

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

IN REPLY REFER TO:
 5090.7
 ENVSEC/42

Marine Corps Base, Camp Pendleton, hereby request that the San Diego Regional Water Quality Control Board rescind Order No. 96-11, due to the reason(s) described below.

Please provide a brief explanation:

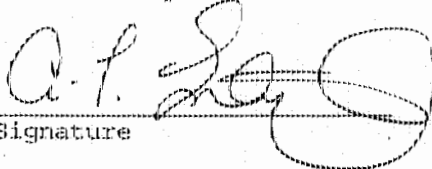
The Del Mar Boat Basin dredging project was completed on August 14, 1996; therefore the continuance of the fees is the result of an administrative error and should be removed. Furthermore, DoD facilities are not required to pay Waste Discharge Requirement fees for dredge or fill projects under the Clean Water Act section 404(t). This is based upon State of California v. United States, No. CV-98-0792-WHO (N.D. Ca. 1999), a case from the Northern District of California that was affirmed upon appeal to the 9th Circuit. Based on this case, no WDR fees for the Del Mar Boat Basin dredging project should be charged to Camp Pendleton.

I certify that the discharge described in Order No. 96-11

- never started.
- has been terminated.

We understand that, if in the future, we wish to commence discharge, we must obtain new Waste Discharge Requirements (WDRs) and/or a waiver to the WDRs. Furthermore, we understand that in order to obtain new WDRs, a new Report of Waste Discharge must be submitted, including the filing/annual fee, to the San Diego Regional Water Quality Control Board.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations


 Signature

1-11-07
 Date

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

Note: This form must be signed and certified in accordance with the Reporting Requirements contained in the Order you wish to rescind.