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SAN FRANCISCO PUBLIC UTILITIES COMMISSION

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April 12, 2010

Janet O'Hara
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Ms. O'Hara:

Thank you for the opportunity to provide comments on the proposed San Francisco Bay Basin Water Quality Control Plan update regarding addition of surface water bodies and beneficial uses.

The San Francisco Public Utilities Commission (SFPUC) is a department of the City and County of San Francisco that is responsible for wastewater and power services within the City and County of San Francisco boundaries and provides high quality and reliable drinking water to approximately 2.5 million customers throughout the South Bay, Peninsula, and in San Francisco.

The proposed amendments affect several water bodies that are owned and operated by the SFPUC, or are affected by operations of the SFPUC water system. While we appreciate the effort by Water Board staff to improve the clarity and completeness of the Basin Plan by adding surface water bodies and beneficial uses, we are concerned that some of these changes may not provide either, and may result in some level of confusion with the public regarding existing and future beneficial uses. Some of the proposals create potential conflicts between what the Board is trying to achieve and what our existing land and water use policies are trying to achieve. Ironically, our mutual goals remain the same: protection of water quality and the environment.

Specifically, we are concerned about the addition of the new E* reference to REC-1 beneficial uses, defined as "existing beneficial use, but administrative or physical barriers to full body contact are in place." This new reference would include the following SFPUC reservoirs: Pilarcitos Lake, Lower and Upper Crystal Springs Reservoir, San Andreas Lake, San Antonio Reservoir, and Calaveras Reservoir. Note that each of these SFPUC reservoirs are already designated by the Basin Plan as Municipal Water Supply (MUN), with associated water quality objectives that are consistent with achieving the highest water quality consistent with the maximum benefit to the people of the State.

At the same time, this proposed change to the REC-1 designation may create the perception that SFPUC reservoirs have been or will be used for body contact recreation, which is not allowed under our Alameda and Peninsula Watershed

Management Plans and Final Environmental Impact Reports[1]. In addition, according to the California Drinking Water-Related Statutes and Regulations (Code of Regulations, Part 10, Chapter 5, Section 115825), "recreational uses shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant."

Based on these considerations, the SFPUC requests that the Board Staff delete the E* reference, and instead simply footnote the REC-1 beneficial uses with an "*" and indicate in a footnote that, "While it is the goal of the Clean Water Act that all waters of the U.S. be "fishable and swimmable", these reservoirs are for municipal water supply, and it is the policy of the reservoir owner and operator to prohibit water contact recreation for the protection of public health.".

In addition, the proposed designation of SFPUC water bodies in the Alameda and Peninsula Watersheds as REC-1 and REC-2 is in conflict with local policies to protect biological resources in our watersheds. The SFPUC's Alameda and Peninsula Watershed Management Plans do not allow activities that are detrimental to watershed resources. Activities that are not allowed include:

- Swimming and body contact with the water by humans and domestic animals.
- Boating with the exception of SFPUC maintenance, operations and monitoring activities and in selected emergency storage reservoirs.
- Activities which result in direct public access to reservoirs and tributaries (e.g., fishing, new trails at or near shoreline).
- Hunting
- Fishing
- Camping

Further, the SFPUC's Peninsula Watershed is a designated State of California Fish and Game Refuge. Section 10771 of the California Fish and Game Code prohibits fishing and hunting under this designation.

Other comments on proposed uses in Table 2-1 and the Water Body Maps are provided in Attachment 1. Specific comments about the Environmental Checklist are provided below.

