



July 2, 2010

Mr. Christian Carrigan  
Senior Staff Counsel  
Office of Enforcement  
State Water Resources Control Board  
1001 I Street, 16th Floor  
Sacramento, CA 95812

**Re: Shipyard Sediment Site Cleanup Project and Tentative Cleanup and Abatement Order No. R9-2010-0002**

Dear Mr. Carrigan:

I received your letter dated June 28, 2010 responding to San Diego Coastkeeper's June 24, 2010 response to the Cleanup Team's motion to extend discovery deadlines. While we appreciate your prompt courier of a CD containing data, some of the files either would not open or appeared to contain no information. I have attached a list of the problematic files to this correspondence, and I would appreciate you providing that additional information in accessible files.

In addition to the faulty files, we also have not received the following: (1) work plan; (2) field sampling plan; (3) Quality Assurance Project Plan (including the data quality objectives and Standard Operating Procedures); (4) Field Sampling Summary Reports including information on actual sampling locations, actual samples collected, all photos, all field data collection sheets; and (5) any data validation report. Without this information, it is nearly impossible for us to evaluate the validity and appropriateness of the new data. For example, the data you provided included sampling site abbreviations, but did not provide any way for us to identify the actual physical location of the sampling site.

Further, the documents we can access do not support your assertion that our withdrawal from the mediation impacted our ability "to review the data and participate in any sampling along with the Cleanup Team and other mediation parties." From the information you have now provided us, it is clear that sampling took place in July 2009 and reports were available as early as August 2009—well before we withdrew from the mediation process in September.

As you recall, we withdrew from the mediation because we were systematically excluded from meetings for at least six months prior to our withdrawal and Mr. Gallagher consistently failed to provide us access to mediation work product. The fact that sampling was occurring and reports were compiled while San Diego Coastkeeper and Environmental Health Coalition were exerting significant time, effort, and resources to fully participate, underscores the whole reason we withdrew from the mediation.

I look forward to receiving the missing files from your office at your earliest convenience.

Sincerely,

Jill M. Witkowski  
Staff Attorney

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