

**SAN DIEGO REGIONAL BOARD RESPONSES TO COMMENTS
TENTATIVE ORDER NO. R9-2008-0096 NPDES NO. CA0109347**

**SUPPORTING
DOCUMENT 6**

Comments submitted by Khalique A. Khan, Head, Environmental Engineering Division, Assistant Chief of Staff Environmental Security (Marine Corps Base, Camp Pendleton), on August 27, 2008.

PAGE	SECTION/TABLE	COMMENTS	REGIONAL BOARD RESPONSES
4	Table 4	<p>Comment 1</p> <p>Facility Contact. Revise to read, "Wastewater Branch Head, Assistant Chief of Staff, Environmental Security, phone number to 760 725-0141.</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>Luis Ledesma Wastewater Branch Head Assistant Chief of Staff Environmental Security (760) 725-0141</p>
9	II.Q	<p>Comment 2</p> <p>Provision II.Q indicates that the provisions/requirements of subsection VI.C are included to implement State law only, but the referenced subsection appears to involve the CWA. Is this citation correct?</p>	<p>The Regional Board agrees with the comment. The text referencing the Clean Water Act (CWA) in VI.C will be removed. This provision will be reflected in the standard provisions of Attachment D in Sections I.A.1 and II.A.</p>
23	VI.A.2.J	<p>Comment 3</p> <p>Delete reference to Clean Water Act Grant Program: the SRTTP is a Federally Owned Treatment Work (FOTW) and should have no bearing with the "Clean Water Grant Program."</p>	<p>The Regional Board agrees with the comment. The text will be removed.</p>

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26	V.C.5	<p>Comment 4</p> <p>Revise the POTW to FOTW.</p>	<p>The Regional Board agrees with the comment. The terms “publicly-owned treatment works” and “POTW” will be revised to “federally-owned treatment works” and “FOTW”, respectively. The title for Section V.C.5 will be modified as Special Provisions for Municipal Wastewater.</p>
28	V.C.5.b.v(b)	<p>Comment 5</p> <p>Request the RWQCB remove this section from the permit or clarify its legal authority to impose such a prescriptive operations and maintenance requirement. While we respect the RWQCB's efforts to protect water quality and do not consider the directive as creating an unreasonable workload, we would ask that the Board set effluent requirements in this permit and allow us to establish internal management practices to meet those requirements.</p>	<p>The Regional Board agrees with the comment. The subsection will be deleted based on the acknowledgment that 1) the Camp Pendleton discharge to the Oceanside Ocean Outfall, regulated under the current order (Order No. R9-2003-0155), has never exceeded the oil and grease effluent limitation, and 2) the fats, oils, and grease (FOG) control program (described in Attachment A of Tentative Order No. R9-2008-0096) allows for the establishment of internal management practices for FOG source control.</p>

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32	VII.H	<p>Comment 6</p> <p>Text refers to a monthly average percent removal but the formula is presented as a daily percent removal. Is the calculation and compliance determination based on the monthly average or a daily data calculation?</p>	<p>Section VII.H explains that compliance with percent removal requirements is based on the monthly average. The monthly average is the average of all daily discharge percent removals (equation presented in Section VII.H) within a calendar month for all days on which the constituent concentration is monitored in both the influent and effluent.</p>
D-6	V.B.2. & V.B.3	<p>Comment 7</p> <p>The pervious NPDES permit only required that applications, reports, or information submitted to the Director be signed and certified. Is this provision intended to require higher level signature? If not, suggest the following edit to V.B.3: "All applications, reports, certificates, or other information, or other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions - Reporting V.B.2 above, or by a duly authorized representative of that person."</p>	<p>The text will not be modified. The signatory and certification requirements are part of the standard provisions for reporting.</p>
D-9	VII	<p>Comment 8</p> <p>Revise the POTW to FOTW.</p>	<p>The text will not be modified for any federal standard provisions. These are standard provisions applicable to all NPDES permits</p>

