UNION SANITARY DISTRICT

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April 12, 2010

VIA EMAIL: johara@waterboards.ca.gov; bwolfe@waterboards.ca.gov; wbruhns@waterboards.ca.gov; nfeger@waterboards.ca.gov;

Ms. Jan O'Hara
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments on Proposed Amendment to the Water Quality Control Plan for the San Francisco Bay Basin – Addition of Surface Water Bodies and Beneficial Uses to Chapter Two of the Basin Plan

Dear Ms. O'Hara:

The Union Sanitary District (District) appreciates the opportunity to comment on the proposed revisions to the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan). The District provides wastewater treatment services for the Cities of Fremont, Newark, and Union City; a total population of approximately 334,000. Treated wastewater is normally discharged to San Francisco Bay through the East Bay Dischargers Authority joint outfall, and a smaller portion is discharged on a regular basis to the Hayward Shoreline Marsh (Hayward Marsh).

Discharge to Hayward Marsh provides a net environmental benefit through the creation of both fresh and brackish water habitat for a variety of sensitive aquatic and terrestrial species. The marsh is maintained as a reserve for these sensitive species and, as such, public access is prohibited including a specific prohibition against fishing. The prohibitions are established through placement of signage and fencing and are enforced by East Bay Regional Park District personnel.

The proposed amendments to the Basin Plan include the addition of the Ocean, Commercial, and Sport Fishing beneficial use (COMM) to the Hayward Marsh. COMM is defined in the Basin Plan as, "Uses of water for commercial or recreational collection of fish, shellfish, or other organisms in oceans, bays, and estuaries, including, but not limited to, uses involving organisms intended for human consumption or bait purposes" (Page 10 of the 2007 version). Appendix C of the *Staff Report: Addition of Waterbodies and Beneficial Uses to San*

Francisco Bay Basin Water Quality Control Plan, Page 198, indicates that the decision to add the COMM beneficial use to the Hayward Marsh was based upon information from the East Bay Park District's website (Web address: http://www.ebparks.org/parks/hayward). However, both the citation in the above referenced Appendix C and language on the East Bay Park District's website indicate that fishing is not allowed in Hayward Marsh. Therefore, it appears that the assignment of the COMM beneficial use to the Hayward Marsh is an error.

The District respectfully requests that Regional Water Board staff remove the COMM beneficial use for Hayward Marsh.

Thank you for your consideration of this comment. Please contact Tim Grillo at (510) 477-7561 or tim_grillo@unionsanitary.com with any questions or for additional information.

Sincerely,

Dave Livingston
Treatment and Disposal Services Workgroup Manager
Union Sanitary District

cc: Bruce Wolfe, Regional Water Board
Wil Bruhns, Regional Water Board
Naomi Feger, Regional Water Board
Monica Oakley, Oakley Water Strategies
Matt Graul, East Bay Regional Parks
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