

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of State Water Resources
Control Board Resolution 79-20 (Relating
to Humboldt Bay). Our File A-225.

WQ 79-20

BY THE BOARD:

In view of the widespread public concern and controversy over proper wastewater management in the Humboldt Bay area, the State Water Resources Control Board (State Board) on March 15, 1979, resolved, on its own motion, to hold a fact-finding hearing (State Board Resolution No. 79-20). The hearing was held in Eureka, California, on April 23 and 24, 1979, to receive evidence concerning the proposed regional wastewater treatment facility of the Humboldt Bay Wastewater Authority (HBWA), the application of the State Board's Water Quality Control Policy⁷ for the Enclosed Bay and Estuaries of California (Bays and Estuaries Policy) to Humboldt Bay, and the status of compliance with waste discharge requirements and orders issued by the California Regional Water Quality Control Board, North Coast Region (Regional Board), regulating those entities currently discharging into Humboldt Bay. The hearing record was held open until May 1, 1979, for the submission of additional written statements by interested persons.

I. BACKGROUND

Humboldt Bay (Bay), which is located in northwestern California, is composed of three connecting bays known as Arcata Bay, Humboldt Bay, and South Bay. Together the bays are 15 miles long and up to 4 miles wide, covering an

area of approximately 25 square miles. The Bay is California's second largest enclosed bay and is one of the most productive ecosystems in the State.

Beneficial uses made of the Bay include scenic enjoyment, fish and wildlife habitat, water-oriented recreation, commercial fishing, navigation, industrial water supply, and educational study. The most sensitive of these is its use as a shellfish production area, particularly for the commercial growing and harvesting of oysters.

The major water quality problem in the Humboldt area, recognized since the 1960's, has been the bacteriological quality of the Bay waters. There have been few studies performed to characterize the physical properties of the Bay. Both point and non-point sources contribute to the coliform counts in the Bay, and high coliform counts have periodically resulted in the temporary closure of the commercial oyster beds.

At present there are eight discharge points of municipal wastewater into the Bay. Six public entities own and operate wastewater facilities in the area, including the Cities of Eureka and Arcata, McKinleyville Community Services District (CSD), Humboldt County Service Area No. 3 (CSA No. 3), Humboldt Community Services District (CSD), and the College of the Redwoods. Arcata's facilities provide secondary level of treatment and discharge to the Bay. Eureka has three treatment plants, two with primary facilities and one with secondary, all of which discharge into the Bay or a tributary to the Bay. McKinleyville CSD has a collection system which transports wastewater to Arcata for treatment and disposal. Humboldt CSD provides collection services only; the wastewater collected by the District is transported to Eureka for treatment and disposal. Humboldt CSA No. 3 has oxidation pond facilities at three locations

in the south bay area, all of which discharge into the Bay or a tributary to the Bay. Finally, College of the Redwoods has a small secondary treatment plant which discharges to a tributary to the Bay.

With the exception of the College of the Redwoods, none of the dischargers over the last several years has consistently and completely met State and Federal water quality standards and waste discharge requirements issued by the Regional Board. The dischargers, excluding the College of the Redwoods, are also in violation of the time schedules issued by the Regional Board.

Major planning efforts to improve wastewater facilities in the Bay area began in the late 1960's. Three major studies were conducted, including the 1971 Mid-Humboldt County Urban Planning Study done by the firm of Baruth and Yoder, the Comprehensive Basin Planning effort, initiated in 1970, which resulted in an interim and a final Water Quality Control Plan for the North Coast Basin (commonly referred to as the Basin Plan), and the 1974 project report prepared by the firm of Metcalf and Eddy. All three studies concluded that regionalization of wastewater treatment facilities was the cost-effective solution. The Baruth and Yoder study and the Basin Plan recommended an ocean outfall for disposal while the Metcalf and Eddy report recommended a single bay discharge.

In 1974 the State Board adopted the Bays and Estuaries Policy. The Policy prohibits the discharge of wastewater into enclosed bays and estuaries unless it can be shown that the wastewater will consistently be treated and discharged in a manner that would enhance the quality of the receiving waters above that which would occur in the absence of the discharge.