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			statewide.
D-9	VI.A	<p>Comment 9</p> <p>Courts have strictly interpreted the Congressional waiver of sovereign immunity found in the CWA, 33 U.S.C. 1323. Some provisions of Water Code sections 13385, 13386, and 13387 don't apply to federal facilities, for example, Congress did not authorize personal liability for officers, agents, or employees of the United States any civil penalty arising from the performance of their official duties. Therefore, rather than saying the Regional Water Board is authorized to enforce provisions of the Water Code, it would be more accurate to use language similar to the last permit, Attachment No. 4 provision 9, which stated: "The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13386, and 133871] Nothing in this Order shall be construed to protect the Discharger from its liabilities under federal, state, or local laws. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the</p>	<p>The text of the referenced section will not be modified. This language is part of the statewide standard provisions for enforcement. Section VI.C.6 (Other Special Provisions) will be modified to include the following language:</p> <p>a. Responsibilities, Liabilities, Legal Action, Penalties</p> <p>The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the Clean Water Act. [CWC 13385, 13387].</p> <ul style="list-style-type: none"> i. Nothing in this Order shall be construed to protect the Discharger from its liabilities under federal, state, or local laws. ii. Except as provided for in 40CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the Discharger from civil or criminal penalties for noncompliance. iii. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Discharger from any

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		Discharger from civil or criminal penalties for noncompliance..."	<p>responsibilities, liabilities, or penalties to which the Discharger is or may be subject to under Section 311 of the CWA.</p> <p>iv. Nothing in this Order shall be construed to preclude institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.</p>
E-4	Table E-2	<p>Comment 10</p> <p>Previous NPDES permits defined daily as 5 days per week. Does the same apply to this permit? If so, please include in a footnote.</p>	<p>The Regional Board agrees with the comment. The following footnote will be added to the table:</p> <p>¹¹ 1/day applies five days per week, except seven days per week for at least one week in July or August of each year.</p>
E-4	Table E-2	<p>Comment 11</p> <p>Influent Monitoring for oil and grease frequency is listed as a daily requirement. We feel that is excessive and unnecessary. Accordingly, we ask that the monitoring frequency be reduced to weekly.</p>	<p>The Regional Board agrees with the comment. The requirement will be modified to remain consistent with the current order (Order No. R9-2003-0155), with weekly influent monitoring for oil and grease.</p>

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E-4	Table E-3	<p>Comment 12</p> <p>BOD and TSS% removal calculation requirement is listed as daily. The text on page 32 refers to a monthly average percent removal. Is the calculation and compliance determination based on the monthly average or a daily data calculation?</p>	<p>Although compliance with percent removal requirements is based on the monthly average, the monthly average is calculated by averaging all daily discharge percent removals within a calendar month for all days on which the constituent concentration is monitored in both the influent and effluent.</p>
E-8	V	<p>Comment 13</p> <p>Please clarify the screening period requirements. Prior permits allowed the screening to cease after 1 month if the new screening demonstrated that the most sensitive species was that which was previously found to be the most sensitive.</p>	<p>The Regional Board agrees with the comment. Section V of Attachment E will be modified to include the following language:</p> <p>Repeat screening periods may be terminated after the first month if the most sensitive species is the same as the species previously found to be most sensitive.</p>
E-14	IX.D.I-IX.D.6	<p>Comment 14</p> <p>Strike reference to the phrase "Online SSO Database" and revise section to direct submission of a monthly spill report to the RWQCB with a listing of the specific data reporting requirements. As a federal government agency, Camp Pendleton is</p>	<p>The Regional Board agrees with the comment. The text will be modified to require SSO reporting in accordance with Order No. R9-2008-0096 rather than General State Board Sanitary Sewer Overflow (SSO) Order No. 2006-003-DWQ. Reporting shall be completed on-line through the California Integrated Water Quality System Project (CIWQS) database. An</p>

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		<p>unable to comply with Order 2006-0003 as it is currently written, and is in the process of submitting a notice of termination (NOT) to terminate enrollment with the order. MCB Camp Pendleton, like other federal military installations, cannot comply with Order 2006-2003 because it lacks Congressional authorization. In the CWA, 33 U.S.C. 1323, Congress only subjected federal entities to "State . . . and local requirements . . . respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity". However, Order 2006-2003 explicitly excludes applicability to nongovernmental entities, and because it excludes nongovernmental entities it does not meet the criterion for a waiver of sovereign immunity. Although we acknowledge the positive impact that Order 2006-0003 may have on reducing collection system overflows and protecting water quality, and we are implementing many of the substantive requirements of Order 2006-0003 as a matter of comity, we believe we will be unable to report spills to the Online SSO Database once we have terminated enrollment in Order 2006-0003.</p>	<p>alternative requirement will be included for submitting reports directly to the Regional Board in case access to the CIWQS database is restricted upon disenrollment from Order No. 2006-003-DWQ.</p>
E-16	IX.D.6	Comment 15	The Regional Board agrees with the comment.

