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# DELTA STEWARDSHIP COUNCIL

*A California State Agency*

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December 17, 2018

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Juan Chavez  
City of Stockton, Municipal Utilities Department  
2500 Navy Drive  
Stockton, CA 95602

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Via email: [juan.chavez@stocktonca.gov](mailto:juan.chavez@stocktonca.gov)

**RE: Comments on the Public Draft Environmental Impact Report for the Proposed City of Stockton Regional Wastewater Control Facility Modification Project, SCH# 2018092017**

Dear Mr. Juan Chavez:

Thank you for the opportunity to review and comment on the City of Stockton's (City) Proposed Regional Wastewater Control Facility Modification Project (project) Public Draft Environmental Impact Report (DEIR). The Delta Stewardship Council (Council) previously sent a letter with comments on the Notice of Preparation (NOP) for the Project on October 8, 2018.

Based on the project description in the DEIR, the Council understands that the proposed project consists of demolition of certain treatment process components and buildings, rehabilitation and repurposing of some existing components and buildings, and construction of new treatment process components and buildings. These modifications would not involve expansion of the regional wastewater control facility treatment capacity and that the proposed improvements would provide a wastewater treatment capacity of 40.2 million gallons per day (mgd) average dry-weather flow (ADWF). The DEIR states that the project objectives are to:

- Increase the reliability of the liquid and solids treatment processes;
- Improve reliability in treating existing and projected flows;
- Reduce energy costs and provide reliable renewable energy alternatives; and
- Reduce nitrate and nitrite (N+N) concentrations in the final effluent.

The project site is located west of Interstate 5 and north of State Route 4 within the Sacramento-San Joaquin Delta (Delta). Portions of the project site located west of the San

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*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054

Joaquin River are located within the Delta Primary Zone. Portions of the project site located east of the San Joaquin River are located within the Delta Secondary Zone.

The Council is an independent State of California agency established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1; Delta Reform Act). The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, regulatory portions of which became effective on September 1, 2013.

As stated in the Delta Reform Act, the State has coequal goals for the Delta: providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place (Water Code section 85054).

### **Covered Action Status**

Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as covered actions. The Council exercises that authority through development and implementation of the Delta Plan. State and local agencies are required to demonstrate consistency with 14 regulatory policies identified in the Delta Plan when carrying out, approving, or funding a covered action.

Based on the project description, location, and scope, the proposed project meets the definition of a covered action. The City must determine if the project is a covered action, and if so, submit a certification of consistency with the Delta Plan to the Council prior to project implementation. As the City proceeds with the project, we invite you to engage Council staff in early consultation to determine consistency with the Delta Plan. More information on covered actions, early consultation, and the certification process can be found on the Council website, <http://deltacouncil.ca.gov/covered-actions>.

For the purposes of compliance with both the Delta Reform Act and the California Environmental Quality Act (CEQA), we offer the following comments for your consideration in preparing the Final Environmental Impact Report (FEIR).

### **Comments on the DEIR**

The following comments address actions outlined in the DEIR relevant to the Delta Plan.

#### **Regulatory Setting**

The DEIR does not identify the Delta Plan in its description of the regulatory setting within any resource section. The DEIR identifies several potentially significant impacts on Terrestrial Biological Resources and Transportation and Circulation, and proposes a number of measures to mitigate these potential impacts. These potentially significant impacts and

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mitigation measures address regulatory requirements specified in the Delta Plan. Please add a description of the Delta Plan to the regulatory setting discussion within these resource sections.

**Terrestrial Biological Resources and Transportation and Circulation**

Delta Plan Policy GP1(b)2 requires that “(c)overed actions not exempt from CEQA ... include applicable feasible mitigation measures identified in the Delta Plan’s Program EIR ...or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.”

Please review the Delta Plan Mitigation and Monitoring Reporting Program ([http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a\\_attach%202.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%202.pdf)) to ensure that the mitigation measures proposed in the DEIR to avoid or reduce potentially significant Terrestrial Biological Resources and Transportation and Circulation impacts are equally or more effective than Delta Plan Program EIR mitigation measures. If they are not, please consider modifying the proposed mitigation measures to ensure that they meet this requirement.

**Closing Comments**

The Council would like to continue to work collaboratively with the City to determine the consistency of the project with the Delta Plan. Council staff is available to continue discussions as you proceed in the next stages of your project approval process. I encourage you to contact Andrew Schwarz of my staff at (916) 445-2168 or [andrew.schwarz@deltacouncil.ca.gov](mailto:andrew.schwarz@deltacouncil.ca.gov) with any questions, comments, or concerns.

Sincerely,



Jeff Henderson, AICP  
Deputy Executive Officer  
Delta Stewardship Council