

samples will be collected from the outfalls of the existing 8th Avenue storm drain and Switzer Creek. A work plan will be prepared for the collection of the outfall samples.

7.2.4. Sampling Procedures

For samples obtained from the surface of the armor rock layer, the sampling equipment and utensils in contact with the sediment shall be decontaminated at an upland location by a primary wash with a brush and Liquinox[®] solution, or equivalent, a rinse with potable water, and a rinse with de-ionized water. Two pre-cleaned, 8-ounce jars shall be completely filled (without headspace) with sediment from each discrete location.

The following is a summary of the sample types and containers for the different sampling locations and media:

- pore water samples shall be collected in laboratory-supplied glass containers with the appropriate preservatives, based on the type of analysis,
- ambient bay water samples shall be collected in laboratory-supplied glass containers with the appropriate preservatives, based on the type of analysis,
- the sediment core samples from the habitat backfill shall be collected in clear polycarbonate tubes, cut into appropriate lengths to obtain the top, middle, and base samples, capped with Teflon[®] paper and PVC end caps for each sample segment,
- the base cap sample in the nylon mesh bag shall be kept in a watertight resealable plastic bag, and
- the sediment samples collected from the surface of the armor rock layer shall be kept in 8-oz. glass jars.

The sample containers shall be labeled with the following information:

- unique sample identification number (also labeled on the sampling location map);
- sample collection date (month/day/year);
- time of collection (24-hour clock); and
- sampler initials.

The sample containers shall be placed in labeled resealable plastic bags and placed in a cooler maintained at 4 degrees Centigrade. Samples may be picked up in the field by a

state-certified analytical testing laboratory. The samples shall be kept in the sample cooler if they are picked up the same day that they were sampled. If the samples are not scheduled for pickup until the following day, then the samples shall be maintained at 4 degrees Centigrade in the cooler by adding bagged ice or they may be transferred to a refrigerator. A chain-of-custody record shall be maintained for samples collected throughout the sampling process. This record shall accompany the samples to the analytical laboratory. The chain-of-custody documentation shall be completed and signed by the laboratory-assigned courier.

Field notes shall be maintained during the sampling operations, and shall include the following:

- names of person(s) collecting and logging the samples;
- GPS horizontal coordinates for each sample location (fixed for the samples from the permanent sediment stations);
- depth of each location sampled as measured from the water surface;
- date and time of sample collection;
- unique sample identifier;
- description of sample; and
- deviations from this plan, if any.

7.2.5. Analytical Testing Program

The sediment samples shall be analyzed by:

- copper, lead, and zinc by United States Environmental Protection Agency (EPA) method 6010B with a method detection limit (MDL) of 1 milligram per kilogram (mg/kg), or less,
- TPH in the carbon chain range C₇-C₄₄ by EPA method 8015M, with an MDL of 1 mg/kg, or less,
- PCBs by EPA method 8082, as modified by the Puget Sound Estuarine Protocols (PSEP), with an MDL of 0.01 mg/kg, or less

- TPAHs by EPA method 8270C, as modified by the PSEP, with an MDL of 0.1 mg/kg, or less for each constituent, and
- TBT by Gas Chromatography/Mass Spectrometry using Krone, et al (1989).

The sediment sample results will be reported as dry weight concentrations.

The water samples (pore water and ambient bay water samples) shall be analyzed by:

- copper, lead, and zinc by EPA method 200.8 with MDLs of 1 microgram per liter ($\mu\text{g}/\ell$) or less,
- TPH in the carbon chain range C₇-C₄₄ by EPA method 8015M with an MDL of 100 $\mu\text{g}/\ell$ or less,
- PCBs by EPA method 8082 with an MDL of 0.01 $\mu\text{g}/\ell$ or less,
- TPAHs by EPA method 8270C with an MDL of 0.01 $\mu\text{g}/\ell$ or less, and
- TBT with an MDL of 0.01 $\mu\text{g}/\ell$ or less.

The sediment samples shall be archived (frozen) by the laboratory for potential analytical testing at a later date.

7.3. Biological Monitoring

The long-term biological monitoring program shall include laboratory bioaccumulation evaluation and infaunal studies. Biological sampling shall be conducted once every two years for the first eight years (2007, 2009, 2011, and 2013), and in 2016, 2021, and 2026, if the third tier action is not triggered.

7.3.1. Bioaccumulation Monitoring at the Former Campbell Shipyard

There is concern regarding the potential resuspension of contaminated sediments following the remedial action at the former Campbell Shipyard. There is also concern that these sediments may bioaccumulate in organisms and potentially impact the food web. Bioaccumulation monitoring at the remediation site will be conducted to ensure that

there are no biological impacts associated with the resuspension of contaminated sediments.

The premise of bioaccumulation is that contaminants in sediments are readily available and in the form in which they can enter the food web. Generally, the pathways include either exposure through direct contact (i.e., dermal) or through ingestion. If contaminants are bioavailable (i.e., can be metabolized and stored in the body), they can magnify as they proceed up the food chain (i.e., biomagnification). That is one reason why higher trophic organisms can accumulate high levels of contaminants in their tissues. It should be noted that elevated levels of contaminants in sediments does not necessarily correlate to elevated levels in tissue samples.

There are several possible approaches or methods to address bioaccumulation at the former Campbell Shipyard site. They include:

- the collection of wild-caught organisms,
- in-situ testing, and
- controlled laboratory bioaccumulation tests.

The following is a brief discussion of each methodology.

7.3.1.1. Collection of Wild-Caught Organisms

This method would entail the collection of animals that would be on site and potentially exposed to COCs. This is the most realistic measure of bioaccumulation, as organisms are exposed to natural fluctuations and potential contamination. However, there are many challenges with this methodology, the foremost being the selection of a target species. The target species ideally would live on (epibenthic) or in (benthic) the sediment, not be very mobile (i.e., would remain on site throughout its life), and either be very abundant or large so that enough tissue mass could be collected for chemical analyses. Based on previous efforts in San Diego Bay, there are no species that would meet all of these criteria. In addition, a similar collection

effort would have to be conducted at a reference or control site to compare the analytical results.

7.3.1.2. *In-Situ Testing*

With this method, target organisms would be collected from contaminant-free areas, and placed at the Campbell Shipyard site. This would be similar to the California Department of Fish and Game Mussel Watch Program, where mussels are placed in mesh bags and attached to a fixed object for a period of time, and then retrieved and analyzed. The Mussel Watch Program would not apply in this instance since mussels are filter feeders and therefore bioaccumulation is the result of water born contaminants and not from sediments. It may be possible to place benthic species in cages (e.g., small clams such as *Chione* or *Macoma*) and collect them after a period of time. However, there is a potential that the animals would not be present at the end of the study duration. Also, there is little information regarding the appropriate duration of the study, and similar to the collection of wild caught animals, a control site(s) would need to be identified.

7.3.1.3. *Laboratory Bioaccumulation Tests*

This is the standard bioaccumulation test recognized by many of the agencies (e.g., EPA, NOAA, RWQCB, COE), and is used for the testing of sediments to determine potential disposal options.

Sediment will be collected from the test site (former Campbell Shipyard) and from a "reference site." The reference site will be relatively contaminant-free and have similar grain size as the test sediment. Studies conducted by the Southern California Coastal Water Research Project (SCCWRP) may be used to determine an appropriate "reference" site. The test uses the polychaete worm (*Nereis virens*) and the bent-nose clam (*Macoma nasuta*) with a standard 28-day test period under flow-through conditions. Upon test termination, the reference and test sediments

will be sieved to remove the worms and clams. Surviving animals will be placed, by replicate, in clean sand in an aquarium and held under flow-through conditions to depurate for 48 hours. Following depuration, the animals will be carefully removed from the holding chambers and placed into labeled, water tight resealable plastic storage bags to be frozen. Frozen test tissue will be transported to an analytical laboratory for chemical analyses. As a quality control measure, pre-test samples of tissue from both species are frozen for future analysis, if needed.

The 28-day test period is a standard period used for laboratory bioaccumulation tests. The test period does not imply that organisms will have attained the maximum possible accumulation within that period. Determination of the total possible accumulation would require the study of animals in the field that had existed at the site since recruitment. Such techniques are not possible for this study. The 28-day test provides a consistent and repeatable measure to compare the study and reference sites for biological availability of contaminants.

Statistical analysis of the bioaccumulation test data will compare the tissue concentrations from animals held in reference sediment to concentrations from tissues exposed to test sediments. The statistical significance is determined using a one-tailed t-test. For analytes measured at or below the detection limit, the statistical test is carried out using the detection limit as the data point.

7.3.1.4. Recommendation Procedure

Taking into consideration the objectives of the bioaccumulation monitoring and the possible methods, it is recommended that laboratory testing be conducted. Compared to the other methods, there are fewer variables and known endpoints.

Collected sediments will be obtained from the same or adjacent sediment chemistry and infaunal sampling stations. The long-term bioaccumulation monitoring program will be conducted on the same timeline as the infaunal studies with samples

collected on the same sampling date. Sampling shall be conducted once every two years for the first eight years (2007, 2009, 2011, and 2013), and in 2016, 2021, and 2026, if the third tier action is not triggered.

The chemical analysis methods and MDLs for tissue sample analysis are presented in the table below.

Table 5 – Chemical Analyses for Tissue Samples

Analyte	Analysis Method	Tissue Target Detection Limits
Copper	EPA Method 6020	0.1 mg/kg
Lead	EPA Method 6020	0.1 mg/kg
Zinc	EPA Method 6020	1.0 mg/kg
TPAH	EPA Method 8270C	20 µg/kg
PCB	EPA Method 8082	20 µg/kg

The bioaccumulation sediment and tissue sampling will be performed at the same time as the sediment chemistry sampling, when possible. For these events, the bioaccumulation sediment samples will be collected from the same locations as the sediment chemistry samples so that COC concentrations in tissue samples can be correlated with COC concentrations in the sediment samples. All sediment samples will be archived (frozen) so that previously obtained samples can be re-analyzed. There may be events when the biological sampling may not coincide with the sediment chemistry sampling.

7.3.2. Infaunal Invertebrate Monitoring at the Former Campbell Shipyard

The goals of the Campbell Shipyard sediment remediation project include isolation of contaminated bay sediments with a sediment cap while increasing the habitat values present at the site. Inherent in these goals is the potential for the site to provide habitat for infaunal organisms. Thus, it is appropriate to specify a monitoring program to assess the colonization of the new substrate after construction.

7.3.2.1. Study Sites

Samples are to be collected from two sampling sites, the Campbell Shipyard site remediation habitat cap and a control site northwest of the remediation site (adjacent to the R.E. Staite leasehold).

7.3.2.2. Sampling

Sampling for benthic invertebrates will consist of spatial replicates spread widely across the study and control sites. Sampling stations will consist of three sites immediately adjacent to the three sediment chemistry sampling stations and an additional sampling station. The sampling stations will be randomly chosen with attention paid to avoidance of a clumped sampling station distribution. DGPS will be used to accurately locate the sampling stations. Benthic core samples will be collected at the four replicate habitat cap sampling stations and at four randomly selected sampling stations within the control site (n=4). At each sampling station, three, 46-square centimeter surface area cores will be collected. Cores will be inserted 15 centimeters into the substrate. Samples collected from each sampling station will be combined and rinsed through a 1.0 mm mesh screen, placed in labeled jars, and fixed with a 10% buffered seawater/Formalin solution.

Samples will be transferred to the lab and sorted into major taxonomic phyla (e.g., Crustacea, Annelida). Qualified taxonomists will then identify and count organisms in each phylum to lowest practicable taxon (usually genus or species). Wet weight of each phylum will be determined to the nearest 0.01 g. QA/QC measures will include completion of a chain of custody form, a re-sort of 10% of each sample to ensure a minimum of 95% accuracy, and a minimum of 5% check of taxonomic identification for each sample. Taxonomists will work together to ensure intercalibration of samples.

The taxonomic identification procedures will generally follow those used by the Southern California Coastal Water Research Project's (SCCWRP) Southern Cali-

ifornia Bight Regional Marine Monitoring Surveys (Bight Surveys). The benthic sampling procedures proposed for this project differ from those used in the Bight Surveys for a variety of reasons. The Bight Surveys use modified 0.1-square-meter Van Veen grab samplers to collect infaunal data. A successful Bight Survey sample can collect between 5 and 15 cm of surface substrate. Samples with less than 5 cm of penetration are rejected. Since the current project will involve placement of coarse sand and the planting of eelgrass over the habitat cap, the effectiveness of the Van Veen would be limited. Penetration would be poor given the coarse nature of the sediment, and eelgrass rhizomes would prevent closure of the sampler leading to lost sediments. The proposed diver-collected cores ensure complete sediment penetration, reduce impacts to eelgrass, and allow for greater spatial sampling of the cap. The data will be corrected to present infaunal densities per square meter allowing comparison to data collected in the region on other projects using other sampling methods.

The first sampling event will consist of pre-construction sampling at the habitat cap and control sites. Subsequent events will be scheduled at 2, 4, 6, 8, 10, 15, and 20 years after cap construction. The monitoring timing will correspond directly with the collection of sediments for the bioaccumulation monitoring. Additionally, sampling will occur as close as reasonably possible to the collection of sediments for sediment chemistry monitoring. Resulting data will be used to evaluate changes in invertebrate community composition at the habitat-cap site, using the control site to account for temporal variation in invertebrate communities.

7.3.2.3. *Reporting*

The first report will be prepared within 120 days of the second sampling event (first post-construction sampling). The report will provide invertebrate community comparisons between the habitat-cap and control sites, as well as providing comparisons between the pre- and post-construction invertebrate communities at the habitat-cap site. Subsequent reports will present the same comparisons as the

first, with the inclusion of the most recent sampling period and any changes in data interpretation that result from changes in the invertebrate community that occurred since the prior sampling.

7.4. Habitat Restoration (Eelgrass) Monitoring

After the completion of eelgrass transplanting activities, monitoring will be conducted for a minimum of five years at intervals of 0, 6, 12, 24, 36, 48, and 60 months after cap construction. Additional monitoring may be required where the stability or long-term success of the transplant site is in question. The habitat restoration monitoring shall be conducted in accordance with the Southern California Eelgrass Mitigation Policy (Revision 10), adopted by the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game (resource agencies) on July 31, 1991 and the "Eelgrass Mitigation Program in Support of Sediment Remediation and Aquatic Enhancement of the Former Campbell Shipyard Site." The areal coverage and density of plants shall be determined during monitoring activities.

A reference site within the same ecological subregion as the transplant site shall be selected and approval obtained from the resource agencies prior to the start of construction activities. The reference site shall be monitored concurrently with the transplant area to assess the effects of large-scale (e.g., El Niño) influences that may cause misinterpretation of mitigation success. Mitigation success shall be based upon a comparison of eelgrass areal coverage and density at the pre-construction project site and the transplant site (currently the same site).

Monitoring shall be performed within the active eelgrass growth period (i.e., March to October). Certified divers experienced in eelgrass surveys shall perform the surveys and record both the areal coverage and shoot densities of the eelgrass beds. The areal extent of eelgrass coverage shall be calculated as the area where eelgrass is present and the gaps in coverage are less than 1 m between shoots. Shoot density shall be calculated from representative samples collected within the reference and transplant sites. The Southern California Eelgrass

Mitigation Policy requires that the following criteria be obtained for mitigation to be defined as successful:

- a minimum of 70% areal coverage of eelgrass bed and 30% density after the first year,
- a minimum of 85% areal coverage of eelgrass bed and 70% density after the second year, and
- a sustained 100% areal coverage of eelgrass bed and at least 85% density for the third, fourth and fifth years.

In the event that the eelgrass transplant site fails to meet the above criteria, a supplementary transplant area shall be constructed, if necessary, and planted in accordance with the Southern California Eelgrass Mitigation Policy (Revision 10).

8. LONG-TERM MONITORING SCHEDULE AND REPORTING

Cap integrity monitoring (visual dive inspections and bathymetric surveys) and sediment sampling shall be accomplished within 60 days of the completion of the engineered and habitat caps. The results of initial monitoring shall be reported to the RWQCB within 60 days after completing the visual monitoring.

All sampling for annual monitoring shall be accomplished in March of each year in which monitoring is required following completion of the cap installation. Monitoring shall be conducted every year for the first seven years after cap construction. The seventh year after construction, only visual inspections and biological sampling shall be accomplished. The full monitoring program shall again be completed 10, 15, and 20 years after cap construction. The monitoring program shall continue at five-year intervals beyond the twentieth year unless the RWQCB determines that a reduced monitoring program is appropriate or that monitoring is no longer necessary. The District will re-evaluate the monitoring schedule with the RWQCB and the Bay Council, or successors in interest, to determine if the program should continue with five-year intervals beyond the 20-years prescribed in this plan, or a reduced monitoring program, or if monitoring is no longer necessary.

The long-term monitoring schedule is summarized in the table below.

Table 6 – Long-Term Monitoring Schedule

Year	2006	2007	2008	2009	2010	2011	2012	2013	2016	2021	2026
Years Following Construction	0	1	2	3	4	5	6	7	10	15	20
Cap Integrity (Visual dive and Bathymetric Surveys)	X	X	X	X	X	X	X	X	X	X	X
Sediment Sampling (Annual)			X	X	X		X	X			
Sediment Sampling (Quarterly)	X	X				X			X	X	X
Biological Sampling (Bioaccumulation and Infaunal Studies)		X		X		X		X	X	X	X
Habitat Restoration (Eelgrass Monitoring)	X	X	X	X	X						
Compliance Statements	X	X	X	X	X	X	X	X	X	X	X

Habitat Restoration monitoring will be conducted during the months 0, 6, 14, 24, 36, 48, and 60, during the post-planting period.

If an inspection or sampling indicates that the cap has in some way been breached, then the sampling schedule shall revert to once per year following any needed repair. Subsequent sampling shall be based on the same intervals given above (1, 2, 3, 4, 5, 6, 7, 10, 15, and 20 years after repair).

The monitoring report shall include a description of the monitoring performed; the various POCs and their performance standards; the date, exact place, and time of sampling or measurements, or observations; the individual(s) who performed the sampling, measurements, or observations; the date(s) analyses were performed; the individual(s) who performed the analyses; the analytical techniques or method used; the results of the analyses; and conclusions and recommendations.

The schedule indicated in the table below shall be adhered to for submitting monitoring reports to the RWQCB.

Table 7 – Reporting Schedule

Frequency	Report Period	Report Due
Monthly Compliance Statements	January, February, March, April, May, June, July, August, September, October, November, December	By the last day of the following month
Quarterly Monitoring Reports	January 1 to March 31	April 30
	April 1 to June 30	July 30
	July 1 to September 30	October 30
	October 1 to December 31	January 30
Annual Monitoring Reports	April 1 to March 31	April 30

9. EVENT MONITORING

Additional monitoring shall be performed after a destabilizing event, such as an earthquake or a storm. An event is defined as a major earthquake, tsunami, or a storm event with winds of strong gale or higher (47 miles per hour [mph] or higher). For purposes of this monitoring program, a major earthquake is one that inflicts significant damage to property in the metropolitan San Diego area, and/or measures 5.5 or greater on the Richter scale within 30 miles of the San Diego Convention Center. A major tsunami is one that inflicts significant damage to property in San Diego Bay. Visual dive inspections will be conducted within two weeks of an event.

10. TIERED MONITORING ENDPOINTS AND ACTION

This section summarizes the performance standards or endpoints for each tier and the recommended action if the standards in any tier are exceeded.

10.1. First Tier Monitoring

The first tier performance standards are:

- visual signs of damage to the cap such as slope failures, damage from boat keels, or significant erosion (significant damage will trigger third tier action),
- total cap thickness not less than 4.5 feet for the engineered cap section, not less than 2.5 feet for the habitat area, and thickness of sand layer not less than 21.6 inches (reduction of 10 percent),

- tolerable differential settlement within the limits provided in Table 3,
- tolerable lateral deformation of less than 0.1 foot per foot of slope length,
- COC concentrations from sediment chemistry within the action levels specified in Table 2,
- COC concentrations in pore water showing a stable trend, and
- COC concentrations in tissue samples consistent with concentrations in the control samples.

If these first tier endpoints are exceeded, the second tier monitoring will be initiated.

10.2. Second Tier Monitoring

The second tier monitoring will include:

- notifying the following (notification list) within 24 hours of discovery that the first tier POCs have been exceeded:
 - the RWQCB Executive Officer by phone (858-467-2952) or fax (858-571-6972),
 - Mr. Joshua Burnam, COE at Joshua.L.Burnam@spl01.usace.army.mil,
 - Mr. Jim Peugh; Audubon Society,
 - Ms. Gabriel Solmer, San Diego Baykeeper, and
 - Mr. Ed Kimura; Sierra Club, San Diego Chapter.
- performing a visual dive inspection and cap probing in the suspect area,
- obtaining sediment core samples if located in the habitat cap, or
- obtaining sediment samples from the sediment sampling stations (Figure 2) if in the engineered cap, or
- obtaining sediment core samples from the engineered cap if the sand layer is exposed,
- performing additional bioaccumulation monitoring if the biological POCs were exceeded, and
- investigating and reporting the cause of exceeding the first tier monitoring standards.

The second tier monitoring will be initiated within 72 hours of determination that the first tier measurement endpoints were exceeded. The second tier endpoints are discussed in the section below.

10.3. Third Tier Action

The second tier performance standards are:

- visual signs of damage to the cap such as slope failures, damage from boat keels, or significant erosion,
- thickness of the sand cap is more than 18 inches,
- COC concentrations from sediment chemistry within the action levels specified in Table 2,
- COC concentrations in pore water showing a stable trend, and
- COC concentrations in tissue samples consistent with concentrations in the control samples.

If these second tier endpoints are exceeded, third tier action will be initiated and will include:

- contacting the notification list with an update on the second tier monitoring results and if third tier is recommended,
- preparing a remedial action plan,
- implementing the remedial action plan,
- additional monitoring to evaluate the effectiveness and performance of the remedial measures,
- investigating the cause of exceeding the first and second tier monitoring standards, and
- preparing a report documenting the remedial measures, the cause of exceeding the first and second tier monitoring standards, and a revised schedule for first tier monitoring.

The third tier action will be initiated within 45 days of determination that the second tier measurement endpoints were exceeded. The final report will be submitted to the notification list within 30 days of completing the third tier repairs.

11. LIMITATIONS

This monitoring plan has been prepared in general accordance with current regulatory guidelines and the standard-of-care exercised by environmental consultants preparing similar plans in the project area. No warranty, expressed or implied, is made regarding the professional opinions presented in this plan. Variations in site conditions may exist and conditions not observed or described in this plan may be encountered during subsequent activities. Please also note that this plan did not include an evaluation of geotechnical conditions or potential geologic hazards.

The environmental interpretations and opinions contained in this plan are based on the results of work performed by others. Ninyo & Moore has no involvement in, or control over, work performed by others. Ninyo & Moore, therefore, disclaims responsibility for any inaccuracy in work performed by others. It should be understood that the conditions of a site could change with time as a result of natural processes or the activities of man at the subject site or nearby sites. In addition, changes to the applicable laws, regulations, codes, and standards of practice may occur due to government action or the broadening of knowledge. The findings of this plan may, therefore, be invalidated over time, in part or in whole, by changes over which Ninyo & Moore has no control.

This document is intended to be used only in its entirety. No portion of the document, by itself, is designed to completely represent any aspect of the project described herein. Ninyo & Moore should be contacted if the reader requires any additional information, or has questions regarding content, interpretations presented, or completeness of this document.

This plan is intended exclusively for use by the client. Any use or reuse of the findings, conclusions, and/or recommendations of this removal plan by parties other than the client is undertaken at said parties' sole risk.

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- United States Department of the Navy, 1994, Waterbird Survey, North and Central San Diego Bay, 1993. Southwest Division, Naval Facilities Engineering Command.
- United States Department of the Navy, 1995, Final Environmental Impact Statement for the Development of Facilities in San Diego/Coronado to Support the Homeporting of One NIMITZ Class Aircraft Carrier. Volume 3-Technical Appendices. November 1995.
- United States Department of the Navy, Southwest Division and San Diego Unified Port District (SDUPD), 2000, San Diego Bay Integrated Natural Resources Management Plan, and San Diego Unified Port District: dated September. San Diego, CA. Prepared by Tierra data Systems, Escondido, California.
- United States Environmental Protection Agency (EPA), 2000, Bioaccumulation Testing and Interpretation for the Purpose of Sediment Quality Assessment, Status and Needs: dated February.

Unitt, P., 1984, *The Birds of San Diego County*. San Diego Society of Natural History. 276 pp.

Home » Water Issues » Programs » 401 Certification

San Diego Region - 401 Water Quality Certification

Last Updated 02/23/2011 - [Pending Water Quality Certification Applications](#) (Adobe PDF format) - This link provides access to selected information on pending 401 applications. The public has 21 days from the date posted to comment on projects currently under review by the Regional Board staff.

Public Notification for Pending 401 Water Quality Certification Applications

The State Water Resources Control Board revised State regulations for the 401 Water Quality Certification Program; these revisions went into effect on June 24, 2000. The revised regulations [23 CCR § 3830-3869] may be found at http://www.waterboards.ca.gov/water_laws/index.htm or <http://www.calregs.com/>.

Section 3858 (a) states "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification."

When commenting on 401 Water Quality Certification, please include the File No. in your correspondence. Comments may be sent to:

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Fax: 858-571-6972

Certified Projects

The link below provides a table with access to all certifications issued by this Regional Board since January 2008. To review a certification issued prior to that date, please contact our main office number. Documents on this page are in "pdf" format (Adobe Reader V6.0 or newer)

[Certified Projects](#)

Other Links

[401 Water Certification Program](#) - State Water Board site

jinsteno.com	EXHIBIT NO. _____
	1283
	Barker

Public Documents (All files are in PDF format unless noted)

The State Water Resources Control Board adopted a revised Dredge and Fill Fee Calculator on October 7, 2008. The new fee calculator will be applied to all projects whose applications are received by the San Diego Regional Water Quality Control Board on or after Monday, October 27, 2008. A copy of the new fee calculator is available on the State

Water Resources Control Board, and can be accessed by following the previously provided link. Please note, the application fee has increased to \$640.00, due at the time the application is submitted.

[Water Quality Certification Application \(Revised December 2008\)](#)

[Instruction](#)

[Attachment 1](#)

[401 Guidance for Post-Fire Recovery Actions](#)

[Regulatory Requirements of a Complete Application](#)

[401 Frequently Asked Questions](#)

[Water Quality Certification Application Cover Letter](#)

[Certification of Nationwide Permits](#)

Presentations

[Project Power Presentation January 13, 2007](#)

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2/23/2011

Regional Water Quality Control Board
Pending 401 Actions

San Diego
Region 9

FILE NO	DATE REC'D	DATE POSTED ON WEB	APPLICANT	ADDRESS	PROJECT TITLE	PROJECT DESCRIPTION	COUNTY	RECEIVING WATERBODY	REGIONAL BOARD CONTACT
05C-131	11/3/2005	10/11/2006	Hanson Aggregates Pacific Southwest, Inc.	P.O. Box 580 Pleasanton, CA 94566	Quarry Creek Reclamation Project	The proposed project includes the reclamation of the remaining 104 acres largely within Carlsbad, including re-grading portions of the Buena Vista Creek channel at its current location.	San Diego	Buena Vista Creek	ALAN MONJI (858) 697-7140
06C-056	5/25/06	6/5/2006	El Camino Memorial Park Stewart Enterprises	29241 Crown Valley Parkway #220	Wetlands Permitting for El Camino Memorial Park	Provide bank stabilization to Carroll Canyon Creek and Rattlesnake Creek	San Diego	Carroll Canyon Creek	MIKE PORTER (858) 467-2726
07C-009	2/5/07	2/8/2007	H.G. Fenton Company	7577 Mission Valley Road, Suite 200 San Diego, CA 92108	University Business Park, San Marcos	The project proposes to develop 1) a high technology Business Park that would encompass 26.8 acres; 2) Discovery Area Residences, a multi-family residential community with up to 750 residential units on 24.9 acres and 5 acres of public park; 3) San Marcos Creek Open Space of 16.2 acres; 4) Infrastructure improvements pursuant to the City of San Marcos University Business Park Specific Plan.	San Diego	San Marcos Creek	MIKE PORTER (858) 467-2726
07C-015	2/5/07	2/20/2007	Yvette Anthony	43135 Avenida de San Pascual Temecula, CA 92592	Tentative Parcel Map 350039	Subdivision of approximately 4.2 acres into three lots with a minimum lot size of 1.0 net acre.	Riverside	Unnamed tributary to Temecula Creek	CHAD LOFLEN (858) 467-2727
07C-014	2/14/07	2/20/2007	Concordia Homes	3655 Nobel Drive suite 330 San Diego Ca 92122	Adobe Estates Residential Subdivision	The proposed project is for a 53.9 acre residential development and an access road coming off of Bobier Drive from the south.	San Diego	Guajome Creek	MIKE PORTER (858) 467-2726
07C-033	3/29/2007	3/30/2007	Hawkes-Holdings, LLC	16935 West Bernardo Dr, suite 112 San Diego, CA 92127	El Camino Executive Center	To provide office space, preserve 3/4 of site as permanent open space and to improve stream channel stability and water quality.	San Diego	Unnamed ephemeral drainage	MIKE PORTER (858) 467-2726
07C-0911	9/5/07	9/7/2007	CWS, Inc.	1055 Torrey Pines La Road, Suite 202 Jolla, CA 92037	CWS, Inc.	The project consists of the repair and replacement of an existing public storm drain including the placement of an energy dissipater.	San Diego	Unnamed tributary to the Pacific Ocean	MIKE PORTER (858) 467-2726
07C-109	11/20/07	11/30/2007	Riverside County Transportation Department	4080 Lemon Street, 8th Floor Riverside, CA 92502	Clinton Keith Road Extension Project (EAST)	The proposed project is the construction of the widening and extension of Clinton Keith Road between Antelope Road and SR 78. This application applies to the East Segment of the project located east of Liberty Lane.	Riverside	French Valley Creek	CHAD LOFLEN (858) 467-2727
08C-005	1/9/08	1/31/2008	Terry Lovinger	35490 HWY 79 Warner Springs, CA 92086	Loveacres Ranch	The proposed project is the construction of a rock drainage, detention basins, and replacing a 48" metal pipe with a 48" reinforced concrete pipe.	Riverside	Temecula Creek	CHAD LOFLEN (858) 467-2727

Regional Water Quality Control Board
Pending 401 Actions

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08C-008	2/4/08	2/6/2008	Ryan Companies US, Inc.	9171 Towne Centre Dr., Ste. 460 San Diego, CA 92122	River View at Santee Phase (II)	The proposed project is the development of the commercial and corporate office complex portions of Phase 2 of the River View at Santee project, as an extension of the existing Town Center.	San Diego	Unnamed tributaries to San Diego River	JODY EBSEN (858) 636-3146
08C-041	6/2/08	6/17/2008	Moser Ventures, Inc.	1012 2nd Street, Suite 100 Encinitas, CA 92024	Peaceful Valley Ranch	The proposed project consists of the construction of mixed use residential and equestrian development on 181 acres.	San Diego	Unnamed tributaries to Jamul Creek	JODY EBSEN (858) 636-3146
08C-079	10/14/08	10/23/2008	Olay Business Park, LLC	4225 Executive Square, Suite 920 La Jolla, CA 92037	Olay Business Park	The proposed project consists of the construction of an industrial business park, divided into 59 commercial/industrial lots.	San Diego	Un-named tributary to Tijuana River	JODY EBSEN (858) 636-3146
09C-017	3/3/09	3/4/2009	San Ysidro School District	4350 Olay Mesa Rd San Ysidro, CA 92173	Vista Del Mar Elementary School	Construction of a new elementary school and related infrastructure to provide the required 850 academic seats within the California Terraces Precise Plan.	San Diego	10 vernal pools	JODY EBSEN (858) 636-3146
09C-019	3/13/09	3/23/2009	Kearny PCCP Olay 311, LLC	655 West Broadway, Ste 1600 San Diego, CA 92101	Olay Crossings Commerce Park	Subdivision of a 311.5 acre property into 56 industrial lots, including the potential SR-11 alignment and Port of Entry. Off-site road development is also proposed.	San Diego	Unnamed tributaries to Tijuana River	JODY EBSEN (858) 636-3146
09C-021	3/18/09	3/30/2009	San Diego County Water Authority	4677 Overland Avenue San Diego, CA 92123	Tijuana River Valley Wetland Mitigation Project	Create approximately 40 acres of native wetlands vegetation and create a surface water hydrologic connection to the Tijuana River to provide effective flow across the site and conditions for the development of self-sustaining wetlands. 100 ft extension of an existing earthen berm would be constructed to close a breach in the earthen levee between the southern channel and the northern channel.	San Diego	Tijuana River	JODY EBSEN (858) 636-3146
09C-041	5/15/2009	6/1/2009	City of San Marcos	1 Civic Center Dr. San Marcos, CA 92069	Borden Road and Bridge Project	The proposed project is the construction of a bridge over a tributary to San Marcos Creek and a short section of roadway on either side to complete Borden Road between Twin Oaks Valley Road and Woodward Street (approx. 700 feet total).	San Diego	San Marcos Creek, Lake San Marcos, Batiquitos Lagoon	ALAN MONJI (858) 637-7140
09C-056	7/29/2009	8/5/2009	Pacific Scene Commercial, LTD	2505 Congress St San Diego, CA 92110	Forester Creek Industrial Park Project	Construction of 463,000 sq ft of multi-tenant industrial space, combining light industrial and warehouse uses, site access and circulation improvements, utilities improvements, and landscaping.	San Diego	Forester Creek	JODY EBSEN (858) 636-3146
09C-062	8/19/2009	8/25/2009	County of Orange	P.O. Box 4048 Santa Ana, CA 92702-4048	Laguna Canyon Road - SR-73 to El Toro Road	The proposed project involves widening road by approximately 6 to 25 feet within the existing right of way. Expansion will cause impacts to 0.445 acre of waters of the U.S. Impact include placement of soil.	Orange	Laguna Canyon Creek and unnamed tributary	ALAN MONJI (858) 637-7140