Following adoption of the Bays and Estuaries Policy, the County of Humboldt, Humboldt CSD and McKinleyville CSD in 1975 joined with the Cities of

Eureka and Arcata to form HBWA, a joint powers agency. The purpose of the agency was to finance, construct, operate, and maintain a regional wastewater treatment works. The regional plan consisted of a treatment plant on the Samoa Peninsula, an interceptor system with pump stations to convey wastewater to the plant, including a transbay crossing, and effluent disposal through an ocean outfall.

Design of the HBWA project was completed in September, 1976, and in October HBWA received State and Federal Clean Water Grants for construction, totaling 87-1/2 percent of eligible project costs. The remaining 12-1/2 percent and all ineligible project costs were to be funded locally by the sale of revenue bonds. Two lawsuits filed by a group of Humboldt citizens, however, blocked the sale of revenue bonds for two and one-half years, thereby delaying construction of most of the regional project.

When the design of the HBWA project was completed in 1976, the project was estimated to cost approximately \$37 million for construction plus \$9 million for all other costs, including engineering, right-of-way acquisition, financing and administration. During the two and one-half year period in which HBWA was prevented from selling revenue bonds, these costs rose to approximately \$50 million and \$13 million, respectively.

During this period, HBWA constructed a portion of the regional project - a pump station and length of interceptor to convey McKinleyville's waste to Arcata - at a cost of approximately \$1.5 million. In addition, Humboldt CSA No. 3 has constructed an interceptor and pump stations which, while not a part of the HBWA grant, are part of the proposed regional system. The CSA No. 3 interceptor and pump stations are capable of conveying wastewater from the three existing treatment facilities in the south bay to Eureka for disposal or

treatment and disposal; however, they are not in use at the present time. The remaining components of the proposed HBWA project have not been constructed.

In the Spring of 1977 the City of Arcata proposed an alternative to the HBWA regional project, consisting of a marsh treatment process with a discharge to the Bay. Both the Regional and State Boards held hearings on the matter and concluded that Arcata had not sufficiently demonstrated that their proposal would result in enhancement of the receiving water quality. However, the State Board determined that the Arcata proposal had sufficient potential for cost and energy savings and provision of wildfowl habitat to consider funding a pilot project. To date, the work plan for the pilot study has not been finalized and submitted to the State Board.

During the ensuing years after the formation of HBWA, a variety of concerns were raised by local citizens regarding the proposed regional project, and local opposition to the project has mounted. The most controversial issues have been the alignment of the east bay interceptor, the safety of the transbay crossing, the high project cost, energy consumption, and the enhancement requirement of the Bays and Estuaries Policy.

In an effort to resolve the impasse and to bring about an appropriate resolution of the water quality problems in Humboldt Bay, the State Board held a fact-finding hearing in Eureka in April. The Board heard testimony from a broad range of community leaders, scientists, businessmen, private citizens and others concerning the proposed HBWA regional facility, the Bays and Estuaries Policy, and water quality in Humboldt Bay.

II. ISSUES

In setting the matter for a hearing, the State Board indicated that it would accept testimony and evidence on the following issues:

1. Are State and Federal Water Quality Standards for Humboldt Bay, including the Bays and Estuaries Policy, reasonable and appropriate standards for protection of the water quality and beneficial uses of the Bay?
2. Is the proposed HBWA project the appropriate and cost effective project to implement current State and Federal policies and law?
3. What is the status of compliance with waste discharge requirements and orders adopted by the Regional Board regulating those entities discharging waste to Humboldt Bay?

We believe that the breadth of these issues provided all interested persons with the opportunity to express their respective viewpoints and concerns to the Board, while providing the Board with the necessary information upon which to base an appropriate resolution of the issues. We will now consider the information in the record with respect to these issues.

III. DISCUSSION AND FINDINGS

A. BAYS AND ESTUARIES POLICY

This Policy provides in pertinent part:

"It is the policy of the State Board that the discharge of municipal wastewaters and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta System, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional

Board only when the Regional Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."

