



# CITY OF STOCKTON

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November 9, 2017

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

## **OPPORTUNITY TO PROVIDE INPUT TO INFORM THE DEVELOPMENT OF THE PROGRAM OF IMPLEMENTATION FOR THE PHASE II UPDATE TO THE BAY-DELTA PLAN**

The City of Stockton (City) appreciates the opportunity to provide comments in response to the request made by the State Water Resources Control Board (State Water Board) on October 4, 2017. The City supports the development of scientific information to promote common understanding of the scientific knowledge base, challenges and concerns within the community of Delta stakeholders in the establishment and implementation of Delta flow objectives.

The City provides water supply, wastewater treatment and stormwater services to its residents. The City is located in the heart of the Delta and, therefore, has significant interest in the Bay-Delta Plan proceedings.

We appreciate the opportunity to provide the following comments pertaining to Question 7 as described in the October 4 notice:

*7. How should the State Water Board structure adaptive management for the new objectives?*

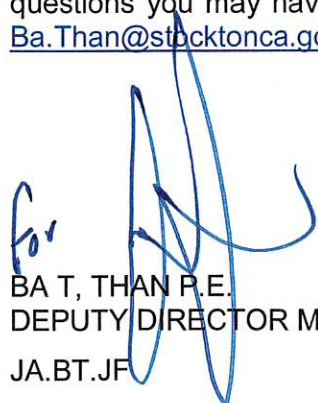
Our comments are primarily focused on concerns regarding the future use of information contained in Chapter 4 of the Phase II Scientific Basis Report (Science Report) in the adaptive management process.

- 1. Status of Science Report.** Chapter 4 of the Science Report has been significantly modified since public release of the first version, including additions of text, information and citations pertaining to contaminants. However, the Science Report has now been finalized without additional input regarding these significant changes. We are concerned that specific language in the Science Report might be relied upon during implementation of an adaptive management framework for the proposed flow objectives. To address this concern, we request that specific language be added to describe the Adaptive Management Framework to include a process for modifying the information contained in the current Science Report to better reflect input from Delta stakeholders, including the regulated community.
- 2. Fong et al. 2016 document.** Our review of the Fong et al. 2016 document, which is heavily referenced in the current version of Chapter 4 of the Science Report, has identified a number of issues. In some sections of the document, definitive statements regarding the impact of contaminants on the Delta ecosystem and fish populations are overly broad, go beyond the current state of scientific understanding, and fail to reflect the uncertainty

of the topic in question. In other cases, specific statements have been made that are not well supported by the cited references. The following specific issue areas are presented to provide examples of our concerns:

- a. Copper. There are specific issues with aspects of the Fong et al. 2016 text concerning copper. Ambient data cited in the document as problematic is not representative of typical Bay-Delta conditions and needs to be re-examined from a data quality standpoint. Also, the document fails to mention or consider some of the factors that significantly modify the toxicity of dissolved copper (hardness, organic content) in ambient waters. These deficiencies impact the validity of conclusions reached in the document regarding copper as a pollutant of concern in the Delta.
- b. Pyrethroids correlation analysis. The Science Report presents graphical representations of information from Fong et al. 2016 regarding a correlation analysis relating pyrethroid use in six (6) Delta counties with abundance of Pelagic Organism Decline fish species. This information is presented to provide a suggested linkage between pyrethroid usage (as opposed to ambient pyrethroid concentrations) and the Pelagic Organism Decline. Such information is highly controversial and has not been broadly vetted in the Delta scientific community. We believe the addition of this and other similarly-themed information to the current version of the Science Report exemplifies the need for additional review and examination of the Science Report before it is used or relied upon in any future adaptive management framework for the proposed flow objectives.
- c. Weight-of-evidence approach. A “weight-of-evidence” approach is offered in Fong et al. 2016 as the basis for concluding that contaminants are producing population level effects to Delta fish species. The suggested approach has not been rigorously evaluated by the Delta scientific community and does not make compelling linkages between identified study results and the conclusions that are drawn. Findings in the Science Report that are derived from this approach must be scrutinized by a diverse mix of Delta stakeholders prior to acceptance and use in an adaptive management framework.

We thank you for the opportunity to offer these comments and are available to discuss any questions you may have. If you have any questions, please contact me at (209) 937-8792 or [Ba.Than@stocktonca.gov](mailto:Ba.Than@stocktonca.gov).



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