

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

1515 Clay Street, Suite 1400, Oakland, California 94612
waterboards.ca.gov/sanfranciscobay

**ORDER R2-2022-00XX
RESCISSION OF NPDES PERMIT FOR
EAST BAY REGIONAL PARK DISTRICT,
EAST BAY DISCHARGERS AUTHORITY, AND
UNION SANITARY DISTRICT
HAYWARD MARSH
HAYWARD, ALAMEDA COUNTY**

WHEREAS the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) finds that:

1. Hayward Marsh was originally part of natural tidelands along the Hayward Regional Shoreline. In the 19th century, a dike was constructed to impede tidal action and allow the area to be used for salt evaporation ponds. Commercial salt production ceased during the 1940s, and the area remained unused and degraded. During the 1970s, the Hayward Area Shoreline Planning Agency was formed to restore the shoreline. The restoration was completed in the early 1980s. The restored marsh (Hayward Marsh) was designed to rely on secondary-treated wastewater as a freshwater source for marsh habitat.
2. The East Bay Regional Park District owns and operates Hayward Marsh, a 145-acre improved marsh system. The marsh was designed to include three freshwater basins (85 acres) and two brackish water basins (60 acres) adjacent to Lower San Francisco Bay. The three freshwater marsh basins served as a wastewater treatment facility to further remove pollutants from secondary-treated wastewater, and the two brackish water basins, along with Lower San Francisco Bay, served as the receiving waters (waters of the United States).
3. In 1983, the East Bay Dischargers Authority (EBDA), a Joint Powers Agency consisting of five municipal wastewater treatment agencies, entered into an agreement with the East Bay Regional Park District for operation and maintenance of Hayward Marsh. In the same year, the East Bay Regional Park District and EBDA obtained the first NPDES permit for Hayward Marsh (Order 83-5). Union Sanitary District, a member agency of EBDA, began supplying secondary-treated wastewater to Hayward Marsh in 1988.
4. Union Sanitary District owns and operates the Alvarado Wastewater Treatment Plant in Union City. The plant provides secondary treatment of up to 33.0 million gallons per day (MGD) of domestic, industrial, and commercial wastewater. This treated wastewater is pumped to the EBDA Common Outfall, a deepwater outfall in Lower San Francisco Bay owned by EBDA, where it mixes with treated effluent

from other EBDA agencies. That discharge and associated facilities are regulated under NPDES Permit CA0037869 (currently in Order R2-2022-0023). Historically, Union Sanitary District diverted up to 5.0 MGD of its treated wastewater to Hayward Marsh to serve as a freshwater source.

5. NPDES Permit CA0038636, Order R2-2011-0058, permits the East Bay Regional Park District, East Bay Dischargers Authority, and Union Sanitary District (collectively, the Discharger) to discharge an average dry weather flow of up to 2.6 MGD of reclaimed wastewater to Hayward Marsh's brackish water basins and Lower San Francisco Bay.
6. The East Bay Regional Park District plans to restore the marsh to establish a tidal connection to San Francisco Bay. Therefore, the East Bay Regional Park District will no longer rely on Union Sanitary District's treated wastewater. Union Sanitary District ceased conveying secondary treated wastewater to the freshwater basins of Hayward Marsh on August 13, 2019, and began rerouting that wastewater to the EBDA Common Outfall. The East Bay Regional Park District ceased discharging treated wastewater from the freshwater basins to the brackish water basins and Lower San Francisco Bay on September 30, 2019.
7. Because the Discharger no longer discharges wastewater through Hayward Marsh, NPDES Permit CA0038636, Order R2-2011-0058, is no longer necessary and can be rescinded.
8. Under Water Code section 13389, this action to rescind an NPDES permit is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code division 13, chapter 3 (commencing with § 21100).
9. The Regional Water Board notified the Discharger and other interested agencies and persons of its intent to rescind the NPDES permit and provided an opportunity to submit written comments and recommendations. The public had access to the agenda and any changes in dates and locations through the [Regional Water Board's website](https://waterboards.ca.gov/sanfranciscobay) (waterboards.ca.gov/sanfranciscobay).
10. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the rescission of the NPDES Permit.

THEREFORE, IT IS HEREBY ORDERED pursuant to the Clean Water Act and Water Code division 7 that, as of the date of this Order's adoption, NPDES Permit CA0038636, Order R2-2011-0058, is rescinded, except for enforcement purposes.

This Order was adopted on:

<Adoption Date>

East Bay Regional Park District
East Bay Dischargers Authority
Union Sanitary District

Order R2-2022-00XX
Rescission of NPDES Permit CA0038636

I hereby certify that this Order is a full, true, and correct copy of the Order adopted by the Regional Water Board on the date indicated above.

Eileen White, Executive Officer