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Pending 401 Actions

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09C-076	8/26/2009	9/30/2009	Sycamore Landfill, Inc.	8514 Mast Blvd. Santee, CA 92071	Sycamore Landfill Master Plan	road base, asphalt, and concrete. The proposed project would increase intake tonnages on a periodic basis, as required by disposal demand, under the oversight of the City's LEA for solid waste.	San Diego	Little Sycamore Canyon Creek	JODY EBSEN (858) 636-3146
09C-079	10/7/2009	10/8/2009	Stable Lanes Development, LLC	11512 El Camino Real, Ste. 200 San Diego, CA 92130	Tentative Parcel No. 35935 Commercial Development	Construct a commercial development consisting of a retail shopping center and professional office space in addition to full road improvements to the Stable Lanes Road segment adjacent to the northeast project boundary and partial road improvements to the Clinton Keith Road segment adjacent to the northwest site boundary.	Riverside	Murrieta Creek	CHAD LOFLEN (858) 467-2727
09C-084	10/28/2009	10/28/2009	City of San Marcos	1 Civic center Drive San Marcos, CA 92069	South Lake Park	Creation of two docks and a boat ramp.	San Diego	South Lake	MIKE PORTER (858) 467-2726
09C-086	10/26/2009	10/28/2009	City of Carlsbad	1635 Faraday Avenue Carlsbad, CA 92008	College Blvd Reach A and Detention Basin BJ	The project involves the construction of two public improvements; a major arterial roadway and a regional flood control detention basin. Reach A is approximately 3,000 ft in length and will complete a north-south transportation link between El Camino real and Cannon Road. The roadway link is planned as a divided 4-lane roadway. The road will be constructed at 82 feet in width, with an 18-foot wide landscape median.	San Diego	Agua Hedionda Creek Little Encinas Creek	MIKE PORTER (858) 467-2726
09C-087	11/9/2009	11/17/2009	City of Murrieta	1 Town Square 24601 Jefferson Avenue Murrieta, CA 92562	Jackson Avenue Street Improvement Project	The proposed 0.88-mile alignment would be located along portions of the existing Jackson Avenue right-of-way and improved to 100 foot width. Project includes the construction of a 195-foot-long cast-in-place arch-culvert structure, consisting of six 24' wide arch cells, over Warm Springs Creek	Riverside	Warm Springs Creek	CHAD LOFLEN (858) 467-2727
09C-096	12/24/2009	12/29/2009	Jeannie Lawrence Canyon (P) 949-548-2444	1919 Lawrence Canyon Silverado, CA 92676	Rancho Las Lomas	The proposed project includes the demolition and replacement of four existing culverts located within Aliso Creek with free-span bridges and the additional installation of another new free-span bridge.	Orange	Aliso Creek	ALAN MONJI (858) 637-7140

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08C-101	12/27/2009	1/5/2009	City of San Diego	600 B Street, Suite 800 San Diego, CA 92101	SR-163/Friars Road Interchange Project	The project proposes improvements to the SR-163/Friars Rd interchange and adjacent streets. Major project elements include a new separate facility for southbound SR-163 traffic to exit onto westbound I-8 (including a new bridge over the San Diego River), a new flyover bridge to connect Ulric Street to southbound SR-163, widening Friars Rd Bridge, and widening and/or restriping other roads.	San Diego	San Diego River	JODY EBSEN (858) 636-3146
10C-003	1/19/2010	1/26/2010	City of Laguna Niguel	27801 La Paz Road Laguna Niguel, CA 92677	I-5/Crown Valley Parkway Interchange Improvement Project	The improvements to Crown Valley parkway include widening the south side of the street and the three associated bridges over 1) Oso Creek; 2) Camino Capistrano Road, the Orange County Transit Authority Metrolink; and 3) I-5 Freeway	Orange	Unnamed tributary to Oso Creek	ALAN MONJUI (858) 637-7140
10C-004	1/19/2010	1/26/2010	County of Orange	300 N. Flower Street Santa Ana, CA 92702	Laguna Canyon Road Drainages Project	The proposed project consists of maintenance within three drainage facilities and minor improvements to an existing access road.	Orange	Unnamed drainages tributary to Laguna Canyon Channel	ALAN MONJUI (858) 637-7140
08C-074	1/19/10	2/2/2010	City of Carlsbad	1635 Faraday Ave Carlsbad, CA 92008	El Camino Real Widening Project	Amendment to Certification condition D.4, to extend the deadline for compliance with this mitigation measure to April 30, 2010.	San Diego	Two unnamed intermittent streams tributary to Agua Hedionda	MIKE PORTER (858) 467-2726
10C-007	1/21/2010	2/3/2010	County of San Diego	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	Lake Rancho Viejo Flood Control Channel Maintenance Project	The channel maintenance activities included removal of sediment within the boundaries of the existing low-flow channel as well as mowing 10 feet of vegetation within the earthen bottom channel immediately adjacent to and east of the concrete channel. A small access road was also created in order to access the channel bottom.	San Diego	Keys Creek, San Luis Rey River	MIKE PORTER (858) 467-2726
10C-008	1/28/2010	2/3/2010	U.S. Marine Corps	Box 555008, Bldg 22165 Camp Pendleton, CA 92055	Ephemeral Drainage Relocation for the Marine Corps Base Camp Pendleton Main Exchange Mall Complex	The project will entail the relocation of approximately 2,500 feet of an existing other water of the U.S.	San Diego	Unnamed ephemeral drainage tributary to Santa Margarita River	CHAD LOFLEN (858) 467-2727

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10C-012	1/20/2010	2/9/2010	Richard Marconi	31878 Del Obispo St San Juan Capistrano, CA 92675	Marconi Road Work	Emergency road repair work previously completed.	Orange	La Paz Canyon Gabino Canyon	ALAN MONJII (858) 637-7140
10C-013	2/2/2010	2/9/2010	Palomar Community College District	1140 West Mission Road San Marcos, CA 92069	PCCD San Marcos Campus Facilities Master Plan	The overall purpose of the Master Plan is to increase the on-campus capacity to accommodate the anticipated growth in student enrollment up to a maximum of 25,000 students through the year 2022. Construction will include a Child Development Center, Relocation of PE/Athletic Fields, and Arboretum Improvements.	San Diego	Unnamed tributary to San Marcos Creek	MIKE PORTER (858) 467-2726
10C-016	2/10/2010	2/24/2010	SDG&E	8315 Century Park Ct. CP21E San Diego, CA 92123	SDG&E 5428 - Permanent Erosion Repair, Gas TL 2010, Mission Trails	The proposed project is the repair of the existing unpaved access road adjacent to TL 2010 and portions of the 20-inch diameter high-pressure gas pipeline located within a 30-foot-wide easement in Mission Trails Regional Park.	San Diego	Several unnamed drainages tributary to and including Oak Canyon drainage	JODY EBSEN (858) 636-3146
10C-018	3/1/2010	3/4/2010	Hanson Aggregates Pacific Southwest, Inc.	P.O. Box 639069 San Diego, CA 92163- 9069	Former South Coast Quarry Amended Reclamation Plan	The proposed project includes the reclamation and off-site improvements to 104 acres consistent with the Surface Mining and Reclamation Act, including regrading portions of the Buena Vista Creek channel within its current location. Large, flat pads would be the result of the reclamation on both sides of the creek. Restoration of the creek channel and slopes is proposed.	Carlsbad, CA	Buena Vista Creek	ALAN MONJII (858) 637-7140
10C-023	3/25/2010	3/29/2010	City of Temecula	43200 Business Park Drive Temecula, CA 92589- 9033	French Valley Parkway Interchange Project	The proposed project includes construction of a new interchange and associated roadway enhancements to facilitate improved operations on the mainline facility on the I-15 between the existing Winchester Road interchange (SR-79) and the I-15/I-215 junction in the cities of Murrieta and Temecula in Riverside County, CA.	Riverside	Santa Gertrudis Creek and Warm Springs Creek	ALAN MONJII (858) 637-7140
10C-025	3/18/2010	4/6/2010	California Department of Fish and Game	4949 Viewridge Avenue San Diego, CA 92123	Batiquitos Lagoon Maintenance Dredging Project	Maintenance dredging of 300,000 cubic yards of sand located in flood shoals within the western and central basins of Batiquitos lagoon and discharge of the material to the North and South Ponto beaches. Work will be performed every two to three years as needed to maintain	San Diego	Batiquitos Lagoon and the Pacific Ocean	MIKE PORTER (858) 467-2726

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FILE NO.	DATE REC'D	DATE POSTED ON WEB	APPLICANT	ADDRESS	PROJECT TITLE	PROJECT DESCRIPTION	COUNTY	RECEIVING WATER BODY	REGIONAL BOARD CONTACT
10C-026	3/30/2010	4/6/2010	State of California, Department of Boating and Waterways (Cal Boating)	2000 Evergreen Street, Suite 100 Sacramento, CA 95815	Crown Cove Dock Project	The proposed project involves construction of a new recreational dock in Crown Cove Inlet of South San Diego Bay by Cal Boating. The project would involve the removal of an existing paved walkway which presently traverses the beach area. The proposed project would involve three main components. A concrete sidewalk would be constructed to extend from the existing paved driveway area, which would slope down to a concrete abutment connecting to an accessible gangway. The gangway would connect to a transition plate, and the transition plate would then connect to a fiberglass floating platform held in place with two concrete piles, driven into the bay floor.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
02C-056	4/5/2010	4/6/2010	BROOKFIELD LAND COMPANY, INC.	1536 BROOKHOLLOW DRIVE, SUITE B, SANTA ANA 92705	THE WALLACH PROPERTY	The amendment would allow the Riverside County Flood Control and Water Conservation District (RCFCWCD) to perform routine maintenance activities within the Wallach mitigation site located within the RCFCWCD flood control channel. Maintenance would include clearance zones no more than 0.32 acre. The project will be mitigated by 0.22 acre of restoration of riparian habitat.	Riverside	Unnamed tributary to Warm Springs Creek	ALAN MONJI (858) 637-7140
10C-027	4/6/2010	4/8/2008	National City Golf Course, An American Golf Corporation	1439 Sweetwater Road National City, CA 91950	National City Golf Course Removal of Contaminated Fill Soil	The project proposes to remove fill soil from a tributary to the Sweetwater River that was not authorized by the City of National City. The removal of the fill material placed on the stream bank will be done with a smooth-edge bucket on a backhoe so as not to mix fill soil with underlying native material.	San Diego	Unnamed tributary to Sweetwater River	JODY EBSEN (858) 636-3146
04C-077	4/19/2010	4/20/2010	City of Carlsbad	5950 El Camino Real Carlsbad, CA 92008	Lake Calavera Reservoir Dam Remedial Improvements	Amendment to the Certification to adjust the selection of plants used for wetland enhancement. The soil was found to be very salty and thus they would like to use more salt marsh species.	San Diego	Calavera Creek, Lake Calavera Reservoir	MIKE PORTER (858) 467-2726

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San Diego
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10C-029	4/8/2010	4/20/2010	City of San Marcos	1 Civic Center Drive, San Marcos, CA 92069	Grand Avenue Capital Improvements 317 Drainage/Road Improvements Project	The City is proposing to improve the site by widening a 750-foot section of Las Posas Creek from the 6-foot-by-3-foot triple box culvert outlet located at Grand Avenue to the southwest property line where the creek exits the site. The creek will be widened to a maximum width of 48 feet to restore functions and services to this creek system, to accommodate the 100-year storm event and to increase flood storage and flood flow conveyance in the area.	San Diego	Las Posas Creek	MIKE PORTER (858) 467-2726
10C-031	4/22/2010	5/4/2010	East County Sand, LLC	475 West Bradley El Cajon, CA 92020	East County Sand Mine	The East County Sand Mine project consists of 6 phases of soil and topsoil extraction and site reclamation activities over a 20 year period.	San Diego	San Diego River, San Vicente Creek, Slaughterhouse Creek, Unnamed tributary of San Vicente Creek	JODY EBSEN (858) 636-3146
10C-032	4/30/2010	5/4/2010	SGM Investments	601 West Ave. 1 Lancaster, CA 93534	Polo Club at Vista Valley, Tract 4736	The proposed project is a request to subdivide 442 acres into 172 single family residential lots using a Planned Residential Development (PRD). The purpose of the PRD is to allow for the protection of large areas of biological open space which will be encompassed in portions of individual residential lots and two separate open lots.	San Diego	Gopher Canyon Creek, South fork of Gopher Canyon Creek, and the San Luis Rey River	MIKE PORTER (858) 467-2726
08C-078	4/30/10	5/4/2010	City of Oceanside	300 N. Coast Highway Oceanside, CA 92054	El Camino Real Detention Basin Project	Amendment to the Certification to repair of the existing Sprinter Wall on Loma Alta Creek to eliminate potential uplifting during a 100-year storm event. Installation of a sheet pile wall requires minor excavation to expose the existing wall footing to guide placement of the piles.	San Diego	Loma Alta Creek	ALAN MONJI (858) 637-7140
10C-033	4/19/2010	5/6/2010	City of San Diego	600 B Street, Suite 800, MS 908 San Diego, CA 92101-4502	Alta La Jolla Drive Drainage Repair Project, Phase 2	The project involves earthwork to stabilize canyon slopes to protect adjacent homes, repair and restore a severely incised drainage channel, construct a storm drain system to restore hydraulics in the restored channel to pre-development conditions, and construct a detention basin to improve water quality and to attenuate 100-year peak flood events, to the extent possible.	San Diego	Pacific Ocean	ALAN MONJI (858) 637-7140

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10C-034	4/29/2010	5/6/2010	Marine Corps Base Camp Pendleton (MCBCP)	Box 555008, Bldg. 22165 Camp Pendleton, CA 92055-5088	Red Beach Operations Access Points (P-159)	The proposed project would widen the I-5 undercrossing, add an undercrossing of the rail road corridor, and improve and widen the approach road to the rail road and I-5. Widening the I-5 undercrossing would consist of clearing the soil material and concrete foundation in front (south) of the existing abutment and installing a tied-back retaining wall system. The project is expected to start in 2010 and be completed by 2011 and would occur within 12 months.	San Diego	Las Flores Creek	ALAN MONJI (858) 637-7140
10C-037	5/27/2010	6/1/2010	County of San Diego Department of Public Works	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	Aliso Canyon Road Improvement Project	The proposed project consists of drainage improvements along Aliso Canyon Road beginning at the intersection of Aliso Canyon Road and El Camino del Norte and extending north on Aliso Canyon road to the T-intersection with Avenida del Duque. Drainage improvements include removing and replacing existing underground storm drain pipes, culverts, curb inlets, catch basins, headwalls, storm drain cleanouts, and associated utility relocations and roadway improvements.	San Diego	San Dieguito Reservoir, Escondido Creek, San Elijo Lagoon, and the Pacific Ocean	MIKE PORTER (858) 467-2726
10C-039	5/17/2010	6/1/2010	Orange County Waste & Recycling	300 North Flower Street, Suite 400 Santa Ana, CA 92703	Prima Deschecha Landfill Zone 4 Expansion	The proposed project involves the implementation of the Prima Deschecha Landfill (PDL) Zone 4 landfill expansion. Nine major fill phases of development (Phases A through I) will occur in the 473-acre Zone 4. Activities within Zone 4 will include landfill operations, landslide remediation, installation of a stormwater collection and desilting system, and ongoing pre-mitigation efforts.	Orangé	Upper portion of Prima Deschecha Canada	ALAN MONJI (858) 637-7140
10C-041	5/26/10	6/10/2010	Gregory Canyon, Ltd. LLC	160 Industrial St Suite 200 San Marcos, CA 92078	Gregory Canyon Landfill Project	Construct a bridge crossing of the San Luis Rey River to handle ingress to and egress from the Gregory Canyon Landfill. Construct the landfill liner (including the landfill face) in the Gregory Canyon Mainstem.	San Diego	San Luis Rey River and Gregory Canyon Mainstem	MIKE PORTER (858) 467-2726
10C-042	6/7/2010	6/10/2010	Grossmont Union High School District	P.O. Box 1043 La Mesa, CA 91944	Grossmont Union High School District High School No. 12 Project	A proposed high school development will occur on approximately 49 acres of a 93 acre site. Within the 49 acres school facilities including classrooms, indoor and outdoor physical activity facilities, parking lots, football stadium, etc. would be constructed. 0.1 acre of wetland water of	San Diego	Viejas Creek	JODY EBSEN (858) 636-3146

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						the US (WOUS) and non wetland WOUS would be filled. The central drainage area would be restored and enhanced and ~40 acres placed in open space easement.			
10C-044	6/15/2010	6/23/2010	County of San Diego	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	Bear Valley Parkway North Widening Project	Bear Valley parkway from SR-78 to Boyle Avenue would be widened to Major Road standards to include four travel lanes in an approximately 100-foot-wide right-of-way, bicycle lanes, shoulders, parkways, sidewalks, turn lanes, and a center median. Proposed drainage improvements include new curb and gutter, curb inlets, extension or replacement of four existing reinforced concrete pipe (RCP) or reinforced concrete box (RCB) culvert systems, placement of headwall and wing walls and addition of rip rap energy dissipators at culvert outlets. The new curb inlets would be installed along the length of the widened roadway to capture surface flows along the road and form offsite areas draining onto Bear Valley Parkway. A replacement dock will be floated into the site with the same dimensions as the previous dock (8' x 40' in dock area and a 4' x 22' gangway). The contractor will utilize the three existing 14" round plings, so no pile driving is necessary. Completion is estimated within 90 days of obtaining permits.	San Diego	Unnamed blue line tributary to Kit Carson Creek, Lake Hodges	MIKE PORTER (858) 467-2726
10C-046	6/22/2010	6/23/2010	M. David Rottschildt	2726 Shelter Island Dr. San Diego, CA 92106	30 Admiralty Cross, Coronado, CA 92118	A replacement dock will be floated into the site with the same dimensions as the previous dock. This includes a 74' by 8' section and a 6' by 12' section. No pile driving is necessary (there are four existing piles). A replacement gangway will be 4' by 20'. Completion is estimated within 90 days of obtaining permits.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
10C-047	6/22/2010	6/23/2010	Rodolfo Aguilar	2726 Shelter Island Dr. San Diego, CA 92106	20 Sandpiper Strand	The project proposes to repair and prevent roadway losses due to erosion. This will be accomplished through: 1) Removal of excess slide debris material and re-grade roadway shoulder areas to its original condition. 2) The placement of 1/4 ton rock between existing slope and rock. 3) The placement of Reinforced	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
10C-053	6/23/2010	7/14/2010	Caltrans, District 12	3347 Michelson Dr. Ste. 100 Irvine, CA 92612	SR-74 Ortega Highway Storm Damage Emergency 2010		Orange	Tributaries to San Juan Creek	ALAN MONJI (858) 637-7140

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10C-056	6/7/2010	7/26/2010	County of San Diego Department of Public Works	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	Ramona Burn Site Bank Stabilization	concrete pipe in three locations The project is stabilization of portions of the eastern road slope and shoulder of Pamo Road, in the unincorporated community of Ramona. Sections of the road slope and shoulder have failed, while failure was imminent in other sections. Road crews stabilized approximately 105 linear feet of slope and shoulder.	San Diego	Unnamed tributary to Santa Ysabel Creek	ALAN MONUJI (858) 637-7140
10C-057	7/1/2010	7/23/2010	Ramona Municipal Water District	105 Earham Street Ramona, CA 92065	San Maria Wastewater Treatment Plant (SMWTF) Expansion Project	The proposed project is to: 1) upgrade and expansion of the SMWTF; 2) construction of additional wet weather storage ponds within the parhandle area located in the northwestern portion of the study area and a permanent access road to the proposed ponds 3) reconfiguration of the existing spray fields and a construction of two pump stations	San Diego	San Maria Creek	ALAN MONUJI (858) 637-7140
10C-062	7/27/2010	8/3/2010	4S Kelwood General Partnership	10815 Rancho Bernardo Road, Suite 310 San Diego, CA 92127	4S Upper Dam Outlet Replacement Project	To Replace the existing outlet works which are inoperable. An intake structure will be constructed within the reservoir behind the dam and an outlet structure will be constructed below the dam. Outlet pipes will be constructed between the intake and outlet structure to the north of the dam to convey reservoir water during drawdown. The project will place a subsurface vertical steel sheet pile system approximately 20 feet downstream of the pipe within the creek channel. The purpose of the sheet pile will be to provide a long-term protection to the pipe, which is currently exposed in a portion of the channel.	San Diego	4S Ranch Upper Dam and associated tributaries to Lusardi Creek	ALAN MONUJI (858) 637-7140
10C-063	7/23/2010	8/3/2010	Moulton Niguel Water District (MNWD)	27500 La Paz Road Laguna Niguel, CA 92677	Plant 3A Effluent Transmission Main (ETM) Protection Project	The proposed project involves replacing an existing cast-in-place concrete, seven-span bridge with a 150-foot-long steel truss bridge structure, consisting of two steel trusses. The bridge will have two abutments with exposed riprap placed around the abutments for scour	Orange	San Juan Creek	ALAN MONUJI (858) 637-7140
10C-065	8/2/2010	8/4/2010	City of Temecula	43200 Business Park Drive Temecula, CA 92589-9033	Main Street Bridge Replacement Project		Riverside	Murrieta Creek	ALAN MONUJI (858) 637-7140

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10C-067	7/29/2010	8/5/2010	David Rowland	2197 Corte Anacapa Chula Vista, CA 91914	750 Main Street Chula Vista	The project will disturb riprap channel lining protection. A buried riprap channel lining will also be installed underneath the bridge across the channel. The project will disturb south-facing slope on the south side of Main Street (Olaj Valley Road)	San Diego	Chula Vista	JODY EBSEN (858) 636-3146
10C-068	7/29/2010	8/9/2010	United States Marine Corps	Box 555008, Bldg 22165 Camp Pendleton, CA 92055	Repair of 24 Access Roads	The proposed action is to repair and stabilize 24 existing unpaved access roads throughout the Marine Corps Base Camp Pendleton's training ranges. An estimated 54 miles (87 kilometers) of access roads are involved in the proposed action. The roads proposed for repair contain surfaces of compact dirt, gravel, and sand in varying conditions of maintenance. The actual improvements would not take place along the entire length of the roads; only intermittent access road segments would be subject to repairs.	San Diego	San Onofre Creek, a tributary to San Mateo Creek, Talega Creek	CHAD LOFLEN (858) 467-2727
10C-071	8/13/2010	8/17/2010	Rancho California Water District	42315 Winchester Road Post Office Box 9017 Temecula, CA 92589	Pauba Road Pipeline Inter-Tie (Project D1555)	The proposed action is the installation of 750 lineal feet of 12-inch CML&C Welded Steel Pipeline. Excavation of a 4 foot wide and 5 foot deep trench that will generate 15,000 Cubic Yards of materials, including asphalt, pavement, aggregate base, and riverwash. The project will require three weeks for excavation to backfill, and three weeks for backfill to paving. Excavator, backhoe, and dump trucks will be used. Excavated materials will be taken off project site and stored until reused.	Riverside	Temecula Creek	ALAN MONJI (858) 637-7140
10C-072	5/26/2010	8/17/2010	City of San Marcos	1 Civic Center Drive San Marcos, CA 92069	State Route 78 Hydraulic Capacity Improvements Project	The project includes the construction of a bridge at SR-78 to supplement the capacity of the existing culverts under San Marcos Creek. Existing fill will be removed just downstream of SR-78 to re-open the floodplain and improve flow passage to restore the natural floodplain functions along San Marcos Creek.	San Diego	San Marcos Creek	MIKE PORTER (858) 467-2726

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10C-076	8/23/2010	8/25/2010	City of Encinitas	505 South Vulcan Avenue Encinitas, CA 92024	Encinitas Creek Drainage Channel Improvements Project	The city proposes to increase flood flow capacity within an approximate 1.7 acre portion of the site to reduce the possibility of flooding of the intersection, through the creation of a deepened earthen drainage channel. The channel would be 615 feet long by 85 feet wide and would range from 4 to 6 feet deep. Approximately 11,000 cubic yards of vegetation removal is proposed to create the main drainage channel, which would extend over an approximate 2 month period.	San Diego	Encinitas Creek	MIKE PORTER (858) 467-2726
10C-077	8/24/2010	8/25/2010	Kinder Morgan Energy Partners	1100 Town and Country Road Orange, CA 92868	Line Section 122/126 Washout Repair at Sandy's Ranch	The project proposes to expose the eroded sections of the pipe in the dry wash using a rubber-tired backhoe. An area approximately 0.028 acre will be disturbed, of which 0.009 lies within the channel. LS 122 will be cut at both bank limits using a hand cutting tool and capped by welding steel plates to the exposed ends. The stream channel around LS 126 will be re-contoured to provide an earthen cover, then grout filled geo-textile mattress will be keyed into the banks and bed of the channel.	San Diego	Unnamed ephemeral wash that is tributary to unnamed stream in intermitent Gonzales Canyon that is tributary to San Dieguito Creek	MIKE PORTER (858) 467-2726
10C-081	9/7/2010	9/8/2010	City of San Diego	9370 Chesapeake Dr, Ste. 100, MS 1900 San Diego, CA 92123	Routine Maintenance of Storm Water Facilities, Map 58 (Murphy Canyon)	The City is proposing to routinely maintain the existing channels in Murphy Canyon through periodic removal of trash, debris, vegetation, and accumulated sediment. DEH will provide grant funding to implement vegetation removal, sediment removal, debris and trash removal, and wetland enhancement and related projects that reduce or remove mosquito breeding habitat. Within the wetlands, the primary goal of the VHRP is to eliminate or reduce breeding habitat in a manner that balances the water quality, biologic, aesthetic, and hydrologic values of wetlands with the need to protect human populations and animals from mosquito-borne disease.	San Diego	Tributaries to San Diego River	MIKE PORTER (858) 467-2726
10C-050	6/9/2010	7/8/2010	County of San Diego, Department of Environmental Health	1255 Imperial Avenue, San Diego, CA 92101	Vector Habitat Remediation Program (VHRP)		San Diego	Waterbodies throughout San Diego County	MIKE PORTER (858) 467-2726

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10C-084	9/16/2010	9/16/2010	City of San Diego Storm Water Department	9370 Chesapeake Drive, Suite 100, Ms 1900 San Diego, CA 92123	Storm Water Maintenance, Sorrento Channel Maps 7, 9, 10, 11, 12	The city is proposing to routinely maintain Sorrento channel through periodic removal of trash, debris, vegetation, and accumulated sediments.	San Diego	Cement and earthen drainage channels tributary to the San Diego River	MIKE PORTER (858) 467-2726
10C-085	9/16/2010	9/16/2010	City of San Diego Storm Water Department	9370 Chesapeake Drive, Suite 100, Ms 1900 San Diego, CA 92123	Storm Water Maintenance, Alvarado Channel Maps 59, 60, 69, & 64	The city is proposing to routinely maintain the cement channels near San Diego State University through periodic removal of trash, debris, vegetation, and accumulated sediments.	San Diego	Cement and earthen drainage channels tributary to the San Diego River	JODY EBSEN (858) 636-3146
10C-086	9/16/2010	9/16/2010	City of San Diego Storm Water Department	9370 Chesapeake Drive, Suite 100, Ms 1900 San Diego, CA 92123	Storm Water Maintenance, Chollas Channel Maps 91 & 93	The city is proposing to routinely maintain the cement channels along I-15 under I-5 through periodic removal of trash, debris, vegetation, and accumulated sediments.	San Diego	Cement drainage channel and half cement, half natural bottom tributary to the San Diego Bay	JODY EBSEN (858) 636-3146
10C-087	9/16/2010	9/16/2010	City of San Diego Storm Water Department	9370 Chesapeake Drive, Suite 100, Ms 1900 San Diego, CA 92123	Storm Water Maintenance, Nestor Channel Maps 132 & 133	The city is proposing to routinely maintain the cement channels west of I-5 north of Grove Avenue through periodic removal of trash, debris, vegetation, and accumulated sediments.	San Diego	Earthen drainage channels tributary to the San Diego Bay	JODY EBSEN (858) 636-3146
10C-088	9/20/2010	9/21/2010	San Diego Association of Governments	401 B Street, Suite 800 San Diego, CA 92101	Sorrento to Miramar Double Track Project - Phase 1	The proposed project consists of a second main track from Mile Post (MP) 249.8 to MP 251.0 resulting in approximately 6,300 feet of new double track. The project will also result in the replacement of the existing 140 - foot long wooden trestle Bridge 249.9 with a steel deck double track bridge.	San Diego	Carrol Canyon Creek	MIKE PORTER (858) 467-2726
10C-091	10/1/2010	10/5/2010	Fidelity Mortgage Lender, Inc.	11952 Wilshire Blvd. Los Angeles, CA 90025	Harmony Grove TM 936	The proposed project is the development of 22 lots suitable for single family residences.	San Diego	Unnamed Swate Tributary to Escondido Creek	ALAN MONJI (858) 637-7140
10C-092	10/4/2010	10/7/2010	O'Neal Family Trust John Perrell Baker Trust	4325 Livingston Drive Dallas, Texas 75205 215 Pacific Avenue, Solana Beach CA 92075 219 Pacific Avenue Solana Beach, CA 92075	211-231 Pacific Avenue Shoreline Stabilization	The proposed project includes construction of an approximately 256 foot-long, 35-foot high, 2.5 foot thick carved and colored steel-reinforced shotcrete seawall at the base of the bluff fronting five single-family residences below 211-231 Pacific Avenue in Solana Beach. Activities will include minor trimming of the existing bluff face, trenching into the geologic shore	San Diego	Pacific Ocean	ALAN MONJI (858) 637-7140

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			Mark Barr	225 Pacific Avenue Solana Beach, CA 92075		platform, drilling and installation of steel tied-back anchors, and the application of steel-reinforced shotcrete to the lower bluff.			
10C-093	10/7/2010	10/12/2010	Gary Garber City of Carlsbad	231 Pacific Avenue, Solana Beach, CA 92075 1635 Faraday Ave Carlsbad, CA 92008	Romeria Street Drainage Improvement Project	The proposed project is needed to ensure the channel functions adequately for flood control purposes. The channel has been subject to undermining and has deteriorated since construction. Several portions of concrete lining are missing or severely damaged.	San Diego	Unnamed tributary to San Marcos Creek	ALAN MONJI (858) 637-7140
10C-095	10/19/2010	10/20/2010	County of San Diego, Department of Public Works	5555 Overland Avenue, Building 2 San Diego, CA 92123	San Vicente Road Improvement Project	The County proposes to improve an approximately 2.25 mile segment of San Vicente Road that extends from Warnock Drive at the northern end to just east of Wildcat Canyon Road at the southern end within the unincorporated community of Ramona in San Diego County.	San Diego	Santa Maria Creek and a tributary to San Vicente Creek	MIKE PORTER (858) 467-2726
10C-096	10/25/10	10/28/2010	County of San Diego, Department of Public Works	5555 Overland Avenue, Building 2 San Diego, CA 92123	Del Dios Highway Improvements	The proposed project is the replacement of an existing 40-inch concrete lined corrugated metal pipe (CMP) with a 117-foot 72-inch reinforced concrete pipe (RCP) culvert to convey the 100-year flow under Del Dios Highway. The replacement culvert would be installed using the jack and bore method so the roadway can remain open during construction. The length of the culvert would not change. The new culvert would tie into the existing concrete flume north of Del Dios Highway.	San Diego	Unnamed tributary to San Dieguito River and the Pacific Ocean	MIKE PORTER (858) 467-2726
10C-097	10/26/10	10/28/2010	SLDPR, LLC (407) Ann Goodfellow (409) Seawall Family Trust (311)	2726 Shelter Island Dr. San Diego, CA 92106	311, 407, 409 First Street Seawall	The proposed activity is bank stabilization, which would replace existing rubble mound revetment (quarry stone, asphalt, and concrete debris), and reinforce it with a concrete barrier.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
10C-098	10/28/2010	11/2/2010	Bernard L. Truax II	39495 Calle de Campanero Murrieta, CA 92562	Murrieta 18	Construction of a medical center in association with construction of Jackson Avenue bridge and connection for through traffic to City of Temecula.	Riverside County	Warm Springs Creek, tributary to Murrieta Creek	ALAN MONJI (858) 637-7140