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		<p>Request the RWQCB insert minimum reporting information for "Private Lateral Spills" prior to the section "Category 1 SSOs". Rational: over the last couple of years, the management and maintenance of Camp Pendleton's family housing areas has transferred to private contractors under the Department of the Navy's Public Private Venture (PPV). Under this long-term (i.e., 50 year) contractual arrangement, the PPV partner owns the housing structures - to include the building laterals and in effect has become a private property within the confines of Camp Pendleton. A similar arrangement applies to conveyance infrastructure owned and operated by CALTRANS (1-5 rest areas) and the North County Transit District (Coaster Maintenance Facility).</p>	<p>The text will be modified to require minimum reporting information for private SSOs.</p>
E-18	IX.F.I	<p>Comment 16</p> <p>The Department of the Navy reserves the right to evaluate and determine its ability to legally comply with requirements to report via the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site when such requirements are promulgated by the State Water Board. If MCB Camp</p>	<p>Comment noted.</p>

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		Pendleton is unable to comply it shall continue to submit hard copy SMRs until the conflict is resolved.	
F-3	Table F-1	<p>Comment 17</p> <p>Facility Contact. Revise to read, "Wastewater Branch Head, Assistant Chief of Staff, Environmental Security, phone number to (760) 725-0141.</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>Luis Ledesma Wastewater Branch Head Assistant Chief of Staff Environmental Security (760) 725-0141</p>
F-3	Table F-1	<p>Comment 18</p> <p>Authorized Person to sign--. Revise the phone number to, "(760) 725-9753"</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>(760) 725-9753</p>
F-3	I.A	<p>Comment 19</p> <p>Please insert the words "under contract" after operated (i.e., ... owned and operated, under contract, by the United States Marine Corps..)</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>The Marine Corps Base, Camp Pendleton (hereinafter Discharger) is the owner and operator of the Camp Pendleton Southern Region Tertiary Treatment Plant (hereinafter SRTTP or Facility), a wastewater treatment plant owned and operated, under contract, by the United States Marine Corps, subject to the</p>

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			same requirements of a publicly-owned treatment works.				
F-5	II.A	<p>Comment 20</p> <p>First two paragraphs at the top of the page are incorrect: conversion of STPs 1, 2 & 3 into sewage lift stations has not yet occurred (as of 22 Aug 08) and may not be complete "prior to the adoption of this order". Recommend the following rewrite: "In the summer of 2008, wastewater conveyance pipelines to divert sewage from Treatment Plant Nos.1, 2, and 3 to the SRTTP were completed. Under this order, Treatment Plant Nos.1, 2, and 3 will no longer be used by the Discharger for sewage treatment, and all influent flow will be routed to the SRTTP."</p>	<p>The Regional Board agrees with the comment. The first two paragraphs will be replaced with the following text:</p> <p>In the summer of 2008, wastewater conveyance pipelines to divert sewage from Treatment Plant Nos.1, 2, and 3 to the SRTTP were completed. Under this Order, Treatment Plant Nos.1, 2, and 3 will no longer be used by the Discharger for sewage treatment, and all influent flow will be routed to the SRTTP.</p>				
F-6	Table F-2	<p>Comment 21</p> <p>Discharge to 000. Under "Discharging Facility" revise it to read "SRTTP" vice "Plant Nos. 1, 2, 3 and 13 (Now includes SRTTP)".</p>	<p>The Regional Board agrees with the comment. The text in the fifth row will be replaced with the following:</p> <table border="1" data-bbox="1230 1230 1906 1344"> <tr> <td data-bbox="1230 1230 1474 1344">USMC Camp Pendleton (Order No. R9-2008-0096)</td> <td data-bbox="1474 1230 1579 1344">SRTTP</td> <td data-bbox="1579 1230 1843 1344">Secondary-treated effluent</td> <td data-bbox="1843 1230 1906 1344">3.6</td> </tr> </table>	USMC Camp Pendleton (Order No. R9-2008-0096)	SRTTP	Secondary-treated effluent	3.6
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F-10	II.D	<p>Comment 22</p> <p>Is it customary to include a compliance summary of the most recent EPA inspection in the Fact Sheet? (An inspection summary memorializes compliance at a specific point in time and may not present a complete sense of an inspected activity's overall compliance posture.) If this section is mandatory, request the RWQCB include a footnote for D.I on this page that contains the following: "The Discharger argues that the influent oil and grease limit of 25 mg/L cannot be reliably met in an influent stream receiving wastes from domestic (i.e., residential units) sources, and that oil and grease concentrations in untreated domestic wastewater typically range from 50 to 100 mg/L (Metcalf and Eddy, Wastewater Engineering, 3rd ed., New York; McGraw-Hill, Inc., 1991). The Regional Water Board Staff agrees that 25 mg/L is typically lower than what is commonly observed in domestic influent. Further, the Discharger's influent concentrations of oil and grease are typical of most domestic influent. In addition, this influent concentration of 25 mg/L is less than the weekly average effluent limitation for the final effluent (40</p>	<p>Section IV.B.2 in the fact sheet includes a discussion on oil and grease, similar to the requested footnote.</p>

