



UNITED STATES MARINE CORPS

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IN REPLY REFER TO:
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ENVSEC
23 Oct 2009

Executive Officer
Attention: Mr. Alan T. Monji
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Subj: CLEAN WATER ACT SECTION 305(b)/303(d) INTEGRATED REPORT – 2008

Marine Corps Base Camp Pendleton supports the Regional Water Quality Control Board's (Regional Board) efforts to promote water quality and appreciates the opportunity to review and comment upon the draft 2008 Clean Water Act (CWA) Section 305(b)/303(d) Integrated Report. Camp Pendleton's resource managers are concerned about the scientific and legal basis for some of the proposed listings, as well as potential consequences to the base's water resources and supply (to include water rights) that could result from the listings contained in the subject draft report. Camp Pendleton respectfully requests that the Regional Board consider the following comments prior to taking further action on the 2008 Integrated Report.

1. While the subject report proposes to de-list Sandia Creek in the Santa Margarita River watershed for nitrogen impairment, Camp Pendleton has data from an ongoing water quality study (2007-2009) that indicate the total nitrogen concentrations in Sandia Creek exceed Basin Plan limits in 24 of 24 samples. The study will not be completed until January 2010; however, the base is willing to share preliminary data regarding Sandia Creek in order to inform the Regional Board's decision. Camp Pendleton requests – as was recently discussed at the October 12, 2009 workshop – that the Board delay consideration of de-listing Sandia Creek until the next listing cycle.

2. While Camp Pendleton supports 303(d) listings and subsequent development of total maximum daily loads (TMDL) where data demonstrates that existing beneficial uses are impaired by excessive pollutant loading, the proposed listing of "invasive species" as a pollutant and source of impairment in San Mateo Creek is inappropriate under Section 303(d) of the CWA. The CWA requires identification and listing of toxic and conventional pollutants that are discharged into navigable waters in excess of water quality standards, however it does not define invasive species as "pollutants." Even if invasive species could be considered pollutants under the CWA, it would be impossible to develop or measure a TDML for invasive fish. Camp Pendleton is committed to protecting rare and endangered species and has well-established federal natural resources programs which more appropriately address Steelhead Trout protection. These programs are structured to meet the requirements of the Endangered Species Act, Invasive

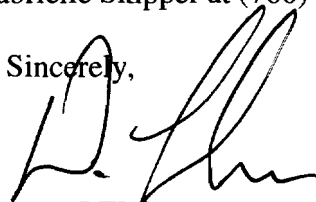
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Species Act and the Sikes Act and are executed by a full-time staff fisheries biologist. Additionally, invasive species are ubiquitous in San Diego County, yet San Mateo Creek is the only proposed invasive species listing. For the foregoing reasons, Camp Pendleton requests that the Regional Board remove the invasive species listing for San Mateo Creek.

3. Although observations regarding the scientific propriety of water quality objectives in the San Diego Basin Plan are beyond the scope of review under Section 303(d) of the CWA, reference stream conditions in the Santa Margarita River watershed appear to contain naturally high levels of nutrients in the absence of anthropogenic loading. This may suggest that current Basin Plan water quality objectives are more stringent than natural conditions in the Santa Margarita River watershed. It is suggested that the Regional Board evaluate the propriety of Basin Plan standards in the Santa Margarita Watershed during the next Triennial Review.

If you have any questions, please contact Ms. Gabrielle Skipper at (760) 725-9760.

Sincerely,



D. F. LEVI
Deputy, Assistant Chief of Staff,
Environmental Security
By direction of the Commanding Officer

cc: Director, Office of Water Resources
Western Area Counsels Office