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10C-099	11/3/2010	11/12/2010	County of San Diego Department of Public Works	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	San Vicente Drainage Improvement Project	The project consists of drainage improvements on San Vicente Road which will carry storm water from the east side of San Vicente Road south along San Vicente Road for a distance of 200 feet and outfall 200 feet west of the road. The inlet will consist of a head wall and wing wall and a 18" reinforced concrete pipe supplemental inlet on the east side of San Vicente Road located at an unnamed private road south of Barger Road. The 6'x2' underground culvert will be built on the east side of San Vicente Road for a distance of 200 feet before crossing San Vicente Road just north of San Vicente Terrace. The culvert will then travel 200 feet to the west across a portion of Ramona High School before draining into an unnamed drainage. The outfall will consist of a headwall, wingwall, and rip rap.	San Diego	Santa Maria Creek and Lake Hodges	MIKE PORTER (858) 467-2726
10C-101	11/4/2010	11/12/2010	Marine Corps Base Camp Pendleton (MCBCP)	Box 555008, Bldg. 22165 Camp Pendleton, CA 92055-5088	Restoration of Culvert No. 3 - San Mateo Road	The project will access the stream bed to demolish and replace Culvert No. 3 on San Mateo Road, a 48" diameter corrugated metal pipe storm drain culvert embedded in masonry. The pipe spans approximately 220' and has natural field stone headwalls at the inlet and outlet. The existing pipe is to be replaced with 4-222' long, 48" diameter corrugated metal pipes and wingwalls with rip-rap protection. Work will include removal of all existing structures and fills followed with replacement.	San Diego	Unnamed ephemeral tributary to San Onofre Creek	ALAN MONJI (858) 637-7140
10C-102	11/9/2010	1/24/2011	Nielson Beaumont Marine, Inc.	2420 Shelter Island Drive San Diego, CA 92106	Nielson Beaumont Marine Boatyard Capital Improvements Project	The proposed work includes construction of two new finger piers for a new 50 metric ton travel lift system, new concrete marginal wharf, a new boatyard paving on grade, existing building improvements and new two-story shop building.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
10C-103	11/5/2010	11/18/2010	Riverside County Transportation Department	3525 14th Street Riverside, CA 92501	Interstate 15 and Clinton Keith Road Interchange Improvement Project	The project would widen the existing Clinton Keith Road overcrossing at I-15, reconstruct the interchange ramps, and add limited length auxiliary lanes on I-15; prior to, and after the exit, and entrance ramps.	Riverside	Unnamed drainage channel that drains to Murrieta Creek	LINDA PARDY (858) 627-3932

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10C-105	11/15/2010	11/18/2010	Lori Brown (formerly Moritz)	14272 Jerome Drive Poway, CA 92064	Stream Restoration Plan	Removal of the HDPE pipe and re-grade property pre-modification conditions pursuant to grading plan based on topographic maps.	San Diego	Unnamed ephemeral stream that is a tributary to Rattlesnake Creek	ALAN MONJI (858) 637-7140
10C-106	11/15/2010	11/23/2010	Orange County Parks	13042 Old Myford Road Irvine, CA 92602	Poche Beach and Capistrano Outlet No. 1 Ocean Outlet Maintenance	The project consists of conducting recurring maintenance activities at the Poche Beach Outlet and Capistrano Beach Outlet No. 1 in the City of Dana Point. The Maintenance regime consists of semi-annual outlet maintenance and as-needed minor maintenance activities.	Orange	Prima Destechna Creek Outlets at Poche Beach into the Pacific Ocean. An unnamed drainage outlet at Capistrano Beach Outlet No. 1 into the Pacific Ocean.	CHAD LOFLEN (858) 467-2727
10C-107	12/1/2010	12/7/2010	BAE Systems San Diego Ship Repair	2205 East Belt Foot of Sampson St San Diego, CA 92113	BAE Systems - Pride of San Diego, Dry Dock Fender System Repair	Identical Replacement of ten (10) steel H-pile fenders on the POSD west mooring dolphin.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
08C-034	11/24/10	12/14/2010	Department of the Navy	2730 McKean Street, Bldg 291 San Diego, CA 92136	Assessment and Identification of Mine Susceptibility	Amendment to the original certification to correct design errors in the previous project. They seek to add a support structure to the piles so the system operates correctly.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
10C-108	11/29/2010	12/14/2010	BH Partnership Bahia Hotel	988 W Mission Bay Drive San Diego, CA 92101	Complete Dock Access Replacement Work at the Bahia Resort	The proposed project is the removal of the remaining elements of the failed pier and gangway access to the floating docks at the Bahia Resort, removal of the temporary access dock and gangway, replacement of a new access causeway, and mitigation of impacts to eelgrass habitat by on-site eelgrass restoration under the southern California Eelgrass Mitigation Policy.	San Diego	Mission Bay	ALAN MONJI (858) 637-7140
10C-109	12/14/2010	12/14/2010	City of Escondido	201 N. Broadway Escondido, CA 92025	Ash Street/SR-78 Bike Path Undercrossing	The project involves a 12-foot wide, 584-foot long concrete surface bike path ramp constructed in the southern channel bank of Escondido Creek to create a grade separating undercrossing of Ash Street/SR-78. The crossing under the bridge at Ash Street/SR-78 consists of a 12-foot wide, 6-foot high, and 170-foot long modified reinforced concrete (RC) box culvert that will provide for the	San Diego	Escondido Creek	ALAN MONJI (858) 637-7140

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10C-110	12/20/2010	12/22/2010	County of Riverside Office of Education	4384 Tequesquite Avenue Riverside, California 92501	Murrieta Regional Learning Center	Construction of Murrieta Learning Center. Construction will entail clearing of non-native vegetation, ornamental trees, removal of illicit dumping, and installation of storm drain system to direct off-site flows to existing culvert located off-site, and on-site infiltration basin for on-site flows. To prevent pooling water in the area of the localizer the project proposes to raise the grade of the critical area to match the localizer pad elevation as recommended by the FAA, and grade to drain away from the critical area. Imported material for fill shall be free of organic and construction material and be a well graded decomposed granite or similar material to be submitted for approval and testing. Compaction shall be 95% of the maximum dry density by ASTM D 1557.	Riverside	A linear ephemeral streambed with upland vegetation similar to the upland surroundings	CHAD LOFLEN (858) 467-2727
10C-111	12/8/2010	12/22/2010	City of San Diego	600 B Street, Suite 800, MS 908 San Diego, CA 92101-4502	Montgomery Field Localizer Remediation Project	The project proposes sediment removal within ponds to return the ponds to the design grade (approximate depth of 5 foot). The goal of removing the sediment in these ponds is to return lost flood capacity to the ponds and to eliminate odors emanating from algal blooms as a result of the shallow pond depths and excess nutrient input. No existing vegetation would be removed as part of the excavation activities. The project proposes the construction of a new fueling facility that will have four new aircraft fueling lanes that contain two fueling stations each, for a total of eight fueling stations. In addition to the MV-22 aircraft, this facility also will be used by CH-53 rotary-wing aircraft and transient C-130 and C-17 aircraft. The new fueling lanes will be constructed of concrete and will be large enough to accommodate the MV-22 aircraft (85 feet wide by 65 feet long). All project related construction	San Diego	San Diego Mesa Hardpan Vernal Pool	JODY EBSEN (858) 636-3146
10C-112	12/16/2010	12/22/2010	La Costa Resort & Spa	2100 Costa Del Mar Road Carlsbad, CA 92009	La Costa Resort and Spa Pond Maintenance Project		San Diego	Tributary to the Baliquitos Lagoon	ALAN MONJUI (858) 637-7140
10C-113	12/7/2010	12/23/2010	Marine Corps Air Station Miramar	P.O. Box 452001, Bldg. 6022 San Diego, CA 92145-2001	Miramar MV-22 Facility In-line fueling Construction Project		San Diego	Rose Creek and Rose Canyon Drainage.	ALAN MONJUI (858) 637-7140

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10C-114	12/28/2010	1/5/2011	County of San Diego	5469 Kearny Villa Rd, Ste. 305 San Diego, CA 92123	Woodside Avenue Drainage Improvement Project	The project proposes to replace the existing partially underground stormwater drainage system parallel to Woodside Avenue with an upgraded underground drainage system for approximately 1,800 feet and construct two 14' x 5' box culverts that would transport surface water flows under State Route 67 (SR 67) for a distance of approximately 340 feet.	San Diego	Unnamed tributary to the San Diego River	JODY EBSEN (858) 636-3146
11C-001	1/1/2011	1/5/2011	Meadowview Community Association, Inc.	41050 Avenida Verde Temecula, CA 92591	Meadowview Erosion Repair Long Canyon Creek	Repair and restore stream bank area altered by erosion before damage occurs along equestrian arena, the roadway at Via Norte, the clubhouse facilities, and private residential lots.	Riverside	Long Canyon Creek and Murrmeta Creek	CHAD LOFLEN (858) 467-2727
11C-002	1/5/2011	1/6/2011	Hacienda Cala Homeowners Association	2726 Shelter Island Dr. San Diego, CA 92106	Dock Replacement at 4517/4519 Cove Dr., Carlsbad, CA	An existing 4-fingered, 480 square foot dock will be replaced, in kind, with a pre-fabricated wood/composite dock. Piles exist, so no driving is necessary. The dock will be floated in from land using a boom truck. No discharge of dredged or fill material involved. Once approved, project will begin within 90 days.	San Diego	Agua Hedionda Lagoon	ALAN MONJI (858) 637-7140
11C-003	1/18/2011	11/18/2011	County of Orange, Public Works	300 N. Flower Street Santa Ana, CA 92702	Trabuco Creek Road Improvement Project	The proposed project would improve the existing dirt road, which varies from 11 feet wide to 20 feet wide, by installing a consistent, 16-foot-wide road composed of 4 inches of decomposed granite over 6 inches of aggregate rock base for the entire, approximately 2.8 mile length of Trabuco Creek Road from the intersection with Trabuco Canyon Road up to the entrance of the Cleveland National Forest. The project would also include the installation of two concrete dip crossings. The first dip crossing would replace an existing dip crossing at Trabuco creek. The second dip crossing would be constructed to a side drainage of Trabuco Creek. Additional road improvements will be made to a small section of the road to make it 16-foot-	Orange	Trabuco Creek	CHAD LOFLEN (858) 467-2727

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11C-004	1/18/2011	1/20/2010	Brian Arrington	2900 Nichols Street San Diego, CA 92106	Nichols Street Pier and Dock Renovation	The proposed Nichols Street pier and dock renovation project involves removing and replacing the damaged concrete piles, removing and replacing old timber piles with concrete piles, and installing a new landing, dock float, and gangway.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146
11C-005	1/19/2011	1/20/2010	Escondido Union High School District	302 North Midway Drive Escondido, CA 92027	Cliracado High School	The Escondido Unified School District plans to build a new career technology high school on the site. The new school is designed to serve 800 students in grades 9 through 12.	San Diego	Escondido Creek	ALAN MONJI (858) 637-7140
11C-006	1/24/2011	1/26/2011	City of Lake Forest	25550 Commercenter Drive, Suite 100 Lake Forest, CA 92630	Lake Forest Sports Park and Recreation Center	The project includes the construction of a park and recreation center over approximately 59 acres.	Orange	Four unnamed ephemeral non-riparian, upland dominated tributaries to Glass Creek, and Glass Creek, Unnamed tributaries to Tualoba Creek.	CHAD LOFLEN (858) 467-2727
11C-007	1/10/2011	1/27/2011	Riverside County Transportation District	3525 14th Street Riverside, CA 92501	State Route 79 Widening Project: Thompson Road to Domenigoni Parkway	The proposed project is to widen State Route 79 from 2 lanes to 4 lanes from Thompson Road to Domenigoni Parkway.	Riverside	Unnamed tributaries to Warm Springs Creek. Unnamed tributaries to Canyon Lake.	CHAD LOFLEN (858) 467-2727
11C-008	1/27/2011	1/28/2011	City of Poway	13325 Civic Center Drive Poway, CA 92064	Ephemeral Tributary to Rattlesnake Creek Stabilization Project	The project includes streambed and bank reinforcements/enhancements along a reach and encompasses areas that need to be stabilized. Measures include TRM with native vegetation, widening the channel bottom, and contouring the banks to a 2:1 slope where easement boundaries allow. Minor grading will occur in a portion of the stream channel. Rip rap and filter fabric will be placed at the toe of the slope to key-in TRM.	San Diego	Unnamed tributary to Rattlesnake Creek	ALAN MONJI (858) 637-7140

Regional Water Quality Control Board
Pending 401 Actions

2/23/2011

FILE NO	DATE REC'D	DATE POSTED ON WEB	APPLICANT	ADDRESS	PROJECT TITLE	PROJECT DESCRIPTION	COUNTY	RECEIVING WATER BODY	REGIONAL BOARD CONTACT
11C-009	2/2/2011	2/7/2011	Maine Corps Base Camp Pendleton (MCBCP)	Box 555008, Bldg. 22165 Camp Pendleton, CA 92055-5088	Culvert replacement and upgrade- Christiamitos road, Marine Corps Base, Camp Pendleton	Native riparian habitat similar to upstream conditions will be planted. The project will allow access to the stream bed to demolish and replace the existing culvert on Christiamitos Road, a 30" diameter, 125' long corrugated metal pipe with wingwalls and rip-rap energy dissipaters at either end. Work includes demolition and removal of old structures, excavation, backfill, de-watering installation of new structures (upgraded culvert, wingwalls, rip-rap dissipators) erosion control, BMP's. The project will entail constructing a connection between two existing bikeway sections in order to improve safety conditions and access to non-automobile circulation routes in and around Mission Bay Park. Construction of the proposed bridge and east and west bikeway sections will connect the existing western bikeway terminus at Pacific Beach Drive with the eastern terminus along North Mission Bay Drive. The proposed bikeway segment will involve the installation of a 250 foot long and 16 foot wide cast in place pre-stressed cantilevered box girder bicycle/pedestrian bridge to clear span regulated tidal waters of Rose Creek.	San Diego	unnamed ephameral tributary to San Mateo Creek	CHAD LOFLEN (858) 467-2727
11C-010	2/9/2011	2/9/2011	City of San Diego	600 B Street, MS 908A San Diego, CA 92101-4502	Rose Creek Bike Path and Pedestrian Bridge Project	Headcutting from a recently installed box culvert upstream, below Santiago Road in Temecula has exposed the upper portion of Semptra Energy gas lines 6900, and nearly exposed Lines 1028 and 1027. The project is to cover and protect the pipelines. The drainage channel will first be graded to fully expose the pipelines. Shielding material will be wrapped around the pipelines to reinforce them. Approximately 2 feet of earthen fill will then be placed above the pipelines to cover them, and articulated concrete revetment mats will be placed over this fill.	San Diego	Mission Bay in tidal waters at the mouth of Rose Creek	ALAN MONJIL (858) 637-7140
11C-011	2/10/2011	2/11/2011	Southern California Gas Company (SEMPRA)	2400 Oakdale Avenue, Chatsworth, CA 91311	Temecula Pipeline Repair Project		Riverside	Unnamed drainage tributary to Murrieta Creek	CHAD LOFLEN (858) 467-2727

2/23/2011

Regional Water Quality Control Board
Pending 401 Actions

San Diego
Region 9

FILE NO.	DATE RECD	DATE POSTED ON WEB	APPLICANT	ADDRESS	PROJECT TITLE	PROJECT DESCRIPTION	COUNTY	RECEIVING WATER BODY	REGIONAL BOARD CONTACT
11C-012	2/14/2011	2/16/2011	U.S. Army Corps of Engineers	915 Wilshire Blvd. Los Angeles, CA 90017	Oceanside Harbor Maintenance Dredging Project	The proposed project is dredging of approximately 260,000 cubic yards of sediment from the Channel Entrance portion of Oceanside harbor and placing the materials onto Oceanside Beach. Dredging will be a hydraulic pipeline dredge. Approximately 130,000 cubic yards will be used to rebuild the beach in front of North Coast Village and the remainder placed at a site south of Tyson Street. Dredging is expected to take approximately two weeks.	San Diego	Pacific Ocean	ALAN MONUJ (858) 637-7140
11C-013	2/14/2011	2/16/2011	Carlsbad Canterbury HOA	5927 Priestly Drive, Suite 110 Carlsbad, Ca 92008	Carlsbad Canterbury Desilting Basin Maintenance	Vegetation that is hanging over/into the desilting basin will be trimmed back, and vegetation that is growing within the basin itself will be cut down to above grade level and placed into bins; the basin bottom will be excavated from the access road using a backhoe where excess sediment will be lifted out of the basin and placed into bins; all extracted material will be transported from disposal at an approved landfill.	San Diego	Agua Hedionda Creek	ALAN MONUJ (858) 637-7140
11C-014	2/22/2011	2/23/2011	San Diego Harbor Excursion	1050 North Harbor Drive San Diego, CA 92101	San Diego Harbor Excursion Redevelopment	The proposed project will remove existing pilings and 6,260 square feet of floating docks from the water between Broadway and B Street piers; relocate existing high speed ferry dock to water between Broadway and B Street piers; install guide and support piles and 7,994 square feet of floating docks between Broadway and Navy Piers; and install concrete A-Jacks and eelgrass as habitat enhancement with shallow water area between Broadway and Navy Piers.	San Diego	San Diego Bay	JODY EBSEN (858) 636-3146

EPA/ROD/R10-89/020
1989

**EPA Superfund
Record of Decision:**

**COMMENCEMENT BAY, NEAR SHORE/TIDE FLATS
EPA ID: WAD980726368
OU 01, 05
PIERCE COUNTY, WA
09/30/1989**

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	Barker

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9/01/89

U.S. Environmental Protection Agency
Region 10
Seattle, Washington

Commencement Bay Nearshore/Tideflats RECORD OF DECISION



September 1989

USEPA SF



"68345"

PREFACE

This Record of Decision documents the remedial action plan for contaminated sediments and associated sources within eight discrete problem areas at the Commencement Bay Nearshore/Tideflats site. The Record of Decision serves three functions:

- It certifies that the remedy selection process was carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act as amended by the Superfund Amendment and Reauthorization Act, and to the extent practicable, with the National Contingency Plan.
- It summarizes the technical parameters of the remedy, specifying the treatment, engineering, and institutional components, as well as remediation goals.
- It provides the public with a consolidated source of information about the site, the selected remedy, and the rationale behind the selection.

In addition, the Record of Decision provides the framework for transition into the next phases of the remedial process, Remedial Design and Remedial Action.

The Record of Decision consists of three basic components: a Declaration, a Decision Summary, and a Responsiveness Summary. The Declaration functions as an abstract for the key information contained in the Record of Decision and is signed by the U.S. Environmental Protection Agency Regional Administrator. The Decision Summary provides an overview of the site characteristics, the alternatives evaluated, and an analysis of those options. The Decision Summary also identifies the selected remedy and explains how the remedy fulfills statutory requirements. The Responsiveness Summary addresses public comments received on the Proposed Plan, the Feasibility Study, and other information in the administrative record.

This Record of Decision is organized into three main sections: the Declaration, the Decision Summary, and Appendices. Appendix A provides letters of concurrence from the state of Washington and the Puyallup Tribe of Indians, Appendix B consists of the Responsiveness Summary, and Appendix C presents implementation schedules for source- and sediment-related remedial activities in the eight problem areas addressed in this Record of Decision.

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APPENDIX B - RESPONSIVENESS SUMMARY

APPENDIX C - IMPLEMENTATION SCHEDULES FOR SOURCE CONTROL
AND SEDIMENT REMEDIAL ACTION

APPENDIX D - REVISED COST ESTIMATE FOR CONFINEMENT OPTIONS

ADVERSE EFFECTS ARE PREDICTED. THE AET APPROACH CAN BE USED TO PROVIDE CHEMICAL-SPECIFIC SEDIMENT QUALITY VALUES FOR THE GREATEST NUMBER AND WIDEST RANGE OF CHEMICALS OF CONCERN IN COMMENCEMENT BAY AND THROUGHOUT PUGET SOUND. AET CAN ALSO BE DEVELOPED FOR A RANGE OF BIOLOGICAL INDICATORS, INCLUDING LABORATORY-CONTROLLED BIOASSAYS AND IN SITU BENTHIC INFAUNAL ANALYSES. AN ADDITIONAL ADVANTAGE OF USING EXISTING AET FOR THE CB/NT SITE IS THAT THE REMEDIAL INVESTIGATION DATA CONSTITUTE A RELATIVELY LARGE PROPORTION OF THE TOTAL DATA SET USED TO GENERATE AET VALUES. THE AET APPROACH HAS ALSO BEEN SELECTED FOR APPLICATION IN OTHER PUGET SOUND REGULATORY PROGRAMS.

THE CALCULATION OF AET FOR EACH CHEMICAL AND BIOLOGICAL INDICATOR IS STRAIGHTFORWARD:

1. COLLECT "MATCHED" CHEMICAL AND BIOLOGICAL EFFECTS DATA AT MANY SAMPLING STATIONS, INCLUDING POTENTIALLY IMPACTED SITES AND REFERENCE AREAS.
2. IDENTIFY IMPACTED AND NONIMPACTED STATIONS BASED ON STATISTICAL COMPARISONS WITH REFERENCE STATION CONDITIONS.
3. IDENTIFY AET USING ONLY NONIMPACTED STATIONS. FOR EACH CHEMICAL AND BIOLOGICAL INDICATOR, THE AET IS IDENTIFIED AS THE HIGHEST DETECTED CONCENTRATION AMONG SEDIMENT SAMPLES THAT DO NOT EXHIBIT STATISTICALLY SIGNIFICANT EFFECTS.

A PICTORIAL REPRESENTATION OF THE AET APPROACH APPLIED TO A DATA SET FOR TWO EXAMPLE CHEMICALS IS PRESENTED IN FIGURE 13. FOR EACH CHEMICAL, THE RANGES OF SIGNIFICANT AND NONSIGNIFICANT SEDIMENT TOXICITY RESULTS ARE SHOWN ALONG A CONCENTRATION GRADIENT. FOR EACH CHEMICAL, THE AET IS SHOWN AS THE HIGHEST CONCENTRATION WHERE NO SIGNIFICANT TOXICITY WAS MEASURED (I.E., THE TOP BAR FOR EACH CHEMICAL). ABOVE THIS CONCENTRATION FOR EACH CHEMICAL, TOXICITY WAS ALWAYS MEASURED (SOLID PART OF LOWER BAR).

DURING THE REMEDIAL INVESTIGATION, AET WERE GENERATED FOR THREE BIOLOGICAL EFFECTS (AMPHIPOD MORTALITY, OYSTER LARVAE ABNORMALITY, AND BENTHIC INFAUNA ABUNDANCES) FOR A DATA SET OF 50-60 STATIONS. FOLLOWING THE REMEDIAL INVESTIGATION, THE AET DATA SET WAS EXPANDED CONSIDERABLY BY THE ADDITION OF OTHER SYNOPTIC DATA SETS FROM VARIOUS AREAS IN PUGET SOUND. THE AET DATA SET USED IN THE FEASIBILITY STUDY TO ESTABLISH SEDIMENT CLEANUP GOALS CONSISTED OF 334 STATIONS, AND INCLUDED DATA FROM OTHER AREAS OF PUGET SOUND. A LIST OF AET USED TO DEFINE THE SEDIMENT QUALITY OBJECTIVES FOR THE CB/NT FEASIBILITY STUDY IS PROVIDED IN TABLE 5. THESE VALUES REPRESENT THE LOWEST AET FOR THE THREE BIOLOGICAL EFFECTS INDICATORS.

THE THREE BIOLOGICAL EFFECTS INDICATORS USED TO DEFINE AET-DERIVED SEDIMENT QUALITY OBJECTIVES FOR THE CB/NT FEASIBILITY STUDY WERE SELECTED BASED ON THEIR SENSITIVITY TO SEDIMENT CONTAMINATION, AVAILABILITY OF STANDARD PROTOCOLS, AND ECOLOGICAL RELEVANCE. THE RESULTANT AET ARE APPLICABLE TO A WIDE RANGE OF RELEVANT BIOLOGICAL EFFECTS, THEREBY PROVIDING PROTECTION AGAINST A WIDE RANGE OF IMPACTS.

BENTHIC INFAUNA ARE VALUABLE INDICATORS BECAUSE THEY LIVE IN DIRECT CONTACT WITH THE SEDIMENTS, THEY ARE RELATIVELY STATIONARY, AND THEY ARE IMPORTANT COMPONENTS OF ESTUARINE ECOSYSTEMS. IF SEDIMENT-ASSOCIATED IMPACTS ARE NOT PRESENT IN THE INFAUNA, THEN IT IS UNLIKELY THAT SUCH IMPACTS ARE PRESENT IN OTHER BIOTIC GROUPS SUCH AS FISHES OR PLANKTON.

THE TEST SPECIES USED IN AMPHIPOD TOXICITY TESTS (RHEPOXYNIUS ABRONIUS) RESIDES IN PUGET SOUND AND IS A MEMBER OF A CRUSTACEAN GROUP THAT FORMS AN IMPORTANT PART OF THE DIET OF MANY ESTUARINE FISHES. AMPHIPODS ARE GENERALLY POLLUTION SENSITIVE, AND SPECIES SUCH AS R. ABRONIUS HAVE A HIGH POLLUTANT EXPOSURE POTENTIAL BECAUSE THEY BURROW INTO THE SEDIMENT AND FEED ON SEDIMENT MATERIAL. THE OYSTER LARVAE BIOASSAY USES A TEST SPECIES (CRASSOSTREA GIGAS) THAT RESIDES IN PUGET SOUND AND SUPPORTS COMMERCIAL AND RECREATIONAL FISHERIES. THE LIFE STAGES TESTED (EMBRYO AND LARVA) ARE VERY SENSITIVE STAGES OF THE ORGANISM'S LIFE CYCLE. THE PRIMARY ENDPOINT IS A SUBLETHAL CHANGE IN DEVELOPMENT THAT HAS A HIGH POTENTIAL FOR EFFECTING LARVAL RECRUITMENT.

7.3 MITIGATING FACTORS

ASSESSMENT OF CHEMICAL CONTAMINATION AND BIOLOGICAL EFFECTS AT THE CB/NT SITE INDICATED THE PRESENCE OF SIGNIFICANT ENVIRONMENTAL AND HUMAN HEALTH RISKS IN SEVERAL AREAS. EVALUATION OF THE NATURE, EXTENT, AND MAGNITUDE OF CONTAMINATION AND BIOLOGICAL EFFECTS AT THE CB/NT SITE INDICATES THAT THE PRIMARY MITIGATION FACTOR INFLUENCING SEDIMENT REMEDIATION DECISIONS IS NATURAL RECOVERY OF THE SEDIMENT ENVIRONMENT.

7.3.1 NATURAL RECOVERY PROCESS

NATURAL RECOVERY OF CONTAMINATED SEDIMENTS IS THE PROCESS WHEREBY THE MAGNITUDE AND EXTENT OF SEDIMENT CONTAMINATION IN THE UPPER SEDIMENT LAYERS IS REDUCED OVER A PERIOD OF TIME FOLLOWING SIGNIFICANT REDUCTION OR ELIMINATION OF CONTAMINANT SOURCES THAT ADVERSELY IMPACT SEDIMENT QUALITY. REDUCTIONS IN SURFICIAL SEDIMENT CONTAMINATION ARE EXPECTED TO RESULT IN CORRESPONDING REDUCTIONS IN ENVIRONMENTAL AND PUBLIC HEALTH

NEWLY AVAILABLE DISPOSAL SITES.

10.1 CLEANUP OBJECTIVES

THE OBJECTIVE OF THE SELECTED REMEDY IS TO ACHIEVE ACCEPTABLE SEDIMENT QUALITY IN A REASONABLE TIMEFRAME. THIS OBJECTIVE HAS BEEN DEFINED IN TERMS OF BIOLOGICAL AND CHEMICAL TESTS, AS DESCRIBED IN SECTION 7 AND SUMMARIZED IN SECTION 8.1. AS DESCRIBED IN SECTION 8.2, SAMPLING AND TEST EVALUATION PROTOCOLS FOR ENVIRONMENTAL EFFECTS, AS WELL AS THE AET DATABASE, ARE TO REMAIN CONSISTENT WITH ANY ADJUSTMENTS ADOPTED BY THE PUGET SOUND ESTUARY PROGRAM. BECAUSE THE OBJECTIVE OF THE SELECTED REMEDY IS TO ACHIEVE THE SEDIMENT QUALITY GOAL IN A REASONABLE TIMEFRAME, NATURAL RECOVERY IS INTEGRATED INTO THE OVERALL REMEDY. NATURAL RECOVERY CONSIDERATIONS ARE USED TO IDENTIFY SEDIMENT REMEDIAL ACTION LEVELS THAT DELINEATE SEDIMENTS THAT ARE ALLOWED TO RECOVER NATURALLY FROM THOSE THAT REQUIRE ACTIVE SEDIMENT CLEANUP. THE SEDIMENT QUALITY OBJECTIVE ALSO APPLIES TO SOURCE CONTROL REQUIREMENTS. MONITORING OF SOURCES AND SEDIMENTS WILL BE USED TO DETERMINE THE EFFECTIVENESS OF SOURCE CONTROLS. HABITAT FUNCTION AND ENHANCEMENT OF FISHERIES RESOURCES WILL ALSO BE INCORPORATED AS PART OF THE OVERALL PROJECT CLEANUP OBJECTIVES. FOR EXAMPLE, THE PHYSICAL CHARACTERISTICS AND PLACEMENT OF MATERIAL USED FOR CAPPING CONTAMINATED SEDIMENTS IN THE MARINE ENVIRONMENT WILL BE REQUIRED TO PROVIDE A SUITABLE SUBSTRATE AND HABITAT FOR AQUATIC ORGANISMS THAT MAY UTILIZE THAT ENVIRONMENT.

10.2 KEY ELEMENTS OF THE SELECTED REMEDY

THE SELECTED REMEDY INCLUDES THE FOLLOWING MAJOR ELEMENTS:

- SITE USE RESTRICTIONS
- SOURCE CONTROL
- NATURAL RECOVERY
- SEDIMENT REMEDIAL ACTION (I.E., CONFINEMENT AND HABITAT RESTORATION)
- MONITORING.

10.2.1 SITE USE RESTRICTIONS

SITE USE RESTRICTIONS CONSIST MAINLY OF PUBLIC WARNINGS AND EDUCATIONAL PROGRAMS INTENDED TO REDUCE POTENTIAL EXPOSURE TO SITE CONTAMINATION, PARTICULARLY INGESTION OF CONTAMINATED SEAFOOD. LOCAL HEALTH ADVISORIES ARE AN INTEGRAL PART OF THE OVERALL REMEDY BECAUSE THE ULTIMATE OBJECTIVE WILL BE ACHIEVED OVER A 15-20 YEAR PERIOD.

10.2.2 SOURCE CONTROL

THE GENERAL CHARACTERISTICS OF SOURCE CONTROL AT THE CB/NT SITE ARE DESCRIBED IN SECTION 8.2.2. IMPLEMENTATION SCHEDULES FOR SOURCE CONTROL ACTIVITIES IN THE EIGHT HIGH PRIORITY PROBLEM AREAS ADDRESSED IN THIS RECORD OF DECISION ARE SUMMARIZED IN APPENDIX C.

