

The fight over the Humboldt Bay Wastewater Authority (HBWA) project had turned bitter and personal. HBWA's attorney, John Stokes, and most of its board members had lobbied hard against Arcata's alternative treatment plan. Dan Hauser, usually diplomatic, seethed with resentment.

"HBWA has set itself up as the enemy," he wrote in a September 1977 opinion piece in the Arcata *Union*. "Therefore, we have no alternative but to defend ourselves by attacking HBWA . . . We must stop this \$52 million boondoggle."¹ Hauser, still Arcata's representative on the HBWA board, pledged to work toward the "total redesign or total destruction" of the regional sewage system.

Other members of HBWA were growing panicky. The Committee for a Sewer Referendum's lawsuit kept the board from issuing bonds to finance construction, while inflation caused the project's already huge price tag to balloon. Concealing the move from Hauser, the board applied for a \$5.9 million loan from the US Environmental Protection Agency (EPA). Arcata, at Mayor Hauser's suggestion, promptly sued HBWA for seeking the loan without the city's consent.

Meanwhile, Hauser organized an appeal for Arcata's wetland treatment system before the State Water Resources Control Board. The city mustered support from representatives of the US Fish and Wildlife Service and Audubon Society, along with academic experts on Humboldt Bay oysters and low-tech sewage treatment. Wade Rose, the shaggy upstart from the governor's Office of Appropriate Technology, would speak. After Stokes cross-examined Rose at the regional board hearing, "it became a crusade for the entire Office of Appropriate Technology," Hauser explained. "They singled out HBWA as the ultimate in obsolete technology and concrete overkill."

When the Arcata contingent arrived at the state board hearing in Sacramento, one of the board members, brandishing a newspaper clipping in his hand, called Hauser forward. The clipping was a story from the Arcata *Union*, quoting Hauser saying that the marsh project would not get a fair hearing. "He asked why I was there if I believed they were already biased against me," Hauser remembers. "I told him we have to go through this process to get to the next step."

The state board heard testimony on Arcata's vision of wetlands treatment for two days. The board refused to reconsider the Bays and Estuaries policy, the driving force behind the regional sewage project. It declined to give Arcata an exemption that would release the city from the HBWA agreement. For the first time, however, the board recognized some value in the idea of constructed wetlands for treating wastewater. State board staff suggested Arcata be given a grant

to plan a pilot marsh treatment project. In another conciliatory gesture, they suggested that HBWA delay construction of the controversial east bay sewage interceptor.

During a recess, Hauser talked with Don Maughan, chair of the state board, about the possibility of full funding for a pilot marsh project. Maughan saw this as a compromise, giving Arcata a chance to prove out its marsh concept while the regional sewage system moved forward. A pilot study of treatment wetlands would take several years, after which Arcata might be able to withdraw from HBWA—having paid millions for the project's construction.

Hauser had other ideas. He was enthusiastic about a state-funded pilot marsh, which he saw as a wedge that could ultimately be used to topple HBWA. Gearheart was confident the marshes would work to make the city's sewage effluent cleaner, if given a chance. Hauser intended to use state funding to launch the pilot while he and other activists held the HBWA project off. In time, he believed the behemoth project would crumble under the weight of local resistance.

"My opposition—and the Arcata city council's opposition—to HBWA will not end," Hauser said.²

A new player in the anti-HBWA contingent was Bill Bertain, a young attorney practicing in Eureka. Short, stocky, and intense, Bertain had been born and raised in the Humboldt County lumber town of Scotia. He'd served in the military before attending law school, and was admitted to the California bar in 1976. He found a slot at a law firm led by Bob Dunaway, a descendant of a long-time Humboldt family. Bertain would pay a high price for his passionate involvement in the fight against the HBWA project, losing the first two jobs in his legal career in the course of two years. "I like a fight," says Bertain, "and I cut my teeth on the HBWA battle. The mandate from the state didn't make sense. Bigger isn't always better, and the experts don't always know best."

