



**Dan Skopec**  
*Acting Secretary*

# State Water Resources Control Board

## **Division of Water Quality**

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**Arnold Schwarzenegger**  
*Governor*

MAR 29 2010

Mr. David Hull, Chief Executive Officer  
Humboldt Bay Harbor, Recreation, and Conservation District  
P.O. Box 1030  
Eureka, CA 95502-1030

Dear Mr. Hull:

### **REQUEST FOR CONDITIONAL WAIVER OF FISH CLEANING STATION DISCHARGE AT THE KING RANGE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE**

Thank you for your letter dated March 4, 2010 in which you are requesting a conditional waiver for your fish cleaning station discharge located in the King Range Area of Special Biological Significance (ASBS). As you know, the fish cleaning station is a point source of waste discharge that is prohibited in ASBS. On December 9, 2005, State Water Resources Control Board (State Water Board) staff notified the Humboldt Bay Harbor, Recreation, and Conservation District (the Harbor District) of their violation of the prohibition on December 9, 2005 and required the Harbor District to cease the fish cleaning station discharge by December 31, 2006.

The State Water Board received a request from the Harbor District on December 28, 2007 for an exception to the Ocean Plan's waste discharge prohibition and allow for fish cleaning station discharges to continue. On September 19, 2008, State Water Board staff responded to this request by granting the Harbor District additional time to discontinue the discharge and stated that the "discharge into the ocean from the fish cleaning station must be discontinued by December 31, 2009." On January 19, 2010, State Water Board staff sent another letter in which we extended the compliance date for discontinuing the fish cleaning waste discharge to April 1, 2010.

State Water Board staff believes that sewerage of the fish cleaning station waste, needs further investigation and that all the options have not been completely evaluated. It is possible that sewerage of the waste may require system upgrades, but such upgrades may be eligible for State Revolving Fund loans or grants. In order to fully discuss this and other treatment options, we recommend a joint meeting with the Humboldt Resort Improvement District Shelter Cove Plant Manager, the Harbor District, and State and Regional Water Board staff to fully investigate this option.

***California Environmental Protection Agency***


Mr. David Hull

MAR 29 2010

In order to provide time for the recommended meeting, and for implementing the discontinuation of the fish cleaning waste discharge to the ASBS, we are extending the compliance date to September 15, 2010. To be clear, while not currently supported by the State Water Board staff, your proposal for a conditional waiver for the discharge is not an allowable option under the Ocean Plan, California Water Code, and Clean Water Act. The fish cleaning station is a point source discharge and therefore would require an National Pollutant Discharge Elimination System (NPDES) permit. Conditional waivers are not available for NPDES permits. Because the discharge of waste is a clear violation of the Ocean Plan, before a permit is issued by the Regional Water Board, an exception from the Ocean Plan must first be approved by resolution of the State Water Board.

Should you have any questions, please feel free to contact me at (916) 341-5458 ([dpolhemus@waterboards.ca.gov](mailto:dpolhemus@waterboards.ca.gov)), or Dominic Gregorio at (916) 341-5488 ([dgregorio@waterboards.ca.gov](mailto:dgregorio@waterboards.ca.gov)).

Sincerely,



Darrin Polhemus  
Deputy Director  
Division of Water Quality

cc: Catherine Kuhlman, North Coast Regional Water Quality Control Board  
Barbara Evoy, Division of Financial Assistance, State Water Board