

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

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

TENTATIVE ORDER R2-2023-00XX

**RESCISSION OF NPDES PERMIT FOR
PEPSI BEVERAGES COMPANY (FORMERLY BOTTLING GROUP, LLC),
ALAMEDA COUNTY**

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

- 1.** Pepsi Beverages Company (Discharger) owns and operates the Bottling Group Hayward Plant (Facility), located at 29000 Hesperian Boulevard in the City of Hayward. The Facility manufactures, bottles, and distributes drinking water and soft drinks using potable water supplied by the City of Hayward.
- 2.** The Facility treats influent potable water to produce bottled water and soft drinks and to wash production units. Depending on the purpose of the treated water, the influent undergoes some or all of the following treatment steps: filtration, chlorination, dechlorination, ultraviolet light disinfection, reverse osmosis, ozonation, and ozone destruct by ultraviolet light. Historically, the Facility discharged reverse osmosis concentrate to an onsite storm drain that leads to the Alameda County Besco Pump Station. The pump station sent the reverse osmosis concentrate, along with offsite stormwater, to the Alameda County Flood Control and Water Conservation District Flood Channel, a tidally influenced section of Old Alameda Creek and a tributary to Lower San Francisco Bay.
- 3.** NPDES Permit CA0030058, Order R2-2019-0002, permits the Discharger (named Bottling Group, LLC in the permit) to discharge an average monthly flow of 143,000 gallons of reverse osmosis concentrate per day to Old Alameda Creek.
- 4.** In 2019, the Discharger began reusing its reverse osmosis concentrate to conserve water. The Discharger routes the concentrate to its cooling towers and other wastewater operations, sending excess concentrate (less than 0.1 percent of the influent volume) to the City of Hayward's sanitary sewer system. As such, the Discharger ceased discharging to Old Alameda Creek on March 28, 2019.
- 5.** Because the Discharger no longer discharges to Old Alameda Creek, NPDES Permit CA0030058, Order R2-2019-0002, is no longer necessary and can be rescinded.
- 6.** 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).

7. 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).
8. 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 CA0030058, Order R2-2019-0002, is rescinded, except for enforcement purposes.

This Order was adopted on:

Date

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