Bertain first learned the details of the regional sewage plan from Jackie Kasun. Both were devout Catholics and anti-abortion activists. He hit it off with Dan Ihara, Kasun's cofounder at the Committee for a Sewer Referendum. HBWA's refusal to allow Humboldt citizens to vote on the project infuriated Bertain. The engineers and officials behind the regional sewage plan, he felt, suffered from "arrogance run amok."

A new strategy against HBWA emerged when, at his first legal firm, Bertain was assigned to represent the business interests of Lloyd Hecathorn. For years, the only market for redwood chips from local timber companies had been the Simpson and Georgia-Pacific pulp mills on the Samoa Peninsula—and the corporations controlled the price of wood chips. Hecathorn created North Coast Exports, a company that bought wood chips from several small Humboldt timber companies, paying a more generous price than the local pulp mills did, and shipped them to markets in Japan. On the day North Coast Exports began operation, says Bertain, Simpson and Georgia-Pacific were forced to triple their pay rate for wood chips.

Hecathorn's business relied on big ships moving in and out of Humboldt Bay, and he was appalled by the HBWA design, which called for a cross-bay pipeline carrying raw sewage from Eureka to the planned activated sludge plant on the

Samoa Peninsula. Cargo ships had to drag their massive anchors in order to turn around, and an anchor might rupture the pipe, spewing raw sewage into the heart of the bay. Arthur Einerfeld, a consulting engineer who had studied Humboldt's sewage problems, had warned of this risk in a 1974 report. HBWA's general manager, John Stratford, dismissed this concern as "political." The project design, including the trans-bay sewer line, had already been approved by the coastal commission, the harbor district, and the US Army Corps of Engineers.

Hecathorn also had a more self-interested gripe: HBWA planned to build its treatment plant on a parcel between the two pulp mills on the Samoa Peninsula. He had his eye on that same piece of land for a business project, a power plant that would generate energy by burning scrap wood. Using the last large chunk of industrial-zoned real estate on the bay for a sewage plant would be "a disaster for the economic development of the community," Hecathorn claimed.

"The chances of our backing up from that site," Stratford replied, "are zilch."³

Hecathorn formed a group he called Concerned Citizens for the Development of Humboldt Bay, with Bertain as his legal advisor. Hecathorn said the cross-bay sewer line would destroy commerce on the bay. Ship pilots would fear becoming liable if they accidentally caused a break in the pipe, and would refuse to work near it. A group of bar pilots, responsible for guiding ships through the treacherous bay entrance, agreed and joined in resisting HBWA. The idea of piping raw sewage under the bay, Bertain says, "was so stupid it was like a gift to the opposition."

In September 1977, Bertain sued HBWA on behalf of Concerned Citizens, alleging that the cross-bay sewer pipeline would represent a serious health hazard. He also filed lawsuits against the Humboldt Bay Harbor District and the California Coastal Commission for issuing HBWA permits to construct the pipeline. He found a geomorphologist who warned that the proposed sewer pipe would cross a fault line, making it susceptible to destruction in an earthquake.

Bertain couldn't stop thinking about ways to combat HBWA. He worked long hours, researching the authority's legal weak spots, chain-smoking in his office, sleeping little. The first law firm he'd worked at let him go because he wasn't bringing in enough money—anti-HBWA research didn't make for billable hours. Bertain moved to the conservative firm of Falk, Buxton and Brown, bringing his work for North Coast Exports and Concerned Citizens with him. Six months later, Bertain came across an EPA audit of the HBWA project, which pointed out a conflict of interest: Robert Kelly, of Winzler & Kelly Engineers, had served as interim manager for HBWA, stepping down only two weeks before his firm was chosen as the primary contractor on the lucrative project. The audit also mentioned some questionable use of grant monies.

Bertain's boss, Charles Buxton, had social connections with Winzler & Kelly, and a strong distaste for controversy. Nonetheless, Bertain passed the audit information to Dan Ihara, who took it to the press. Winzler & Kelly sued Ihara for defamation. (The suit was dropped, perhaps because the spectacle of deep-pockets engineering consultants going after an impoverished activist made for yet more negative publicity.) Bertain lost his job, but kept fighting HBWA. At a meeting one day, John Winzler, Kelly's partner, told Bertain that

anyone who thought they could force a change in state water policy was dead wrong and pathetically naïve.

