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CALIFORNIA REGIONAL WATER
APR 13 2010
QUALITY CONTROL BOARD

Public Works & Community Development Department

April 12, 2010

Mr. Bruce Wolfe, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: Jan O'Hara

SUBJECT: City of Benicia Comments on Addition of Surface Water Bodies and Beneficial Uses to Chapter Two of the Basin Plan

The City of Benicia appreciates the opportunity to submit the following comments on the Proposed Basin Plan Amendment (BPA) for Addition of Surface Water Bodies and Beneficial Uses to Chapter Two of the Basin Plan. The City has two comments; one regarding Lake Herman and the other regarding Sulphur Springs Creek.

Lake Herman is a balancing reservoir owned by the City. Excess water from the North Bay Aqueduct (primarily Sacramento River water) not used by the drinking water treatment plant is stored in the reservoir along with runoff from the watershed. Lake Herman is a backup source of raw water supply for the City. The lake is posted with signs prohibiting swimming. Lake Herman has a caretaker residence located at the Dam, which adds a presence to further discourage body-contact recreation.

The City therefore requests that the REC-1 designation on Table 2-1, Suisun Bay, be changed from "E" to "E*" for Lake Herman (page 8) in recognition that Lake Herman is a potable source of supply and that there are in place administrative barriers to full body contact recreational uses.

The proposed BPA would also add the waterbody Sulphur Springs Creek which discharges into and out of Lake Herman "Upper" Sulphur Springs Creek is about 9 miles long and "Lower" Sulphur Springs Creek is about three. Upper Sulphur Springs Creek is dry during

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the summer and fall. Water enters "Upper" Sulphur Springs Creek during the wet season when there is flow from the unnamed tributaries in the watershed and when Hiddenbrook development's stormwater retention ponds discharge. The retention ponds are located at the top of the watershed and only discharge intermittently when the ponds exceed capacity. There is no discharge during the summer and fall.

There are two circumstances when water enters "Lower" Sulphur Springs Creek below Lake Herman Dam, one, is when the lake level is manually lowered to about 22' during the wet season through the drain valve, and the second is when Paddy Creek flows. Paddy Creek drains approximately 3-square miles of a watershed subbasin and intersects Sulphur Springs Creek below the Dam; it is dry during a portion of the fall, usually August and September. Otherwise, the water present in the creek downstream of Lake Herman is tidal flow from Suisun Bay.

Since the creek is dry during portions of the summer and fall, the City requests that the Sulphur Springs Creek Water Body Type designation (page 472 of BPA Appendix C) be corrected to read "Intermittent Stream" instead of "Perennial Stream."

Similarly, the City questions the proposed designation of Sulphur Springs Creek as a COLD habitat. Clearly for the portion of the creek below Lake Herman ("Lower" Sulphur Springs Creek) the only flow in it is generally that from inflow from Suisun Bay, which does not support the COLD beneficial use. There is no evidence provided to support the assignment of COLD to the portion of the creek above Lake Herman ("Upper" Sulphur Springs Creek). The applicability of COLD as stated in Section 4.6 Table 2 (p.11) of the BPA staff report is "*Designated where indicators of cold freshwater habitat are present, such as the presence of steelhead trout, salmon, or other cold water species.*" Given that parts of the creek are dry for portions of the year, it would appear to be unlikely for these types of temperature sensitive organisms to be able to survive upstream of Lake Herman, and therefore for COLD to exist. A fish survey of the lake performed by the City and the Department of Fish and Game in August 1998 counted and identified over 200 fish, none of which were the species listed above.

The City understands that WARM is a Clean Water Act presumptive use for inland surface water bodies. However, for intermittent streams such as Sulphur Springs Creek, the City respectfully suggests that it would be more technically correct to designate and assign a refined use of Seasonal WARM (i.e. for when there is water in the creek).

Thank you for considering our comments and requested changes. If you have any questions regarding the comments, please do not hesitate to contact Vicki Shidell, Water Quality Supervisor, at (707) 746-4338 or e-mail her at vshidell@ci.benicia.ca.us

Sincerely,

Chris Tomasik
Assistant Public Works Director

CT:[VS]: f:\pw\WWTP\ RWQCB Correspondence\ BPA Lake Herman Sulphur Sprg Crk Letter 040810
file: WWTP\CRWQCB Correspondence

cc: Jeff Gregory, Wastewater Treatment Plant Superintendent
Scott Rovanpera, Water Treatment Plant Superintendent
Vicki Shidell, Water Quality Supervisor
David Wenslawski, Water Quality Technician
Brad Harms, Water Quality Technician