

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
November 12, 2008

ITEM: 16

SUBJECT: 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. R9-2008-0089). (Robert Pierce)

PURPOSE: The Regional Board will consider adoption of a Master Reclamation Permit for the discharge of tertiary treated water for landscape irrigation.

PUBLIC NOTICE: A public notice of the tentative Order was published in the San Diego Union-Tribune on July 26, 2008. The tentative Order was posted on the Regional Board web site on August 11, 2008. Selected federal, state and local agencies as well as the USMC were notified of the tentative Order and opportunity to comment in letters or emails sent August 13, 2008. The public hearing for the tentative Order was postponed from the September 10, 2008 Board Meeting.

DISCUSSION: The discharger, the United States Marine Corps (USMC), has constructed the Southern Region Tertiary Treatment Plant (SRTTP) to replace and/or upgrade the wastewater treatment service of four older sewage treatment plants. The SRTTP is connected to a reclaimed water conveyance and distribution system constructed to enable reuse through recycling of as much tertiary treated wastewater effluent as feasible.

The Regional Board received a Report of Waste Discharge (ROWD) and Engineering Report for the SRTTP, located at Marine Corps Base Camp Pendleton, dated February 14, 2008 (revised October 23, 2008). The document was prepared by the Naval Facilities Engineering Command-Southwest Division and the contracted plant operator (Camp, Dresser, McKee). A Final Environmental Impact Statement was prepared by the USMC and dated April 2004 with Supplemental Environmental Assessment dated

February 2007. CEQA equivalent NEPA documents are available online at [http://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/). The SRTTP will treat wastewater for reuse/recycling as irrigation water at Camp Pendleton. The uncontrolled discharge (recycling) of treated wastewater poses a potential threat to the designated and existing beneficial uses of water resources. Recycled water, resulting from adequate treatment of wastewater, is suitable for direct beneficial use. The Master Reclamation Permit describes the design and operating standards for the SRTTP intended to produce treated wastewater that is protective of the beneficial uses of water resources.

Irrigation with tertiary treated wastewater (recycled water) will be limited to landscape irrigation at specific locations at Camp Pendleton, including a golf course, horse pasture, parade grounds, and Oceanside (Front) Gate. The discharge specifications for total dissolved solids (TDS) will exceed the water quality objective for the Front Gate discharge area, however, the applied water is not expected to percolate to groundwater. After five years (November 2013) the discharge specification for TDS will change to 800 mg/L which can be met pending the addition of the planned treatment (reverse osmosis) system.

The Lemon Grove Ponds will be used for storage of reclaimed water. An alternative discharge point for treated wastewater effluents is the Oceanside Ocean Outfall, under a separate National Pollution Discharge Elimination System permit (CA0109347), as the fail-safe discharge point in the event the reclaimed water volume exceeds the storage and reuse capacity. This Tentative Order does not authorize a discharge to waters of the U.S.

The USMC has indicated that it will not pay the filing fee of \$2,606.75, as required by the California Fish and Game Code, normally required when an Environmental Impact Report (or Environmental Impact Statement under the National Environmental Policy Act) is prepared for a project. The USMC has asserted that sovereign immunity prevents it from paying the filing fee. The California Department of Fish and Game (DFG), has not waived the fee for the USMC's project. As lead agency, the Regional Board is required to transmit the fee it collects from the project applicant when it files the Notice of Determination (NOD) of project approval

with the Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse). The Regional Board staff requested that the USMC provide a letter to explain its position on sovereign immunity to include when the Regional Board transmits a NOD to the State Clearinghouse. If the NOD is not accepted for lack of the applicable DFG filing fee, the statute of limitations for challenging the Regional Board's determination under CEQA will extend to 180 days instead being limited to 30 days.

**KEY ISSUES:**

1. Effluent limitations for total dissolved solids concentration will temporarily exceed the groundwater quality objective although the discharge of recycled water is unlikely to affect groundwater quality or beneficial uses in the Santa Margarita River watershed.
2. Failure of the USMC to pay the DFG filing fee will extend the statute of limitations, from 30 to 180 days, for challenging the Regional Board's determination.

**LEGAL CONCERNS:**

None.

**SUPPORTING DOCUMENTS:**

1. Location Map
2. Tentative Order No. R9-2008-0089 with errata.
3. Draft Technical Report for Order No. R9-2008-0089
- 4a. Notice of Public Hearing and Opportunity to Comment
- 4b. Notice of Intent to Rely on Final Environmental Impact Statement to comply with the CEQA
- 4c. Affidavit of Publication for Notices
- 4d. Distribution List for Notice of Intent
5. CEQA Checklist
6. USMC comments on draft Tentative Order
7. USMC Tracer Test Report
8. California Department of Public Health comments
- 9a. USMC WDR waiver request
- 9b. Conditional Waiver No. 7 enrollment

Referenced Reports and CEQA documents are online at [http://www.waterboards.ca.gov/sandiego/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/sandiego/board_decisions/tentative_orders/)

**RECOMMENDATION(S):** The Regional Board staff recommends adoption of Tentative Order No. R9-2008-0089 with errata.