“I told him,” remembers Bertain, “that if democracy retains any meaning, then people can at least attempt to change stupid governmental policies. That they should be changed if they are bad for the commonweal, and I thought we could make it happen.”

Bertain set up his own office in Eureka. He’s been practicing law there ever since.

Stokes and Stratford flew to Washington, D.C. to plead with EPA officials for approval of the contested loan to HBWA. “We made no bones about the Arcata thing,” Stratford said. “We told them that Arcata’s been using the wastewater authority as a protective blanket while they do their best to screw everyone else in the area.”

EPA denied the loan. Construction on the regional sewage project was stymied: There was no money to pay contractors. The Committee for a Sewer Referendum was still pursuing a suit against the wastewater authority, and no bonds could be issued until the case was resolved.

Dan Ihara had been fighting the HBWA project for a year. His opponent had the resources to invest many thousands of dollars in legal defense. For the grassroots Committee for a Sewer Referendum, keeping the lawsuit alive was a constant struggle. The organization’s funds were depleted, and Larry Eitzen, the local attorney who was handling the case on a pro bono basis, had to take some time for paying work.

One evening Ihara was at home, watching his young daughter, and wondering if taking on the HBWA battle had been a colossal mistake. The phone rang, the caller a student of Bob Gearheart’s who had come into a small inheritance and wanted to donate \$800 to the Committee for a Sewer Referendum. While Ihara got wrapped up in an intense conversation about the HBWA fight, his daughter covered the entire kitchen with a coat of red tempera paint. The spectacular mess was worth it. “I couldn’t let the chance slip away,” Ihara remembered. “That \$800 turned out to be crucial.”

By the end of 1977, thirty-one of George Allen’s salmon, marked by a distinctive notch cut into their fins, had returned to Arcata’s creeks as spawning adults (Fig. 8.1). Gearheart, Klopp, and Allen had written up a proposal for a pilot marsh, which they hoped would bring funding for construction of a series of sizeable wetlands adjacent to Mt. Trashmore, capable of filtering 100 percent of the effluent from the city’s oxidation ponds. Through Christmas and the New Year’s holiday, the city’s sewage activists had an interlude of peace and optimism.

Then, in January 1978, the regional board struck back, announcing that it would impose a building moratorium on Arcata. No new sewer hookups would be allowed until the city had ended all sewage discharges to Humboldt Bay. There was an exception for building projects that already held city permits. When



Figure 8.1 George Allen with one of the first salmon raised at his Arcata wastewater aquaculture project to return as an adult. 1977. Photo originally published in *Arcata Union*.

Hauser got word of the board's intentions, city staff began cranking out building permits at high speed. Three million dollars' worth of construction permits—representing six months of normal growth in Arcata—were processed in two weeks.

“We aren't going to sell out the citizens of Arcata and the environment of Humboldt Bay because of these threats,” vowed Wes Chesbro, who by then held a seat on the regional board's policy advisory committee, in addition to his membership on the city council. “The board is so inflexible and backward thinking that it punishes communities for seeking innovative solutions.”

David Joseph and other regional board representatives claimed that Arcata's pilot marsh would never be funded, that if built it could never succeed. The city's wetland dreams were irrelevant. The HBWA project was what mattered, and it must go forward.

Officials at the state board made it clear that a pilot project would have to be a small, controlled experiment, receiving no more than 10 percent of the

effluent flowing from the city's oxidation ponds. The pilot should include a series of small marshes where water purification under different flow rates and with different species of aquatic plants could be tested. "We also expect that the HBWA regional project will proceed as planned," said Curtis Swanson, chief engineer with the state board.⁴ Arcata's marsh treatment, if it could be proven to work, would be delayed by bureaucratic proceedings for years. It might eventually be used to increase treatment capacity as the city grew, but the offer to fund a pilot project was decidedly not meant to give the city an escape from HBWA.

Hauser was undeterred. If the state wouldn't fund a full-scale wetland, he'd find the money somewhere else. "One way or another," he said, "we're going to get this project built."

