that there are blooms in Discovery Bay and in the downstream end of
14 the Stockton Channel at McCloud Lake and Weber Point in Stockton, all portions of the Delta.
15 (Exh. SJC-037.)

16 32. On August 24, 2016, California Department of Public Health and California Health Alert
17 Network (CAHAN) sent EHD a CAHAN Health Notification regarding "Caution Related to
18 Seasonal Blue-Green Algae Blooms" that "urges recreational water users to avoid close
19 contact with water bodies containing blue-green algae." (Exh. SJC-038.)

20 33. On August 29, 2016, CVWB sent EHD an alert stating that East Bay Regional Park has
21 been testing the water at the kayak launch point in Big Break Regional Shoreline on the San
22 Joaquin River and found microcystin toxin levels above 50 ppb, which is above the "DANGER"
23
24
25
26
27
28

1 trigger threshold of 20 ppb. (Exh. SJC-039.)

2 Executed at Stockton, California, on ~~November~~August 31, 2016.

3 *Linda Turkatte*
4 LINDA TURKATTE

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28