THE SUCCESS OF SOURCE CONTROL IS EVALUATED USING MONITORING DATA, TYPICALLY COLLECTED AS PART OF PERMIT REQUIREMENTS. IN ADDITION TO EXISTING SOURCE CONTROL PROGRAMS, ECOLOGY IS DEVELOPING SEVERAL SOURCE-RELATED REGULATIONS AND REQUIREMENTS TO BE IMPLEMENTED STATEWIDE. ECOLOGY REQUIREMENTS THAT ARE SPECIFIC TO PUGET SOUND, AND WHICH MAY BE INTEGRATED INTO SOURCE CONTROL ACTIVITIES, INCLUDE THE FOLLOWING:

- STANDARDS FOR IDENTIFYING AND DESIGNATING SEDIMENTS THAT HAVE ACUTE OR CHRONIC ADVERSE EFFECTS ON BIOLOGICAL RESOURCES OR THAT POSE A SIGNIFICANT HEALTH RISK TO HUMANS
- DEFINITIONS OF ACCEPTABLE SOURCE CONTROL TECHNOLOGIES (I.E., AKARTS) FOR VARIOUS TYPES OF SOURCES (E.G., PULP MILLS, SEWAGE TREATMENT PLANTS, SHIPYARDS, STORM DRAINS)
- ADMINISTRATIVE RULES FOR ESTABLISHING RECEIVING WATER AND SEDIMENT DILUTION ZONES IN THE VICINITY OF WASTEWATER DISCHARGES (THE SEDIMENT DILUTION ZONE IS COMMONLY REFERRED TO AS A SEDIMENT IMPACT ZONE, A SPECIFIC AREA ADJACENT TO A MUNICIPAL OR INDUSTRIAL DISCHARGE WHERE SEDIMENT STANDARDS ARE RELAXED BY PERMIT; SEDIMENT IMPACT ZONES MAY BE ESTABLISHED WHEN TECHNICAL FEASIBILITY, TIME, OR COST LIMITS THE ABILITY OF A DISCHARGER TO COMPLY WITH SEDIMENT STANDARDS)

TABLE 5.

SEDIMENT QUALITY VALUES REPRESENTING THE SEDIMENT CLEANUP
OBJECTIVES RELATED ENVIRONMENTAL RISKS

CHEMICAL	SEDIMENT CLEANUP OBJECTIVE(A)
METALS (MG/KG DRY WEIGHT; PPM)	
ANTIMONY	150B
ARSENIC	57B
CADMIUM	5.1B
COPPER	390L
LEAD	450B
MERCURY	0.59L
NICKEL	
140A, B	
SILVER	6.1A
ZINC	410B
ORGANIC COMPOUNDS (UG/KG DRY WEIGHT; PPB)	
LOW MOLECULAR WEIGHT PAH	5,200L
NAPHTHALENE	2,100L
ACENAPHTHYLENE	1,300A, B
ACENAPHTHENE	500L
FLUORENE	540L
PHENANTHRENE	1,500L
ANTHRACENE	960L
2-METHYLNAPHTHALENE	670L
HIGH MOLECULAR WEIGHT PAH	17,000L
FLUORANTHENE	2,500L
PYRENE	3,300L
BENZ (A) ANTHRACENE	1,600L
CHRYSENE	2,800L
BENZOFUORANTHENES	3,600L
BENZO (A) PYRENE	1,600L
INDENO (1, 2, 3-C, D) PYRENE	690L
DIBENZO (A, H) ANTHRACENE	230L
BENZO (G, H, I) PERYLENE	720L
CHLORINATED ORGANIC COMPOUNDS	
1, 3-DICHLOROBENZENE	170A, L, B
1, 4-DICHLOROBENZENE	110B
1, 2-DICHLOROBENZENE	50L, B
1, 2, 4-TRICHLOROBENZENE	51A
HEXACHLOROBENZENE (HCB)	22B
TOTAL PCBS	1,000B, *
PHTHALATES	
DIMETHYL PHTHALATE	160L
DIETHYL PHTHALATE	200B
DI-N-BUYTL PHTHALATE	1,400A, L
BUTYL BENZYL PHTHALATE	900A, B
BIS (2-ETHYLHEXYL) PHTHALATE	1,300B
DI-N-OCTYL PHTHALATE	6,200B

PHENOLS

PHENOL	420L
2-METHYLPHENOL	63A, L
4-METHYLPHENOL	670L
2,4-DIMETHYLPHENOL	29L
ENTACHLOROPHENOL	360A

MISCELLANEOUS EXTRACTABLES

BENZYL ALCOHOL	73L
BENZOIC ACID	650L, B
DIBENZOFURAN	540L
HEXACHLOROBUTADIENE	11B
N-NITROSODIPHENYLAMINE	28B

VOLATILE ORGANICS

TETRACHLOROETHENE	57B
ETHYLBENZENE	10B
TOTAL XYLENES	40B

PESTICIDES

P, P'-DDE	9B
P, P'-DDD	16B
P, P'-DDT	34B

A OPTION 2 - LOWEST AET AMONG AMPHIPOD, OYSTER, AND BENTHIC:

A	-	AMPHIPOD MORTALITY BIOASSAY
L	-	OYSTER LARVAE ABNORMALITY BIOASSAY
B	-	BENTHIC INFAUNA
*	-	THE SEDIMENT QUALITY OBJECTIVE FOR HUMAN HEALTH HAS BEEN ESTABLISHED AT 150 PPB FOR PCBS AT THE CB/NT SITE ACCORDING TO A METHOD COMBINING EQUILIBRIUM PARTITIONING AND RISK ASSESSMENT METHODS.

EPA/ROD/R10-00/516
2000

**EPA Superfund
Record of Decision:**

**PUGET SOUND NAVAL SHIPYARD COMPLEX
EPA ID: WA2170023418
OU 02
BREMERTON, WA
06/13/2000**

jmsieno.com	EXHIBIT NO. _____
	1285
	Barber

1285

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9.0 REMEDIAL ACTION OBJECTIVES

9.1 NEED FOR REMEDIAL ACTION

Limited contact with marine sediment and occasional consumption of common seafood species from Sinclair Inlet do not appear to constitute significant human health risks. The most significant finding of the risk assessment is that unacceptable risks are posed to subsistence seafood harvesters relying on seafood collected in Sinclair Inlet as a principal component of their diet. These risks are primarily from the presence of PCBs in tissues of bottom-dwelling fish. Subsistence consumption of seafood with elevated levels of PCBs could expose a person to a chance of both cancer and noncancer health effects.

Although mercury has been found at concentrations above the State cleanup screening level of 0.59 mg/kg in marine sediments throughout much of Sinclair Inlet, a wide variety of marine studies completed during the RI indicate little or no ecological or human health risk from mercury.

Since the OU B risk assessment was completed, additional information has become available showing that mercury levels in rockfish, especially older fish, tend to be considerably higher than have been measured in English sole. This may be because rockfish live longer than sole and can accumulate chemicals for a longer time. The Kitsap County Health Department has issued an advisory recommending against consumption of rockfish from the inlet, and the recent findings are a source of concern. A study of rockfish tissue by Washington State Fish and Wildlife found some mercury concentrations greater than 1 mg/kg. U. S. Food and Drug Administration guidelines require that action be taken to prevent human consumption of fish with concentrations above 1 mg/ kg.

Elevated levels of a variety of chemicals are found in the surface marine sediments of Sinclair Inlet. However, the results of the ecological risk assessment suggest that chemicals in inlet sediments pose only a limited threat to marine life and seabirds preying on marine species. The ecological risk assessment did not confirm the need for remedial action. Some areas that have sediment concentrations of several key inorganic and organic chemicals exceeding the SQS and that are colocated or adjacent to areas with minor adverse bioassay results may be remediated as part of a human-health-based cleanup program. In these locations, an improvement in ecological health is expected.

The results of the baseline human health risk assessment indicate that potential long-term risks associated with fish tissue contamination in Sinclair Inlet are above acceptable levels defined under both the state (MTCA) and federal (Superfund) regulations. The response action selected in this ROD is necessary to protect the public health or welfare or the environment from actual or threatened releases of hazardous substances into the environment. Such a release or threat of release may present an imminent and substantial endangerment to public health, welfare, or the environment. Consistent with the NCP, EPA policy, and MTCA, remedial action is warranted to address these potential risks.

9.2 REMEDIAL ACTION OBJECTIVES

Based on the risk assessment, the following remedial action objectives (RAO5) were developed for marine OU B:

- Reduce the concentration of PCBs in sediments to below the minimum cleanup level (MCUL; defined in Section 9.3) in the biologically active zone (0-to 10-cm depth) within marine OU B, as a measure expected to reduce PCB concentrations in fish tissue
- Control shoreline erosion of contaminated fill material at Site 1
- Selectively remove sediment with high concentrations of mercury colocated with PCBs

9.3 MINIMUM CLEANUP LEVELS, ACTION LEVELS, AND LONG-TERM CLEANUP GOALS

This section describes the minimum cleanup levels, action levels, and long-term cleanup goals for the remedial alternative selected for marine OU B:

- The MCULs represent site-specific concentration limits to protect human health and the environment, conditioned by site-specific circumstances (e.g., sensitive habitats, engineering feasibility, and cost). Achievement of the MCUL in shallow sediment (0-to 10-cm depth) signals compliance with the first RAO listed above.

- Action levels are based on a number of factors described below and have been set to define areas of sediments for active remediation and to develop remedial action alternatives.

The concept of area-weighted averaging is widely used in sediment management and is integral to the following discussion. An area-weighted average sediment concentration is similar to a simple arithmetic average of the measured values, except that each individual measured value is weighted in proportion to the sediment area it represents.

The relationship of these criteria to one another and the way in which they are used to define elements of the remedial action (eg., active remediation and monitoring) are described in the following subsections.

9.3.1 Minimum Cleanup Levels (MCULs)

The primary measurable objective for the cleanup of PCBs in OU B sediments is the MCUL of 3 mg/kg OC, as defined by modeling results for natural recovery. The Washington State sediment management standards (SMS) define a reasonable timeframe for achieving cleanup levels as less than 10 years. The current area-weighted average concentration of PCBs in sediments within OU B is approximately 7.8 mg/kg OC. Immediately following cleanup and as a result of active remediation, the area-weighted average concentration of PCBs in sediments within OU B will decrease to approximately 4.1 mg/kg OC. Natural recovery is expected to further reduce PCB concentrations over time, primarily as a result of natural deposition of clean sediments that is occurring in Sinclair Inlet. Natural recovery modeling predicts that the MCUL of 3 mg/kg OC can be achieved within the 10-year timeframe. The assumptions used in the natural recovery modeling are documented in the administrative record.

Achievement of the MCUL signals compliance with the RAO to "reduce the concentration of PCBs in sediments to below the minimum cleanup level in the biologically active zone (0-to 10-cm depth)."

9.3.2 Action Levels

Action levels have been set to define areas of sediments for active remediation and to develop the remedial action alternatives. The action levels are summarized in Table 9-1. These action levels were developed based on consideration of the following factors:

- Whether the action levels will result in OU B sediments achieving established and anticipated sediment quality goals, considering the effects of natural recovery
- Whether the action levels are consistent with actions being contemplated for other marine sediment cleanups in the region
- Whether the action levels are cost effective, optimizing the reduction of risk for the money spent
- Whether implementation of cleanup actions at the action levels is practicable, considering the technical challenges of remediating large volumes of sediment

Action Levels for PUBs

Action levels for PCBs are based on the carbon-normalized total PCB concentrations in surface sediments (i.e., the sum of the concentrations of all PCB congeners, divided by the organic carbon concentration). Taking action to remediate sediments containing PCBs above a given action level will result in a reduction in the area-weighted average PCB concentrations in surface sediments. It is assumed that, over time, reductions in area-weighted average PCB concentrations in surface sediments will result in a corresponding decrease in both marine tissue PCB concentrations and the resultant predicted human health risk.

Development of action levels for dredging of PCBs in sediments included an analysis of the costs associated with the relative risk reduction that would be anticipated. The relative cost-effectiveness of dredging to successively lower action levels was defined as the incremental reduction in area-weighted average PCB concentrations divided by the incremental volume of sediment requiring dredging. The relative cost-effectiveness decreased significantly at PCB action levels below 14 mg/kg OC. A PCB action level of 12 mg/kg OC was selected to identify areas of sediment to be dredged, which provides a

degree of conservatism below the cost-effectiveness threshold. The PCB action level of 12 mg/kg OC is consistent with the Washington State SQS criterion and generally falls within the range of other regional marine sediment cleanup actions.

Dredging and disposal is not considered cost-effective at PCB levels below 12 mg/kg OC. However, additional lower cost actions were considered to address areas of intermediate PCB concentrations and accomplish further risk reduction in response to resource agency concerns. A PCB action level of 6 mg/kg OC was selected to identify areas of sediment in which enhanced natural recovery actions would be considered (as accomplished by thin-layer capping). This action level is an intermediate value between the dredging action-level and reference-area concentrations and is consistent with criteria reportedly under consideration by resource agencies. However, as explained in Section 10, navigational requirements of the Naval Complex restrict the areas in which thin-layer capping can be implemented.

These action levels for PCBs are designed to address the areas in which remediation will provide the greatest reduction of risk for the money spent. Combined with incidental removal of PCBs accomplished by the planned navigational dredging and considering the effects of natural recovery, remediation of PCBs at these action levels is predicted to result in attainment of the MCUL of 3 mg/kg OC within 10 years.

Action Level for Mercury

The remedial action objective for mercury is to selectively remove sediments containing the highest concentrations of mercury that are colocated with elevated PCB concentrations. Existing mercury concentrations in sediments will be reduced as a result of remediating PCBs, because many of the areas of sediment with the highest mercury levels coincide with areas where PCBs exceed the remedial action levels. By focusing additional mercury remediation on areas containing elevated concentrations of both mercury and PCBs, the greatest overall risk reduction can be achieved.

The Navy, Ecology, and EPA selected a combined action level of 3 mg/kg mercury and 6 mg/kg OC PCBs to accomplish the remedial action objective for mercury. Applying this action level, sediment management units would be dredged in which mercury concentrations exceed 3 mg/kg and PCB concentrations exceed 6 mg/kg OC. This action level was developed after analyzing the spatial distribution of both mercury and PCBs and considering the areas already targeted for cleanup as a result of the PCB action levels. This action level was based primarily on the practicability of remediating the additional volume of sediments. At lower action levels, constraints on access to dredging areas and limitations on the construction season for in-water work rendered the additional cleanup work impracticable.

Use of Action Levels in Developing Alternatives

Remedial alternatives were developed based on implementing the action levels, using the sample results within each sediment management unit. However, the need for active remediation within each specific sediment management unit is determined on a case-by-case basis by considering such practical factors as vessel moorage requirements, depth requirements in navigational areas, slope stability considerations, and safety issues. These considerations are discussed further in Section 10.

9.3.3 Cleanup Goals

MTCA establishes that if the risk-based cleanup goals are less than natural background, enforcement will be at the natural background level. MTCA acknowledges that some persistent organic compounds (e.g., PCBs) are found in surface soils and sediment throughout much of the state as a result of the global use of these substances.

Insufficient information was available to develop defensible risk-based cleanup goals within the timeframe of this early action ROD. Until such a risk-based goal can be developed the conservative approach of basing cleanup goals for both sediment and fish tissue on reference-area concentrations (i.e., natural background) has been adopted, consistent with MTCA. Use of reference-area concentrations is protective of human health, as this will result in no excess cancer risk, compared to background conditions, and no increased potential for noncarcinogenic health effects, compared to background conditions.

For PCBs in fish tissue (as represented by English sole), the cleanup goal is the reference-area concentration of 0.023 mg/kg wet weight. This reference-area concentration represents the 90th percentile concentration of PCBs in English sole collected from nonurban embayments.

For PCBs in Sinclair Inlet sediments, the cleanup goal is the reference-area concentration of 1.2 mg/kg OC, based on an area-weighted average. The reference-area concentration represents the 90th percentile concentration of PCBs in sediments collected from approved Puget Sound reference areas.

These long-term cleanup goals represent a conceptual target condition for all of Sinclair Inlet sediments and fish tissue and represent ideal "clean" conditions (i.e., no acute or chronic adverse biological effects and no significant human health threat). Monitoring of sediments and fish tissue will continue even if the RAOs are achieved until either of the cleanup goals is met, or the Navy, Ecology, and the EPA agree that the monitoring program is no longer providing useful information.

Table 9-2 presents the MCULs and cleanup goals for OU B. Remedial alternatives were developed for marine OU B with the objective of attaining these MCULs and contributing to meeting the cleanup goals.

Table 9-1
Action Levels for Marine OU B Sediments

Chemical of Concern	Response Action	Action Level a	Basis of Determination
PCBs	Dredging and disposal or in situ capping	>12 mg/kg OC PCBs	Relative risk reduction Sediment quality standard
PCBs	Enhanced natural recovery	>6 mg/kg OC PCBs	Resource agency concern and relative risk reduction
Mercury	Dredging and disposal	>6 mg/kg OC PCBs and >3 mg/kg mercury	Resource agency concern and practicability

a Exceptions are noted in Section 10.

Notes:

mg/kg OC - milligram per kilogram organic carbon
PCB - polychlorinated biphenyl

Table 9-2
Minimum Cleanup Levels and Long-Term Cleanup Goals for Marine OU B

Chemical of Concern	MCUL	Basis of Determination	Point of Compliance	Cleanup Goal	Basis of Determination	Point of Compliance
Sediments						
Total PCBs	3 mg/kg OC (based on the area-weighted average)	Natural recovery modeling	Biologically active zone (0 to 10 cm) marine OU B	1.2 mg/kg OC (based on the area-weighted average)	90th percentile of reference-area concentrations	Biologically active zone (0 to 10 cm) Sinclair Inlet
Fish Tissue						
Total PCBs	--	--	--	0.023 mg/kg wet weight	90th percentile of reference-area concentrations	English sole from Sinclair Inlet

Notes:

- not applicable
- cm - centimeter
- MCUL - minimum cleanup level
- mg/kg - milligram per kilogram
- OC - organic carbon
- PCB - polychlorinated biphenyl

1 APPEARANCES:

2 For the State Water Resource Control Board:

3 STATE WATER RESOURCES CONTROL BOARD
4 BY: CHRISTIAN CARRIGAN, ESQ.
5 P.O. Box 100
6 Sacramento, CA 95812-0100
7 916-322-3626

8 For National Steel and Shipbuilding Company:

9 LATHAM & WATKINS, LLP
10 BY: JEFFREY P. CARLIN, ESQ.
11 KELLY E. RICHARDSON, ESQ.
12 600 West Broadway, Suite 1800
13 San Diego, CA 92101
14 619-236-1234

15 For the Port of San Diego:

16 BROWN & WINTERS
17 BY: WILLIAM D. BROWN, ESQ.
18 120 Birmingham Drive, Suite 110
19 Cardiff-by-the-Sea, CA 92007
20 760-633-4485

21 -and-

22 PORT OF SAN DIEGO
23 BY: LESLIE FITZGERALD, ESQ.
24 3165 Pacific Highway
25 San Diego, CA 92101
619-686-7224

For Star & Crescent Boat Company:

OPPER & VARCO, LLP
BY: SUZANNE R. VARCO, ESQ.
225 Broadway, Suite 1900
San Diego, CA 92101
619-231-5858

1 APPEARANCES (cont.):

2 For BAE Systems:

3 DLA PIPER US, LLP
4 BY: MATTHEW B. DART, ESQ.
4 401 B Street, Suite 1700
5 San Diego, CA 92101
5 619-699-2628

6 For the City of San Diego:

7 GORDON & REES, LLP
8 BY: KRISTIN N. REYNA, ESQ.
8 101 West Broadway, Suite 1600
9 San Diego, CA 92101
9 619-230-7729

10 For San Diego Gas & Electric Company:

11 SEMPRA ENERGY
12 BY: JILL TRACY, ESQ.
12 101 Ash Street, HQ12
13 San Diego, CA 92101
13 619-699-5112

14 -and-

15 ALSTON & BIRD, LLP
16 BY: WARD L. BENSHOOF, ESQ.
16 333 South Hope Street, 16th Floor
17 Los Angeles, CA 90071
17 213-576-1000

18 For Campbell Industries:

19 MORTON MCGOLDRICK, P.S.
20 BY: JAMES HANDMACHER, ESQ.
20 P.O. Box 1533
21 Tacoma, WA 98401
21 253-627-8131

22 Telephonically for San Diego Coastkeeper:

23 SAN DIEGO COASTKEEPER
24 BY: JILL WITKOWSKI, ESQ.
24 2820 Roosevelt Street, Suite 200A
25 San Diego, CA 92106-6146
25 619-758-7743

1 I N D E X

2 WITNESS: CRAIG CARLISLE

3 EXAMINATION PAGE

4 MR. CARLIN 6

5 MR. BROWN 90

6 MS. VARCO 137

7 E X H I B I T S

8 MARKED FOR IDENTIFICATION PAGE

9 1000 NASSCO's Second Amended Notice of 13
 10 Videotaped Deposition of Craig
 Carlisle; eight pages

11 1001 San Diego Water Board Cleanup Team's 38
 12 Amended Witness Designations; three
 pages

13 1002 Regional Board Cleanup Team's 97
 14 Responses & Objections to Designated
 15 Party San Diego Unified Port
 District's First Set of Requests for
 Admissions; 26 pages

16

17 QUESTIONS INSTRUCTED NOT TO ANSWER

18 PAGE LINE

19 119 23

20

21

22

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24

25

1 CRAIG CARLISLE,
2 having first been duly sworn, testified as follows:

3 ***

4 EXAMINATION

5 BY MR. CARLIN:

6 Q. Good afternoon, Mr. Carlisle. We've introduced
7 ourselves off the record. But my name is Jeff Carlin,
8 and I represent NASSCO in these proceedings.

9 Can you please state and spell your name for the
10 record.

11 A. Craig Carlisle. C-r-a-i-g, C-a-r-l-i-s-l-e.

12 Q. Have you ever been deposed before?

13 A. Yes.

14 Q. How many times?

15 A. Twice.

16 Q. When was the most recent time?

17 A. It was over 15, 20 years ago.

18 Q. Okay. I'm going to come back to that later.

19 Given that it's been a while -- you are familiar
20 with the process, but it has been a while. So I'd like
21 to go over the procedures and rules that will help to
22 make things go smoothly today.

23 We have a court reporter who's going to take
24 down everything that we say. With that in mind, it's
25 important that we don't talk over one another. So I'd

1 ask that you wait for me to finish my question before you
2 start your response. And likewise, I'll wait until you
3 finish your response before I ask another question.

4 Because the court reporter is taking down
5 everything we say, it's also important that you answer
6 audibly; for example, with a "yes" or a "no" rather than
7 shaking your head or saying "uh-huh" and so forth.

8 Do you understand?

9 A. Yes.

10 Q. Okay. If you do not hear a question, please let
11 me know, and I'll be happy to repeat it. I'll try and
12 rephrase it to make it more clear for you.

13 If you do answer a question, I'll assume that
14 you understood it. Is that okay?

15 A. Yes.

16 Q. From time to time you may hear other lawyers
17 register objections. Those are for the record, and
18 they'll be ruled on later by a fact finder or a judge.
19 Unless your attorney instructs you specifically not to
20 answer, you are still required to answer the question
21 after the objection has been made.

22 Do you understand?

23 A. Yes.

24 Q. Although this is a relatively informal setting,
25 your testimony has the same effect as if it was made in a

1 court of law subject to the penalty of perjury.

2 Do you understand?

3 A. Yes.

4 Q. After the deposition is finished today, the
5 court reporter will prepare a transcript. You'll have a
6 chance to review that transcript and make any corrections
7 you believe are necessary.

8 However, the usual caution is that if you make a
9 change of a substantive nature, that can be commented
10 upon later at a hearing in this matter and at time of
11 trial with respect to your credibility.

12 Do you understand?

13 A. Yes.

14 Q. If you need to take a break at any time today,
15 just let me know, the attorney that's asking you know.
16 We'll be happy to accommodate that request as soon as the
17 pending question has been answered.

18 A. Thank you.

19 Q. Is there any reason you can think of that you
20 can't give your best testimony today?

21 A. No.

22 Q. You're not taking any medication or drugs that
23 would affect your ability to answer fully and accurately?

24 A. No.

25 Q. You're here today to testify with respect to

1 your role as a member of the San Diego Regional Board's
2 cleanup team for Tentative Cleanup and Abatement Order
3 No. R9-2011-1 and the accompanying Draft Technical
4 Report. I'll refer to those documents as "CAO" or "DTR."
5 When I do so, I'm referring to the most recent version of
6 those documents unless I indicate otherwise.

7 Is that agreeable?

8 A. Yes.

9 Q. As we explained a little bit, I'll also be
10 referring to the Shipyard Sediment Site or "Site." When
11 I do so, I'm referring to the adjoining leaseholds of
12 NASSCO and BAE Systems as defined as the Shipyard
13 Sediment Site in the DTR and CAO.

14 Is that okay?

15 A. That might raise a little question. Because
16 their leaseholds don't cover what we call the Shipyard
17 Sediment Site, which includes some step-outs on the
18 extent of the investigation.

19 Q. Fair enough.

20 When I refer to the site, it will be as defined
21 in the CAO and DTR. Is that workable?

22 A. Yes.

23 Q. As I mentioned, there have been what's been
24 designated as master exhibits in this proceeding. Those
25 are exhibits that the parties assume will be used in all

1 the depositions in this proceeding.

2 For example, Master Exhibit 1 is the current
3 version of the CAO. Master Exhibit 2 is the DTR. We may
4 also introduce other exhibits specific to your
5 deposition. Those will begin with Exhibit No. 1000.

6 Is that clear?

7 A. Yes.

8 Q. Are you ready to go ahead and get started?

9 MR. BROWN: I have one question. Who's on the
10 speaker phone?

11 MR. CARLIN: Jill Witkowski is on the phone on
12 behalf of Coastkeeper. Are you with us, Jill?

13 MR. BROWN: I heard her come in, and it didn't
14 work.

15 MR. CARLIN: Jill?

16 MS. WITKOWSKI: Yeah, I'm here.

17 MR. CARLIN: Can you hear us?

18 MS. WITKOWSKI: Yes.

19 MR. CARLIN: Okay.

20 BY MR. CARLIN:

21 Q. Did you meet with anyone to prepare for your
22 deposition today?

23 A. Yes.

24 Q. Who did you meet with?

25 A. Cris Carrigan.

1 Q. When did you meet?

2 A. We met yesterday, and we met about two weeks
3 ago.

4 Q. Did you have any other meetings?

5 A. Regarding the deposition?

6 Q. Correct. Any other meetings with Mr. Carrigan
7 to prepare for the deposition?

8 A. Not that I recall.

9 Q. When you met yesterday, was anybody else
10 present?

11 A. No.

12 Q. When you met two weeks ago, was anybody else
13 present aside from you and Mr. Carrigan?

14 A. Yes. Some of the other cleanup team.

15 Q. Do you recall which members?

16 A. Probably David Barker, Tom Alo, Julie Chan.

17 Q. When you met yesterday, did Mr. Carrigan show
18 you any documents to prepare for your deposition today?

19 A. Yes.

20 Q. Which documents were those?

21 A. The DTR, CAO, and I believe one of the other
22 interrogatories. I can't remember which one. It was a
23 response to an interrogatory, I believe.

24 Q. Do you believe it was Star & Crescent's response
25 to an interrogatory?

1 A. Perhaps. It was a legal-looking document with a
2 lot of lease things in it.

3 Q. Other than the CAO, the DTR, and the document
4 you just described regarding Star & Crescent, did
5 Mr. Carrigan show you any other documents to get ready
6 for the deposition today?

7 A. Not that I recall.

8 Q. And same question with respect to the meeting
9 you had two week months ago. Did Mr. Carrigan show you
10 any documents at that meeting?

11 A. I don't think so.

12 Q. You can't recall any documents at that meeting?

13 A. I don't recall any specific documents.

14 Q. Outside of your meetings with Mr. Carrigan, did
15 you review any other documents to get ready for your
16 deposition today?

17 A. I glanced through, again, the two documents, the
18 DTR and the CAO, and some of our responses to the
19 interrogatories.

20 Q. You say, "Some of our." Some of the cleanup
21 team's responses?

22 A. The cleanup team's responses, yeah, some of the
23 discovery responses.

24 Q. That were served by the cleanup team in this
25 proceeding?

1 A. That were served to the cleanup team? Is that
2 how it works? I don't know the right legal term.

3 Q. Well, I was just --

4 A. The documents we wrote in response to discovery
5 requests.

6 Q. That clarifies.

7 Did you bring any of those documents with you
8 today?

9 A. No.

10 Q. I'd like to go ahead and mark as Exhibit 1000
11 the NASSCO Second Amended Notice of Videotaped Deposition
12 of Craig Carlisle.

13 (Exhibit 1000 was marked.)

14 BY MR. CARLIN:

15 Q. If you could take a moment to familiarize
16 yourself with that, Mr. Carlisle; and particularly, the
17 document requests starting at page 3.

18 A. I believe I'm familiar with this.

19 Q. You've seen that document before?

20 A. Yes.

21 Q. And did you conduct a search for any documents
22 in your possession, custody, or control that are
23 responsive to the document requests included on this
24 notice?

25 A. Yes.

1 Q. What did you do to search for those documents?

2 A. I looked through my emails in GroupWise. I
3 looked through the shared drives on our internal storage
4 area. And I looked through the C and D drives on my own
5 computer, my work computer.

6 Q. With respect to your search of your email files,
7 how did you go about doing that?

8 A. I looked in the folder that says "Shipyard
9 Sediment."

10 Q. You maintain an archive?

11 MR. CARRIGAN: Let me just take this opportunity
12 to caution. Let him finish the question fully, and then
13 you can answer fully, and he'll try not to step over you.
14 But it makes it easier for the court reporter.

15 THE WITNESS: Okay.

16 MR. CARRIGAN: And then also just to pause to
17 allow me to interject an objection in case I want to.

18 THE WITNESS: All right.

19 MR. CARRIGAN: Thank you. Do you remember the
20 question?

21 THE WITNESS: No.

22 MR. CARRIGAN: Okay.

23 BY MR. CARLIN:

24 Q. We were just talking about how you conducted
25 your search for documents that may have been located on

1 your email system. And I believe you testified that you
2 searched a folder or a file for the Shipyard Sediment
3 Site. Is that correct?

4 A. Yes.

5 Q. And I was just asking, do you maintain an email
6 archive for this matter? Is that what you're referring
7 to?

8 A. I don't call it an archive. GroupWise allows
9 you to set up various folders to sort emails into. And
10 that's what I searched, is any folders that I might have
11 put emails into besides the inbox folder.

12 Q. How do you typically determine which emails you
13 send to that folder?

14 A. Well, if it's regarding the shipyard site, I put
15 it in the shipyard folder.

16 Q. You send all emails you receive into the --
17 regardless of the matter into the shipyard folder?

18 A. They would either be in the inbox or the
19 shipyard folder or the deleted folder.

20 Q. How do you determine whether you're going to
21 delete emails in this matter?

22 A. If it looks like it's worth saving, I would save
23 it initially. If it looks like it's just being CC'ed in
24 the routine course of business and it was intended for
25 others to act on or consider, I would typically delete

1 them.

2 Q. Does the Regional Board have an email retention
3 policy that you follow on your duties there?

4 A. No.

5 Q. So the determination whether or not to preserve
6 or delete emails is a decision you make individually?

7 A. Yes.

8 Q. If you delete emails, is it your practice to
9 print out and retain hard copies first?

10 A. No.

11 Q. You mentioned that the -- well, first, do you
12 maintain a hard-copy file for your work on this matter?

13 A. Was that a question?

14 Q. Yes. I can repeat it.

15 Do you maintain a hard-copy working file for
16 your work on the Shipyard Sediment Site project?

17 A. I don't refer to it as a hard-copy working file.
18 I have various documents laying around.

19 Q. And you keep those in your office?

20 A. Yes.

21 Q. And however you group those documents, did you
22 search those when you were looking for responsive
23 documents to this deposition notice?

24 A. Yes.

25 Q. You also mentioned you searched your shared

1 drive. Can you explain how the shared drive system works
2 for me?

3 A. Yes. Most of the office has access to a number
4 of folders on a shared drive. We call it the S drive.
5 And there's a NASSCO/BAE area on there that has a lot of
6 folders and documents.

7 Q. And is there a policy either by the
8 Regional Board or the cleanup team as far as which
9 documents make it to the shared drive?

10 A. No official policy, no.

11 Q. Have you had occasion to send documents to that
12 shared drive in the course of your duties on the cleanup
13 team?

14 A. I've stored documents on the shared drive.

15 Q. How do you make that decision?

16 A. If I think it's something worth putting on the
17 shared drive based on the potential for others to want it
18 or me to know where it is.

19 Q. And again, that's a decision you make
20 individually?

21 A. Yes.

22 Q. And then you said you also searched your local
23 drive on your computer.

24 A. Yes.

25 Q. Did you bring any documents here today?

1 A. No.

2 Q. Did you locate any documents during your search
3 that were responsive to the categories in the deposition
4 subpoena?

5 A. None that weren't already in the record.

6 Q. And how did you determine whether or not they
7 were already in the record?

8 A. Well, I was instrumental in preparing the
9 record. So I'm pretty familiar with -- basically, we put
10 everything we could possibly find related at all to the
11 shipyard matter into the administrative record years ago.

12 Q. Can you give me a sense of how many documents
13 your search results that would have been responsive to
14 the deposition subpoena but which you determined were
15 already included in the record?