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[1] The Alameda Watershed Management Plan Final Environmental Impact Report (State Clearing House No. 98082031) was certified August 3, 2000 and the Plan was adopted by the SFPUC on September 26, 2000.
The Peninsula Watershed Management Plan Final Environmental Impact Report (State Clearing House No. 98082030) was certified January 11, 2001 and the Plan was adopted by the SFPUC on June 26, 2001.
These documents are available on the SFPUC's website: sfwater.org

Appendix D: Environmental Checklist

Item 4 – Biological Resources

The SFPUC believes that the Environmental Checklist prepared by the RWQCB to support a determination of "no project" under CEQA is in error. The proposed designation of SFPUC water bodies on its Alameda and Peninsula Watershed lands as REC-1 and REC-2 would conflict with "...local policies or ordinances protecting biological resources."

Item 10 – Land Use and Planning

The proposed designation would conflict with "...any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect."

The SFPUC believes that the conflict of the proposed REC-1 and REC-2 designations with the Alameda and Peninsula Watershed Management Plans (Plans) could result in a potentially significant impact. The central concept of these Plans is that maintaining high quality water and protecting water supplies in the long term requires control over watershed activities and preservation of watershed resources. Recreational activities are restricted and permitted only if determined to be compatible with the primary goal of the Plans to maintain and improve source water quality to protect public health and safety. As explained above, many of the recreational activities described in REC-1 and REC-2 designations are not considered compatible with the primary goal of the Plans and are prohibited. Human body contact with water bodies is specifically prohibited.

Please do not hesitate to contact me at (415) 934-5736 with any questions or comments. We would like to work through these issues and come to a mutually agreeable set of solutions.

Sincerely,

Steven R. Ritchie,
Assistant General Manager, Water

c.c. Naomi Feger, RWQCB

Attachment

SFPUC Comments on Basin Plan Amendment
Attachment 1

The decision to generalize when designating beneficial uses for entire streams does not address the fact that specific reaches of streams, especially in situations where there are dams on a stream or portions of streams are on public access versus private property, can have very different beneficial uses. Fishing in Alameda Creek is a good example. While it has been designated as an existing beneficial use, as is the case on private property upstream of the Alameda Creek Diversion Dam, all fishing in Alameda Creek downstream of the dam has recently been banned by CDFG.

Alameda Creek
COMM – The designation should be left as E because there are some fishable areas on private property upstream of the Diversion Dam.

San Mateo Creek
COMM- The designation should be E because there are fishable areas on privately owned property downstream of Crystal Springs Dam.

San Antonio Creek
MIGR - Remove the E designation under current conditions as it does not exist. If steelheads ever do get access to this part of the watershed it can be returned to E.

Indian Creek
COMM The designation should be E because there are fishable areas on privately owned property.
SPWN The designation should be E because the adfluvial rainbow trout and other fishes spawn there.

La Costa Creek
COMM The designation should be E because there are fishable areas on privately owned property.
RARE The designation should be E because California red-legged frogs have been observed there.

Calaveras Creek
SPWN should be E because warm water fishes spawn there.

Arroyo Hondo
COMM should be E because there are fishable areas on privately owned property.

San Andreas Lake
San Andreas Lake should be called San Andreas Reservoir.

Pilarcitos Lake
Pilarcitos Lake should be called Pilarcitos Reservoir.

Golden Gate Park Lakes
REC-1 should not be listed as E. There are administrative barriers in place prohibiting body contact (Park Code Section 4.02). The ornamental lakes were not meant for or designed to allow body-contact recreation. Since access to the lakes by water fowl is not restricted there is no control over the contamination of the lakes by these sources. In addition, we anticipate supplying these artificial lakes with recycled water making contact recreation problematic.

Appendix B: Water Body Maps
Figures 2-4, 2-4a and 2-6a – Given the small sizes of most of the blue (water) within the City and County of San Francisco boundaries it is unclear which exact water bodies the blue depicts in these areas on the map. Therefore, perhaps Lake Merced should be the only water body on the map. Also, one of the blue areas appears to be Sunset Reservoir, which is a covered reservoir and therefore should not be shown on the map. It is likely that there are more examples of covered reservoirs on the map.

Figure 2-4a Vista Grande Canal should not be depicted on the map (south of Lake Merced).