STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (John H. Madigan)
MEETING DATE: September 14, 2011

ITEM: **8**

SUBJECT: **East Bay Regional Park District, Union Sanitary District, and East Bay Dischargers Authority, Hayward Shoreline Marsh, Hayward, Alameda County** - Reissuance of NPDES Permit

CHRONOLOGY: May 2006 — Permit Reissued
March 2010 — Permit Amended

DISCUSSION: The Revised Tentative Order (Appendix A) would reissue the NPDES permit for Hayward Marsh, a 145-acre improved marsh system that would not exist in its present thriving state if not for the flow of approximately three million gallons of treated wastewater per day from the Union Sanitary District's secondary treatment plant. The marsh is comprised of three freshwater basins, which further treat the wastewater, and two brackish receiving water basins adjacent to Lower San Francisco Bay. Hayward Marsh is operated to reuse wastewater, provide wildlife habitat, and provide opportunities for research.

This item follows the proposed Basin Plan amendment (Item 7) refining water Hayward Marsh's beneficial uses. Based on the proposed amendment, more stringent bacteria effluent limits to protect the water contact recreation beneficial use are therefore not necessary, and the Revised Tentative Order retains the existing permit's bacteria effluent limits.

We received comments (Appendix B) from U.S. EPA, Union Sanitary District, and the Bay Area Clean Water Agencies on a draft tentative order distributed for public comment. As explained in our response to comments (Appendix C), we resolved many comments by revising the tentative order. However, some commenters may not be satisfied with our response. For example, U.S. EPA is concerned that the mixing zones, particularly for ammonia, are too large and inadequately justified. The Revised Tentative Order requires preparation of a new mixing zone study. The District, conversely, is concerned that it may not be able to comply with new ammonia limits without a larger mixing zone. We believe the District can comply, particularly if it controls new industrial ammonia sources within its service area. The commenters may choose to reiterate or expand upon their concerns before the Board.

RECOMMEND-
ATION: Adoption of the Revised Tentative Order.

CIWQS Place No.: 229880

Appendices:
A. Revised Tentative Order
B. Comments
C. Response to Comments

APPENDIX A

Revised Tentative Order

APPENDIX B

Comments

APPENDIX C

Response to Comments