The HBWA board began to show the first signs of compromise in April 1978. Bob Brown, the Humboldt Community Service District's representative on the board, presented a scaled-down version of the regional project. The east bay interceptor running from Arcata to Eureka, the original source of Hauser's opposition, would be dropped. Instead a sewer line would run from Arcata to the planned central treatment plant along the Samoa Peninsula, on the western edge of the bay, where development was unlikely. The treatment plant itself would use trickling filters instead of activated sludge, lowering energy and construction costs dramatically. A pipe carrying raw sewage from Eureka to Samoa would still be planted under the bay floor, but would be placed five feet deeper to protect against breakage from ship anchors (Fig. 8.2).

All these changes had been suggested over and over by various HBWA opponents, but the projects' engineers had refused to budge on any point. They'd insisted that only activated sludge, the most expensive and energy-intensive kind of treatment, would meet federal regulations. After reading through new state and federal rules adopted following the 1977 revision of the Clean Water Act, Brown concluded that was not the case.

Ed Estes, McKinleyville's representative to HBWA, still saw Arcata's attempt to bolt from the HBWA project as a sign of moral weakness. Estes liked the compromise proposal, though, and so did Hauser (Fig. 8.3). Dropping the east bay interceptor would save both towns hundreds of thousands of dollars. It was the first time they'd agreed on anything in months. Other opponents were unsatisfied: Jackie Kasun, the economist, could see no justification for even a scaled-down version of the regional project, and Bertain didn't want raw sewage piped under the bay under any circumstance. The tide of resistance kept rising, and state officials continued to claim it didn't matter.

The Eureka Chamber of Commerce passed a resolution opposing the Bays and Estuaries policy. So did the local harbor commission, and then the Humboldt County Board of Supervisors. The county's political balance had tipped when two anti-HBWA candidates, Danny Walsh and Eric Hedlund, were elected as supervisors. Urged on by hot-tempered Danny Walsh, the supervisors wrote to the district's state senator and assemblyman, asking them to introduce legislation rescinding the state ban on discharges of treated sewage to bays.

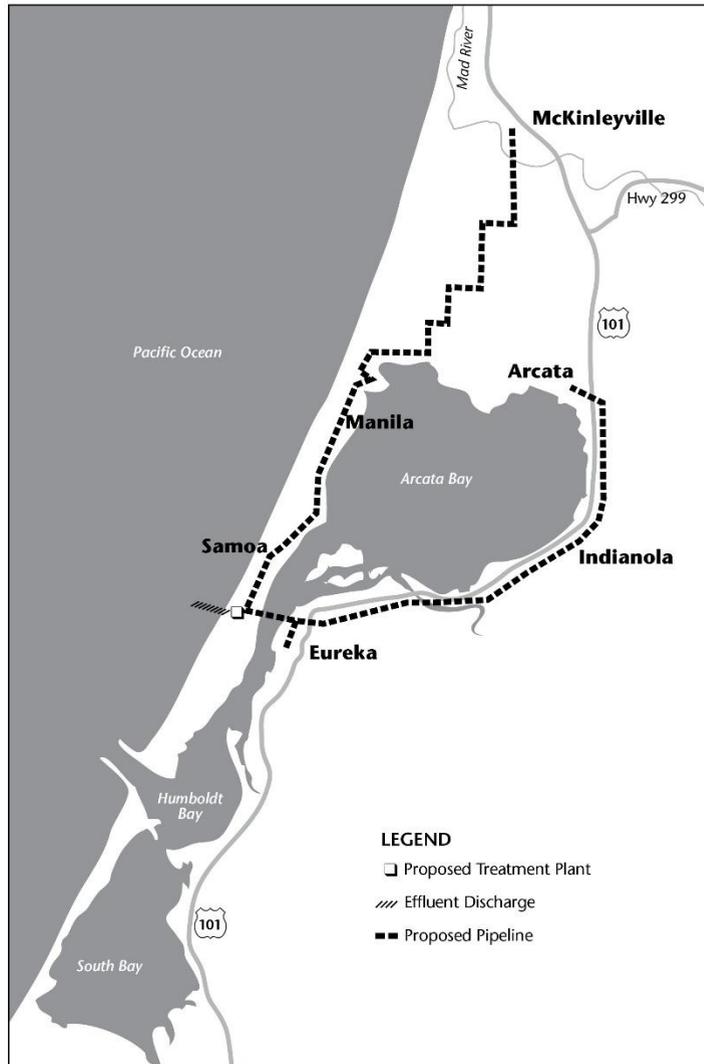


Figure 8.2 Map of Humboldt Bay showing the proposed regional sewage project to be built by HBWA, circa 1977. Graphic by Leslie Scopes Anderson.

