

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL EXECUTIVE OFFICER SUMMARY REPORT
September 10, 2008

- ITEM: 7
- 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 with waste discharge requirements for the discharge of tertiary treated wastewater effluent for landscape irrigation. 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 previously provided by 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.
- 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.
- DISCUSSION: The USMC has indicated that it will not pay the filing fee of \$2,606.75 for this project as required by the Fish and Game Code 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 Department of Fish and Game (DFG), however, 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 required Notice of Determination (NOD) of project

approval with the Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse). Regional Board staff has requested that the USMC provide a letter to explain its position on sovereign immunity for the Regional Board to include when it transmits a Notice of Determination. If the NOD is not accepted for filing because it does not include the filing fee, the statute of limitations for challenging the Regional Board's determination under CEQA will be 180 days instead of 30 days.

Tentative Order No. R9-2008-0089 was revised with errata (Supporting Document 2) to remove the waste discharge requirements (WDRs) for the discharge of tertiary treated effluent from the SRTTP to a proposed area in the Santa Margarita River Watershed. This change was necessary because the proposed discharge of tertiary treated effluent would exceed the water quality objective for total dissolved solids (TDS) of 750 mg/L prescribed in the Basin Plan.

Further, technological enhancements to the SRTTP wastewater treatment system may result in the tertiary treated effluent meeting water quality objectives in the future. If so, the USMC may file a Report of Waste Discharge to propose additional recycled water discharge areas in the Santa Margarita Watershed in the future.

Attached to this supplemental EOSR are the tentative Order R9-2008-0089 with errata (Supporting Document No. 2) and the draft technical staff report (Supporting Document No. 3) that were not provided with the original EOSR for this Item.

KEY ISSUES:

Information provided to the Regional Board indicates that the TDS concentration, in the proposed discharge of tertiary treated effluent, would exceed the applicable water quality objective for the Santa Margarita watershed. At this time, the Regional Board does not have sufficient information to determine a water quality based effluent limit for TDS for the proposed discharge in the Santa Margarita watershed. Thus, the WDRs for the proposed discharge within the Santa Margarita watershed were removed from the tentative Order.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

No. 2. Errata to tentative Order No. R9-2008-0089
No. 3. Technical Staff Report for tentative Order No. R9-2008-0089

CEQA documents are available online at
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.