16 A. Not without you giving me a time period.

17 Q. Well, I'm just focusing on a time period --

18 A. Since --

19 Q. I'm focusing on document requests in the
20 deposition subpoena.

21 A. So you're saying since February 9th and
22 10th, 2011, how many documents did I run across that
23 might have been responsive to this but are already in the
24 record?

25 Q. Not since that time period. Since you conducted

1 your search for records, how many documents would have
2 been responsive to these document requests but which you
3 felt had already been placed in the administrative
4 record?

5 A. And you're saying post this date?

6 Q. No, not -- I'm talking about -- well, your
7 search, obviously, was post this date because that's when
8 the deposition subpoena came in and you had to conduct
9 the search. Is that clear?

10 A. That's clear. But I guess what's -- what I want
11 to convey is that since -- and I don't even remember what
12 year we started compiling the administrative record.

13 But since that time, any time anybody on the
14 shipyard team has found a document that isn't in the
15 record, we flag it and either put it in the record or
16 flag it to be put in the record with the next update. So
17 it's been an ongoing process. It wasn't like we weren't
18 doing it and then we got the deposition notice and we all
19 of a sudden did a search for documents that aren't in the
20 record.

21 Q. Okay. Well, there's two different issues. I
22 just want to be clear with my questioning. One issue is
23 the cleanup team's development of the administrative
24 record for this proceeding. And we'll talk about that a
25 little bit later on.

1 The second question is these specific document
2 requests in the deposition subpoena asking for,
3 specifically, information you may have responsive to the
4 request. And so I'm just trying to get a sense of what
5 you did to look for documents in response to the
6 deposition subpoena and anything that you found that may
7 have been responsive, just to see what you did.

8 A. Okay. I understand the distinction now. Again,
9 I looked through any emails I might have still had.

10 Q. I don't mean to cut you off. You said you
11 looked through documents and you found some that you
12 thought were responsive to these categories of requests;
13 is that right?

14 A. Yes.

15 Q. Okay. And you also said that you thought all
16 those documents were already included in the
17 administrative record.

18 A. Yes.

19 Q. So I was asking you if you had a sense of the
20 number of documents that you found that you think were
21 already included in the record.

22 A. Five or ten, maybe 10 to 20 at the most.

23 Q. And can you give me a sense of the types of
24 documents that you found?

25 A. Yes. One was a 1972 Regional Board report. I

1 found it on the hard drive, the administrative record
2 hard drive. The DTR, the CAO, our responses to some of
3 the discovery requests.

4 Inspection reports, I found on the hard drive
5 that were notices of violation or letters or inspection
6 letters and responses from the Regional Board to the
7 shipyards, one or more, BAE or NASSCO or Southwest Marine
8 at the time regarding things the inspector found at the
9 site, of things we found in their monitoring reports that
10 were violations, those sort of documents. A lot of them
11 that I'm -- 15 to 20, 10 to 20 I mentioned, most of them
12 was because I was perusing the hard drive. So I knew
13 they were already in the record.

14 Q. What is your practice with respect to retaining
15 any notes that you have for meetings or otherwise with
16 respect to your work in this matter?

17 A. For all matters, I periodically purge them when
18 I think they're no longer needed, with no set schedule.

19 Q. When you say "purge," what do you mean by that?

20 A. Shred them or recycle them.

21 Q. We may come back to this record issue a little
22 bit later. I would like to move on at this point.

23 First, are you aware that certain parties to
24 this proceeding, including the cleanup team, are parties
25 to a mediation regarding the CAO and DTR?

1 A. Yes.

2 Q. And do you understand that any communications
3 made in the context of that mediation are privileged and
4 confidential?

5 A. Yes.

6 Q. And do you understand you're not to disclose the
7 substance of any of those communications during the
8 deposition here today?

9 A. Yes.

10 MR. BROWN: I'm going to object. You've used
11 the word "our." Because being in the mediation, I
12 understand the cleanup team is not participating in the
13 mediation at this time.

14 MR. CARLIN: Counsel, I understand there may be
15 disagreement about to what extent the mediations
16 continued as we discussed at the last deposition. But I
17 understand that you made an objection.

18 BY MR. CARLIN:

19 Q. Let's go ahead and talk about your background at
20 this point. Can you describe all of your formal
21 education beyond high school?

22 A. Yes. I went to the University of California at
23 Santa Barbara and got a B.A. in economics and a minor in
24 mathematics. And then I went to Santa Barbara
25 City College and took two years of geology, geophysics,

1 physics.

2 Then I went to University of California Santa
3 Barbara graduate school and got a master's degree in
4 geological sciences. And then I took postgrad work at
5 Wright State University in Ohio in hydrology. And then I
6 got an MBA from Cal State San Marcos. And I took MBA
7 classes at San Diego State.

8 And then ongoing, I've taken various trainings,
9 technical trainings, work-related, in both the
10 oil-exploration fields and the environmental field for
11 the last 25 years or more, just ongoing continuing
12 education, various seminars and short courses.

13 Q. Going back to your B.A. in economics, when did
14 you earn that degree?

15 A. 1983.

16 Q. And what university was that from again?

17 A. Yeah. It was '83. University of California at
18 Santa Barbara.

19 Q. And then you said you started some studies at
20 Santa Barbara City College for about two years.

21 A. Yes.

22 Q. Was that roughly the time period of 1983 to
23 1985?

24 A. Yes.

25 Q. And then you obtained a master's degree in

1 geology after that; correct?

2 A. Right. I got the dates wrong. Can I back up?

3 Q. Please do.

4 A. I got the B.A. in '74. I was lying about my
5 age, apparently. And then I went after -- actually, five
6 years to get the B.A. Then I went two years to
7 City College and then roughly four years in grad school
8 at UCSB in geology to get a master's degree. The
9 master's was '82.

10 Q. And then you did some postgraduate work at
11 Wright State?

12 A. Yes.

13 Q. And did you obtain a degree from those studies?

14 A. No.

15 Q. What time period were your studies there?

16 A. That was just one year, one semester.

17 Q. And what year did you obtain your MBA at
18 Cal State San Marcos?

19 A. 1999.

20 Q. And you said you did some MBA work at SDSU as
21 well. Was that --

22 A. Prior to when --

23 Q. Again, if you can wait until I finish my
24 question. If you can wait, it just helps clean up the
25 record.

1 So I was asking you about your MBA work at
2 San Diego State, what years you took courses there.

3 A. That was prior to '99.

4 Q. Do you have a sense of how many years prior?
5 I'm just trying to get a time frame.

6 A. Actually, I took MBA classes at San Diego State.
7 I think it was around 1989, 1990.

8 Q. And you mentioned you had some other classes
9 you've taken, some professional classes outside of the
10 university or graduate school context; is that correct?

11 A. Yes.

12 Q. And I think you broke them down to two fields,
13 oil exploration and generally in the environmental field;
14 is that right?

15 A. Yes.

16 Q. When you said the classes regarding the
17 environmental fields, can you elaborate on what type of
18 classes you took, where you took them, and the type of
19 issues that were involved?

20 A. Yes. I typically -- annually, I attend the AEHS
21 meetings in San Diego. And they have the typical talks,
22 which is ongoing education on multiple topics including
23 sediments, site cleanup, fate and transport, human health
24 risk assessment, ecological risk assessment. And I've
25 been doing that for the last ten years, probably been

1 about eight out of ten. The last ten years, the most
2 recent one in 2010 included an additional seminar on
3 PCBs. I attended that. Previous years, I --

4 Q. Hang on one second. You said AEHS. What does
5 that stand for?

6 A. Association of Environmental Health
7 Professionals? That doesn't sound right. Society.
8 Association of Environmental Health -- doesn't sound
9 right. Let's call them AEHS subject to confirmation of
10 their name.

11 Q. Thank you. Go ahead. You were going to talk
12 about some other courses.

13 A. Yeah. I can remember the most recent because it
14 was on PCBs. Prior to that, I think I rattled off some
15 of the typical topics: Fate and transport in the
16 environment, geochemistry, environmental chemistry,
17 fingerprinting to determine sources of petroleum
18 hydrocarbons; for example, fingerprinting of PCBs. Those
19 are the general topics.

20 Q. How long would these conferences typically last?

21 A. The conferences are typically two to three days.
22 And then the specialized courses are typically a half day
23 or a full day at the most.

24 Q. And are these courses that you attend at the
25 urging or the guidance of the Regional Board?

1 A. I attend them with the support of the
2 Regional Board. Actually, I identify and make a request
3 to go to the conference and attend the additional
4 seminars and courses that they offer. And I have been
5 fortunate to have most of them approved and have been
6 attending virtually every year.

7 Q. And outside of these AEHS meetings that you
8 described, were there any other courses or training in
9 the environmental field that you've attended?

10 A. Approximately -- I've been with the Water Board
11 for 11 years. Approximately, I attend two or three every
12 year.

13 Q. Two or three what?

14 A. Courses, training, seminars, those type of
15 things.

16 Q. That are provided by the Water Board?

17 A. Or that are either provided by the Water Board
18 or supported by the Water Board or provided by UC Davis
19 Extension in conjunction with -- or support of the
20 Water Board.

21 I was going to say, that's just the 10 or 11
22 years I've been with the Water Board. Prior to that in
23 the private sector, I'd be attending two or three major
24 conferences in the year, two-, three-day conferences,
25 sometimes week-long conferences. We'd have, you know,

1 ten papers a day presented, typically, on various topics,
2 the topics I've somewhat rattled off already.

3 Q. I wanted to go back with the training seminars
4 that you've conducted in the last 10 or 11 years since
5 you've an a member of the Water Board. Can you give me a
6 sense of the subject matters of those trainings?

7 A. I didn't conduct them.

8 Q. I'm sorry if I misspoke. The seminars that you
9 attended during the last 10, 11 years while you've been
10 with the Water Board.

11 A. I thought I just answered that with the
12 topics -- you're asking for the topics?

13 Q. You went through the topics of the AEHS
14 seminars. And then you described that there are separate
15 training courses you took since you've been at the
16 Regional Board. If those overlap with the AEHS seminars,
17 please let me know.

18 But my understanding of your testimony was that,
19 separate and apart from the AEHS seminars, you've
20 attended training provided by either the Regional Board,
21 or perhaps you mentioned some UC Davis Extension classes.

22 A. I understand, yeah. Some of the additional
23 topics, besides the ones I've mentioned -- because there
24 is a strong overlap. It's all in the environmental
25 field. Although, some of it, especially more of the

1 State Board-supported seminars and trainings were
2 involved with supervision. Transition to supervisor was
3 one of them. Personnel issues, how to handle personnel
4 issues, how to maximize your retirement. The more
5 technical ones would be on landfills, landfill siting,
6 Title 23, Title 27, California Code of Regulation titles.

7 Q. Do you currently have any professional
8 certifications?

9 A. Yes.

10 Q. What certifications?

11 A. I'm a professional geologist in the state of
12 California and a certified engineering geologist by the
13 State of California.

14 Q. When did you become a professional geologist in
15 California?

16 A. I've got to run the numbers.

17 MR. CARRIGAN: Your best estimate.

18 THE WITNESS: My best estimate. I'm trying to
19 think. Around 1986.

20 BY MR. CARLIN:

21 Q. And do you believe that certification has been
22 kept current since that time?

23 A. I know it's been kept current.

24 Q. Same question, when you became a certified
25 engineering geologist in the state of California.

1 A. Approximately, 1990.

2 Q. And has that certification been kept current
3 since 1990?

4 A. Yes.

5 Q. Are you a member of any professional societies?

6 A. Not currently.

7 Q. Have you been a member of any professional
8 societies previously?

9 A. I used to be a member of the AIPG, Association
10 of International Professional Geologists, AIPG. And I've
11 been a member of the AAPG, Association of Petroleum
12 Geologists, and also a member of the South Coast Geologic
13 Society.

14 Q. Thank you. Any other societies?

15 A. YMCA.

16 Q. No other professional societies relevant to your
17 duties at the Regional Board?

18 A. No.

19 Q. All right. I would like to go through your
20 employment history. I'm looking back at the timeline.
21 If you could start from after you earned your master's in
22 geology, just give me a thumbnail sketch of your
23 employment history up until your present duties with the
24 Regional Board.

25 A. Okay. Upon getting my master's degree, while I

1 was getting my master's degree and thereafter, I worked
2 for Ogle Petroleum, Incorporated in Santa Barbara doing
3 onshore and offshore petroleum exploration throughout
4 California. And then I went with Amerada Hess in 1983,
5 Amerada Hess Petroleum in Houston, and did offshore
6 California exploration from Houston. And that was in
7 their frontier group. And so I was an exploration
8 petroleum geologist.

9 Then I went with Texas Oil & Gas, also called
10 TXO Corporate, in Sacramento, California, and did onshore
11 central -- well, northern Sacramento Valley, exploration
12 for natural gas for Texas Oil & Gas.

13 Q. Do you have the approximate dates of when you
14 were working for that company?

15 A. Yes. Approximate is from '83 to '86 or so.

16 And then I left Texas Oil & Gas and went with
17 McLaren Environmental Engineering. That eventually
18 became McLaren/Hart. But that was after I worked for
19 McLaren, Fred McLaren, in Sacramento doing environmental
20 work. So I moved from petroleum to environmental at that
21 point.

22 Q. Could you elaborate a little bit what you mean
23 by environmental work?

24 A. Yeah. Investigation and cleanup of contaminated
25 sites, soil and groundwater.

1 Q. Did you do any work with sediment while you were
2 there?

3 A. Yes. And you might want to ask -- I might want
4 to ask you what's your definition of "sediment."

5 Q. I probably want to ask you what your definition
6 of "sediment" is.

7 A. Sediment is any fine grain material, pretty much
8 soil sediment to a geologist, the broad definition of
9 sediment. And, silts, clays, soils. There's a mixture.

10 Q. Maybe you could give me an overview of your
11 primary duties and responsibilities while you were at
12 McLaren.

13 A. McLaren was to investigate leaking underground
14 tank sites by designing a program to install soil
15 borings, take soil samples, determine what analytical
16 methods to use, what chemicals to analyze for to evaluate
17 the vertical and lateral extent of any releases into the
18 soil and groundwater;

19 And then, furthermore, if it went from the
20 groundwater, to try and put in groundwater monitoring
21 wells in the right locations to evaluate the extent of
22 the plume and obtain sufficient information to design the
23 appropriate remedial response.

24 Q. Thank you.

25 And as far as time frame, what was the time

1 frame that you were working at McLaren?

2 A. That was about three to four years, might have
3 been a little longer.

4 Q. Into the early '90s, approximately?

5 A. Yeah. It was right up until 1990.

6 Q. And then if you could continue on with the
7 overview.

8 A. Then I left McLaren. They moved me from
9 Sacramento to San Diego. They closed the San Diego
10 office. So I joined Applied Geosciences, Incorporated,
11 and I became their regional manager of the San Diego
12 office of about 12 professionals. And we did a variety
13 of similar work to what I just described, investigating
14 contaminated sites, doing property Phase 1 evaluations to
15 evaluate potential risk, due diligence work. A variety
16 of projects, little projects to large projects.

17 Q. And for how long did you stay at that company?

18 A. That was approximately three years. And then
19 they closed the San Diego office. And so I left and went
20 with Bechtel National, Incorporated, which is a branch of
21 one of the largest engineering firms in the world,
22 privately held, Bechtel. And Bechtel National was their
23 government side of things.

24 And I worked on the Navy Clean II project for
25 almost six years, a little over five and a half years,

1 worked on Marine Corps Logistics Base Barstow, Marine
2 Corps Air Station El Toro, Marine Corps Air Station
3 Tustin, Marine Corps -- no -- Navy Air Corps Station
4 El Centro.

5 And it was investigating everything that you
6 would find in a city, because each large Naval base or
7 military base is like a large city. So they have
8 landfills. I investigated. They have large groundwater
9 contamination plumes. They have transformer storage
10 yards. So I've done PCB investigations. Would you like
11 to know any more details?

12 Q. I appreciate that detail. So you're basically
13 doing environmental investigation-type work at these
14 military facilities?

15 A. Environmental investigation and cleanup.

16 Q. And then you started at Bechtel around 1993.
17 And then how long --

18 A. No. That was -- I'm trying to get the dates
19 right.

20 Q. I'm just looking for estimates.

21 A. It was right up until 2000 when I joined the
22 Water Board, five and a half years I was with Bechtel.
23 And then I joined the Water Board in January 2000.

24 Q. And you've continued to work at the
25 Regional Board from January of 2000 to the present?

1 A. Yes.

2 Q. If you could walk me through your duties at the
3 Regional Board from when you started up until the
4 present.

5 A. Okay. I'm just trying to recall. I've probably
6 worked on a hundred different projects in the 11 years
7 I've been with the Regional Board.

8 Q. I don't want to go through the projects.

9 A. I was going to start with number one and get to
10 number 100 by tomorrow. I was going to summarize. That
11 was the overview.

12 Q. I appreciate the overview.

13 A. What aspects would you like me to highlight?

14 Q. Well, we'll get into that. I just wanted to get
15 a sense if you could do it by job title or division or
16 primary duties and responsibilities starting from 2000 up
17 until the present.

18 A. I started working in landfills, enforcing
19 regulations under Title 23, the state landfill
20 regulations. And then I moved into the TMDL world, Total
21 Maximum Daily Load arena, and was promoted to senior
22 engineering geologist, and supervised a staff of four to
23 five engineers, geologists, and environmental
24 specialists.

25 Q. I just want to be clear. You said you started

1 work on TMDLs. Was that prior to your promotion to
2 senior engineering geologist, or were you working on
3 TMDLs as a senior engineering geologist?

4 A. It was contemporaneous. That's the right word.
5 Happened at the same time.

6 Q. I like that word.

7 And what year, approximately, was that? You
8 said you started in 2000 in landfills?

9 A. 2002 or 2003.

10 Q. Thanks. If you could continue, I'd appreciate
11 it.

12 A. So the TMDL work involved investigating sources
13 of contamination loading to a particular watershed or
14 water body. It was the gist of that sort of work. And
15 that brought me into, since this site was a candidate and
16 subsequently put on the 303(d) list, that requires the
17 development of the TMDL that got me involved in
18 approximately 2002/2003, is when I started working on the
19 Shipyard Sediment Site.

20 Q. And we'll go through some of the stuff, some of
21 your work on the Shipyard Sediment Site separately. So
22 just so I get a sense of your duties at the Regional
23 Board, you started working at the TMDL unit in 2002/2003.
24 How long did you continue in that unit for?

25 A. Up until about two, three years ago, and moved

1 into the site cleanup unit, central groundwater unit.

2 They've changed their names a couple times.

3 Q. It's currently called the --

4 A. Central groundwater unit.

5 Q. And you're currently in that unit?

6 A. Yes.

7 Q. Can you just give me a summary of your primary
8 duties and responsibilities in that unit?

9 A. I'm the registered professional that needs to --
10 all the work done in that unit is done under my direction
11 for investigating and cleaning up various contaminated
12 sites including -- some of it's with the Shipyard
13 Sediment Site. Some of it's with Mission Valley
14 Terminal, large soil-contaminated sites, all the way down
15 to dry-cleaners, corner gas stations, former gas
16 stations, former dry-cleaners.

17 Q. How many employees do you currently supervise?

18 A. Three.

19 Q. Who are those employees?

20 A. Cynthia Rodriguez, Sean McClain, and Sue Pease.

21 Q. Who do you report to?

22 A. Julie Chan.

23 THE WITNESS: Can we take a break?

24 MR. CARLIN: Sure. Let's go off the record.

25 (A recess was taken.)

1 BY MR. CARLIN:

2 Q. Mr. Carlisle, we're back on the record. Are you
3 ready to continue?

4 A. Yes.

5 Q. I'd like to go ahead and mark as Exhibit 1001
6 the cleanup team's amended witness designation in this
7 proceeding. Take a minute to familiarize yourself with
8 that.

9 (Exhibit 1001 was marked.)

10 BY MR. CARLIN:

11 Q. Have you seen this document before?

12 A. Yes.

13 Q. And are you aware that you've been designated as
14 a witness on behalf of the cleanup team in this
15 proceeding?

16 A. Yes.

17 Q. And if you could take a look at page 2, second
18 paragraph from the bottom. It indicates there that each
19 of the witnesses listed on this designation have agreed
20 to testify in this proceeding.

21 Do you see that?

22 A. Yes.

23 Q. And have you agreed to testify in this
24 proceeding?

25 A. Yes.

1 Q. Do you have any understanding of what the
2 subject matter of your testimony will be in this
3 proceeding?

4 A. In general, it would be the draft CAO and the
5 Draft Technical Report.

6 Q. You don't have any indication that your subject
7 matter may be anything more specific than that?

8 A. You mean within those documents or external to
9 those documents?

10 Q. You testified that you expect to testify with
11 regard to the CAO and DTR. And I was just trying to get
12 a sense of whether you have an understanding of whether
13 you'll be testifying to something more specific than,
14 speaking broadly, the CAO and DTR with regard to this
15 proceeding.

16 A. It would be speculation.

17 Q. Yeah. I certainly don't want you to speculate.
18 I wanted to know if you had an understanding at this
19 point.

20 A. No.

21 Q. And if you could take a look at the last
22 paragraph on page 2. It indicates that each of the
23 witnesses on this list, with the exception of
24 Vicente Rodriguez, may offer an expert opinion within the
25 scope of his or her expertise as an employee of the

1 San Diego Water Board.

2 Do you see that?

3 A. Yes.

4 Q. Is it your understanding that you've been
5 designated to offer an expert opinion in this matter?

6 A. What's the definition of being offered as an
7 expert witness?

8 Q. There's no specific definition that I can give
9 you. This document indicates that certain witnesses may
10 be designated to offer expert opinion. And I'm just
11 trying to get a sense if you understand that you have
12 been designated as an expert.

13 A. I think it's likely I'll be offering expert
14 opinions.

15 Q. Do you know with regard to what subject matter
16 you'll be offering an expert opinion?

17 A. Not specifically. Probably a variety of
18 technical items in the DTR.

19 Q. Which items do you think those would be?

20 A. Including but not limited to things involving
21 sediment sampling results, interpretation of the sediment
22 sampling results, interpretations associated with assumed
23 or reported deposition rates, sedimentation rates in the
24 San Diego Bay, potentially responsible parties.

25 Q. When you say, "potentially responsible parties,"

1 you mean with respect to the naming of those parties?

2 A. Yes.

3 Q. And the basis of liability for those parties?

4 A. I don't understand that term, the basis of
5 liability. I'm not an attorney.

6 Q. Let me ask it this way: With respect to the
7 charging allegations in the DTR against the respective
8 parties.

9 A. I might be asked to participate in providing
10 expert opinions on some aspects of that.

11 Q. Are there any other areas aside from what you've
12 mentioned that you think you may be called upon to
13 provide an expert opinion?

14 A. Would you like me to scan the table of contents
15 and --

16 Q. If that would help you to refresh your
17 recollection, that would be fine.

18 A. Well, we already covered the discharges. So
19 that's the first 11 or so sections. Multiple lines of
20 evidence approach, sediment quality investigation, triad
21 measures, bioaccumulation indicator, sediment chemicals
22 aquatic-dependent wildlife.

23 MR. CARRIGAN: Give the court reporter a chance
24 to take it all down. That's okay.

25 THE WITNESS: Background sediment quality,

1 technical feasibility, economic feasibility. I expect I
2 might be asked to provide opinions on some aspects of
3 that.

4 The majority of the work, if not all the work,
5 done in these two documents was done as a collaborative
6 effort. We didn't typically have a primary author.
7 Instead, it was a collaborative effort for virtually all
8 the topics in the documents.

9 BY MR. CARLIN:

10 Q. Okay. We'll come back to that in a bit.

11 But based on the topics you've indicated that
12 you believe you may offer an expert opinion on, do you
13 believe that you played a part in the collaborative
14 process for each one of the chapters of the DTR?

15 A. I probably participated at least to some level
16 in most all the chapters in the DTR.

17 Q. Are there any chapters or areas of the DTR where
18 you would say you were not specifically involved in?

19 A. I guess we'd have to dig through each one of
20 them, and maybe I could answer that.

21 Q. But there's nothing that comes to your mind off
22 the top of your head, No, I didn't work on this issue or
23 that issue, for example?

24 A. I mean, we have, what, 20 -- 35 chapters. I
25 couldn't tell you. There might be two or three that I

1 didn't touch at all, so to speak, mentally would be
2 involved in.

3 Q. I understand. I just wanted to confirm that
4 there's nothing that jumps out that you did not work on,
5 on the DTR.

6 A. Not off the top of my head.

7 Q. Have you been asked to prepare a written expert
8 report in this matter?

9 A. No.

10 Q. Do you have any plans to prepare a written
11 expert report?

12 A. No.

13 Q. I understand you've testified that you may offer
14 an expert opinion on a variety of fields that we just
15 went through. Separate and apart from that, I want to
16 ask you if you consider yourself to be an expert in any
17 particular fields relative to your work at the
18 Regional Board.

19 A. Yes. Based on my work at the Regional Board, I
20 developed an expertise in a number of fields, you know,
21 the ones we've already mentioned. Fate and transport,
22 sediment chemistry, geochemistry, human health risk
23 assessment, ecological risk assessment, triad analysis,
24 sediment quality objective implementation.

25 Q. Can you slow down just a second for me? I have

1 fate and transport, sediment chemistry, geochemistry,
2 human health risk assessment, ecological risk assessment.

3 Did you also say sediment triad measurements?

4 A. Yes. And sediment quality objectives.

5 Overall, I've worked on and developed an
6 expertise over the last 25 years -- the broad way to
7 describe it would be evaluating the nature and extent of
8 contamination in the environment, particularly soils and
9 groundwater and the subsurface and surface water.

10 Q. Let me make sure I understand. You say you've
11 developed that expertise over the past 25 years, is your
12 understanding, in your on-the-job duties that we went
13 through earlier?

14 A. On-the-job duties combined with my formal
15 education and subsequent workshops, conferences that
16 we've discussed already.

17 Q. Did any of the formal studies that you took
18 involve fate and transport?

19 A. Yes.

20 Q. You took classes in fate and transport?

21 A. Sedimentology involves fate and transport.
22 Actually, all aspects of geological sciences involve fate
23 and transport of materials and their alteration over time
24 and distance.

25 Q. I'd ask you the same question with respect to

1 sediment chemistry. Did your studies involve those
2 issues?

3 A. Probably two years of physical chemistry at the
4 college level. I've had geochem classes in addition to
5 the work-related training.

6 Q. How about geochemistry; to the extent your
7 answer is different, have you had any formal education in
8 geochemistry?

9 A. Yes. I've had that classwork at the master's
10 level.

11 Q. Same question with respect to human health risk
12 assessment. Any formal education that you believe
13 relates to your expertise in that area?

14 A. Statistical formal education, I've had probably
15 six statistics classes, environmental statistics,
16 business statistics, regular old statistics at the
17 college level and graduate level. As you may know, human
18 health risk assessment involves statistics to a
19 considerable degree.

20 I haven't had academic classes in human health
21 risk assessment. But I've had on-the-job training
22 starting as far back as my work with Fred McLaren's
23 company in Sacramento in about 1983 using a human health
24 risk assessment that took place in an air strip at the
25 Sacramento Airport for United Airlines groundwater

1 cleanup, did an air permit, some modeling for human
2 health risk assessment.

3 I've worked on and been the lead scientist on a
4 number of projects, probably 12 at least, that have used
5 human health risk assessment. For instance, all the
6 D.O.D. projects I've worked on, CERCLA requires --
7 typically requires a human health risk assessment. The
8 Navy's IR program, Installation & Restoration program,
9 which parallels the CERCLA process that I worked on with
10 Bechtel for five and a half years involved in a number of
11 human health risk assessments.

12 Q. Have you been involved in any human health risk
13 assessments aside from the current matter that relate to
14 sediment contamination?

15 A. Yes.

16 Q. Could you give me a summary of that involvement?

17 A. Well, I'm defining "sediment" as fine grain
18 material. So I worked on a landfill in the L.A. Basin
19 that was a windblown lead-contaminated dust issue. We
20 had to set up a weather station and get the right
21 analyses to design and conduct a human health risk
22 assessment, upwind and downwind of the landfill.
23 That's just one example.

24 Q. Any other examples come to mind?

25 A. Involving sediment?

1 Q. Any other examples of a human health risk
2 assessment you worked on involving sediment
3 contamination. And again, please let me finish my
4 question before you start. Would you like me to repeat
5 the question?

6 I was just asking, we were going through the
7 human health risk assessment. I was asking for any
8 examples where you've worked on human health risk
9 assessment in connection with sediment contamination
10 project or issue. You mentioned the landfill in
11 L.A. Basin. And my question is if there is any other,
12 you know, work that came to mind.

13 A. I worked on the Convair Lagoon, C-o-n-v-a-i-r,
14 also called the Teledyne Sand Cap, the remediation
15 project in San Diego Bay. I worked briefly on the
16 Campbell Shipyard Sediment Cap in San Diego Bay. And
17 there was a human health risk assessment aspect, I
18 believe, to both of those. I don't recall exactly to
19 what extent that was a part of the project.

20 Q. Do any other human health risk assessments that
21 you were involved with in regard to sediment
22 contamination come to mind?

23 A. No. I can't think of any right now.

24 Q. I want to move on to the ecological risk
25 assessment and ask you if any of your formal education,

1 you believe, contributes to your expertise in that area.

2 A. I've had environmental studies as an
3 undergraduate. Formal, do you mean academia as opposed
4 to seminars and conferences?

5 Q. Correct.

6 A. That's probably the only formal academic
7 coursework that relates to ecological risk assessment.

8 Q. Just to make sure I understand, general
9 environmental studies class; is that right?

10 A. Yes.

11 Q. Moving on to sediment triad measurement -- let
12 me step back a second.

13 Have you had any involvement in ecological risk
14 assessments with respect to a sediment contamination
15 project? We discussed projects that you were involved in
16 with respect to human health risk assessments. So the
17 same question with respect to the ecological risk
18 assessment.

19 A. Right. I've been working on the shipyard
20 project, as I said, from '02 to '03. So I've been fully
21 versed in that working with NOAA, U.S. Fish & Wildlife,
22 California Fish & Game on the ecological aspects of this
23 project. The Convair Lagoon project, Convair Sand Cap
24 involved ecological risk assessment.

25 I also, during my D.O.D. work with Bechtel,

1 worked on at least two projects that involved ecological
2 risk to San Diego Bay specifically. And that was
3 North Island -- I don't know if it was Site 1 or 2, one
4 of the sites at North Island.

5 The chlorinated solvent plume appeared to go via
6 the groundwater and discharge into the bay. So we were
7 involved in putting sample devices on the bay floor to
8 see what the exposure might be to the flora and fauna.
9 And similarly, at Naval Station San Diego, one of the
10 sites right adjacent to San Diego Bay was evaluated
11 relative to the ecological risk to San Diego Bay.

12 Q. And you were involved with both of those while
13 you were at Bechtel?

14 A. Yes.

15 Q. And then I want to move on to sediment triad
16 measurement and ask you if you've had any formal
17 education with respect to that area that you've described
18 as an area of expertise.

19 A. "Formal" meaning academic, university-type work?

20 Q. Correct.

21 A. I don't think any university has any coursework
22 on triad. But I could be wrong. I know they didn't
23 while I was in school.

24 Q. Fair enough. I just wanted to confirm.

25 So your experience with respect to sediment

1 triad measurement would be on-the-job training?

2 A. It would be on-the-job training, working with
3 the State Board, working with SCCWRP and Steve Bay and
4 the other scientists at SCCWRP that actually helped
5 develop some of the approach for the Shipyard Sediment
6 Site triad measurements.

7 And also, I've been on the advisory -- I forget
8 the exact name, but the regulatory group of advisors to
9 the Sediment Quality Objective project undertaken by the
10 State Board. And I've attended their various meetings,
11 and I'm on their distribution lists for all their
12 documents to provide input.

13 Q. Have you ever authored any technical
14 publications?

15 A. Yes.

16 Q. Can you summarize what those publications are?
17 If you can do so.

18 A. Yeah. I've published my master's thesis. It
19 was about the subsurface structure of the Ivanpah Valley
20 in California. And that was also published as a
21 technical report in the -- I forget the documents. I
22 think the South Coast Geologic Society. That would be
23 back in the '80s. I don't think I've published anything
24 since then in any recognized professional journal.

25 Q. You haven't published anything in, as you

1 described, a recognized professional journal with respect
2 to sediment contamination?

3 A. No.

4 Q. Okay. You've listed areas which you believe you
5 have expertise in. We've gone through those. I want to
6 cover some other subject areas we haven't talked about to
7 confirm and to ask you whether or not you believe
8 yourself to be an expert in those subject areas. Okay?

