

ADVISORY TEAM SUMMARY REPORT
July 14, 2010

- ITEM: 9a
- SUBJECT: Prehearing Conference to Consider San Diego Water Board Cleanup Team Motion to Extend Discovery Schedule. The San Diego Water Board will consider ruling on the San Diego Water Board Cleanup Team Motion to Extend the Discovery Schedule in Tentative Cleanup and Abatement Order No. R9-2010-0002, San Diego Bay Shipyard Sediment Site. Responses to the Motion were due on or before June 24, 2010. (Frank Melbourn)
- PURPOSE: To consider the Cleanup Team's motion. Furthermore, Designated Parties may inform the San Diego Water Board of their progress and respond to questions.
- PUBLIC NOTICE: Notice of the Prehearing Conference was e-mailed to the Designated Parties and Interested Persons on June 30, 2010. A copy of the notice was also mailed to the Designated Parties on July 1, 2010.
- DISCUSSION: On June 16, 2010, the Cleanup Team submitted a Notice of Motion, and Motion to Extend the Final Discovery Plan deadlines by 120 days. The Cleanup Team stated that "granting the motion will result in a more scientifically-robust Draft Technical Report ("DTR") and is likely to streamline the hearing on the merits of this matter." In response, the Presiding Officer on June 17, 2010, issued a request for responses to the Cleanup Team's motion from Designated Parties, and a Cleanup Team report on California Environmental Quality Act (CEQA) activities taken (Supporting Document No. 1 with attached Motion).
- On June 24, 2010, the Port District responded that it did not object to the motion (Supporting Document No. 2). In a joint letter dated June 24, 2010, BAE Systems San Diego Ship Repair, Inc., Campbell Industries, City of San Diego, General Dynamics NASSCO, San Diego Gas & Electric, and the U.S. Navy, agreed to extend the deadlines with a request to link

the deadlines to CEQA process benchmarks (Supporting Document No. 3).

The Cleanup Team's June 24, 2010, response amended its earlier motion by supporting the linking of deadlines to CEQA process benchmarks, or in the alternative to extending the deadlines by at least 280 days (Supporting Document No. 4). A response against the motion was received from the San Diego Coastkeeper (Coastkeeper) on June 24, 2010 (Supporting Document No. 5). Coastkeeper's response opposed deadline extensions until Coastkeeper has "an opportunity to review relevant samples, data, and information regarding the new data and analyses that would form the basis of the revised report and order." On June 28, 2010, the Cleanup Team responded to Coastkeeper's criticism on sampling and data gathering. Furthermore, the Cleanup Team promised to supply Coastkeeper with the requested data (Supporting Document No. 6). On July 2, 2010, Coastkeeper responded by stating that the Cleanup Team's assertions could not be supported by the supplied information because the information was missing key documents, and included several inaccessible computer files (Supporting Document No. 7).

**SUPPORTING
DOCUMENTS:**

1. Order Requesting Responses to Cleanup Team's Motion
2. Port District Response
3. Designated Parties Response
4. Cleanup Team Response
5. San Diego Coastkeeper Response
6. Cleanup Team Response to San Diego Coastkeeper
7. San Diego Coastkeeper Response to Cleanup Team

RECOMMENDATION:

At the conclusion of discussion, the Advisory Team will make a recommendation to the San Diego Water Board.