



UNITED STATES MARINE CORPS
MARINE CORPS BASE
BOX 555008
CAMP PENDLETON CALIFORNIA 92055-5008

IN REPLY REFER TO:
5090.11
ENVSEC/427
February 11, 2009

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
2009 FEB 13 P 2:01

Dear Mr. Robertus:

SUBJECT: PETITION TO POSTPONE CONSIDERATION OF TENTATIVE ORDER NO. R9-2009-0021

Marine Corps Base, Camp Pendleton appreciates the Regional Water Quality Control Board's postponement of the following non-consent calendar item from the February 11, 2009 meeting agenda:

11. Master Reclamation Permit with Waste Discharge Requirements for the United States Marine Corps: Discharges of Reclaimed water for Landscape Irrigation at Marine Corps Base, Camp Pendleton, California (Tentative Order No. R9-2009-0021) (Robert Pierce)

A delay for this item, to the April 2009 RWQCB meeting, was necessary to resolve payment of the Department of Fish and Game CEQA fee. Fish and Game Code section 711.4(c) (1) requires "all project applicants and public agencies" subject to CEQA to pay a filing fee as specified in subdivision (d). Further, Fish and Game Code section 711.4 (c)(3) states, "Filing fees shall be paid at the time and in the amount specified in subdivision (d). Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code, a project shall not be operative, vested, or final, and local government permits for the project shall not be valid, until the filing fees required pursuant to this section are paid."

The Department of Fish and Game requires such a CEQA fee for the subject reclamation permit. As you know, Camp Pendleton cannot currently pay this fee because we lack congressional authorization. On the other hand, we understand that the Board cannot pay this fee without passing it on to the permit applicant because it lacks an independent funding source. That being the case, we were concerned about the status of this permit if the fee went unpaid. Marine Corps legal counsel and governmental affairs personnel are working with the State Office of Planning and Research (OPR) and other state government officials to craft a legislative solution to this dilemma. Negotiations look promising and we would like to have this problem resolved before bringing this permit before the Board for consideration.

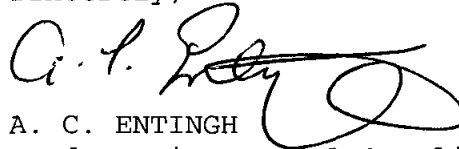
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The delay in hearing also allows us to confirm our ability to comply with the draft permit's Total Dissolved Solids (TDS) standards following higher than average process control data received during December 2008. We are concerned about accepting TDS permit limits that we cannot meet.

Staff will use the additional time to investigate the water quality issue and allow legal counsel's to work out a mutually acceptable response to the CEQA fees. We will continue to operate under the Conditional Waiver of Waste Discharge Requirements, which is in effect until May 20, 2009 or until the Regional Board adopts Waste Discharge Requirements for Camp Pendleton.

If you have any questions, please feel free to contact me at (760) 725-3561.

Sincerely,



A. C. ENTINGH
Head, Environmental Compliance
Division
Assistant Chief of Staff,
Environmental Security
By direction of the
Commanding Officer