9 A. Okay.

10 Q. How about marine ecology?

11 A. To some degree.

12 Q. What would be the bases of your expertise in
13 marine ecology?

14 A. On-the-job training.

15 Q. How about sediment toxicology?

16 A. Yes.

17 Q. And what would be the basis of that expertise?

18 A. My experience and work with -- at the Water
19 Board and with Bechtel and with the various consulting
20 firms for the last 25 years.

21 Q. How about ecotoxicology?

22 A. Same answer.

23 Q. Same answer as with respect to sediment
24 toxicology?

25 A. Yes.

1 Q. How about human toxicology?

2 A. Same answer.

3 Q. How about remedial design in connection with the
4 sediment remediation project?

5 A. Same answer. I've worked on projects. So my
6 work-related experience has allowed me to develop an
7 expertise in that area.

8 Q. How about remedial monitoring with respect to
9 sediment remediation?

10 A. Same answer.

11 Q. To your knowledge have you ever been designated
12 as an expert witness in a lawsuit?

13 A. Yes.

14 Q. Which lawsuit?

15 A. It was Sesi vs. Signet Landmark.

16 Q. Can you spell that for the record?

17 A. I'm pretty sure it was -- well, Sesi, S-e-s-i,
18 And Signet, S-i-g-n-e-t, Landmark.

19 Q. Can you give me a thumbnail sketch of the
20 lawsuit?

21 A. It was Coronado Cays burn ash material moved to
22 an unauthorized landfill that contained auto shredder
23 waste. And so it became a commingled waste issue off
24 Cactus Road in Otay Mesa area San Diego near the border.

25 Q. And who were you designated as an expert on

1 behalf of?

2 A. Sesi.

3 Q. And can you estimate when that lawsuit occurred?

4 A. It was the early '90s, '93, perhaps.

5 Q. Did you testify at trial in that matter?

6 A. Yes.

7 Q. And were you also deposed in that matter?

8 A. Yes.

9 Q. Do you recall the scope of the expert opinion
10 that you offered in that litigation?

11 A. It was regarding the commingling of waste, joint
12 and several liability.

13 Q. Have you been designated as an expert witness in
14 any other proceeding?

15 A. Not that I recall.

16 Q. Have you ever been excluded as an expert witness
17 by a court?

18 A. Not that I recall.

19 Q. In connection with the Sesi matter, did you
20 prepare a written expert report?

21 A. Probably, but I don't recall the specifics. We
22 had a -- it was our consulting firm that worked on the
23 investigation of the project. So we had a technical
24 report. I don't know if they called that an expert
25 report.

1 Q. Do you recall having prepared a written expert
2 report in connection with any other lawsuit?

3 A. What's your definition of "expert report"?

4 Q. Typically, in a lawsuit -- well, not typically.

5 In a lawsuit, experts will be designated as
6 such. They will prepare an expert report on the scope of
7 their opinion in this matter. As we've talked about,
8 you've been designated as an expert in the administrative
9 proceeding. And so you prepared a report describing your
10 opinions with respect to certain issues in the case.

11 A. Is this an expert report?

12 Q. Mr. Carrigan has indicated his view in the past
13 that it's an expert report. And I'm asking you separate
14 and apart -- I'm not asking you if you're referring to
15 the CAO or the DTR. That's fair. But apart from that,
16 if you believe you prepared any other expert reports.

17 A. Expert reports for a lawsuit or legal situation?

18 Q. We're talking about a lawsuit right now.

19 A. Not just a regular technical report that we
20 prepare all the time for the work we do as a consultant,
21 for example; only if it was a lawsuit involved? Is that
22 the distinction?

23 Q. This question is whether or not you've prepared
24 one in connection with a lawsuit, yes.

25 A. No. Besides what we already mentioned, the

1 Sesi.

2 Q. Right. We discussed lawsuits in the Sesi
3 matter. And we've discussed your designation in this
4 instant matter, the shipyard matter. To your knowledge
5 have you been designated as an expert in any other
6 administrative proceeding?

7 A. Not that I recall.

8 Q. Earlier, you testified that you were involved in
9 the Convair Lagoon and Campbell shipyard sediment
10 cleanups; correct?

11 A. Yes.

12 Q. While at the Regional Board, have you been
13 involved with any other sediment remediation projects?

14 A. Not to any degree.

15 Q. Are there other matters you've been involved
16 with in a minor degree? Is that a fair characterization?

17 A. Yeah. Because I mentioned we work
18 collaboratively in the office. I mean, it's cubicle
19 land. So there's a lot of informal communication, let's
20 say, where someone has a project like the boat channel or
21 the -- some of the other San Diego Bay sites that other
22 staff might be working on.

23 So we maybe spend a few hours, you know, less
24 than ten, maybe more like one or two, talking to them
25 about their projects and providing input and

1 collaboration, informal, relatively informal
2 collaboration, maybe attend a meeting or two on these
3 other projects because they're similar to yours. But
4 beyond that, the answer is no, I believe.

5 Q. You haven't been assigned to work on a sediment
6 remediation project, regularly assigned to work on a
7 sediment remediation project other than the the Convair
8 Lagoon project and the Campbell project?

9 MR. CARRIGAN: Misstates testimony. I believe
10 he also testified he's been working on this project.
11 Three.

12 MR. CARLIN: Correct, counsel. Convair,
13 Campbell, and the instant project.

14 THE WITNESS: Yes.

15 BY MR. CARLIN:

16 Q. Aside from the Convair project and the Campbell
17 project, and the current shipyard project, have you been
18 involved in any other matters or projects where the
19 Regional Board investigated the quality of the sediments?

20 A. Could you explain your definition of
21 "investigated the quality of the sediments"?

22 Q. Sure. We were talking about cleanup projects
23 where the cleanup had actually been required, or cleanup
24 had taken place. And just taking a step back from that,
25 looking at any other situation that involves sediment

1 contamination but maybe where there had not been a
2 cleanup or remediation required but the Regional Board
3 investigated sediment quality, looked into the quality of
4 sediment.

5 A. You're not specifically referring to us
6 collecting the data as opposed to us reviewing data
7 collected by others?

8 Q. Either scenario. I'm just curious, a situation
9 where the Regional Board wanted to investigate the
10 sediment quality regardless of whether you reviewed the
11 data or asked -- regardless of whether you collected the
12 data yourself or asked somebody else to do so.

13 A. So now could you repeat the question, please?

14 Q. Fair enough.

15 We talked about sediment contamination projects
16 in San Diego Bay that you've worked on, cleanup projects.
17 We talked about Convair. We talked about this project.
18 And we also talked about Campbell.

19 So my question is if you've been involved as
20 part of your duties in the Regional Board in any
21 investigation of sediment quality in San Diego Bay aside
22 from those three sites that we described.

23 A. I was involved a little bit in the
24 Shelter Island boat harbor TMDL, copper TMDL. I was
25 involved a little bit with the commercial basin cleanup,

1 sediment cleanup project, and also was involved with a
2 State Board-led -- not lead as in metal but lead project
3 on sampling San Diego Bay, various locations, fish and
4 the water column for mercury. And we actually have a
5 boat, and I was the captain of the boat on several trips,
6 sampling throughout San Diego Bay for mercury.

7 Q. That was at the direction of the State Board?

8 A. That was the State Board's project, yes. We
9 provided the support vehicle and the sampling.

10 Q. Was the State Board just looking for data as
11 part of that project?

12 A. What do you mean by that? No one just looks for
13 data. They want to do something with the data.

14 Q. Was anything done subsequently as a result of
15 the data that you collected?

16 A. It's my understanding they created a draft
17 report. I don't recall ever seeing a final report.

18 Q. What time period were you involved in that work?

19 A. That ended -- sampling, the field work ended,
20 might have been three years ago, roughly.

21 Q. Was that data collected throughout
22 San Diego Bay?

23 A. Correct, yeah. There was generally a
24 correlation between fishing piers and where we wanted to
25 sample for the water column, multiple depths, water

1 column samples of the mercury levels. And then they also
2 collected fish and were trying to do a BASF -- a ratio
3 between the water column concentration of mercury and the
4 fish tissue concentration of mercury.

5 Q. You said the sampling was near fishing piers.
6 Do you recall which fishing piers in specific?

7 A. 24th Street Marine Terminal, Mission Bay.
8 Actually, one of the stations was in Mission Bay.
9 Shelter Island, there's a pier. I believe we might have
10 been by the one just north of Coronado Bridge just north
11 of the BAE site. Glorietta Harbor, I think, was another
12 station in Coronado. There might have been one or two
13 others.

14 Q. I want to make sure I understand your testimony.
15 There may have been a draft report prepared, but you're
16 not sure?

17 A. I saw an internal draft. I never saw one that
18 was -- I don't recall seeing one that was actually
19 released.

20 Q. That may be; you're just not sure?

21 A. Correct, yeah. It might be available.

22 Q. Do you recall if there was a name given to that
23 study?

24 A. I'm pretty sure "mercury" would be in the title.

25 Q. How did you refer to it internally when you were

1 working on it?

2 A. The mercury sampling.

3 Q. So we were discussing matters you've been
4 involved with, with the Regional Board investigation of
5 sediment quality in San Diego Bay. You mentioned
6 Shelter Island boat harbor TMDL, the commercial basin
7 matter, this mercury sampling project or study we just
8 talked about. Are there any others that come to mind?

9 A. Yes. I worked on the mouth of Chollas Creek
10 TMDL, Grape Street TMDL that became -- they changed the
11 name of that to -- because it's right at the foot of
12 Grape Street. I forget what they call that TMDL.
13 Broadway/B Street piers TMDL, mid-pier Naval station
14 TMDL, subbase TMDL. All those are San Diego Bay
15 contaminated sediment TMDLs. Continental
16 Maritime/Coronado Bridge TMDL is another site right
17 underneath the Coronado Bridge immediately
18 north-northwest of BAE.

19 Q. I want to go back for a minute. You mentioned
20 the mouth of Chollas Creek TMDL. Are you currently
21 working on that project?

22 A. No.

23 Q. How long did you work on that project for?

24 A. Probably two years.

25 Q. When did you stop working on that, if you

1 recall?

2 A. When they moved me from the TMDL unit to the
3 central groundwater unit.

4 Q. When was that?

5 A. Four years ago, five years ago, plus or minus.

6 Q. You stopped working on the mouth of Chollas TMDL
7 because you were assigned to a new unit?

8 A. Yes.

9 Q. Do you recall when the Regional Board first
10 began working on developing a TMDL for the mouth of
11 Chollas Creek?

12 A. No.

13 Q. And if you could give me a summary of your role
14 on the mouth of Chollas Creek TMDL.

15 A. I was in a position to supervise staff that did
16 the detailed work on it. But it involved meetings with
17 SPAWAR experts; for example, Bart Chadwick, SCCWRP
18 experts, Steve Bay. And actually, they helped design the
19 type of measurements we want to sample, the triad
20 measurements.

21 And then I think -- then we contracted for some
22 sampling there -- I think it might have been through
23 SCCWRP and then through another subcontractor -- to go
24 actually collect sediment and the other samples needed to
25 do a triad analysis. And we had a series of meetings

1 including the stakeholders, the environmental groups.
2 I'm pretty sure the Navy was there, the City of
3 San Diego. And developing the sampling program and then
4 the methodology to interpret the results.

5 Q. And you mentioned you supervised some staff.
6 Who were those staff members?

7 A. I'm pretty sure it was Lisa Honma and
8 Alan Monji.

9 Q. Was there a member of Regional Board staff
10 supervising your activities on that TMDL?

11 A. It was probably David Barker at the time, I'm
12 pretty sure.

13 Q. Anybody else that might have been supervising
14 you?

15 A. No. I think it was David Barker that I was
16 reporting to for the TMDL work.

17 Q. Were you involved as part of your duties in the
18 Regional Board with the Chollas Creek TMDL for metals?
19 Probably more precise, the TMDL for dissolved copper lead
20 and zinc.

21 A. You're talking not about the San Diego Bay TMDL;
22 you're talking about upstream in the creek itself?

23 Q. Correct.

24 A. No.

25 Q. Were you involved in the Chollas Creek TMDL for

1 diazinon?

2 A. No.

3 Q. Are you a member of any environmental
4 organization currently?

5 A. I think when I went to the AEHS conference last
6 year, they give you a free year -- or a year membership
7 that's included in your enrollment. So that might have
8 recently expired, or it might still be current.

9 Q. Setting that aside, I'll be more precise.
10 Any environmental advocacy organization?

11 A. No.

12 Q. You're not a member of Coastkeeper?

13 A. No.

14 Q. You haven't been a member of Coastkeeper in the
15 past?

16 A. No.

17 Q. You're not a member of Environmental Health
18 Coalition?

19 A. No.

20 Q. And you haven't been a member of Environmental
21 Health Coalition in the past?

22 A. No.

23 Q. I know you said you've been working on this
24 matter since, I believe, 2002 or 2003. Is that correct?

25 A. Yes.

1 Q. Do you recall when you were formally appointed
2 for the first time to the cleanup team?

3 A. About 2002, 2003.

4 Q. So the cleanup team had been established when
5 you began working on this matter?

6 A. I don't recall that they called it the cleanup
7 team. It was kind of a slow evolution of, you know, the
8 project building up, getting steam. So there wasn't --
9 we don't do, in my mind, formal designation of anything.

10 Q. Okay. So maybe it hadn't been labeled, quote,
11 the cleanup team at that point. But you were working
12 since 2002 or 2003 when you began this matter with the
13 same group of people -- maybe not the same individuals,
14 they may have changed -- but on a unit or group that is
15 now referred to as the cleanup team?

16 A. Yes.

17 Q. And you've been on the cleanup team or working
18 in that capacity since 2002 or 2003?

19 A. Yes.

20 Q. Do you recall why you were chosen to work on
21 this matter?

22 A. Partly because it involved, you know -- defined
23 a budget. To have staff work on a project, you need to
24 find where the funds are, where the PYs are, person
25 years, staff funds. And so I was in the TMDL unit, and

1 this was a candidate probably at the time and became a
2 303(d) listed site which requires development of a TMDL.
3 Therefore, it was logical to grab people out of the TMDL
4 unit and put this on their plate, or add this to their
5 plate.

6 Q. Did any one specific individual ask you to work
7 on the project or assign you to the project?

8 A. Most likely, it was David Barker came and asked
9 for my assistance on the project.

10 Q. Aside from your membership in the TMDL unit that
11 you just described, were there any other special
12 qualifications or experience that you had that you think
13 led to your appointment to the cleanup team or to your
14 work on this project?

15 A. Besides my above-average intelligence and
16 25 years of work experience?

17 Q. I assumed that was part of it. But I just
18 wanted to see if there was anything in particular that
19 you were aware of that led to that.

20 MR. CARRIGAN: You can answer if you understand
21 the question.

22 THE WITNESS: I think I answered it.

23 BY MR. CARLIN:

24 Q. Your good looks?

25 A. My 25 years of work experience on a variety of

1 projects.

2 Q. I understand you have experience in the area
3 that we've gone through. I just wanted to see if there
4 was any other special expertise that you thought may have
5 resulted in your work on the project. That's all I was
6 getting at.

7 And while you've worked on this matter, has your
8 role changed over time on the matter, or would you say
9 you've had the same primary responsibilities and duties
10 during the course of the project?

11 A. Everything's changed. My role's changed.
12 Everyone's role has changed. The project has gone
13 through an evolution with, what are we at, eight, nine,
14 ten years. There's been considerable changes with both
15 individuals' roles, my role, and what the project's
16 doing, you know, what phase we're in.

17 Q. Can you describe for me how your role's changed
18 over time?

19 A. Well, to answer that, maybe I'll describe just
20 real general how the project's changed. Initially, it
21 was hope the discharger or dischargers will voluntarily
22 go out and clean up the site versus decide what
23 regulatory tools we want to use to encourage them to
24 undertake such a cleanup, to issuing investigative
25 orders. And that's about when I came in, when the

1 investigative orders were being worked on.

2 And then reviewing the reports that come in, in
3 response to those investigative orders, 13267 requests
4 for technical reports. And then evaluating -- well,
5 maybe I just said that, evaluating those reports and then
6 making comments on those, arranging for stakeholder
7 meetings. Would you like me to go on in the evolution?

8 Q. Yeah. And what you're describing is, you know,
9 different steps, the process. And I understand that as
10 there's been different steps in the process, you've been
11 required to do different types of things, and presumably
12 so have the other members of the cleanup team. And I
13 just wanted to get a sense, I suppose, of whether or not
14 you felt your level of responsibility on the cleanup team
15 had changed or the overall nature of your responsibility
16 had changed from 2002/2003 to the present.

17 A. And what drives changes in large long-term
18 projects is, you know, the project needs. So things
19 would wax and wane. If we sent investigative order and
20 they've got three months to give us a report, we're going
21 doing other things, and so my role on this project is
22 minimized, and my role on my other dozen or two projects
23 is maximized. And then its waxing and waning, obviously,
24 determines the changes in my role.

25 Overall, though, I guess from the 30,000-foot

1 view, it's been very similar. There's -- we have a
2 hierarchy of a branch chief, David Barker, who's been on
3 this project probably the longest. So we look to him
4 generally as the project manager. But we don't
5 necessarily even make that formal designation.

6 And then I'm one of the next tiers down, among
7 others, at times. And then there's staff below me. So
8 there's generally three tiers on this project, on most
9 our big projects, or even the small projects, of a branch
10 chief; a senior person, myself; and then the staff. But
11 all lot of that's -- there's a lot of blurring of the
12 lines.

13 Q. I want to talk a little bit about preparation of
14 the DTR. We talked a little bit about this before. And
15 feel free to consult the table of contents in the DTR to
16 answer the question. And I know you said that to a large
17 extent -- I don't want to misstate your testimony -- but
18 preparation of the DTR is a collaborative process. Is
19 that your testimony?

20 A. Very much so.

21 Q. And with that in mind, I understand that. But
22 would you consider yourself to have been the primary
23 author of any of the chapters in the DTR?

24 A. No.

25 Q. Not a single chapter?

1 A. Primary author of the whole chapter, no.

2 Q. Would you consider yourself to have had a lead
3 responsibility for the development and preparation of any
4 of the chapters in the DTR?

5 A. Not using those terms, no.

6 Q. Are there other terms that you think would help
7 answer the question?

8 A. You want me to reword the question? I think you
9 need to reword the question.

10 Q. No. I'm asking the question, but I didn't know
11 if you had -- well, I'm thinking if I could ask it in a
12 way to get the terms that you need.

13 It's a collaborative process. We talked about
14 that. I understand that. Are there any particular
15 chapters for which one member of the cleanup team is
16 assigned responsibility for the development of that
17 chapter?

18 A. Not any one member. Again, to be -- by the
19 definition of "collaborative," there were multiple people
20 involved in every chapter. And then there's even, you
21 know, some people developed the data. Some people, maybe
22 the same people write it up. And then maybe another
23 person reviews it and rewrites it, and maybe a fourth
24 person reviews it and rewrites it some more.

25 Q. So your testimony is every chapter is a

1 collaborative process, and for no chapter is a particular
2 member of the cleanup team given the lead responsibility.

3 A. That would be my way to describe it.

4 Q. And has that process been carried throughout the
5 prior iterations of the DTR as well?

6 A. I thought we were just talking about this.
7 Which iteration are we talking about?

8 Q. Well, this is the most recent iteration. As I
9 said when we began, unless I indicate otherwise, we can
10 go back to some of the prior iterations. And by my
11 recollection, the first iteration was released in April
12 of 2005. Does that ring a bell?

13 A. That rings a bell.

14 Q. And so for that iteration of the DTR, would you
15 also say that the same collaborative approach would have
16 been used? Or could you, for example, tell me that you
17 may have had a lead role with respect to chapters in the
18 DTR for that version of the DTR?

19 A. I couldn't accurately answer that without
20 looking at the 2005 version of the DTR.

21 Q. You can't recall whether or not you used the
22 same process?

23 A. Oh, we used the collaborative process. But
24 there may be a chapter or two in there that I might take
25 more ownership of as being the primary author if I could

1 recall how that differed from this version. But I don't
2 have that good a memory from 2005.

3 Q. We can come back to 2005 DTR. Let's focus in
4 now on the most recent iteration that we have in front of
5 us. And I want to ask you to describe your involvement
6 with respect to a variety of subject matters covered in
7 the DTR. Is that okay?

8 A. Yes.

9 Q. Okay.

10 First, did you have any involvement with
11 determining who would be listed as the responsible
12 parties?

13 A. Some.

14 Q. Can you give me a description of that
15 involvement?

16 A. I know I helped direct some research on
17 violations from, like, for example, any violations by
18 NASSCO or BAE or formerly from Southwest Marine.

19 Q. So you assisted with the research, historical
20 research, of violations?

21 A. Yes.

22 Q. And do you recall any other cleanup team members
23 working with you in that capacity?

24 A. I know Ben Tobler helped with that quite a bit,
25 and perhaps Cynthia Gorham-Test.

1 Q. You mentioned NASSCO and BAE in your prior
2 answer. Did you have any involvement in developing any
3 of the factual or historical allegations against the City
4 of San Diego?

5 A. Probably to some degree. I can't remember any
6 specific aspects of the City of San Diego section. Some
7 of that research was done prior to 2005, certainly.

8 Q. You think some of that research would have been
9 done prior to your involvement on this matter?

10 MS. REYNA: Objection. Calls for speculation.

11 THE WITNESS: Possibly.

12 BY MR. CARLIN:

13 Q. You're just not sure one way or the other?

14 A. Right.

15 Q. Did you have any involvement in developing the
16 factual allegations against Star & Crescent?

17 A. A little bit.

18 Q. Who did you work with in that respect?

19 A. I worked with David Barker, I think,
20 Cris Carrigan. I'm not sure who else, if anyone.

21 Q. How about any work on the development of factual
22 or historical allegations against Campbell?

23 A. I remember doing a little bit of work on that.

24 Q. Again, the same question, do you recall who you
25 worked with in that capacity?

1 A. I don't recall. Probably, again, talked to
2 David Barker about some idea. The collaborative process,
3 bouncing ideas and questions off the other team members.

4 Q. You don't remember any staff members that may
5 have been working at your direction?

6 A. Might have been Ben Tobler, because he was
7 working with me in that time frame, I know.

8 Q. Did you have any involvement in developing the
9 factual or historical allegations against Chevron?

10 A. Yes.

11 Q. Would Mr. Tobler have been working with you in
12 that capacity?

13 A. To some degree.

14 Q. Do you recall any other staff that were
15 involved?

16 A. David Barker and John Richards, the former
17 attorney for the Water Board.

18 Q. Did you have any involvement in developing the
19 factual or historical allegations against BP?

20 A. Yes.

21 Q. Same question. Who were you involved with, if
22 anyone was involved with you, in developing those
23 allegations?

24 A. Most likely David Barker and John Richards.

25 Q. Were you involved in developing the factual or

1 historical allegations against SDG&E?

2 A. Yes.

3 Q. And again, same question, what, if any, members
4 of staff were involved with that process?

5 A. Ben Tobler, most likely, David Barker.

6 Q. And were you involved in developing the factual
7 or historical allegations against the Navy?

8 A. Yes.

9 Q. Same question, who was involved working with
10 you, if anybody?

11 A. I remember clearly working with David Barker on
12 that.

13 Q. Does anybody else come to mind?

14 A. Not sure. Some degree perhaps Lisa Honma or
15 others that were working on Chollas Creek discharges.

16 Q. Finally, did you have any development in
17 developing the factual or historical allegations against
18 the Port District?

19 A. Yes.

20 Q. And the same question, who, if anyone, do you
21 recall was involved with you in that process?

22 A. Cris Carrigan, David Barker, at least.

23 Q. So I've gone through, in my count, all the
24 parties. Is it fair to say you had involvement in
25 developing the allegations against all of the parties

1 named in the CAO?

2 MS. REYNA: Objection. Misstates his testimony.

3 MR. CARLIN: You can answer the question.

4 THE WITNESS: Can we get her to read back my
5 testimony? I don't know how this works. If it's
6 misstated, I want to catch where it's misstated.

7 BY MR. CARLIN:

8 Q. As I said earlier, lawyers make objections for
9 the record. You're entitled to answer and, in fact,
10 required to answer unless instructed otherwise.

11 I just went through a variety of parties. I
12 want to get a sense if you were involved in the process
13 of deciding who should or should not be naming who was in
14 the CAO.

15 A. As far as I recall, I was involved at least to a
16 minor degree in all of those.

17 MR. CARLIN: I think it would be a good time for
18 a break. Is that okay with you?

19 THE WITNESS: Good idea.

20 MR. CARLIN: Okay. Let's go off the record.

21 (A recess was taken.)

22 BY MR. CARLIN:

23 Q. We're back on the record. Are you ready to
24 continue?

25 A. Yes.

1 Q. Before we went to break, we were talking about
2 areas of the CAO/DTR which you may have been involved
3 with. I wanted to ask you if you had any involvement in
4 drafting any of the analysis in the DTR with respect to
5 Chollas Creek.

6 A. Could you be more specific?

7 Q. The DTR discusses Chollas Creek. It also
8 discusses the potential for Chollas Creek to contribute
9 contamination to the Shipyard Sediment Site.

10 A. I didn't participate much on that aspect of the
11 DTR.

12 Q. Can you describe the extent of your involvement?

13 A. I read the sections.

14 Q. You didn't contribute to the sections?

15 A. I don't recall contributing.

16 Q. Do you recall editing those sections?

17 A. I don't recall editing those sections.

18 Q. So you don't recall any participation in the
19 development of any of the conclusions or findings
20 regarding the potential for Chollas Creek to impact the
21 site?

22 MR. CARRIGAN: Assumes facts not in evidence.

23 Calls for speculation. Lacks foundation. You can answer
24 if you understand the question.

25 THE WITNESS: I may have participated in the

1 collaborative process we discussed when we worked on
2 those sections.

3 BY MR. CARLIN:

4 Q. But you would not describe yourself as having a
5 primary role in any of that analysis?

6 A. No.

7 Q. I'd like to move on for a minute to talk about
8 the cleanup team's designation of persons most
9 knowledgeable to testify on various subject matters in
10 this proceeding as authorized by the presiding officer's
11 discovery plan, provisions of the California Civil
12 Procedure Code.

13 NASSCO and BAE have made a request to the
14 cleanup team to designate persons most knowledgeable to
15 testify on a variety of subject matters. First, I wanted
16 to ask you if you're aware that such a request has been
17 made.

18 A. Yes.

19 Q. And to your knowledge have you been designated
20 as the person most knowledgeable to testify on any
21 subject?

22 A. My understanding is I have not.

23 Q. And I appreciate that testimony. I just want to
24 go through each of the categories and just confirm that
25 it is your understanding that you are not so designated

1 with respect to that topic. Okay?

2 A. Yes.

3 Q. Mr. Carlisle, have you been designated as the
4 cleanup team's person most knowledgeable with respect to
5 the sediment or site investigation?

6 A. No.

7 Q. Same question with respect to background or
8 reference condition.

9 A. No.

10 Q. Same question with respect to bioavailability
11 and bioaccumulation.

12 A. No.

13 Q. Same question with respect to aquatic life
14 impairment.

15 A. No.

16 Q. Have you been designated as the cleanup team's
17 person most knowledgeable to testify on aquatic-dependent
18 life impairment?

19 A. No.

20 Q. Same we with respect to human health impairment.

21 A. No.

22 Q. Same question with respect to technological
23 feasibility.

24 A. No.

25 Q. Same question with respect to economic

1 feasibility.

2 A. No.

3 Q. Have you been designated to testify with regard
4 to alternative cleanup levels?

5 A. No.

6 Q. Same question with respect to alternative
7 remedies?

8 A. No.

9 Q. Same question with respect to other sediment
10 remediations both in San Diego and throughout California.

11 A. No.

12 Q. Same question with respect to the remedial
13 footprint.

14 A. No.

15 Q. Same question with respect to remedial
16 monitoring.

17 A. No.

18 Q. Finally, same question with respect to the
19 shipyard administrative record.

20 A. No.

21 Q. Thank you.

22 I'd like to go ahead now and talk a little bit
23 about the development of the administrative record in
24 this proceeding. And to clarify, it's my understanding
25 that there's an initial administrative record containing

1 materials up to 2008, and there was also a supplemental
2 administrative record with materials from 2008 to the
3 present. Is that consistent with your understanding?

4 A. Yes.

5 Q. Okay. So these first questions I'm going to
6 ask, I'm going to ask with respect to the initial
7 administrative record up to 2008. Okay?

8 A. Yes.

9 Q. With respect to that administrative record, have
10 you had involvement in the maintenance or development of
11 the administrative record?

12 A. Yes.

13 Q. Can you describe that involvement for me?

14 A. I recall I got started when we were trying to
15 identify and fund a contractor, so early on in the
16 process. And then I helped -- we, I helped a group of
17 people try to identify, you know, what files to start
18 making available, the process to make them available to
19 be digitized.

20 Q. I want to ask one question. When you say the
21 contractor, that's a contractor to digitize the
22 administrative record?

23 A. Right.

24 Q. And if you can give me an estimate of the time
25 frame when you began to discuss that with the contractor.

1 A. I don't recall what years that was. May have
2 been started in '04/'05. I'm not -- when did the
3 administrative record come out?

4 Q. Well, I was talking about when you first started
5 working on it with the contractors, trying to get a sense
6 of the time.

7 A. I think it was about two years before we made
8 the hard drive available, plus or minus a year.

9 Q. In connection with your work on the record, were
10 you involved in any decisions to determine what materials
11 should be included in the record?

12 A. I was partly involved.

13 Q. Can you describe your involvement in that
14 process?

15 A. Well, the orders, or the decision we made,
16 David Barker and myself and I'm not sure who else, was
17 everything, no stone unturned. We wanted to put
18 everything in the record. It's been a strong desire of
19 us to have everything in our file room electronic. This
20 was a great opportunity to at least start with a piece of
21 our files, an important piece.

22 Q. When you say, "everything," that was everything
23 in your file for the project; is that a fair description?

24 A. Our files were organized by sites, regulated
25 sites. And BAE/Southwest Marine is a regulated site. It

1 occupies several rows in our hard-file room, and same
2 with NASSCO. So that's what we identified initially.

3 Q. And you intended to make sure all that material
4 was in the administrative record?

5 A. Correct.

6 Q. You said you worked with Mr. Barker on the
7 administrative record.

8 A. Yes.

9 Q. Anyone else that you worked with on that
10 process?

11 A. I'm sure there were quite a few people involved.
12 I can't remember off the top of my head what staff people
13 were involved with some of the physical labor, so to
14 speak, pulling out dozens of feet, essentially, of, you
15 know, expanding folders.

16 Q. Let me narrow my question a bit.

17 Was Mr. Barker involved in determining what
18 materials should or should not be included in the record?

19 A. I'm having trouble with the way the question is
20 worded. Because we put everything in the record we could
21 possibly find that involved the shipyards, and
22 subsequently in the adjacent potential responsible
23 parties.

24 Q. Let me ask it this way: Did Mr. Barker issue a
25 directive that you should include everything into the

1 administrative record as you've described it?

2 A. I wouldn't call it a directive. But that was my
3 understanding of the instructions.

4 Q. And those are Mr. Barker's instructions?

5 A. Yes.

6 Q. As part of the development of the record, did
7 you ever search for any emails that you thought should be
8 included in the record?

9 A. Yes.

10 Q. And what did you do? How did you go about that
11 process?

12 A. I looked at all the emails associated with the
13 project, and especially ones that had information like
14 attachments, documents. And those were all added.

15 Q. You looked at your own email inbox?

16 A. Yes.

17 Q. Did you do anything broader than searching your
18 own email?

19 A. Well, we asked everybody that might have had
20 emails on the project to do the same thing.

21 Q. Did you conduct any broader search yourself,
22 maybe the Regional Board server?

23 A. Yes. I would look in the shared drives on the
24 server and the local drives on my computer for all
25 documents related to the project.

1 Q. And then you made a determination whether or not
2 certain emails should be included in the record?

3 A. Correct. And in general, the determination was
4 yes, everything, everything that had substantive content.

5 Q. Was there any particular ground or basis you may
6 have used to exclude any material from the record?

7 A. Correct. If I got an email that said, "Thanks,"
8 one word. An underlying email that it was thanking,
9 might have had an attachment, that email went in the
10 record. The subsequent one-word "thanks" email would not
11 get in the record.

12 Q. So you used your judgment to determine if an
13 email was -- you thought was relevant; is that a fair
14 characterization?

15 MR. CARRIGAN: Misstates witness's testimony.

16 THE WITNESS: I wouldn't use the term
17 "relevant." If it had any useful information or any
18 information at all that might -- anyone might think is
19 useful. Again, our marching orders were to get
20 everything we could get our hands on in the record. And
21 I just recall, to add to my previous answer, besides
22 David Barker, I believe John Richards or whatever legal
23 counsel we had at the time was involved in confirming
24 with us that the goal is to get everything we could
25 possibly find into the record.