Walsh became the county’s representative on the HBWA board, a change that transformed board meetings into shouting matches and raised the collective blood pressure of the four board members who were struggling to get the regional system built. Fed up with all the fuss, David Joseph hit the entire Humboldt Bay region with a building moratorium.

“Dr. Joseph has been a black plague on this county for years and years now,” Walsh commented, with his trademark lack of diplomacy. “I’ve really had it with that guy.”

Walsh felt the opposition coming together. “It’s steamrolling now,” he told a reporter.⁵

Gearheart and Hauser traveled to Sacramento in June 1978 to discuss plans for the pilot marsh study with representatives of the state board. The meeting was amicable until Hauser asked if the building moratorium in Arcata could be lifted, given the progress toward wetlands treatment. The answer was no—not until the HBWA project was completed and Arcata was hooked up to it. Days later, Arcatans voted on an advisory referendum meant to gauge citizen support for the city council's risky wastewater fight: 76 percent supported the struggle for alternative sewage treatment.

At the annual conference of the League of California Cities, Chesbro introduced a resolution calling on the state to stop promoting regional sewage systems and to change the Bays and Estuaries policy. It passed by an overwhelming majority. Soon after, Arcata applied to the California Coastal Conservancy for a grant to build a series of freshwater wetlands near Mt. Trashmore, which would create important wildlife habitat on what had for years been a blighted waterfront. Hauser was working toward his promise to get a full-scale marsh built with or without the support of the state board.

In January 1979, Bertain, having been fired for a second time for his outspoken anti-HBWA activism, opened his own law office in Eureka. Now he was free to engage in outright battle against the regional sewage project—and he'd been thinking for months about the way to win.

The Committee for a Sewer Referendum had lost the final appeal in its lawsuit. HBWA could at last issue bonds, as soon as it received a new permit from the harbor commission. Chesbro agreed to stand as plaintiff in a suit filed by Bertain, demanding that HBWA file a more detailed Environmental Impact Report on the cross-bay pipeline. The Harbor Commission then issued HBWA a permit, which would become effective only when the new lawsuit was resolved. Once again, the opposition had halted construction.

The wastewater authority reacted by voting, despite protests from Hauser and Walsh, to demand a tenfold increase in funding from member entities, including Arcata, Eureka, McKinleyville, and the county. (Inflation had driven the project cost up to \$68 million by March 1979.) Hauser promptly sued HBWA for this move, which he said violated the joint powers agreement that had created the wastewater authority in 1975.

Hauser worked as a very public double agent. He'd attend HBWA meetings where the lawsuits Arcata and Chesbro had brought were discussed; as a board member, he could not be excluded. Then he'd make the short drive to Bertain's office, which Hauser called "combat central." There the opposition gathered to plot strategy.

Lawsuits, Bertain explained to his comrades, were just one part of a three-pronged attack. Initiative petitions should be circulated in every community that was part of HBWA, demanding a vote on the future of the regional sewage system. If even one town voted against the project, HBWA would break apart.

The third tactic was to get the district's state legislators—Senator Barry Keene and Assemblyman Doug Bosco—to push for change in the Bays and Estuaries policy. Hauser, Walsh, and Arcata city attorney John Corbett were among a Humboldt delegation that traveled to Sacramento to make their case to Bosco.

Corbett drafted a bill altering the Bays and Estuaries policy. Soon after, Bosco announced that new legislation would be introduced in both houses, allowing discharges of treated sewage to Humboldt Bay if they could be shown to cause no damage to the ecosystem.⁶

Hauser and Corbett attended the hearing on the bill, held by the state assembly's Water, Parks and Wildlife Committee. "I'd never been to a legislative hearing in my life," Hauser remembers. He walked in and sat next to Bosco, trying to ignore the nervous flutter in his gut.

