



State Water Resources Control Board



Arnold Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

Division of Water Quality
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APR 23 2007

Mr. David Hull
Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Drive
PO Box 1030
Eureka, CA 95502

Dear Mr. Hull:

VIOLATION OF THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified responsible parties to either cease discharging storm water and nonpoint source waste into Areas of Special Biological Significance (ASBS) or to request an exception according to the requirements of the California Ocean Plan (Ocean Plan). The 2005 Ocean Plan prohibits waste discharges to ASBS but allows the State Water Board to grant exceptions to this prohibition, provided that the exception "will not compromise protection of ocean waters for beneficial uses, and, the public interest will be served." Prior to granting an exception, the State Water Board must hold a public hearing, and there must be compliance with the California Environmental Quality Act. The United States Environmental Protection Agency must also concur.

This letter is to inform you that the State Water Board has not received your application requesting an exception from the Ocean Plan waste discharge prohibition for your discharges into the King Range (Shelter Cove) ASBS; this was due no later than May 31, 2006. Because a completed application has not been received, staff assumes that you do not wish to be covered by an Ocean Plan exception for your discharges to the ASBS. Only those responsible parties with completed applications will be considered for coverage under an exception.

Since you have neither responded to our notification to cease discharging storm water and nonpoint source waste into the ASBS, nor submitted a completed application for an exception, you continue to be in violation of the Ocean Plan's absolute prohibition against discharge to ASBS.

California Environmental Protection Agency

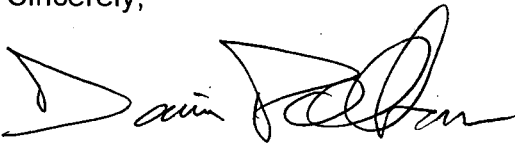
Mr. David Hull

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Should you have any questions, please feel free to contact me at (916) 341-5458 (dpolhemus@waterboards.ca.gov) or Dominic Gregorio, Senior Environmental Scientist, Ocean Unit, at (916) 341-5488 (dgregorio@waterboards.ca.gov).

Sincerely,



Darrin Polhemus, Deputy Director
Division of Water Quality

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

Mr. Reed Sato, Director
Office of Enforcement
State Water Resources Control Board

California Environmental Protection Agency

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