



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

In Reply Refer to:
5090.7B
ENVSEC/426
September 7, 2010

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

Subj: San Diego Regional Water Quality Control Board, Order No. R9-2010-0016, NPDES No. CAS0108740, County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control Water Conservation District

Marine Corps Base Camp Pendleton supports the Regional Water Quality Control Board's efforts to promote water quality and low impact development and appreciates the opportunity to review and comment upon the subject draft permit. Camp Pendleton's Director of Water Resources has expressed concerns over potential unintended consequences to water rights and water supply that could result from requirements contained in the draft permit. Please consider the enclosed comments.

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

Sincerely,

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

Enclosures: Director of Office of Water Resources Letter



UNITED STATES MARINE CORPS
OFFICE OF WATER RESOURCES
MARINE CORPS BASE
BOX 555013
CAMP PENDLETON, CALIFORNIA 92055-5013

07 Sept 10

MEMORANDUM

From: Director, Office of Water Resources, AC/S Facilities, Camp Pendleton
To: Compliance Department Head, AC/S Environmental Security, Camp Pendleton

Subj: San Diego Regional Water Quality Control Board ("Regional Board"), Order No. R9-2010-0016, NPDES No. CAS0108740, County of Riverside, the Incorporated Cities of Riverside County, and the Riverside County Flood Control Water District Conservation

The Office of Water Resources (OWR) respectfully requests that the below comments regarding the Proposed Tentative Order be forwarded to Regional Board for consideration. Submitting such comments will help ensure that the national defense priorities of Camp Pendleton, particularly as they pertain to water supply and water rights, are not frustrated by the potential unintended consequences of the Proposed Tentative Order.

The Office of Water Resources Supports Low Impact Development (LID) in Concept:

The Office of Water Resources (OWR) supports the concept of LID from a water quality perspective. Cleaner water coming onto Camp Pendleton not only sustains healthy ecosystems, but also ensures water in Camp Pendleton's aquifers is safe and suitable for potable use. Although, implementation of LID is expected to improve the quality of water that reaches Camp Pendleton via the Santa Margarita River (SMR), if improperly structured, LID has the potential to reduce the volume of high quality water that would otherwise arrive downstream to support beneficial uses on Camp Pendleton. Beneficial uses on Camp Pendleton, which are supported by historic baseflows in the SMR, include—but are not limited to—providing seventy percent of Camp Pendleton's water supply and sustaining populations of threatened and endangered species.

The Proposed Tentative Order Remains Problematic From a Water Supply Perspective:

OWR appreciates that the Regional Board has already included provisions in the Proposed Tentative Order that appear oriented towards protecting downstream water users from encroachment of historical flows. However OWR remains concerned that some provisions in the Proposed Tentative Order could be read to incentivize removal of native SMR water from the watershed in a manner that has the potential to reduce SMR baseflows. We have suggested revisions to the Proposed Tentative Order at the end of this memorandum that we believe will further reduce the risk to our water supply.

Treatment of Runoff Before Discharge into Receiving Waters:

Finding E.7 on (page 14) raises a potential dilemma for MS4 operators that could facilitate large scale impoundment and export of stormflows for "runoff treatment" to the detriment of downstream water right holders. Specifically, Finding E.7 states that "[t]reatment and/or mitigation must occur prior to the discharge of runoff into receiving waters." Because achieving water quality standards may require extensive treatment—particularly to achieve the existing nutrient standards in the Basin

Plan, there is real risk that developers of large scale development/retrofit projects will impound large amounts of water onsite in lined facilities or export the water to a watershed with less stringent water quality objectives where the water can be discharged (or reclaimed for consumptive use) at significant savings to the MS4 or project developer.

To address this concern, the Regional Board should consider adding a section to the Findings in the Proposed Tentative Order which clarifies that impoundment or export of stormwater/rainwater for the purpose of avoiding pertinent discharge standards and/or basin plan objectives is not a proper use of stormwater absent demonstration of compliance with California Water Code Sections 1200-1225.

Along these lines, and to reduce risk that stormwater capture will reduce historic baseflows or otherwise diminish the water rights of downstream water users, we recommend the following additional revisions to the Proposed Tentative Order:

1. Revise Section F.1c.8 (page 29) to read as follows:

Rain water harvesting, where feasible *and fully protective of downstream water rights*, must be implemented as part of the site design and construction, and to supplement offsite beneficial uses.

2. Amend Section F.3.d.2 to add an additional criterion, along the lines below for prioritizing retrofit of existing development:

(k) the extent such projects are fully protective of downstream water rights¹



J.N. JUNGREIS

¹ This recommended amendment will promote consistency with Section F.3.d.6(d) and ensure that the prioritization of retrofit projects properly considers the ramifications of retrofit on downstream baseflows.