1 MR. CARRIGAN: I'm going to caution you not to
2 discuss legal advice that was given to you by
3 Mr. Richards. If you have factual information, that's
4 fine. But please don't disclose attorney-client
5 communications. Thank you.

6 BY MR. CARLIN:

7 Q. You mentioned a minute ago that others were also
8 directed to search their email inboxes for information
9 that may be appropriate to include in the administrative
10 record; is that right?

11 A. Yes.

12 Q. Do you recall which individuals were given that
13 direction?

14 A. Probably everyone that was working on the team.
15 Lisa Honma, Ben Tobler, Alan Monji, Tom Alo.

16 Q. Do you think it would have been everybody that
17 was working on the cleanup team?

18 A. Yes.

19 Q. Have you personally taken steps to ensure that
20 any reference material that you may have used in
21 connection with your work on the DTR and CAO made its way
22 into the administrative record?

23 A. Yes.

24 Q. That was something you intended to do?

25 A. I did it, definitely.

1 Q. Was that part of the direction you were given as
2 part of the work on the cleanup team?

3 A. Yes.

4 Q. I want to move on to the supplemental
5 administrative record that we mentioned earlier
6 containing, generally speaking, documents from 2008 to
7 the present. And my understanding is that was made
8 available on the Regional Board's website in November of
9 2010. Were you involved in the process of developing
10 that supplemental record?

11 A. Yes.

12 Q. And again, can you describe for me the process
13 of your involvement with that supplemental record?

14 A. Well, similar process. Anything we had
15 associated with the shipyard site that we knew wasn't on
16 the first record, the hard drive, we call it, we --
17 matter of fact, immediately after, there was a cutoff of,
18 okay, we've got to finalize this hard drive.

19 And then if we got some additional documents, we
20 flagged them for when we wanted to, you know -- to use in
21 the time -- when the time came to prepare the
22 supplemental record. So everyone was on notice to get
23 ready for, you know, any new stuff or stuff that didn't
24 get in the first record, to flag it and have it available
25 for the second record, or the supplement.

1 Q. Would you say that the process for determining
2 materials to include in the supplemental record was the
3 same as for the initial record but simply intended to
4 capture documents that you received later or that came
5 into existence later?

6 A. That's one aspect of it.

7 Q. Okay. And if there's other aspects --

8 A. The other aspect was, as I recall -- I think
9 the -- the search for broader additional party data,
10 information involving additional PRPs, designated parties
11 was -- were included. But I'm not sure exactly -- I
12 wasn't as involved with the supplemental record as I was
13 with the initial record.

14 Q. Do you know who else was involved in the
15 supplemental record?

16 A. I'm pretty sure it was Vicente Rodriguez,
17 David Barker. And I don't know offhand who else.
18 Probably other members of the team.

19 I mean, as I said, I was involved because I was,
20 you know, under the understanding like I think everyone
21 else on the team that, okay, if it didn't get in the
22 first record, you know, flag it, and we'll get it in the
23 second.

24 Q. And I wanted to attempt to confirm that the
25 process you used to search for would include materials in

1 the supplemental records was the same as for the original
2 record with the intent to capture information that needed
3 to be in the supplemental record, whether because simply
4 a function of time or maybe there's new allegations or
5 different allegations in the newest version of the DTR
6 that needed backup information in the record.

7 A. I think that's a fair statement.

8 Q. And so in connection with the supplemental
9 record preparation, did you conduct a search of your
10 email as well?

11 A. Yes.

12 Q. And was it your understanding that the other
13 cleanup team members at that time were also given that
14 direction?

15 A. Yes.

16 Q. Are you familiar with the advisory team in this
17 proceeding?

18 A. Yes.

19 Q. What's your understanding of the advisory team's
20 purpose?

21 A. To advise the board.

22 Q. Do you know who the current members of the
23 advisory team are?

24 A. Yes, to some degree.

25 Q. Could you name them for me?

1 A. Katherine Hagen, Frank Melbourne. Used to be
2 John Robertus; now it might be Jimmy Smith.

3 Q. Have you had any communications with
4 Frank Melbourne regarding the substance of the CAO or
5 DTR?

6 A. No.

7 Q. Same question with respect to Jimmy Smith.

8 A. No, I've not had conversations with Jimmy Smith
9 on the substance.

10 Q. Same question with respect to Ms. Hagen.

11 A. No.

12 Q. Have you had any substantive communications with
13 any current board member, that's a board member of the
14 Regional Board, regarding the substance of the CAO or
15 DTR?

16 A. No.

17 Q. Same question with respect to a former member of
18 the Regional Board.

19 A. No.

20 MR. CARLIN: Okay. I appreciate your time. I
21 have no further questions right now. I would reserve my
22 right to ask follow-up questions after the other counsel
23 have gone through their questioning.

24 THE WITNESS: Thank you.

25 ***

EXAMINATION

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BY MR. BROWN:

Q. Mr. Carlisle, we've met many times before. My name is Bill Brown. I'm the attorney handling this matter for the Port of San Diego. And I anticipate my questioning will probably take about an hour or so. So if you want to take a break before we get started, that's fine. But if you want to take a break in another 45 minutes, we can break it up. I think we've just had a break recently, so we'll go ahead and just start.

When did you first starting working on the TMDL and the DTR for the sediment site?

A. Approximately, 2002 or 2003.

Q. Did you work on the draft dated August 24th, 2007?

A. Yes.

Q. There was testimony, and I may be mischaracterizing this, but somebody said in a prior deposition that you were involved extensively in the prior drafts. Were you more involved in the prior drafts than you were in this draft, or about the same?

A. What's your definition of "about the same," plus or minus 25 percent?

Q. That would be fine.

A. Yes.

1 Q. And why were you more involved in the prior
2 drafts than you were in this one?

3 A. I think I just said about the same.

4 Q. So you're saying it's about the same. Okay.

5 Were you involved in the sections that decided
6 to name the Port as in the current TCAO?

7 A. Yes.

8 Q. And what was your involvement?

9 A. I participated in the collaborative process as
10 the allegations were developed.

11 Q. And what new information did you gather that
12 assisted you in naming the Port on the current draft
13 although it was not named in the prior drafts?

14 A. The the MS4 system information.

15 Q. And what did you do to gather information on the
16 MS4 system?

17 MR. CARRIGAN: Assumes facts not in evidence.
18 Misstates testimony. You can answer.

19 THE WITNESS: I didn't gather the information
20 myself.

21 BY MR. CARLIN:

22 Q. Who did gather it for you?

23 MR. CARRIGAN: Calls for speculation. Lacks
24 foundation. If you know, you can answer.

25 THE WITNESS: I assume David Barker asked people

1 working on the MS4 program to help gather information.

2 BY MR. BROWN:

3 Q. All right. Were you involved in drafting
4 Section 11 of the DTR that addresses the issue about the
5 Port's involvement with the DTR?

6 A. Could you be more specific?

7 Q. Yes. If you want to switch to the exhibit, that
8 might be helpful. I think it's called Master Exhibit 2.
9 And it's Section 11.

10 A. And what's the question?

11 Q. Let's look at Section 11.3.1. At page 11.5, the
12 last paragraph states, "The Port district operates the
13 following MS4 storm drains which convey urban runoff from
14 sources, areas upgrading of the Shipyard Sediment Site
15 property and discharged directly or indirectly in
16 San Diego Bay within the NASSCO and BAE leasehold."

17 Then the next page starts out with a bullet
18 point, Storm Drain SW4. It says, "The storm drain
19 outfall identified as SW4 in the shipyard report." And
20 it sites Exponent 2003.

21 Were you involved in gathering this information?

22 A. No.

23 Q. Who did, do you know?

24 A. No.

25 Q. Is it unusual for you to cite the report of

1 another party in a case to make allegations against
2 another party?

3 A. No.

4 Q. Did you check the Exponent report to see if it
5 was accurate as to whether or not the Port operated the
6 storm drain?

7 A. I didn't make this allegation.

8 Q. Were you involved in it?

9 A. Not that I recall.

10 Q. Do you know who did make this allegation?

11 A. No. It was a collaborative effort, as far as I
12 know.

13 Q. Would it be unusual for you to accept as truth
14 at the Water Board the allegations of another party as
15 the base of a charging allegation against a different
16 party?

17 MR. CARRIGAN: Incomplete hypothetical. Calls
18 for speculation. Lacks foundation.

19 THE WITNESS: Could you repeat the question?

20 MR. BROWN: I'll have the court reporter repeat
21 it.

22 (The record was read as follows:

23 "Q. Would it be unusual for you to accept as
24 truth at the Water Board the allegations of
25 another party as the base of a charging

1 allegation against a different party?")

2 MR. CARRIGAN: Renew the objections.

3 MR. CARLIN: Join.

4 THE WITNESS: To me it sounds like a legal
5 interpretation question that I don't feel qualified to
6 answer.

7 BY MR. BROWN:

8 Q. Okay. That's fair enough.

9 As you sit here today, do you know whether the
10 Port operates SW4?

11 A. What's the definition of "operating SW4"? I
12 thought SW4 is a hole in the end of a pipe.

13 Q. Do you know if the Port owns SW4?

14 A. Personally, no.

15 Q. Do you know what the Water Board is attempting
16 to say when it says that the Port operates SW4?

17 MR. CARRIGAN: Calls for a legal conclusion.
18 Document speaks for itself.

19 THE WITNESS: I don't have anything to add to
20 that.

21 BY MR. BROWN:

22 Q. Do you know who was responsible for checking the
23 facts in this section?

24 A. No.

25 Q. Do you know what the word "operates" means as it

1 was used in this document?

2 MR. CARRIGAN: Document speaks for itself.
3 Calls for a legal conclusion.

4 THE WITNESS: No.

5 BY MR. BROWN:

6 Q. What is your understanding of the word
7 "operate"?

8 A. I'll define it fairly generally. And it seems
9 to me if you've got a storm drain system that takes
10 runoff from property controlled or owned by you, you're
11 operating it.

12 Q. Do you know if SW4 discharges to property that's
13 owned or controlled by the Port of San Diego?

14 MR. CARRIGAN: Vague.

15 THE WITNESS: That's my understanding.

16 BY MR. BROWN:

17 Q. And what's the basis for your understanding?

18 A. That the Port owns the tidelands property which
19 includes the NASSCO and BAE leases.

20 Q. Do you know if those properties discharge into
21 SW4?

22 A. That's my understanding.

23 MR. CARRIGAN: Vague and overbroad. Make sure
24 you give me a second.

25 THE WITNESS: That's my understanding.

1 BY MR. BROWN:

2 Q. Do you know if an exclusive easement has been
3 given to the City of San Diego for the operation of those
4 storm drains?

5 MR. CARRIGAN: Incomplete hypothetical. Assumes
6 facts not in evidence. Calls for speculation.

7 MS. REYNA: Calls for a legal conclusion.

8 THE WITNESS: My understanding is that there's
9 storm drains and there's storm drains, the piping. And
10 there's laterals. And some may be the city. Some may be
11 the Port's, is my understanding. It's a complex
12 situation.

13 BY MR. BROWN:

14 Q. Do you know of any laterals that connect to SW4
15 on Port property?

16 A. No.

17 Q. Were you involved in responding to the discovery
18 in this case?

19 A. Yes.

20 Q. I'll mark as Exhibit 1002 a copy of the request
21 for admissions in this case.

22 (Exhibit 1002 was marked.)

23 MR. CARRIGAN: Do you have a copy for me,
24 Counsel?

25 MR. BROWN: Yes, I do.

1 MR. CARRIGAN: Thank you.

2 BY MR. BROWN:

3 Q. Do you know who was responsible for gathering
4 the facts that went into these answers?

5 A. I recall it was a collaborative effort.

6 Q. Could you read, it begins on page 9, Request for
7 Admission No. 5 and response to Request No. 5.

8 A. Okay.

9 Q. Does this refresh your recollection that the
10 Port does not own SW4?

11 MR. CARRIGAN: Again, calls for speculation. He
12 is not the party who verified these responses.

13 MR. BROWN: I'm just trying to get his personal
14 knowledge. If he's going to say he wasn't the person who
15 did this, that's fine. But I have to find out who came
16 up with this.

17 THE WITNESS: Yeah. I'm not the person that did
18 that.

19 BY MR. BROWN:

20 Q. Do you know where SW4 drains into?

21 A. Approximately.

22 Q. Do you know where it's located?

23 A. I think I do.

24 Q. Okay. And where is it located?

25 A. In Figure 11-1, it's located on, looks like,

1 BAE's leasehold.

2 Q. Do you know, has anyone checked to see if
3 there's any storm drains at BAE's leasehold that feed
4 into SW4?

5 MR. CARRIGAN: Calls for speculation.

6 MR. BROWN: If you know.

7 THE WITNESS: I don't know.

8 BY MR. BROWN:

9 Q. Did you personally check?

10 A. No.

11 Q. Did you consult with BAE at any time?

12 A. I think the cleanup team consulted with BAE and
13 asked them for all the outfalls, and they provided that
14 information.

15 Q. Do you know who at the cleanup team provided
16 that information?

17 A. It may have been -- no, I don't.

18 Q. Who do you think it might have been?

19 A. I was going to start to say it might have
20 been --

21 MR. CARRIGAN: Hold on. Calls for speculation.
22 I don't want you to guess.

23 MR. BROWN: I don't want you to guess.

24 MR. CARRIGAN: Okay.

25 MR. BROWN: I'm trying to limit the --

1 MR. CARRIGAN: If you know or if you have an
2 answer, you can give it.

3 BY MR. BROWN:

4 Q. Mr. Carlisle, there's a difference between a
5 guess and an informed opinion or an estimate. The corny
6 routine that lawyers always do to explain this is if I
7 asked you what is the length of this table, you would
8 say, "I don't know. I didn't measure it." But you would
9 have an opinion that it's, you know, a certain length.

10 If I asked you what was the size of the table in
11 it Mr. Richardson's office, presumably you haven't been
12 there before, so then you would just be guessing. And
13 that is sort of the difference.

14 What I'm trying to say is more in the area of an
15 informed opinion, would you have any idea who checked the
16 facts to see if SW4 has any outfalls coming from BAE
17 property?

18 A. No.

19 Q. Then I had another question for you about SW9.
20 Do you know where it drains into?

21 A. Approximately, yes.

22 Q. And where does it drain into?

23 A. At the southern end, it looks like, of the
24 NASSCO leasehold.

25 Q. Yes. And are you aware of whether that drains

1 into the area called the TMDL area in this case?

2 MR. CARRIGAN: Incomplete hypothetical.

3 THE WITNESS: It appears that it might.

4 BY MR. BROWN:

5 Q. And I'm not trying to be unclear about this.
6 We're trying to figure out why SW9 is related to this
7 site because it appears that SW9 drains into the area
8 that's addressed by the TMDL cleanup in this case. Does
9 that appear accurate to you?

10 A. No.

11 Q. And why does it not appear accurate?

12 A. They're not mutually exclusive.

13 Q. Do you know whether the area in the vicinity of
14 SW9 outfall is one of the polygons that is targeted for
15 cleanup in this matter?

16 A. I'd have to refer to the report to be a hundred
17 percent certain.

18 Q. Okay. Can you take a second and do that?

19 A. It's my understanding that it's targeted for
20 remediation, not via the dredging via this action but via
21 another mechanism; i.e., the TMDL implementation.

22 Q. Right. So my question is why is it included in
23 this report if it's not related to this action?

24 MR. CARRIGAN: Vague.

25 THE WITNESS: They're not mutually exclusive.

1 The report thoroughly evaluated the Shipyard Sediment
2 Site which, as I said earlier, went beyond just the
3 simple leasehold boundaries. And just by the fact it
4 overlaps with another potential regulatory action via
5 implementation of the TMDL doesn't mean it can't be part
6 of this action.

7 BY MR. BROWN:

8 Q. Is it currently planned that you're going to
9 address this area through this action?

10 MR. CARRIGAN: Vague.

11 THE WITNESS: I believe it is planned to be
12 addressed via this action, depending upon how you define
13 "addressed."

14 BY MR. BROWN:

15 Q. Well, it's not one of the polygons that's
16 targeted for cleanup; is that accurate?

17 MR. CARRIGAN: Are you talking about NA-22?

18 MR. BROWN: I'd have to pull out the chart. And
19 we can do that, and I encourage you to do it. What I'm
20 trying to say, and I just wanted you to see if it's
21 accurate or not. It appears that SW9 drains into an area
22 that is labeled as the TMDL area, which means it will not
23 be dredged or remediated in this action.

24 MR. CARRIGAN: Do you mean Polygon NA-22?

25 MR. BROWN: Yes.

1 THE WITNESS: Could you repeat the question now?

2 MR. BROWN: Well, now we've got Mr. Carrigan and
3 I both asking questions at the same time.

4 MR. CARRIGAN: I'm just trying to get a question
5 that makes sense because I have too many pronouns to
6 really understand the question you're getting at, Bill.
7 I'm sorry.

8 MR. BROWN: That's okay.

9 MR. CARRIGAN: Okay.

10 MR. BROWN: I'm open to advice. We just want to
11 get the information.

12 BY MR. BROWN:

13 Q. Is it your understanding that SW9 drains into
14 the area known as NA-22?

15 A. Yes.

16 Q. And will NA-22 be addressed in this action?

17 A. What do you mean by "this action"?

18 Q. Will it be determined who is responsible for
19 cleanup in this action? For example, will the cleanup of
20 Area NA-22 be addressed in the Cleanup and Abatement
21 Order that we're discussing today?

22 A. Perhaps tangentially.

23 Q. Why is SW9, then, listed as a basis for the
24 Port's responsibility?

25 A. Because -- just because there's an outfall, it

1 doesn't mean that outfall contaminated only a small area
2 immediately adjacent to that outfall due to sediment
3 transport considerations.

4 Q. And that's an area worthwhile of exploring.

5 I understand that you have a degree of fate and
6 transport. And as you eloquently said before, all
7 geology involves that to some extent. Are you going to
8 give an expert opinion in this matter on fate and
9 transport of chemicals as it relates to this cleanup and
10 abatement order?

11 A. Possibly.

12 Q. Do you have an opinion as to whether the
13 chemicals that are coming out of SW9, if there are
14 chemicals coming out of SW9, are affecting the area that
15 will be addressed in this cleanup and abatement order?

16 A. Yes.

17 Q. And what is your opinion?

18 A. They do.

19 Q. They do. And how do they do that?

20 A. By tidal movement, mass transport via storm flow
21 events, other currents, the sun, the moon.

22 Q. Mr. Carlisle, was Chollas Creek originally part
23 of the cleanup and abatement order for this site?

24 MR. CARRIGAN: Vague.

25 THE WITNESS: Could you provide more specificity

1 to the question?

2 BY MR. BROWN:

3 Q. Well, I'll come back to it in a bit. But let's
4 go at it a different way.

5 Do you believe that Chollas Creek is feeding
6 contamination into the areas that are going to be cleaned
7 up in this site?

8 A. Yes.

9 Q. And are you the primary person who would give an
10 opinion on that in this case?

11 A. I don't know.

12 MR. CARRIGAN: He's not designated as our PMK.

13 MR. BROWN: All right.

14 BY MR. BROWN:

15 Q. Have you consulted with anybody on this issue?

16 A. Yes.

17 Q. And who did you consult with, aside from your
18 attorneys? If it's attorney-client, I don't want to
19 know.

20 A. Ken Schiff, I believe, Ken Schiff. Chuck Katz
21 with SPAWAR published a paper on the transport of
22 sediments during storm events out of Chollas Creek.

23 Q. And do you believe that his conclusion was that
24 Chollas Creek was leading to contamination in the areas
25 that are the subject of this cleanup and abatement order?

1 A. I believe that his work, his studies, his
2 reports would allow someone to apply those conclusions --
3 to come to that conclusion.

4 Q. Do you know which Chemicals of Concern are
5 coming out of SW9 that are being transported into the
6 shipyards area or the area that's going to be addressed
7 by this cleanup and abatement order?

8 A. Off the top of my head, I couldn't name a
9 specific list.

10 Q. Did you review computer modeling?

11 A. I reviewed technical reports. I'm not sure if
12 they used computer modeling or not.

13 Q. Between the time of December 22nd, 2009, and
14 September 15th, are you aware of any circumstances that
15 changed that caused the Port to no longer be named
16 secondarily liable in the report?

17 A. Yes.

18 Q. And what were the circumstances that changed?

19 A. The termination of the assistance the Port was
20 providing to the cleanup team and the parties.

21 Q. And is that mentioned anywhere in the draft CAO
22 or the Draft Technical Report?

23 A. I think it is.

24 MR. CARRIGAN: Document speaks for itself.

25

1 BY MR. BROWN:

2 Q. Could you point to me where it is?

3 A. Section 11.

4 Q. Anywhere specifically in Section 11 it
5 mentions --

6 MR. CARRIGAN: Document speaks for itself.

7 MR. BROWN: It does speak for itself. But I'm
8 entitled to ask him where he finds that.

9 MR. CARRIGAN: I'll just assert my objections
10 for the record.

11 THE WITNESS: Could you repeat the question so I
12 make sure I look for the exact information you're looking
13 for?

14 BY MR. BROWN:

15 Q. Yes. I'm trying to find anywhere in the draft
16 CAO or the Draft Technical Report that lists lack of
17 assistance as a basis for the change.

18 MR. CARRIGAN: Renew my objections in case
19 they're not on the record.

20 THE WITNESS: I don't see it offhand in here.

21 BY MR. BROWN:

22 Q. Do you know why it is not -- and I'll make this
23 representation to you. And if I'm wrong, I'll -- you
24 know, I don't know how I can do it.

25 But I can tell you after having poured through

1 this, there are no allegations in either the DTR or the
2 CAO that the Port withdrew assistance. If that is a
3 basis as to why the Port's being now named as primarily
4 liable, do you know why it was omitted from the CAO or
5 the DTR?

6 MR. CARRIGAN: Calls for a legal conclusion.

7 THE WITNESS: I don't know.

8 BY MR. BROWN:

9 Q. In addition to allegations about the storm water
10 through SW4 and SW9, aside from that issue, do you know
11 why else the Port is named as a primary discharger in the
12 new draft?

13 A. Yes.

14 Q. Why?

15 A. From the tenant's discharges and their ability
16 to control tenant's discharges through the terms of their
17 lease.

18 Q. There's also an allegation that the the tenants
19 are perhaps financially unable to fund the cleanup. Were
20 you involved in any of that investigation?

21 MR. CARRIGAN: Misstates the document.

22 MR. BROWN: Well, we can go straight to the
23 document.

24 THE WITNESS: I wasn't involved in that.

25

1 BY MR. BROWN:

2 Q. Do you have any knowledge about the financial
3 abilities of the tenants?

4 A. No.

5 Q. Were you ever consulted on that?

6 A. No.

7 Q. All right.

8 In what ways has the Port removed its assistance
9 to the Water Board?

10 A. Well, we were no longer able to access their
11 technical experts, in-house and external consultant.
12 They apparently didn't provide financial assistance to
13 hire the CEQA contractor for the EIR. Dwayne Bennett
14 even said he wouldn't even ask the board, wouldn't even
15 bring it to the board to ask them for assistance. I was
16 in on a meeting at that point. So it just went from
17 wonderful assistance to zero.

18 Q. Do you know who told you that you could not use
19 the technical experts that the Port had or have contact
20 with them to assist in your report?

21 A. I don't recall.

22 Q. Who told you that the Port would not assist in
23 funding of the CEQA --

24 A. Dwayne Bennett.

25 Q. Do you recall why he said he would not assist in

1 doing that?

2 MR. CARRIGAN: Calls for speculation.

3 MR. BROWN: I'm asking if you recall why.

4 THE WITNESS: I don't recall.

5 BY MR. BROWN:

6 Q. Are you aware of any other instances where a
7 party who was not a discharger agreed to pay for
8 financial assistance?

9 MR. CARRIGAN: Incomplete hypothetical.

10 THE WITNESS: Financial assistance, do you mean
11 where a landowner assisted with the cleanup financially?

12 MR. BROWN: No, where somebody who is not named
13 as a discharger on a cleanup and abatement order agreed
14 to pay for part of the CEQA costs applying to that
15 cleanup and abatement order.

16 MR. CARRIGAN: Same objection.

17 THE WITNESS: I haven't prepared CEQA in any of
18 the cleanup and abatement orders.

19 BY MR. BROWN:

20 Q. Do you know how much the cleanup team asked the
21 Port to contribute towards the CEQA cleanup?

22 A. No.

23 Q. Do you know the dollar amount?

24 A. No.

25 Q. Does \$200,000 ring a bell?

1 A. That order of magnitude rings a bell.

2 Q. How much was the total cost of the CEQA
3 document, do you know?

4 A. The contract right now has been funded. I
5 believe their contract is approximately \$450,000. But
6 that's not the entire CEQA complete document.

7 Q. Do you know what portion of the CEQA, on a
8 percentage basis, the Port was asked to fund?

9 A. No.

10 Q. Do you have an estimate?

11 A. No.

12 Q. Was it in the neighborhood of 40 percent?

13 A. I don't know.

14 Q. Do you know if the Port objected on the grounds
15 that the amount that was asked was too high?

16 A. No.

17 MR. CARRIGAN: Asked and answered. Calls for
18 speculation.

19 BY MR. BROWN:

20 Q. All right. What other grounds other than
21 failing to pay for the CEQA document and withdrawing
22 technical support did the Port withdraw its assistance?

23 A. Withdrawing from the mediation.

24 Q. And did any other parties withdraw from the
25 mediation?

1 A. The environmental groups.

2 Q. And what were their grounds for withdrawing from
3 the mediation?

4 MR. CARRIGAN: Calls for speculation. Lacks
5 foundation.

6 BY MR. BROWN:

7 Q. Were you there when they articulated it?

8 A. They felt like they were marginalized in the
9 process.

10 Q. Did they have any other complaints?

11 A. I didn't hear of any.

12 Q. Do you recall them complaining about a lack of
13 transparency?

14 A. I think that is consistent with the answer I
15 previously gave.

16 Q. Do you know what grounds the Port -- well, I
17 don't think they're exactly the same. So let me ask you
18 that.

19 How is lack of transparency the same as being
20 marginalized?

21 A. The Port, as I recall, was in every mediation
22 meeting. They were invited, able to attend --

23 MR. CARRIGAN: I'm going to have to stop. I
24 can't let you testify about mediation, what transpired at
25 the mediation, who attended the meetings or any of that.

1 That's all privileged. So I recognize that the question
2 did not necessarily infringe upon that topic.

3 MR. BROWN: I actually didn't ask about the
4 Port. I asked about the environmental groups.

5 MR. CARRIGAN: Yeah.

6 MR. BROWN: But it's, you know, just a dialogue,
7 and it's easy to pick up the wrong question.

8 MR. CARRIGAN: So I'm just instructing the
9 witness not to answer that question unless reframed in a
10 way that avoids the mediation. And I think -- go ahead.

11 BY MR. BROWN:

12 Q. Yeah. I'm not trying to get into the mediation,
13 Mr. Carlisle.

14 You stated two grounds why the environmental
15 groups withdrew from mediation. One was they were being
16 marginalized, in their estimate, and the other one is
17 complaints about lack of transparency. And you indicated
18 that they were the same thing. And I'm trying to figure
19 out in your mind, are they identical, or did they
20 overlap?

21 A. I think --

22 MR. CARRIGAN: I'm going to renew my objections
23 that it calls for speculation and lacks foundation. Go
24 ahead.

25

1 BY MR. BROWN:

2 Q. What was your understanding of that?

3 A. Actually, my understanding was based on what I
4 saw and heard in the mediation. So I --

5 Q. Well, then don't -- do you recall them making
6 any public comments at the Water Board hearings or
7 elsewhere as to why they were withdrawing from the
8 mediation?

9 A. Yes.

10 Q. And what did they say at that time?

11 A. I would summarize it as the fact that they were
12 marginalized.

13 Q. Did they, during those statements, talk about
14 lack of transparency in the process?

15 A. I'm not sure if they used that word.

16 MR. CARRIGAN: Let me just say you have to pause
17 for a second to allow me to interpose objections when
18 counsel's asking you about the motives of other parties
19 in particular. Go ahead.

20 BY MR. BROWN:

21 Q. Yeah. I was asking you if you recalled what
22 they complained about lack of transparency.

23 A. I don't recall what words they used.

24 Q. Did they complain about the mediation process in
25 regards other than the fact that they were marginalized?

1 A. Isn't that a question about the mediation that's
2 confidential?

3 Q. I'm trying to get to what they stated in public
4 about withdrawing from the mediation.

5 A. Show me the transcript from the board meeting.
6 I can read it.

7 Q. I guess the subject matter I'm trying to get at,
8 Mr. Carlisle, is did the Port give the same reasons for
9 withdrawing from the mediation publicly that the
10 environmental groups gave?

11 MR. CARRIGAN: Calls for speculation. Lacks
12 foundation. I believe there's a document provided by the
13 Port that is best evidence on the topic.

14 THE WITNESS: I don't know enough about those
15 details to answer intelligently.

16 BY MR. BROWN:

17 Q. All right. Let's see here.

18 Were you involved in determining whether the
19 Port had any violations at the site?

20 A. No.

21 Q. Do you know whether the Port had been notified
22 of any violations at the site, of its own violations or
23 violations of the tenants?

24 A. Yes.

25 Q. And when was that?

1 A. In 1972, the San Diego Regional Water Quality
2 Control Board issued a report that investigated all the
3 shipyards, ship-building activities around San Diego Bay.
4 And it pointed out that ten to -- 5 to 10 percent,
5 roughly, of all the sandblast waste was dumped -- was
6 released into the bay. And that report was sent to the
7 Port.

8 Q. Did the Port respond?

9 A. I don't know.

10 Q. Do you know what instances there were of what
11 the Port did to not regulate its clients? Can you point
12 to any specific instances where the Port was informed of
13 violations at the shipyard where the Port failed to
14 respond?

15 A. I didn't see a response to that report in the
16 record. I didn't see response, similarly, to a 2000
17 letter written from the Regional Board to either BAE or
18 NASSCO or both, separate letters, commenting on a monitor
19 report, MPDS monitor report, that said the tenant's in
20 violation. And again, David Merk with the Port was
21 copied on those letters stating the tenants were in
22 violation. I didn't see any responses from the Port in
23 the record.

24 Q. Is it your opinion that the Port failed to
25 enforce regulations against its tenants?

1 A. Yes.

2 Q. And what's the basis of your opinion?

3 A. That the tenants were discharging in violation
4 of their MPDS permit. And I didn't see in the record any
5 actions to stop that on behalf of the Port.

6 Q. Would they have come to you with those actions,
7 or would they have gone to the tenants?

8 MR. CARRIGAN: Vague. Incomplete hypothetical.
9 Assumes facts not in evidence.

10 MR. BROWN: If you know.

11 THE WITNESS: I don't know.

12 BY MR. BROWN:

13 Q. And, Mr. Carlisle, I wasn't representing the
14 board at that time, and I'm trying to find out historical
15 information. I'm trying to gather what you know, not to
16 argue with you. I'm trying to honestly find out what the
17 Water Board believes the Port should have done.

18 What do you think the Port should have done at
19 that time?

20 MR. CARRIGAN: Incomplete hypothetical.

21 THE WITNESS: Enforce the terms of the lease.
22 Stop the discharges. We've been trying to clean up
23 San Diego Bay since we stopped putting sewage in the bay
24 straight from the ships.

25

1 BY MR. BROWN:

2 Q. Do you know if those discharges ceased?

3 MR. CARRIGAN: Vague.

4 THE WITNESS: Over what time period?

5 MR. BROWN: During the 2000s.

6 MR. CARRIGAN: Renewed.

7 THE WITNESS: They probably were reduced. But I
8 don't know.

9 BY MR. BROWN:

10 Q. Do you know if the tenants took any actions to
11 stop the discharge into the storm drains at that time?

12 A. It didn't look like it, according to what I've
13 seen in the record in early 2000.

14 Q. Do you know whether the shipyards removed their
15 drains that connected to the municipal storm drains?

16 A. I don't know.

17 Q. Did anybody at the Water Board do any checks to
18 determine if that had happened?

19 MR. CARRIGAN: Calls for speculation. Lacks
20 foundation.

21 THE WITNESS: That's not the area I work in at
22 the Water Board.

23 BY MR. BROWN:

24 Q. Who would have checked those facts in
25 preparation for the DTR?

1 MR. CARRIGAN: Incomplete hypothetical. Assumes
2 facts not in evidence.

3 THE WITNESS: I don't know.

4 BY MR. BROWN:

5 Q. Do you know if best management practices at the
6 shipyards changed in the last dozen years?

7 A. I hope so.

8 Q. Did you do any checking to see whether they had
9 changed?

10 A. Personally, no. That's not my assignment.

11 Q. I'm sorry to interrupt you. Do you know if
12 anybody at the Water Board did?

13 A. I don't personally have knowledge of that. I
14 would assume so.

15 Q. Do you know if the Port was involved in
16 discussing with the shipyards whether they should change
17 their best management practices?