The Policy was adopted by the State Board on May 16, 1974, after two public hearings were held, one on January 14, 1974, in Sacramento and one on January 24, 1974, in Los Angeles. Based upon the evidence presented at these hearings, the State Board concluded that the Policy was reasonable and appropriate for the protection of water quality in California's enclosed bays and estuaries. The rationale for the Policy's provisions, particularly the general prohibition against the discharge of wastewater into enclosed bays unless enhancement of receiving water quality can be demonstrated, was that, with the exception of the San Francisco Bay-Delta System, bays are small isolated features. They have a very high resource value, providing critical habitat for a wide variety of fish and wildlife. In comparison to open coastal waters, bay waters have limited assimilative capacity due to their generally shallow depths and restricted access to the freely moving, widely dispersed coastal waters.

That portion of the San Francisco Bay-Delta System north of the Dumbarton Bridge was exempted from the general discharge prohibition because of its high tidal exchange, closely resembling the dilution ability of open coastal waters, and the depths of its waters, in excess of 300 feet in some places. By contrast, the southern portion of the Bay, south of the Dumbarton Bridge, has limited wastewater dilution capability; and, consequently, this portion of the Bay is treated under the policy like all other enclosed bays.

Parenthetically, it should be noted that the Bays and Estuaries Policy does not mandate ocean disposal of effluent. Rather, it prohibits the discharge of wastewater into enclosed bays unless enhancement of receiving

water quality can be demonstrated. Other alternatives to bay or ocean disposal of effluent include reclamation, land disposal, and discharge to inland surface waters.

Based upon the evidence presented at the hearing on this matter, the State Board continues to be of the opinion that the Policy is reasonable and appropriate as applied to Humboldt Bay. The evidence indicated that the Bay is a very productive ecosystem, which supports a wide variety of fish, shellfish, marine organisms, and wildlife. The Bay is of particular importance as a commercial oyster harvesting and recreational clamming area.

In addition, the testimony presented at the hearing was conflicting regarding the dilutional capability and flushing action of bay waters. Data introduced by the Regional Board suggested that there is rapid dispersion but slow flushing of pollutants in the Bay. The testimony also indicated the lack of a long-term data base on water quality in Humboldt Bay. According to the testimony presented by the Regional Board, studies of European bays, where such a long-term data base exists, have determined that there are long-term, chronic effects associated with waste discharge into those bays.

In view of the biological productivity of Humboldt Bay and the lack of an adequate data base on which to determine the long-term effects of the bay discharge of wastewater, the Board feels that the Bay should be afforded the special protection of the Bays and Estuaries Policy. Nevertheless, the Board is of the opinion that sufficient evidence was presented at the hearing for the Board to find that there is a reasonable probability that the discharge of secondary, disinfected and dechlorinated effluent into Humboldt Bay, together with a treatment process which either creates new beneficial uses or results in a fuller realization of existing beneficial uses, such as the marsh treatment process proposed by Arcata, could enhance the receiving water quality.

"Enhancement", as it is presently defined in a memo dated October 21, 1974 from Bill Dendy, a former Executive Officer of the State Board, to

Dr. David Joseph, Executive Officer of the Regional Board, requires:

"...(1) full uninterrupted protection of all beneficial uses which could be made of the receiving water body in the absence of all point source waste discharge along with (2) a demonstration by the applicant that the discharge, through the creation of new beneficial area or a fuller realization, enhances water quality for those beneficial uses which could be made of the receiving water in the absence of all point source waste discharges."

In short, "enhancement" is interpreted in the memo to require "that a discharge not only provide full protection of beneficial uses which the receiving water body is capable of supporting but also yield a positive water quality benefit."

As specifically applied to Humboldt Bay, the Board interprets the enhancement provision of the Bays and Estuaries Policy to require: (1) full secondary treatment, with disinfection and dechlorination, of sewage discharges; (2) compliance with any additional NPDES permit requirements issued by the Regional Board to protect beneficial uses; and (3) the fuller realization of existing beneficial uses or the creation of new beneficial uses either by or in conjunction with a wastewater treatment project. The latter requirement could conceivably be met by the creation of additional marshlands or wetlands, such as is proposed by Arcata.

