



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

## Division of Water Quality

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Arnold Schwarzenegger  
Governor

DEC 09 2005

Dr. David Hankin  
Telonicher Marine Laboratory  
Humboldt State University  
1 Harpst Street  
Arcata, CA 95521-8299

Dear Dr. Hankin:

### REQUEST FOR EXCEPTION FOR DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

This letter is to acknowledge the receipt by the State Water Resources Control Board (State Water Board) and the North Coast Regional Water Quality Control Board (North Coast Water Board) of your letter dated December 21, 2004, regarding your discharges into the Trinidad Head Area of Special Biological Significance (ASBS). Currently, your facility discharges without the required National Pollutant Discharge Elimination System (NPDES) permit. In order to continue your discharge to ocean waters, you are required to obtain an NPDES permit from the North Coast Water Board. In addition, you are required to obtain an exception to the California Ocean Plan (Ocean Plan) for waste discharges to the ASBS. Any mitigating conditions in the exception will be incorporated into the NPDES permit.

The following specific information needs to be submitted by May 31, 2006 to support the State Water Board's consideration of an exception to the Ocean Plan for discharges to ASBS:

1. The discharger's name, address, and contact information.
2. Documentation that shows that allowing the discharge of waste seawater effluent and storm water runoff to continue will not compromise protection of ocean waters for beneficial uses. Note that one beneficial use is the preservation and enhancement of ASBS, which are defined as those areas designated by the State Water Board as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. This means that any data that you may have on the status and description of marine life in the ASBS, and on the natural background of the ASBS, are relevant and must be submitted. At a minimum, you must submit a quantitative description of marine life at the ASBS near the discharges and at a location away from the discharges.
3. An assessment of all available historical data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the waste seawater effluent. At a

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minimum, you must include measurements of a representative sample from the waste seawater outfall for the following constituents:

- a. flow rates
- b. total Ocean Plan metals
- c. ammonia nitrogen
- d. nitrate nitrogen
- e. turbidity
- f. settleable solids
- g. BOD<sub>5</sub>
- h. temperature
- i. pH
- j. salinity
- k. critical life stage (chronic) toxicity for three marine species
- l. indicator bacteria including total coliform, fecal coliform (or *E. coli*), and enterococcus.

The applicable Ocean Plan detection limits and other applicable monitoring requirements must be adhered to in performing this work.

4. Information on all chemicals added to the facility seawater system or to feeds (for marine life) used at the facility, including quantity, application rates, and chemical composition.
5. An assessment of all available historical data on discharge volume, chemical and physical constituents, toxicity, and indicator bacteria in the facility storm water runoff and in the ambient marine water of the ASBS during a rain event. At a minimum, you must include measurements of a representative sample (of co-mingled waste seawater and storm water runoff, and adjacent marine ASBS receiving water) collected within the last two years, or the upcoming storm season, during a rain event, for each of the following constituents:
  - a. total Ocean Plan metals
  - b. polynuclear aromatic hydrocarbons (PAHs)
  - c. oil and grease
  - d. ammonia nitrogen
  - e. acute toxicity for a marine species
  - f. critical life stage (chronic) toxicity for three marine species
  - g. indicator bacteria including total coliform, fecal coliform (or *E. coli*), and enterococcus.

The applicable Ocean Plan detection limits and other applicable monitoring requirements must be adhered to in performing this work. All samples must be collected during a storm event that is greater than 0.1 inch and at least 72 hours from the previous measurable storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

6. A characterization of your facility in terms of percent impervious surfaces and a map of surface drainage of storm water runoff, including areas of sheet runoff and locations of any structural Best Management Practices (BMPs) employed. The map must also show the storm water conveyances in relation to other facility features such as the laboratory seawater system and discharge, service areas, sewage lines or treatment facilities, and waste and hazardous materials storage areas. If pesticides or herbicides are applied to any part of your facility, provide a listing of such treatments in terms of the chemicals used and application rates.
7. A description of current treatment processes, pollution controls, and/or BMPs currently used or planned (with a schedule for implementation).
8. A description of on-site sewage (and other wastewater) treatment facilities and the ultimate disposition of the treated wastewater after it is disposed of subsurface. (In other words, does treated wastewater have the potential for draining through seeps into the ASBS or into tributaries that drain to the ASBS?)
9. An analysis of alternatives to the discharge and their impacts if implemented.
10. Compliance history for drainages into the ASBS, including any spills, or upset events that resulted in the discharge of toxic or otherwise prohibited substances, including untreated or partially treated wastewater.
11. Documentation that shows that the public interest will be served by granting the exception.

Please send this information to the State Water Board, Division of Water Quality, attention Dominic Gregorio and to the North Coast Water Board, attention Catherine Kuhlman, Executive Officer. The North Coast Water Board staff will review the information in consultation with the State Water Board staff. Once the application is deemed complete the North Coast Water Board staff will make a recommendation to the State Water Board staff who will then prepare a staff report, in compliance with the California Environmental Quality Act, for the State Water Board to consider the exception request.

If the State Water Board issues an exception, the North Coast Water Board will consider permitting your discharges under an NPDES permit, which will include the mitigating conditions required in the exception. The North Coast Water Board will enforce the mitigation measures described in the exception if it is granted by the State Water Board.

Please be aware that you must also submit the standard NPDES permit application forms to the North Coast Water Board. This application must be submitted 180 days prior to discharging; however, since you are currently discharging we recommend submitting the application as soon as possible.

Dr. David Hankin

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If you have any questions, feel free to contact me at (916) 341-5458 (smartinson@waterboards.ca.gov), or Dominic Gregorio, Chief of the Ocean Unit, Division of Water Quality, at (916) 341-5488 (dgregorio@waterboards.ca.gov).

Sincerely,

*ORIGINAL SIGNED BY*


Stan Martinson, Chief  
Division of Water Quality

cc: Ms. Catherine Kuhlman, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

bcc: Celeste Cantú, EXEC  
Tom Howard, EXEC  
Sheila Vassey, OCC  
John Ladd, DWQ  
Bruce Fujimoto, DWQ  
Dominic Gregorio, DWQ

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