Bosco asked for a pitcher of water and poured some into a glass. "Under the current interpretation of the Bays and Estuaries policy," he explained, "you can't discharge this into Humboldt Bay." Then he drank the water down.

Bosco's illustration of the unreasonable standards of the state and regional boards grabbed the attention of everyone in the hearing room. The only exception allowed under the Bays and Estuaries policy, he explained, was in the case of a sewage discharger proving enhancement of the bay—but no one had defined what was meant by enhancement.

Don Maughan, chair of the state board, was in the room. Hauser remembers Maughan as "a very courtly gentleman, confined to a wheelchair. He was off to one side in his chair, and had a couple of aides with him."

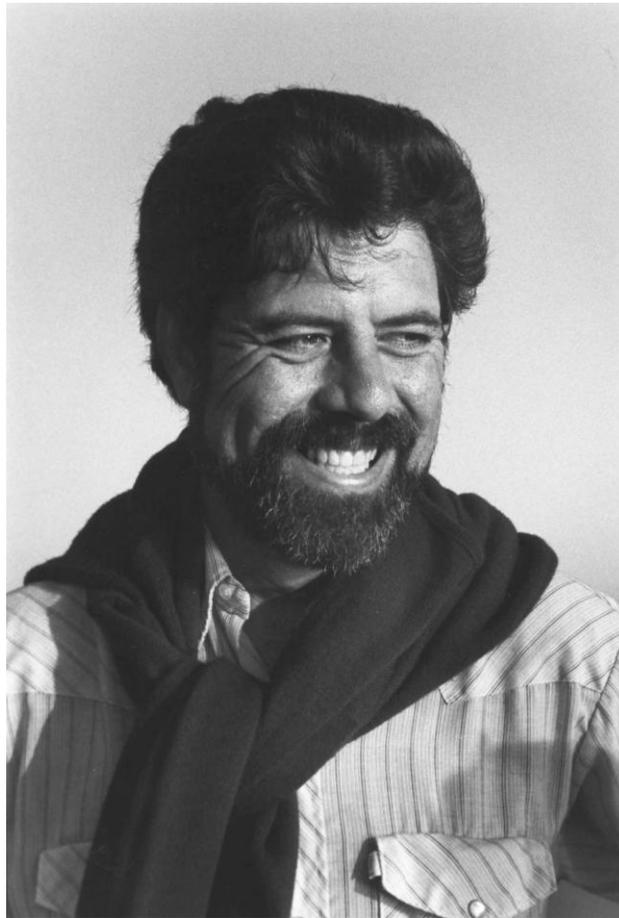


Figure 8.3 Dan Hauser near the end of his term as Arcata's mayor, 1982. Photo courtesy Dan Hauser.

An assemblyman turned to Maughan and asked if he could explain what would qualify as “enhancement of receiving waters.” In calm tones, Maughan replied that he wasn’t sure of the definition, but he could send one of his aides down to the office to look it up.

There was a short, stunned silence. If the chair of the state board didn’t know what the policy meant, how could a town like Arcata hope to meet the standard?

“The committee approved the bill unanimously in about thirty seconds,” says Hauser. “I never opened my mouth.” He suspected that Maughan had played dumb out of sympathy with Arcata’s cause.

Hauser and Corbett passed HBWA’s flustered representatives on the steps of the state Capitol. Their chartered plane had been delayed due to fog at the Arcata airport. In the thirty minutes they spent on the runway, they’d lost an important battle.

Assemblyman Bosco informed the state board that if it approved Arcata’s marsh alternative within six months, he would not push the legislation forward. “That bill,” says Corbett, “was a sledgehammer.” The threat of legislation got the state board’s immediate attention. The board announced a “fact finding hearing” to take place in Eureka in April.