Although the evidence presented at the hearing on the issue of the water quality in Humboldt Bay was conflicting, several scientists from Humboldt State University testified, on behalf of the City of Arcata, that the diversity of species and the numbers of organisms in the Bay are representative of a healthy, thriving bay ecosystem, despite the fact that several treatment facilities are presently discharging wastewater into the Bay. Further, with respect to the bacteriological quality of bay waters in particular, the California Department of Health testified that the bacterial count in the Bay in the dry season, in the absence of a treatment plant upset or overflow, was virtually

undetectable. Evidence was introduced to indicate that the primary source of bacterial contamination in the Bay is non-point source runoff in the wet season from both nearby agricultural lands and areas with failing septic tanks.

Based upon the evidence presented at the hearing, it appears to the Board that the risk of bacterial contamination to commercial and recreational shellfish beds from the discharge of properly treated effluent from sewage treatment plants would be minimal, provided that the plants are consistently and reliably providing secondary treatment and disinfection, and that the plants are appropriately sized to handle wet weather flows. Consequently, the Board is of the opinion that sufficient evidence was introduced at the hearing to support the conclusion that there is a reasonable probability that the discharge of secondary, disinfected, and dechlorinated effluent would adequately protect the bacterial quality of bay waters and, consequently, would adequately protect the shellfish beds.

With respect to the enhancement definition's requirement that a bay discharge result in a positive water quality benefit, the Board notes that testimony was presented by the City of Arcata indicating that their proposed marsh treatment process could potentially result in the fuller realization of existing beneficial uses in the Bay by the creation of additional marshlands and, thus, more wildlife habitat. In addition, Arcata is instituting some grant funded improvements to their treatment works which should result in increased protection of the shellfish beds. The improvements will upgrade the disinfection process and should reduce the chances of raw sewage bypasses, with the consequent bacterial contamination, to the Bay.

The Board, therefore, is of the opinion that the Arcata marsh treatment process may enhance the water quality of Humboldt Bay. A conclusive determination of enhancement cannot, however, be made until the Arcata marsh treatment

project has been completed, and the study results, including monitoring data, from the project demonstrate that the marsh treatment process is viable and can meet Federal secondary treatment requirements and the Regional Board's NPDES permit requirements.

Although the other bay dischargers have not attempted to demonstrate enhancement, the Board is of the opinion, based upon the above findings, that there is a reasonable probability that they could do so through a wastewater treatment project or projects which provide consistent and reliable secondary treatment, comply with the Regional Board's NPDES requirements, and involve the creation of additional marshlands or wetlands or other enhancing factors. Eureka, for example, might want to consider the restoration of some existing wetlands or the creation of some marsh adjacent to or near the Bay.

B. PROPOSED HBWA REGIONAL PROJECT

The three wastewater planning studies, discussed previously, all concluded that regionalization was the cost-effective solution to wastewater treatment and disposal in the Humboldt Area. The studies considered a wide range of interceptor configurations, treatment plant locations, and both bay and ocean discharge locations. Also, considered were the social and environmental impacts associated with the various alternatives. In making a decision on grant funding of the proposed HBWA project, the State Board staff made a detailed review of all available information and concluded that the proposed project was cost effective. In addition, the State Board considered economic data relating to the sizing of the various facilities and the elimination of infiltration/inflow (I/I).

No evidence was introduced at the hearing to indicate that the proposed HBWA regional project is not, in fact, cost-effective. Some testimony was offered suggesting that a bay discharge project could be constructed at

a lower cost than the proposed HBWA project. In addition, several individuals testified concerning the high cost of the regional project.

Although the information presented to the Board does not definitely establish that an alternative project involving a bay discharge will be less costly than the HBWA project, there appears to be a reasonable possibility that an alternative project may be less costly if it can be designed and constructed in a timely manner. One of the keys is timely implementation of any alternative project to avoid inflationary increases in project cost.

The local interests involved should not disregard the fact that Federal, State and local funding is available for the proposed HBWA project, a project which, if implemented in a timely manner, will clearly meet Federal and State deadlines and requirements.

