



California Sportfishing Protection Alliance
"An Advocate for Fisheries, Habitat and Water Quality"
www.calsport.org

Press Release

For Immediate Release:

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**California Sportfishing Protection Alliance to Sue City of Stockton
for Sewage Spills and Illegal Discharges**

Stockton, CA - The California Sportfishing Protection Alliance (CSPA) today gave formal notice, pursuant to the federal Clean Water Act (CWA), of its intent to sue the City of Stockton for illegal sewage spills, overflows and discharges to the Sacramento-San Joaquin Delta. The CWA requires that citizens enforcing the Act must provide a discharger 60 days notice prior to filing the lawsuit. The CSPA letter puts Stockton on notice that its municipal sanitary sewer collection and treatment system has illegally allowed egregious quantities of raw sewage to overflow into city streets and the storm water collection system and that the wastewater treatment facility has routinely violated water quality limits in direct discharges to the San Joaquin River and Delta.

"Stockton's wastewater control system is a public health and environmental hazard," said CSPA Executive Director Bill Jennings. "The City's failure to provide adequate facilities and acceptable levels of maintenance for wastewater control indicates an outrageous and egregious disregard for the health of Stockton's residents and poses a clear threat to the integrity and survival of the Delta's fish and wildlife resources," Jennings observed, adding that, "the spills and effluent violations evidence incredibly poor environmental management."

Several years ago, Stockton privatized its wastewater collection and treatment system by transferring the system to OCI/Thames. Citizens vigorously opposed the effort and subsequent litigation voided the deal and the city recent resumed control.

Since June of 2003, Stockton's 900 miles of sanitary sewers have experienced almost 1,500 overflows/spills of raw sewage. For example, in 2005, there were 335 spills or 37.2 per 100 miles of pipe. In 2006, there were 371 spills or 41.2 per 100/miles. In 2008, there were already 95 spills by 7 April. A well-run collection system experiences 0 to 3 spills per 100 miles per year and California's median spill rate is about 4 spills per 100 miles.

Sewage spills and overflows are serious health and environmental hazards. Because local business and industry discharge into Stockton sewage system, sewage can contain

numerous dangerous chemical solvents, heavy metals like lead and mercury and wastes that can impair immune and reproductive systems of Delta fish and wildlife. Pathogens in untreated sewage can cause a multitude of illnesses in humans. Stockton residents may be exposed to these pathogens when swimming, waterskiing, wading, fishing or boating in local waterways and the Delta, as well as when sewage spills into homes, streets, parks, schools and businesses.

Under a permit issued by the Central Valley Regional Water Quality Control Board, Stockton's wastewater treatment plant is allowed to discharge up to 55 million gallon per day of treated sewage into the San Joaquin River. The Permit imposes specific limitations on the effluent before it can be discharged to the river. It also imposes specific monitoring requirements. Information available to CSPA reveals that Stockton has violated its effluent limitations 604 times and violated monitoring requirements on 279 occasions.

Waterways in and around Stockton and the Delta are identified as "impaired" under the CWA and as "Toxic Hot Spots" pursuant to California's Bay Protection and Toxic Cleanup Program. They are among the most polluted waters in the state. Numerous fish species that reside in the Delta or use the Delta as a migratory corridor are protected under state and federal endangered species acts. Pollution has been identified as one of the three principle causes of the present catastrophic crash of pelagic species in the Delta and declining salmonid populations in the Central Valley.

CSPA will seek injunctive and declaratory relief, to the extent provide by law, as well as civil penalties. The CWA provides for civil penalties of up to \$27,000 for each violation occurring from 4 November 1999 to 15 March 2004 and up to \$32,500 for each violation occurring since 15 March 2004.

Daniel Cooper and Drevet Hunt of Lawyers for Clean Water, Inc., and Michael Lozeau and Doug Chermak of Lozeau/Drury LLP. are representing CSPA in this matter.

CSPA is a public benefit conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality and fishery resources and their aquatic ecosystems and associated riparian habitats. CSPA has actively promoted the protection of water quality and fisheries throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore California's water quality and fisheries.