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		mg/L) and instantaneous maximum effluent limitation of 75 mg/L. Thus, this influent requirement is more stringent than the technology-based effluent limitations established by the Ocean Plan."	
F-11	II.D.3	<p>Comment 23</p> <p>Please change sentence to read "The discharger is continuing to address deficiencies associated with the proper maintenance of oil/water separator log books." We prefer not to reference separate entities within Camp Pendleton but to reference Camp Pendleton as the responsible entity.</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>The following oil/water separators were cited in the report as being out of compliance:</p> <p>13053, 13079 (also cited in previous inspection report), 32862 (also cited in previous inspection report), 330545, 2642 (also cited in previous inspection report), 53670, and 63244."</p> <p>The Discharger is continuing to address deficiencies associated with the proper maintenance of oil/water separator log books.</p>
F-16	IV.B.2	<p>Comment 24</p> <p>Although we acknowledge that "The Regional Water Board reserves the right to reopen and revise this permit if increased oil and grease concentrations are correlated to adverse impacts to the operation and treatment ability of the</p>	Comment noted.

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		<p>SRTTP," we wish to advise the RWQCB that Camp Pendleton has not experienced compliance concerns with Oil and Grease in its aged secondary treatment facilities or with meeting its effluent limitations for Oil and Grease from these facilities.</p>							
F-23	Table F-10	<p>Comment 25</p> <p>Change <u>Lead</u> to Total Chlorine Residual</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p><u>Total Chlorine Residual</u></p> <p>Ce = 2 + 87 (2 - 0) = 176 µg/L (6-Month Median) Ce = 8 + 87 (8 - 0) = 704 µg/L (Daily Maximum) Ce = 60 + 87 (60 - 0) = 5,280 µg/L (Instantaneous Maximum)</p>						
F-24	Table F-11	<p>Comment 26</p> <p>Daily max limit for chronic toxicity shows error</p>	<p>The Regional Board agrees with the comment. The text in the third row will be replaced with the following:</p> <table border="1" data-bbox="1230 1029 1906 1075"> <tr> <td data-bbox="1230 1029 1524 1075">Chronic Toxicity²</td> <td data-bbox="1524 1029 1619 1075">TU_c</td> <td data-bbox="1619 1029 1682 1075">--</td> <td data-bbox="1682 1029 1787 1075">145</td> <td data-bbox="1787 1029 1850 1075">--</td> <td data-bbox="1850 1029 1906 1075">--</td> </tr> </table>	Chronic Toxicity ²	TU _c	--	145	--	--
Chronic Toxicity ²	TU _c	--	145	--	--				
F-36	V1.A	<p>Comment 27</p> <p>The second paragraph states "Influent monitoring requirements have been carried over from the previous order." The oil and grease monitoring frequency was</p>	<p>The Regional Board agrees with the comment. The requirement will be modified to remain consistent with the current order (Order No. R9-2003-0155), with weekly influent monitoring for oil and grease.</p>						