However, the preponderance of the evidence and testimony presented at the hearing also revealed that local opposition to the HBWA project has intensified to such a point that full and timely implementation of the project appears unlikely. To illustrate, Humboldt County, the City of Arcata, the Sierra Club, the League of Women Voters, the Humboldt Taxpayers' League, and numerous local citizens testified against the project. The most controversial issues which surfaced were the cost and energy consumption of the regional facilities and the ocean disposal, as opposed to bay discharge, aspect of the project. It appeared from the widespread opposition to the project that implementation of the HBWA project could be delayed for a period of years, if the project were constructed at all.

C. ALTERNATIVE SOLUTIONS TO WATER QUALITY PROBLEMS IN HUMBOLDT BAY

For the reasons explained previously, the Board has concluded that sufficient evidence was presented at the hearing to indicate that there is a reasonable probability that those entities currently discharging to the Bay could demonstrate that the bay disposal of secondarily treated and disinfected effluent would enhance the quality of the receiving waters. This evidence indicated that the discharge of secondary, disinfected and dechlorinated effluent would adequately protect the bacterial quality of the Bay. Further, it appears that there are projects, such as Arcata's marsh treatment proposal, which could potentially result in the fuller realization of existing beneficial uses and, hence, in a positive water quality benefit for the Bay. The Board will, therefore, consider alternatives to the proposed HBWA regional project, including alternatives involving bay discharge, which will 1) solve the serious water quality problems in the Bay, 2) provide for secondary treatment, with disinfection and dechlorination, of effluent, 3) comply with the Regional Board's NPDES permit requirements, and 4) result in the fuller realization of existing beneficial uses or create new beneficial uses.

The Board feels that it is the responsibility of the Humboldt Bay communities, specifically the members of HBWA, to devise a solution to the water quality problems in the Bay, if the proposed HBWA project is unacceptable to them, since the protection of Humboldt Bay is of major local, as well as statewide, concern. The Board is convinced that these problems, including the lack of secondary treatment facilities in some areas, the inability of facilities in other areas to consistently and reliably meet secondary requirements, and failing septic tanks in some of the unsewered areas, can best be eliminated by a locally formulated solution, designed to fit both local conditions and State and Federal water quality requirements.

It should be stressed that the availability of future Federal grant funding is not assured, and that it is of the utmost importance that the Humboldt communities act promptly in promoting an appropriate, grant eligible solution for the bay area.

Further, any proposals involving bay discharge will have to comply with stringent monitoring requirements, to be formulated by the Regional Board, to ensure that the project does meet secondary treatment requirements together with the Regional Board's NPDES permit requirements and that the project, in fact, results in the fuller realization of existing beneficial uses or the creation of new beneficial uses. If the monitoring results in future years indicate that this is not the case, all dischargers will be required to eliminate their discharge from the Bay. Consequently, any alternative proposals must include a contingency plan for the elimination of effluent from the Bay, in the event that this is required.

D. TIME SCHEDULE

The Board finds that further delay in the resolution of the water quality problems in the Humboldt area is intolerable. Therefore, the members of HBWA will have 90 days from the date of this order within which to submit to the State Board an appropriate, implementable solution to these problems. During this 90-day period, the Board or its designees, will meet with interested persons to provide as much assistance and input in the formulation of a solution as possible.

The proposed solution could involve either continuation of the presently proposed HBWA regional facility or an alternative involving bay discharge. Any alternatives, other than the proposed HBWA project, must provide for a consolidated approach to the water quality problems of the Bay; and HBWA or a

similar joint powers authority, composed of the five entities which are currently members of HBWA, must be maintained to act as an "umbrella" wastewater management authority. HBWA or a successor could be charged with the general authority to apply for and administer grants, to comply with reporting requirements, and similar functions.

Any proposed solution must comply with applicable State and Federal water quality standards, including the 1983 Federal deadline for secondary treatment and any NPDES permit requirements adopted by the Regional Board for the protection of beneficial uses.