Meantime, meetings of the HBWA board, which had become a quirky form of political theater, continued. Hauser and Walsh, the two anti-HBWA members, were vocal and were almost always voted down. “Last week’s meeting,” reported the *Arcata Union*, “featured board member attacking board member (verbally), grumbling about press coverage, impassioned oratory from the audience, the usual confusion over which side was voting which way, and not inconsiderable laughter.” Ernie Cobine, a staunchly pro-HBWA board member from Eureka, pounded his shoe on the table, Khrushchev-style, to restore order.⁷

A relaxation of the Bays and Estuaries policy would reduce the cost of the regional sewage project by millions of dollars, and Hauser asked the board to take a formal stand in favor of such a change. The majority of the HBWA board, however, believed that in signing on to the joint powers agreement that created the authority, each community had essentially taken an oath to follow the dictates of the project’s consulting engineers and the regional board. John Stokes, HBWA’s attorney, repeated his legal opinion that the board’s taking any stand regarding the Bays and Estuaries policy would be a violation of the joint powers agreement.

The upshot of all this was that Arcata had to bear the expense of hiring expert witnesses to testify at the upcoming state board hearing, at a cost of about \$20,000. The city had already invested so heavily in its sewage battle that nobody questioned this. In the week before the state board hearing, the California Coastal Conservancy announced it would fund construction of three large freshwater marshes on the city’s waterfront—a project that would go forward regardless of the outcome of the wastewater war. This was a tremendous morale boost for Hauser and his Arcata co-conspirators.

The state board hearing, held at the Elks Lodge in Eureka, unfolded over two long days in April 1979. Day one was a clash between experts. Roger Johnson, an engineer with the state board, laid out the history of the problem as his agency

saw it. A 1971 study by the consulting engineers Baruth & Yoder had concluded, based on a mathematical model of Humboldt Bay, that sewage discharges contributed to contamination of oyster beds. They also predicted that within five to ten years the shallow waters off Arcata would turn anoxic and cease to support normal aquatic life. In 1974, the state had implemented its Bays and Estuaries policy, banning wastewater discharges to most of California's enclosed bays. This decision was based on the dire problems in heavily polluted East Coast estuaries, including Long Island Sound and Chesapeake Bay, and on the decline of San Diego Bay and its dramatic revival after urban sewage was piped out to the Pacific. Johnson summed up the stance of the state board's staff: A regional sewage project with ocean discharge was the only answer.

Hauser argued that the entire state strategy for Humboldt Bay was based on the Baruth & Yoder prediction that sewage discharges would choke the life out of the bay—a prediction that was in error. “We intend,” he said, “to establish that Humboldt Bay is alive and healthy, that properly treated effluent discharge is beneficial to the bay, that the HBWA project is a waste of money that won't achieve its purpose.”

Hauser was followed by a parade of professors from Humboldt State University, who had conducted the first substantive studies of the bay's ecology. The populations of seaweed, benthic creatures, and plankton were all diverse and healthy—comparable to those found in near-pristine Tomales Bay on the Marin County coast. Zooplankton typical of the open ocean were found off Arcata, a sign that ocean waters flushed far into the bay. That notion had been confirmed by tracking the movement of floating markers, called drogues, on outgoing and incoming tides. Concentrations of dissolved oxygen in the bay were high—sometimes higher than levels in the open ocean. “The bay will never have a problem with oxygen,” testified oceanographer John Pequegnat, “because of the shallow nature of the bay and the turbulent mixing of bay waters.”

Bob Gearheart explained that the HBWA project would do nothing to solve the problem of bacterial contamination of oyster beds, because the vast majority of the microbes were carried to the bay in stormwater runoff that ran, untreated, into the bay. Manure from cow pastures was a major source. Leaky sewer lines were also a problem, but the HBWA project made no provision for repair or upgrade of existing sewer lines.

The only real data the state had on the condition of Humboldt Bay came from Public Health Department reports on oyster contamination and a set of dye studies done by the regional board staff. They'd adapted the fluorescent dye technique David Joseph had used to demonstrate that streams were tainted during aerial spraying of herbicide on timber land. Dye released at the Arcata and Eureka sewage outfalls sloshed over to nearby oyster beds in a matter of hours, proving that wastewater discharges mixed with the water filtered by oysters. But that said nothing about the quality of the water, or the source of bacteria that contaminated shellfish during the heavy rains of winter.