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		actually increased. However, Camp Pendleton requests the frequency be reduced to weekly.	
F-36	V1.B	<p>Comment 28</p> <p>Request revision of the first and second sentence of the second paragraph to "Effluent monitoring requirements have been carried over from the previous Order with the notable exception of effluent monitoring for oil and grease, which has been increased from once a month to once a week." This revision is requested to strike reference to the unreasonable influent waste stream standard levied on Camp Pendleton by the San Diego RWQCB in the current NPDES permit. As discussed in correspondence submitted to the RWQCB on this subject, the referenced influent waste stream standard cannot be achieved in untreated waste from domestic sources (i.e., kitchen sinks). (The fact sheet admits this on page F-16.) Although influent waste stream monitoring demonstrates that Camp Pendleton seldom met this selective influent waste stream limit, the effluent from Camp Pendleton's three antiquated secondary treatment facilities and the SRTTP never exceeded the <i>effluent</i> waste</p>	<p>The text will not be modified. Adequate discussion is provided on this matter in the order and associated fact sheet. Oil and grease are notable constituents for the SRTTP as there is no required industrial pretreatment program associated with discharges to the upstream sewage collection system, nor do the requirements in General State Board SSO Order No. 2006-003-DWQ apply. All other sewage collection systems owned and operated in the San Diego Region have associated industrial pretreatment programs and are regulated by Order No. 2006-003-DWQ.</p>

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		<p>stream <i>standard</i> of 25 mg/L, which is identical to the influent limit. The removal of this influent waste stream limit, which to the best of our knowledge has not been levied on any other discharger in the San Diego Region, will not have an adverse impact on effluent water quality and does not need to be referenced as the reason for increasing the effluent oil and grease compliance monitoring frequency.</p>	
F-37	VI.E.2	<p>Comment 29</p> <p>Please clarify the legal authority invoked by the RWQCB to compel a Federal activity to participate in regional monitoring activities coordinated by the Southern California Coastal Water Project (SCCWRP).</p>	<p>Refer to Water Code Sections 13267 and 13383 and 40 CFR 122.48.</p>
F-38	VI.E.4	<p>Comment 30</p> <p>Delete this paragraph; Camp Pendleton, as a Federal activity, is legally unable to comply with Order 2006-0003 as written. Specific reference to Order 2006-0003 makes compliance with this order problematic.</p>	<p>The Regional Board agrees that the Camp Pendleton sewage collection system is not required to comply with Order No. 2006-0003-DWQ. The text will be modified accordingly:</p> <p>2. Sanitary Sewer Overflow. The Discharger must report sanitary sewer overflows in accordance with Section IX.D of the monitoring and reporting program</p>

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			(Attachment E).
F-39	5	<p>Comment 31</p> <p>Revise the "POTW" to "FOTW"</p>	<p>The Regional Board agrees with the comment. The terms "publicly-owned treatment works" and "POTW" will be revised to "federally-owned treatment works" and "FOTW", respectively.</p>
F-39	VII.B.5.b	<p>Comment 32</p> <p>Please change "A source control program is required ..." to "A source control program is necessary ..."</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>A source control program is necessary to prevent the introduction of pollutants, which will interfere with treatment plant operations or sludge disposal, and prevent pass through of pollutants that exceed water quality objectives, standards or permit limitations.</p>
F-40	VII.B.5.d	<p>Comment 33</p> <p>Delete the second paragraph. (Camp Pendleton, as a Federal activity, is legally unable to comply with Order 2006-0003 as written. Specific reference to Order 2006-0003 makes compliance with this order problematic.) The substantive requirements of the referenced order are contained in Attachment H.</p>	<p>The Regional Board agrees that the Camp Pendleton sewage collection system is not required to comply with Order No. 2006-0003-DWQ. The text will be modified accordingly:</p> <p>Minimum requirements to prevent SSOs are established as a condition of this Order and are included in Attachment H. Minimum SSO monitoring and reporting requirements have been established in Attachment E to this Order.</p>

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F-41	VIII.C	<p>Comment 34</p> <p>Please correct location of public hearing</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>Regional Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court, Suite 100 San Diego, CA 92123</p>
G-1	II.D	<p>Comment 35</p> <p>Revise "State DHS" to "California Department of Public Health (CDPH)".</p>	<p>The Regional Board agrees with the comment. All references to the State of California Department of Health Services will be revised to State of California Department of Public Health.</p>
H-6	B.7	<p>Comment 36</p> <p>Delete reference to "by establishing a proper rate structure,"; the directive is not relevant to a Federally funded activity.</p>	<p>The Regional Board agrees with the comment. The text will be modified accordingly:</p> <p>7. The Discharger shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing accounting mechanisms and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.</p>

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H-6	B.9	<p>Comment 37</p> <p>Delete the last sentence of this paragraph; the directive is not relevant to a Federally funded and managed activity. Additionally, Camp Pendleton will make only those elements of the SSMP that do not compromise security concerns publicly available.</p>	<p>The Regional Board agrees with the comment. The text will be removed.</p>