As a minimum, the proposed solution, if other than the proposed HBWA regional facility, must include: a brief description of the proposed project or projects, a rough cost estimate, a discussion of any required or contemplated institutional arrangements, available local financing, and a contingency plan for the elimination of effluent from the Bay in the event that this becomes necessary in future years. In order to provide for as much public participation as possible, the proposed solution must also include a plan for submission of any proposed alternative or alternatives to the electorate, to the extent that it is legally possible, at the November election or as soon thereafter as possible.

As an interim measure, HBWA or its successor must proceed with the construction and completion of the Eureka cross-town interceptors and pump stations and the improvements at the Murray Street plant, as described in Sections 4, 5, and 7 of the Design Report Supplement, dated February 1979, prepared by Winzler and Kelly for the HBWA Regional Water Pollution Control Project. Testimony introduced at the hearing revealed that there is general

support for the immediate construction of these facilities and improvements, and that their construction will result in definite water quality benefits for the Bay. Completion of the Eureka cross-town interceptors and pump stations and the Murray Street plant improvements by HBWA or its successor must be accomplished in accordance with the following time schedule:

1. Advertise all construction contracts for the interceptors, pump stations, and improvements to the Murray Street plant by October 1, 1979;
2. Award all contracts by January 1, 1980;
3. Divert all Eureka and CSA No. 3 flows to the improved Murray Street plant by September 1, 1981.

The following time schedule applies to all the members of HBWA, in the event that an alternative is chosen other than the proposed HBWA regional facility:

1. Completion of all planning activities, including pilot studies, and estuarine water quality studies, by October 1, 1980;
2. Begin construction of all facilities by October 1, 1981;
3. Comply with all applicable Federal and State water quality standards by July 1, 1983.

Within 30 days from the date of this Order, HBWA and its member entities may petition the Board for revision of the time schedule contained in this paragraph.

E. ENFORCEMENT

Evidence was introduced at the hearing regarding past enforcement actions taken by the Regional Board for violation of NPDES permit requirements

and time schedules. The enforcement actions taken by the Regional Board consisted of cease and desist orders and connection bans against all of the dischargers to the Bay except the College of the Redwoods, which is meeting waste discharge requirements and other terms of their NPDES permit. The Board recognizes that the connection ban in Humboldt CSA No. 3 is self-imposed.

The Regional Board is hereby instructed to review all waste discharge requirements, cease and desist orders, and time schedules and to make such revisions as are necessary to comply with the time schedule and the other provisions of this Order.

Evidence was also introduced at the hearing regarding the two and one-half year delay of the HBWA project and possible further delay by the Humboldt citizens in the future. The Board is extremely concerned with these delays because: 1) the water quality problems remain unsolved; 2) the cost to local citizens for any project continues to increase because of inflation; and 3) little progress has been made towards compliance with the provisions of Federal law requiring secondary treatment by July 1, 1983.

This order requires HBWA and its member entities to develop a project that can be implemented to solve the water quality problems in the Humboldt Bay area and to establish institutional arrangements for project development and implementation. The order also establishes a time schedule that will result in compliance with the July 1, 1983 Federal deadline. The Board emphasizes that it places a high priority on full compliance with this schedule and expects that HBWA and its member entities will do the same. Any failure on the part of HBWA, or its member entities, to comply with the time schedule and other provisions contained in this Order will result in appropriate

enforcement action by the State, including but not limited to, further connection bans and referral to the Attorney General for appropriate injunctive relief and monetary penalties.

F. McKINLEYVILLE CSD

Evidence presented at the hearing indicated that McKinleyville CSD has lived up to all of its obligations under the HBWA joint powers agreement and State and Federal laws relating to water quality in an attempt to improve water quality in the McKinleyville area. McKinleyville CSD has constructed a grant funded collection system and is connecting local properties to the system at present. HBWA has constructed a length of interceptor and pump station to convey McKinleyville CSD's waste to Arcata for treatment and disposal, and the District has entered into an agreement with the City of Arcata for treatment and disposal of the McKinleyville CSD waste on an interim basis. Evidence introduced at the hearing showed that McKinleyville CSD residents are paying both user charges and property assessments for the wastewater facilities. In sum, the evidence indicated that McKinleyville CSD has cooperated in every way that it could towards solution of the local water quality problems.

