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April 3, 2006

Mr. David L. Mulliken
Latham and Watkins LLP
600 West Broadway, Suite 600
San Diego, California 92101

In reply refer to:
EXEC:03-0284.05:MMcCann

Dear Mr. Mulliken:

TENTATIVE CLEANUP ORDER NO. R9-2005-0126

This letter is in response to your letter dated March 31, 2006 requesting that I direct the Advisory Team to release your February 17, 2006 letter. In your letter of February 17 you expressed concern with the continuing delay in the issuance of a Technical Report in support of the Tentative Cleanup and Abatement Order (CAO).

The piecemeal release of such information to the individual Board members works against maintaining an orderly process in preparing for the hearing on the Tentative CAO. Also, providing your letter to the Regional Board does not, in my view, serve a useful purpose since this specific issue and other issues related to the Tentative CAO are not before the Regional Board at this time. It is for these reasons I am not inclined to direct the Advisory Team to provide each of the Regional Board members with copies of your letter at this time.

Your letter will be released along with all other communication when the matter is forwarded to the Board for action in conjunction with a public hearing(s).

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Sincerely,

John H. Minan

John H. Minan
Presiding Officer and Chairman, San Diego Regional Board