18 A. I don't know.

19 Q. Do you know how much money the Port has spent on
20 cleanups in San Diego Bay in the last dozen years?

21 A. No.

22 Q. Were you involved in the Campbell Shipyard case?

23 A. Partially.

24 Q. Do you know if the Port spent money to address
25 those cleanups?

1 A. I don't know for certain. I assume they did.

2 Q. Were you ever made aware of what the Port's role
3 was in cleaning up the Campbell Shipyard case?

4 A. Yes.

5 Q. And what was it?

6 A. I heard they took ownership of that.

7 Q. Do you know what they funded?

8 A. I have no idea. I didn't know, you know, where
9 the money came from at all.

10 Q. Do you know who instigated the mediation in this
11 case, the current case?

12 A. I thought it was the Regional Board, David King.

13 Q. Do you know whether the Port went to the
14 Regional Board and requested that mediation be
15 instigated?

16 A. No.

17 Q. Do you know if the Port provided funding for the
18 mediation?

19 A. No.

20 Q. Do you know if the Port provided insurance money
21 to make the mediations go forward?

22 A. No.

23 Q. Do you know if the Port contributed to technical
24 data that was used during the mediation?

25 MR. CARRIGAN: I'm going to stop and instruct

1 you not to answer questions about the mediation. So you
2 are instructed not to answer that question.

3 BY MR. BROWN:

4 Q. Do you know if the Port did other mediations
5 regarding other shipyard cleanups in San Diego Bay?

6 A. No.

7 Q. Do you know whether the Port was involved in the
8 cleanup of the TDY site?

9 A. I think it's highly likely they were involved.

10 Q. Do you know if they paid for that?

11 A. I have no idea.

12 Q. Do you know if they used insurance money to pay
13 for that?

14 A. I don't know.

15 MR. CARRIGAN: Asked and answered.

16 BY MR. BROWN:

17 Q. Do you know if the Port gathered insurance money
18 for all the parties, did an insurance investigation to
19 locate insurance for all the parties that are currently
20 involved in this cleanup?

21 A. No.

22 Q. Do you know whether the Port contributed to the
23 actual discharge of waste at the Shipyard Sediment Site?

24 MR. CARRIGAN: Vague. Calls for a legal
25 conclusion.

1 THE WITNESS: Yes.

2 BY MR. BROWN:

3 Q. And how did they do that?

4 A. By not --

5 MR. CARRIGAN: Same objections.

6 THE WITNESS: By not enforcing the terms of
7 their leases that would allow them to encourage their
8 tenants to stop discharging.

9 BY MR. BROWN:

10 Q. Are you aware of any current discharges that are
11 going on at the sites?

12 A. Yes.

13 Q. And what are those?

14 A. Storm water, air deposition, fugitive emissions.

15 Q. Do you know what steps the Port can take to stop
16 that?

17 MR. CARRIGAN: Calls for speculation.

18 Incomplete hypothetical. Lacks foundation.

19 THE WITNESS: If I was the consultant for the
20 shipyards, in lieu of the Port I would go in there and do
21 a site inspection, and I would have them cinch down their
22 BMPs.

23 BY MR. BROWN:

24 Q. Do you know if there was BMP litigation
25 regarding these sites?

1 A. No.

2 Q. Do you know if the parties settled and did
3 institute the BMPs?

4 MR. CARRIGAN: Asked and answered. Doesn't know
5 about litigation.

6 BY MR. BROWN:

7 Q. Are you aware of any BMPs that you could
8 currently point to that should be implemented that are
9 not being implemented?

10 A. Yes.

11 Q. What are those?

12 A. NASSCO likes to say that they collect a hundred
13 percent of their storm water. And that's correct; as far
14 as it goes, it's been phased in. First it was their
15 working areas. Then it was expanded to some of the other
16 nonactive working areas. But it's my understanding the
17 parking lots still drain unabated during storm events
18 into San Diego Bay.

19 Q. And how did you come to that understanding?

20 A. I read the document submitted by NASSCO.

21 Q. And did you personally go and observe that?

22 A. No.

23 Q. Do you know if there are contaminants from that
24 parking lot area that are causing contamination to
25 San Diego Bay?

1 A. Yes.

2 Q. How do you know that?

3 A. All urban runoff from parking lots has
4 contamination.

5 Q. How do you know that?

6 A. Because cars lose material from their brake
7 pads, their engine oil, transmission oil, potentially.
8 Tires wear off. All actively used roadways have some
9 level of contamination.

10 Q. And so what is the BMP that NASSCO should be
11 implementing to stop that from happening?

12 A. That's not my area of expertise. Would you like
13 some suggestions?

14 Q. Here in a deposition we're allowed to go --

15 A. Catch all the storm water, treat it, and
16 discharge it.

17 Q. Are you aware of any recent cases that discussed
18 what the legal standard is for determining what is
19 evidence of a party causing storm water discharges?

20 MR. CARRIGAN: I'm going to object to the extent
21 this infringes on attorney-client privilege. If you're
22 aware of a case or analysis of a case that was not
23 discussed with you by me, then you can answer.

24 THE WITNESS: No.

25

1 BY MR. BROWN:

2 Q. Are you aware of a recent case involving
3 Los Angeles County where Los Angeles County was sued by
4 the National Resources Defense Council for contributing
5 to urban runoff?

6 MR. CARRIGAN: Same objection.

7 THE WITNESS: No.

8 BY MR. BROWN:

9 Q. Were you ever provided a copy of the opinion?

10 MR. CARRIGAN: Same objection.

11 MR. BROWN: I'm asking him for public record.
12 I'm not asking what you told him.

13 MR. CARRIGAN: Then if he knows outside the
14 scope of what I told him, he can answer. He is not to
15 discuss things that were told to him by me in confidence.
16 And your questions clearly --

17 MR. BROWN: If they do --

18 MR. CARRIGAN: Okay.

19 MR. BROWN: As a forewarning again and again, I
20 don't want to know anything any of your attorneys have
21 told you.

22 THE WITNESS: No.

23 BY MR. BROWN:

24 Q. Have you done any testing of the outfalls that
25 you believe led to contamination of the site, the

1 Water Board, not you personally but the Water Board?

2 A. The Water Board actually collecting the sample
3 and doing the analysis, or the Water Board getting a
4 report from someone else collecting the sample and doing
5 the analysis?

6 Q. Either one.

7 A. Yes.

8 Q. And what were those?

9 A. Could you repeat the question about testing of
10 what and where?

11 Q. Were there any testing of the outfalls? For
12 example, was there any testing at the mouth of SW4 or
13 SW9?

14 A. Well, all the Exponent reports, some of the
15 samples are near those outfalls.

16 Q. Were they actually at the mouth of the outfall,
17 or were they nearby?

18 MR. CARRIGAN: Vague.

19 THE WITNESS: That's too vague to answer.
20 What's nearby versus at?

21 BY MR. BROWN:

22 Q. All right. I'll accept that you can't make the
23 distinction.

24 Are you aware of any other drains that the Port
25 owns or operates other than SW4 or SW9?

1 A. Throughout San Diego Bay?

2 Q. In the vicinity of the shipyards.

3 A. No.

4 Q. At Section 11.6.4, it states that "No monitoring
5 data is available for these outfalls. But it is highly
6 probable that historical and current discharges from this
7 outfall have discharged heavy metals and organics to
8 San Diego Bay at the Shipyard Sediment Site."

9 Can you look at that part?

10 A. 11.6.4?

11 Q. Yes, and 11.6.5.

12 A. And what was the question?

13 Q. I want you to first take a look at that.

14 MR. CARRIGAN: I believe he began to read here
15 at "Although no monitoring data is available." Is that
16 correct, Counsel?

17 MR. BROWN: Yeah.

18 MR. CARRIGAN: That's where he started reading.
19 But you can read the section for context.

20 THE WITNESS: Okay.

21 BY MR. BROWN:

22 Q. Is there other data other than monitoring data?

23 MR. CARRIGAN: I think that's asked and
24 answered.

25 MR. BROWN: And he may have. But I want to make

1 sure I'm getting the best testimony on it.

2 THE WITNESS: Other data elsewhere in the MS4
3 system upstream of this?

4 MR. BROWN: No. Any other data that pertains to
5 this site.

6 THE WITNESS: Well, other data upstream in the
7 MS4 system would pertain to the site, I would think.

8 BY MR. BROWN:

9 Q. Does the Port have any responsibility for the
10 upstream of the MS4 system as it applies to SW4 and SW9?

11 MR. CARRIGAN: Calls for a legal conclusion.

12 MR. BROWN: If you know.

13 THE WITNESS: I think the answer is yes.

14 BY MR. BROWN:

15 Q. And what's the basis for your opinion?

16 A. Conveying contaminants into waters of the State.

17 Q. And how is the Port conveying that?

18 A. Well, somebody puts it in upstream of you, and
19 you help carry it further downstream and discharge it.

20 That's my rough understanding of --

21 Q. How does the Port help carry it downstream?

22 And I'll be specific, Mr. Carlisle. I think
23 that you saw the request for admission. It says that the
24 Port doesn't own these storm drains, your own request for
25 admissions signed by the Water Board. So if the Port

1 doesn't own the storm drain, how does it assist in having
2 those contaminants delivered to the bay?

3 MR. CARRIGAN: Argumentative.

4 MR. BROWN: I'm just trying to get your opinion.
5 I'm not trying to be argumentative. I'm trying to get to
6 the bottom of the issue.

7 THE WITNESS: Well, I think it's getting --
8 that's beyond my expertise because it's getting down to
9 legal interpretation and legal documents, interpreting
10 the Water Code.

11 BY MR. BROWN:

12 Q. Does the Water Board have any future plans for
13 monitoring these outflows?

14 MR. CARRIGAN: Calls for speculation.

15 THE WITNESS: And again, I'm a little hung up on
16 how vague that is worded. Monitoring of an outfall can
17 include upstream, instream, downstream, further out in
18 the water body.

19 BY MR. BROWN:

20 Q. How about at the discharge point?

21 A. Not that I know of.

22 MR. CARRIGAN: Calls for speculation.

23 THE WITNESS: Not that I know of.

24 BY MR. BROWN:

25 Q. Apart from the discharges of its tenants, is the

1 Port actively discharging contamination into the bay in
2 any way --

3 MR. CARRIGAN: Vague.

4 BY MR. BROWN:

5 Q. -- at these sites?

6 MR. CARRIGAN: I'm sorry, Bill, to interrupt.
7 Vague.

8 THE WITNESS: Well, based on their status as a
9 co-permittee, I think the answer is yes.

10 BY MR. BROWN:

11 Q. Now, as a co-permittee, they are a co-permittee
12 for any drains within the jurisdiction of that district;
13 is that correct?

14 MR. CARRIGAN: Vague. The permit speaks for
15 itself.

16 BY MR. BROWN:

17 Q. Do you know if SW4 and SW9 are part of what the
18 Port's permits apply to?

19 A. I don't know.

20 Q. Are you aware of any drains that the Port's
21 permit applies to that do drain into the area that's
22 affected by the shipyards?

23 A. How did you word that again?

24 MR. BROWN: I'll let the court reporter read it
25 back.

1 (The record was read as follows:

2 "Q. Are you aware of any drains that the Port's
3 permit applies to that do drain into the area
4 that's affected by the shipyards?")

5 THE WITNESS: It's my understanding the permit
6 applies to some of the material that might be discharged
7 out SW4 and SW9 because it's through your leaseholds.

8 BY MR. BROWN:

9 Q. I'm trying to get to a different question,
10 Mr. Carlisle.

11 Do you know if MS4 applies to SW4 and SW9? Is
12 the Port -- does their permit apply to those drains?

13 MR. CARRIGAN: Vague. Compound. Permit speaks
14 for itself.

15 THE WITNESS: My understanding is SW4 and SW9
16 are part of the MS4 system in which the Port is part of
17 the co-permittee.

18 BY MR. BROWN:

19 Q. Let me go at it another way.

20 If the City of San Diego owns an MS4 permit but
21 a storm drain neither flows through -- well, never mind.
22 That's too complicated.

23 If the Port does not own the SW4 and the SW9,
24 does the MS4 still apply? Does the Port's permit still
25 apply to those drains?

1 MR. CARRIGAN: Calls for a legal conclusion.
2 Permit speaks for itself.

3 MR. BROWN: Do you know?

4 THE WITNESS: I would assume so.

5 MR. CARRIGAN: Same objections.

6 BY MR. BROWN:

7 Q. In your mind is there a difference between
8 owning a storm drain and operating a storm drain?

9 MR. CARRIGAN: Calls for a legal conclusion.

10 MR. BROWN: If you know.

11 THE WITNESS: I'm not qualified to make that
12 distinction.

13 BY MR. BROWN:

14 Q. Since the timing of the -- of this report, are
15 you aware of any additional facts that have occurred that
16 has indicated the Port should be primarily liable?

17 In other words, since the last TCAO draft and as
18 we sit here today, have new facts arisen?

19 MR. CARRIGAN: Vague. Asked and answered.

20 THE WITNESS: Yes.

21 BY MR. BROWN:

22 Q. And what are those?

23 A. I think that's what we covered that you pointed
24 out wasn't in here. But then we started getting into
25 maybe some mediation confidential stuff.

1 Q. No. I'm trying to get at something slightly
2 different. So let me get the time frames down better.

3 Since the time of this draft CAO, which is
4 September 2010, has there been other conduct by the Port
5 which warrants them being named as a discharger?

6 MR. CARRIGAN: Asked and answered. Do you mean
7 in addition to what we've already discussed?

8 BY MR. BROWN:

9 Q. Well, I think we discussed the time frame
10 between the prior draft and the current draft. And I'm
11 trying to figure out if there's additional items that
12 have occurred since the last draft. Does that make
13 sense?

14 A. I'm confused. Because this draft, as you
15 pointed out, doesn't appear to have the lack of
16 cooperation with the Port.

17 Q. Do you know whether those items occurred prior
18 to or after September 2009?

19 A. Without detailed notes and timelines, I'm not
20 that good with remembering dates. As you recall, I was
21 49 years old a half hour ago, and now I'm 59.

22 Q. Well, I'm going to be 75 before I'm finished.
23 Let me just collect one thing --

24 MR. CARRIGAN: Hour and a half on the record.
25 So when you're ready.

1 MR. BROWN: I just want to correct for the
2 record, my last question wasn't meant to refer to
3 September 2009. It was September 2010. But let's take a
4 break. And I hope to wrap this up, you know, my
5 questioning before 5:00 today. I don't know if other
6 parties will have questions or not.

7 MR. CARRIGAN: That will be good, because I'm
8 going to have to let the witness go at 5:00.

9 And to that end, I was wondering if anyone would
10 object to starting early tomorrow with the hope that we'd
11 have a chance to finish. Could we start at 8:00? I
12 mean, I don't want to go too early. But anyone object to
13 starting at 8:00?

14 MR. BROWN: We can discuss -- let's go off the
15 record.

16 MR. CARRIGAN: Let's go off the record.

17 (A recess was taken.)

18 BY MR. BROWN:

19 Q. I have really probably only a couple areas of
20 questions for you. First one is other than the meeting
21 you talked about where Mr. Bennett told you that he
22 wouldn't pay for the CEQA part of the case, do you recall
23 any other meetings with Port representatives where the
24 Port refused to provide assistance in some fashion
25 outside of mediation?

1 A. No.

2 Q. And then my second-to-last question is, is the
3 Water Board, to your understanding, still in mediation?

4 A. Yes.

5 Q. Do you recall a directive by Chairman King to
6 withdraw from mediation in public?

7 MR. CARRIGAN: Misstates the document. Document
8 speaks for itself.

9 BY MR. BROWN:

10 Q. Were you at a Water Board hearing where Mr. King
11 instructed the Water Board to terminate mediation?

12 MR. CARRIGAN: Calls for a legal conclusion.
13 And there is a document that sets forth an order on this
14 topic that is binding on the board.

15 BY MR. BROWN:

16 Q. Do you recall Mr. King giving that directive?

17 MR. CARRIGAN: Misstates the directive given.

18 MR. BROWN: He can say I misstated it, but he
19 can testify for himself.

20 THE WITNESS: I'm familiar with the document.

21 BY MR. BROWN:

22 Q. Were you at a Water Board hearing where Mr. King
23 instructed the Water Board not to participate in
24 mediation?

25 MR. CARRIGAN: Misstates Mr. King's statement.

1 MR. BROWN: He can say that for you.

2 MR. CARRIGAN: No. You're stating facts that
3 are not in the record. It's not.

4 MR. BROWN: I asked if he went to the
5 Water Board hearing where that was said. You can either
6 say yes, no, I misstated it. I'm entitled to your
7 testimony not, Mr. Carrigan's.

8 THE WITNESS: I can't answer the question as
9 you've worded it.

10 MR. BROWN: Can you repeat the question?

11 (The record was read as follows:

12 "Q. Were you at a Water Board hearing where Mr.
13 King instructed the Water Board not to
14 participate in mediation?")

15 THE WITNESS: I was at a Water Board hearing
16 where Mr. King said something, but it wasn't that,
17 relative to the mediation.

18 BY MR. BROWN:

19 Q. What did he say, to your recollection?

20 A. It's in the document, the written document that
21 Mr. King. But my understanding of it was he stopped one
22 aspect of the mediation. But he said like the supervised
23 or under the control of Mr. King, but you're welcome to
24 go ahead and keep going.

25 Q. Did that apply to everybody or only certain

1 parties?

2 A. I don't know.

3 Q. Okay. All right.

4 Have you actively participated in mediation
5 since that time?

6 A. What was the date of that?

7 Q. Well, let's say have you participated in
8 mediation since July 2010.

9 A. I don't think so.

10 Q. When was the last time you participated in
11 mediation?

12 A. I don't recall the exact date.

13 Q. Did you attend any mediations, you personally?

14 A. Ever?

15 MR. CARRIGAN: I think that's --

16 MR. BROWN: Since that date.

17 THE WITNESS: Again, I'm not real good on
18 timelines. I've got two dozens other projects I work on.

19 BY MR. BROWN:

20 Q. And just one last question.

21 When is the last time you recall attending
22 mediation?

23 A. I don't recall.

24 MR. BROWN: All right. I don't have any further
25 questions.

1 ***

2 EXAMINATION

3 BY MS. VARCO:

4 Q. Good afternoon, Mr. Carlisle. I'm
5 Suzanne Varco of Opper & Varco, and I am the attorney who
6 represents Star & Crescent Boat Company. I think I just
7 have a few questions, and we'll get you out of here
8 pretty quick.

9 The first question I have is, have you
10 personally reviewed any documents which relate to the
11 corporate history of Star & Crescent Boat Company?

12 A. Yes.

13 Q. Are you aware that there are three separate
14 entities that utilize the same name, Star & Crescent Boat
15 Company, or that have utilized the same name?

16 A. Yes.

17 Q. With respect to the Star & Crescent Boat Company
18 that was incorporated in roughly the 1920s and dissolved
19 in 1957, are you aware of that Star & Crescent Boat
20 Company?

21 A. Yes.

22 Q. And have you reviewed any corporate documents
23 relating to that particular Star & Crescent Boat Company?

24 A. No.

25 Q. And with respect to the Star & Crescent Boat

1 Company that operated as a division of the San Diego
2 Marine Construction Company, are you aware of that
3 separate entity named Star & Crescent Boat Company?

4 A. I'm aware of that entity.

5 Q. And have you reviewed any corporate documents
6 with respect to that particular entity called Star &
7 Crescent Boat Company?

8 A. And which entity was that?

9 Q. The one that operated as a division of San Diego
10 Marine Construction Company.

11 A. And their name was?

12 Q. Star & Crescent Boat Company.

13 A. I don't know.

14 Q. With respect to Star & Crescent Boat Company
15 that operated as a division of Star & Crescent Investment
16 Company, are you aware of that entity called Star &
17 Crescent Boat Company?

18 A. Yes.

19 Q. And have you reviewed any historic corporate
20 documents related to that entity that operated as a
21 division of Star & Crescent Investment Company?

22 A. I'm struggling over the definition of a
23 corporate document. I saw a legal document that I
24 believe was responsive to your question.

25 Q. Okay. And can I ask you what that document was?

1 A. It was something to do with discovery or a court
2 case or somebody acquiring the assets of somebody. I'm
3 not an attorney.

4 Q. Do you recall whether it was a court case or
5 whether it was a document that may have been kept as part
6 of the corporate records of that entity?

7 A. I don't think it was corporate records.

8 Q. And do you recall what the contents of that
9 document was?

10 A. My vague recollection, it was something to do
11 with acquiring all the stock or buying, merging stock
12 trade, something like that.

13 Q. And do you know if that document is contained
14 within the documents in the administrative record that
15 was maintained or created by the Water Board?

16 A. I'm guessing it isn't, at least in the original
17 administrative record.

18 Q. Do you know how you came to see that document?

19 A. It was shown to me by my attorney.

20 Q. Did you retain a copy of that document in
21 your --

22 A. No.

23 Q. -- office files that you described earlier to
24 counsel?

25 A. No.

1 Q. Did you retain an electronic copy of that
2 document in any location?

3 A. No.

4 Q. Other than your vague recollection that it might
5 have had something to do with a stock trade, if I've
6 stated your testimony correctly, do you have any either
7 recollection regarding the contents of that document?

8 A. No.

9 Q. Are you aware of an entity by the name of Star &
10 Crescent Boat Company that was incorporated in the state
11 of California in 1976?

12 A. Yes.

13 Q. And with respect to that Star & Crescent Boat
14 Company, have you had the opportunity to review any
15 historical corporate documents relating to that entity?

16 A. Well, at this time I don't recall if the one
17 document I saw applies to this question or the previous
18 question.

19 Q. Fair enough.

20 A. A lot of things are named Star & Crescent, and
21 I'm very confused about that.

22 Q. And I can understand that. So with respect to
23 the one document that you've seen, let me rephrase my
24 question.

25 You described earlier in your testimony one

1 document that you had seen that related, possibly, to a
2 stock trade. Is that the only document that you've seen
3 that relates to any of the Star & Crescent named
4 entities?

5 A. Yes, except for what we have in the DTR and the
6 CAO.

7 Q. With respect to the DTR and the CAO, do you know
8 if there were particular documents that were relied upon
9 in preparing those allegations that named Star & Crescent
10 Boat Company as a responsible party?

11 MR. CARRIGAN: If you know independent of advice
12 that I gave you.

13 MS. VARCO: Yes.

14 THE WITNESS: I believe at one point, maybe even
15 years ago, I saw a response from either Campbell or some
16 Marine Construction Company trying to straighten us out
17 on the sequence of tenants prior to BAE and
18 Southwest Marine on that tenancy.

19 BY MS. VARCO:

20 Q. And would that document have been included as
21 part of the administrative record or the supplemental
22 administrative record that was prepared by the Water
23 Board?

24 A. Yes.

25 Q. And do you recall particularly which entity

1 might have provided that document to the Water Board?

2 A. I think it came from Campbell.

3 Q. And do you know the approximate date that the
4 Water Board received that document from Campbell?

5 A. Probably more than three years ago, maybe five
6 years ago.

7 Q. And do you remember the contents of that
8 particular document?

9 A. Yes. It said we have no records of ever running
10 or operating building activities at the BAE leasehold.

11 Q. Other than that, do you remember anything else
12 with respect to the contents of that document?

13 A. No.

14 Q. The Tentative Cleanup and Abatement Order states
15 at paragraph No. 1 that Star & Crescent Boat Company
16 caused or permitted the discharge of waste to the
17 Shipyard Sediment Site. And I'm paraphrasing.

18 Do you know who authored that particular
19 statement?

20 A. Paragraph 1?

21 Q. Mm-hmm.

22 A. Of section --

23 Q. Sorry. Of the --

24 A. There's a lot of paragraph 1's.

25 Q. Sorry. Of the Tentative Cleanup and Abatement

1 Order. I'm looking particularly at the paragraph
2 numbered one on the second page titled "Waste Discharge."

3 The question is, do you know who authored that
4 paragraph?

5 A. No.

6 Q. Do you know if there were documents supplied to
7 the Water Board that formed the basis of the allegation
8 against Star & Crescent in that paragraph?

9 A. I don't know.

10 Q. I'll have you look, while we are on the
11 Tentative Cleanup and Abatement Order, at paragraph
12 No. 5, which is specific to Star & Crescent Boat Company.
13 And that particular paragraph states -- and again, I'll
14 paraphrase -- that Star & Crescent Boat Company caused or
15 permitted the discharge of waste to be deposited where
16 they may be discharged into the San Diego Bay.

17 Do you know who authored that paragraph of the
18 Cleanup and Abatement Order?

19 A. No.

20 Q. And do you know if there were particular
21 documents that were relied upon by the Water Board in
22 forming that allegation against Star & Crescent Boat
23 Company?

24 A. No.

25 Q. Again, in that paragraph No. 5 that we're

1 looking at, it states that Star & Crescent Boat Company
2 is the corporate successor of and responsible for the
3 conditions of pollution and uses caused or permitted by
4 San Diego Marine Construction Company.

5 I'll ask you the same question: Do you know who
6 authored that statement of paragraph 5?

7 A. No.

8 Q. And again, do you know if there were any
9 documents presented to the Water Board that formed the
10 basis of that allegation?

11 A. No.

12 Q. Other than the corporate successorship that's
13 alleged here in paragraph 5, are you personally aware of
14 any other basis on which Star & Crescent Boat Company
15 would be liable for the cleanup of this site, the
16 Shipyard Sediment Site?

17 A. I'm a little confused by the wording of the
18 question.

19 Q. Sorry. I can try and rephrase it.

20 In this particular paragraph, it states that
21 Star & Crescent Boat Company was the successor, corporate
22 successor, to San Diego Marine Construction Company and,
23 on that basis as a corporate successor, was responsible
24 for the conditions of the pollution and nuisance.

25 And what I'm asking is other than that basis,

1 the corporate successorship of Star & Crescent, is there
2 an independent basis that you're aware of for which
3 Star & Crescent would be a responsible party for the
4 contamination?

5 A. Are you asking besides the fact that their
6 predecessors discharged waste into San Diego Bay?

7 Q. Correct. That's exactly what I'm asking.

8 A. No.

9 Q. In this paragraph 5, it also mentions that
10 Star & Crescent Investment Company transferred all of its
11 assets and liabilities to Star & Crescent, meaning,
12 presumably, the boat company.

13 Other than the one document that you've
14 described that may have discussed a stock trade, are you
15 aware of any documents that were relied upon by the
16 Water Board in stating that fact in the Tentative Cleanup
17 and Abatement Order?

18 A. No.

19 Q. You may have already answered this. But just
20 for clarification, have you seen any documents which
21 purport to evidence the transfer of all assets and
22 liabilities from Star & Crescent Investment Company to
23 Star & Crescent Boat Company?

24 A. No.

25 Q. You testified with Mr. Carlin earlier, I

1 believe, and correct me if I'm wrong, that you helped in
2 developing the allegations against Star & Crescent Boat
3 Company for the Tentative Cleanup and Abatement Order as
4 well as the DTR. Is that correct?

5 A. To a minor degree.

6 Q. And that's the basis of my question. To what
7 extent did you help in making those determinations or
8 decisions?

9 A. Proofreading, in this case.

10 Q. Okay.

11 A. Not much more than that on this entity.

12 Q. Did you participate in any meetings or
13 discussions with staff in your office regarding whether
14 or not to name Star & Crescent as a responsible party in
15 the Cleanup and Abatement Order?

16 A. No.

17 MS. VARCO: I don't have anything further.

18 MR. CARRIGAN: Okay. I'm going to have to
19 excuse the witness for today.

20 MR. CARLIN: It's okay, Counsel. Tomorrow
21 morning at 8:00 a.m.?

22 MR. CARRIGAN: Yeah. We'll see you all then.

23 (Whereupon the deposition was adjourned at
24 5:01 p.m.)

25 ***

1 I declare under penalty of perjury under the laws of the
2 State of California that the foregoing is true and
3 correct; that I have read my deposition and have made the
4 necessary corrections, additions or changes to my answers
5 I deem necessary.

6

7 Executed on this _____ day of _____,
8 2011.

9

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CRAIG CARLISLE

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I, Anne M. Zarkos, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

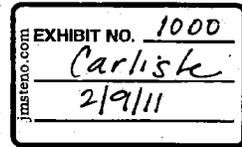
Further, that if the foregoing pertains to the original transcript of a deposition in a Federal case, before completion of the proceedings, review of the transcript [] was [] was not requested.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated this _____ day of _____, 2011,
at San Diego, California.

Anne M. Zarkos, RPR, CRR
CSR No. 13095

1 LATHAM & WATKINS LLP
2 Robert M. Howard (SB No. 145870)
3 Kelly E. Richardson (SB No. 210511)
4 Jeffrey P. Carlin (SB No. 227539)
5 Ryan R. Waterman (SB No. 229485)
6 Jennifer P. Casler-Goncalves (SB No. 259438)
7 600 West Broadway, Suite 1800
8 San Diego, California 92101-3375
9 Telephone: (619) 236-1234
10 Facsimile: (619) 696-7419



11 Attorneys for Designated Party
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

14 SAN DIEGO REGION

15 **IN THE MATTER OF:**
16
17 **TENTATIVE CLEANUP AND**
18 **ABATEMENT ORDER NO. R9-2011-0001**

19 **NASSCO'S SECOND AMENDED**
20 **NOTICE OF VIDEOTAPED**
21 **DEPOSITION OF CRAIG CARLISLE**

22 **Date:** February 9 & 10, 2011
23 **Time:** 9:00 a.m.
24 **Place:** Latham & Watkins LLP
25 600 West Broadway, Suite 1800
26 San Diego, CA 92101

27 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

28 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
Final Discovery Plan dated February 18, 2010, and the Presiding Officer's October 27, 2010
Discovery Order that National Steel and Shipbuilding Company ("NASSCO") will take the
deposition of Craig Carlisle ("Deponent") on February 9 and 10, 2011, at 9:00 a.m. This
deposition will take place at the law offices of Latham & Watkins LLP, 600 West Broadway,
Suite 1800, San Diego, California, 92101, upon oral examination before a Certified Shorthand
Reporter duly authorized to administer oaths, and will continue from day to day, Saturdays,
Sundays and holidays excepted, until completed.

PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
stenographically recorded, and recorded through such means as to provide the instant display of
the testimony. NASSCO reserves the right to use any videotaped portion of the deposition

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SECOND AMENDED NOTICE OF DEPOSITION OF
CRAIG CARLISLE

1 testimony at a hearing in this matter.

2 **DOCUMENTS AND ITEMS TO BE PRODUCED**

3 Craig Carlisle is required to produce the following items:

4 **DEFINITIONS**

5 The following definitions shall apply to each category of documents set forth below:

6 1. "ADVISORY TEAM" shall mean and refer to the Advisory Team of the
7 California Regional Water Quality Control Board, San Diego Region ("Regional Board"),
8 specially formed in response to and for purposes of advising the Regional Board in connection
9 with its consideration of the TENTATIVE ORDER, and its agents, employees, attorneys,
10 investigators, consultants, affiliates, or anyone acting on its behalf.

11 2. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange
12 of information by any means, including, without limitation, telephone, telecopy, facsimile, or
13 other electronic medium (including e-mail), letter, memorandum, notes or other writing method,
14 meeting, discussion, conversation or other form of verbal expression.

15 3. "DOCUMENT(S)" shall mean and refer to any and all written, printed,
16 typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however
17 produced or reproduced, including data stored in a computer, data stored on removable magnetic
18 and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and
19 voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory
20 refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate
21 and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia
22 appearing on any DOCUMENT, and shall not be limited in any way with respect to the process
23 by which any DOCUMENT was created, generated, or reproduced, or with respect to the
24 medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and
25 tangible forms of expression falling within the scope of California Evidence Code § 250, within
26 YOUR custody, possession or control.

27 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
28 and/or advocacy organizations focused on environmental causes and issues, including but not

1 limited to Designated Parties San Diego Coastkeeper (formerly San Diego Baykeeper) and
2 Environmental Health Coalition.

3 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
4 or private corporation, limited or general partnership, trust, joint venture, firm, association,
5 organization, board, authority, governmental entity, or any other entity, including a
6 representative of such PERSON(S).

7 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
8 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
9 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
10 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
11 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
12 request, in whole or in part.

13 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
14 TENTATIVE ORDER and TECHNICAL REPORT.

15 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
16 the TENTATIVE ORDER, publically released on December 22, 2009, publicly released on
17 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
18 2007, and April 4, 2008.

19 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
20 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
21 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
22 2008.

23 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation
24 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
25 accountants, investigators, and insurance companies, and their employees, and anyone else
26 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
27 in YOUR possession, custody or control.

28 11. "PERSON" shall mean any entity or natural person.