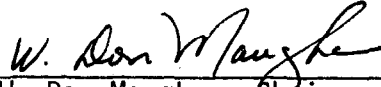
It has come to the Board's attention that the Regional Board has scheduled a hearing on May 24, 1979, to consider modification of its Order 78-25 which required the City of Arcata to cease and desist discharging waste in violation of their waste discharge requirement. The Regional Board has indicated that they will consider modifying their Order 78-25 to allow additional discharges to be made to both the City of Arcata and the McKinleyville CSD sewerage facilities.

Based on McKinleyville CSD's past actions, the Board recommends that the Regional Board take all steps which are legally possible to provide immediate relief, in terms of new connections, to the McKinleyville CSD.

Within 30 days from the date of this Order the members of HBWA may petition the State Board for revision of the time schedule contained in this subsection.

IT IS FURTHER ORDERED that the Regional Board take such action as is necessary to revise outstanding NPDES permits, cease and desist orders and time schedules to comply with the time schedule contained in this Order.

DATED: **MAY 17 1979**



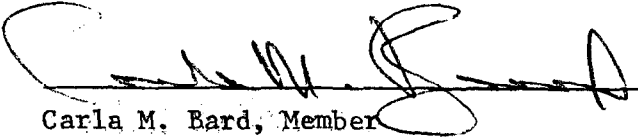
W. Don Maughan, Chairman

Abstained

William J. Miller, Member



L. L. Mitchell, Member



Carla M. Bard, Member

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SWRCB ORDER:

*Bays and Estuaries Policy Interpretation
for Humboldt Bay Wastewater Project*

IV. CONCLUSIONS

For the reasons discussed above, the Board concludes that:

- (1) The Bays and Estuaries Policy is reasonable and appropriate for the protection of water quality and beneficial uses in Humboldt Bay; however, there is a reasonable probability that those entities currently discharging into the Bay could demonstrate that the discharge of secondarily treated, disinfected, and dechlorinated effluent would adequately protect the bacterial quality of the Bay. It is further concluded that projects such as the proposed Arcata marsh treatment process may enhance Humboldt Bay waters, as required by the Bays and Estuaries Policy.
- (2) The proposed HBWA regional facility is a cost-effective solution to the water quality problems of Humboldt Bay; however, due to the widespread controversy and local opposition to the proposed regional project, its timely and full implementation appears unlikely.
- (3) Therefore, the Board will consider other proposals, including those involving a bay discharge, as a solution to the water quality issues in the Bay, provided that such alternatives:
 - (a) provide for full secondary treatment, with disinfection and dechlorination, of effluent;
 - (b) comply with all NPDES permit requirements issued by the Regional Board for the protection of beneficial uses; and
 - (c) create new beneficial uses or result in the fuller realization of existing beneficial uses, such as the creation of additional marshlands.

V. ORDER

IT IS HEREBY ORDERED that Humboldt Bay Wastewater Authority and its member entities comply with the following time schedule:

- A. Within 90 days from the date of this Order, the members of HBWA must submit to the State Board their proposed solution to the water quality problems in the Bay, in accordance with the requirements of Section III.D. of this Order. The Board further directs HBWA and its members to work with Regional Board staff, State Board staff and the Environmental Protection Agency in developing their proposal.
- B. HBWA or its successor must complete the Eureka cross-town interceptors and pump stations and the Murray Street Plant improvements in accordance with the following schedule:
 1. Advertise all construction contracts for the interceptors, pump stations, and improvements to the Murray Street plant by October 1, 1979;
 2. Award all contracts by January 1, 1980;
 3. Divert all Eureka and CSA No. 3 flows to the improved Murray Street plant by September 1, 1981.
- C. If the members of HBWA propose an alternative or solution other than the HBWA regional facility, they must:
 1. Complete all planning activities, including pilot studies, contingency plans for an ocean discharge, and estuarine water quality studies for the alternative solution by October 1, 1980;
 2. Begin construction of all facilities by October 1, 1981;
 3. Comply with all applicable Federal and State water quality standards by July 1, 1983.