

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**IN THE MATTER OF
SAN DIEGO BAY
SHIPYARD SEDIMENT CLEANUP
TENTATIVE CLEANUP AND ABATEMENT
ORDER NO. R9-2011-0001**

**RESOLUTION NO. R9-2011-0051
AFFIRMING THE
THIRD AMENDED
ORDER OF PROCEEDINGS**

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (hereinafter, San Diego Water Board) finds that:

1. On March 30, 2011, Grant Destache, Chair of the San Diego Water Board and Presiding Officer for Pre-Hearing Proceedings (Presiding Officer) in the above matter requested written comments on a proposed schedule for the remainder of the proceedings that will culminate in the San Diego Water Board's consideration of adoption of Tentative Cleanup and Abatement Order No. R9-2011-0001 (TCAO) and certification of an environmental impact report.
2. Most Designated Parties submitted written responses stating their support for, and objections to, various aspects of the proposed procedural schedule. On April 12, 2011, after considering the written responses, the Presiding Officer issued a Notice of Opportunity for Designated Parties to Submit Comments, Evidence and Legal Argument and for Interested Persons to Submit Non-Evidentiary Comments. The April 12 Notice did not establish other procedural deadlines.
3. After receiving additional comments from National Steel and Shipbuilding Company (hereinafter, NASSCO) on April 29, 2011, the Presiding Officer extended the comment deadlines for reply and rebuttal submittals and for the San Diego Water Board Cleanup Team's response to comments on the TCAO only.
4. On May 18, 2011, the Presiding Officer issued the Third Amended Order of Proceedings in this matter. The Third Amended Order of Proceedings builds upon and updates the initial, First and Second Amended Orders of

Proceedings issued October 18, 2005, January 30, 2006, and May 2, 2008, respectively.

5. The Third Amended Order of Proceedings takes into account the comments of the Designated Parties in response to the March 30, 2011, request, subsequent comments, as well as the due process and public interest requirements that must be satisfied in a regional water board hearing and comports with the San Diego Water Board's desire to move forward with final approval of a tentative Cleanup and Abatement Order in a timely and orderly manner.
6. At its June 8, 2011, meeting, the San Diego Water Board considered written and oral comments in connection with the Third Amended Order of Proceedings issued by the Presiding Officer on May 18, 2011.

THEREFORE, BE IT RESOLVED THAT:

1. The Third Amended Order of Proceedings issued May 18, 2011, is hereby affirmed.

I, James G. Smith, Assistant Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the San Diego Water Board during its meeting on June 8, 2011.

JAMES G. SMITH
Assistant Executive Officer