Arcata's ecological arguments should have been convincing, but the Humboldt experts took it too far. They claimed that nutrients from treated sewage were

beneficial to the bay, because they replaced the lost input of organic matter from the thousands of acres of salt marsh that had been destroyed since settlement in the 1850s. This was a very rough guess—one that sounded good to the Arcata contingent. It was, however, as unsubstantiated as the state's assumption that sewage was killing the bay.

Given the many well-known cases of ecological disaster fueled by nutrient overload in other estuaries, the notion that treated sewage was healthy for Humboldt Bay was a very hard sell. The state board members were skeptical. They also found Gearheart's argument about the importance of nonpoint source pollution hard to swallow. Time would prove him right, but in the 1970s, water quality regulations were so focused on sewage treatment plants that even the most attentive bureaucrats had heard little about nonpoint pollution.

Had the hearing closed at the end of the first day, it's likely that the state board would have found in favor of the HBWA project. On the second day, however, the hearing room at the Elks Lodge was packed. Bertain had organized speakers from every corner of Humboldt County society: the Audubon Society and Sierra Club, timber companies, chambers of commerce, the bar pilots, the League of Women Voters. The range and depth of the opposition stunned Don Maughan and the other state board members as they sat through hours of irate testimony.⁸

Near the end of the day, a mysterious man from McKinleyville rose to testify; none of the longtime anti-HBWA activists recognized him. "You can't do this to us," he told the board. "Even if you convince all the rest, I'm going to sue you myself."

"The state board had been told that the opposition was just a vocal minority," recalled Ihara. "When they got here, it was everybody. Not just environmentalists, but exporters, average citizens, businesspeople."

Three weeks later, on May 17, Assemblyman Bosco announced the state water bureaucracy's surrender. In the aftermath of the Elks Lodge hearing, state board staff had written up a new report. Bosco read the juiciest quotes over the phone to a gob-smacked reporter for the Eureka *Times-Standard*. The report allowed that with proper treatment, sewage could be discharged to Humboldt Bay without causing bacterial pollution. "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," it read. For Hauser, Gearheart, Allen, and Klopp, that single phrase represented victory after years of struggle.

The staff report insisted that the proposed HBWA project was a cost-effective solution to Humboldt's pollution problems, but acknowledged it would never be built. "Due to the widespread controversy and local opposition to the proposed regional project its timely and full implementation appears unlikely," it read. "Therefore, the board will consider other proposals, including those involving bay discharge, provided such alternatives provide for full secondary treatment and create new beneficial uses."

The same day, word came that the regional board would lift the cease-and-desist orders that had halted construction projects in Arcata and McKinleyville. Bosco withdrew the bill he had introduced, which would have rewritten the Bays

and Estuaries policy. He had never intended to push it through the state legislature; it was meant as a crowbar that would pry the state away from its insistence on the HBWA project, and once that was accomplished, it could be put away.

Arcata was now free to act on its dream of wetlands treatment. The process would be shaped and sometimes blocked by state regulators, who had worked for years on the HBWA project and resented its fall.

NOTES

¹ Hauser, D. (September 8, 1977). "Arcata vs. wastewater authority." *Arcata Union*.

² Alm, A. (September 21, 1977). "HBWA conflict still unresolved." *The Lumberjack*.

³ Anonymous (April 8, 1977). "Firm's chief claims HBWA ignored advice planning piping sewage under bay." *Times Standard*.

⁴ Fairbanks, A. (February 10, 1978). "Arcata wastewater plan is rejected." *Times Standard*.

⁵ Taylor, B. (February 15, 1979). "Moratorium hits—sewer battle keeps escalating." *Arcata Union*.

⁶ Taylor, B. (March 1, 1979). "HBWA battle on: initiatives are out, legislators are in." *Arcata Union*.

⁷ Taylor, B. (March 22, 1979). "Wastewater scuffles continue during week." *Arcata Union*.

⁸ Bretnall, P. (1984). "Wastewater conflict on Humboldt Bay." *Humboldt Journal of Social Relations* **11**(2): 128–284.