

# California Regional Water Quality Control Board

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9174 Sky Park Court, Suite 100, San Diego, California 92123-4353

(858) 467-2952 • Fax (858) 571-6972

<http://www.waterboards.ca.gov/sandiego>

**TO:** John Robertus, Executive Officer  
Shipyard Sediment Site Advisory Team



**FROM:** David Barker, Supervising Water Resources Control Engineer  
Shipyard Sediment Site Cleanup Team  
**SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

**DATE:** April 22, 2008

**SUBJECT: SHIPYARD SEDIMENT SITE TENTATIVE CLEANUP AND  
ABATEMENT ORDER NO. R9-2005-0126: RESPONSE TO COMMENTS  
ON RECORD**

We received a letter dated April 11, 2008 from Kelly Richardson, Latham & Watkins LLP, on behalf of General Dynamics NASSCO regarding questions and concerns on the indexed electronic record ("Record") for the tentative cleanup and abatement order and technical report provided by the San Diego Water Board.<sup>1</sup> We were surprised to learn of these concerns because, as explained below, it is our view that the Record is actually quite well organized and presented in a format that facilitates navigating through the Record and retrieving documents in a straightforward manner.<sup>2</sup>

The Record consists of approximately 375,000 pages of indexed documents contained in 7,332 portable document format (pdf) files housed on a portable hard drive (HD). The Record encompasses information that is both relevant to the draft tentative cleanup and abatement order and technical report and was considered by the Cleanup Team in preparing those documents. The Parties to whom the tentative cleanup and abatement order is directed are all major corporate or governmental entities that have been actively engaged in industrial activities on or near San Diego Bay in the vicinity of the Shipyard Sediment Site for decades. The volume and extent of the Record is

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<sup>1</sup> Subsequent comment letters dated April 16, 2008 from Brian Ledger, Gordon and Rees LLP on behalf of the City of San Diego and April 18, 2008 from Jill A. Tracy, Senior Counsel, Sempra Energy Law Department for San Diego Gas & Electric offer similar concerns about the volume and usability of the Record.

<sup>2</sup> Other issues besides usability of the Record raised in the letters submitted to date by the Parties will be addressed separately.

commensurate with the extensive documentation in the files of the San Diego Water Board regarding those activities.

The HD contains an organized and detailed index for each document compiled on a Microsoft Excel™ spreadsheet with individual hyperlinks to the corresponding digitized documents. Each page of each digitized document listed in the index is assigned a unique page number (i.e., Bates number) for identification purposes. The index is presented in chronological numerical order by the Bates number of the document cover page. The index itself is comprised of multiple key word descriptions covering 27 different criteria for each document to facilitate retrieval of individual documents or groups of documents using standard Excel search and filtering functions. A wide variety of document types can be readily retrieved by employing select index values as filter criteria such as document date, subject, associated Party and Place names, associated Regional Board regulatory documents, and document sender and recipients. A key to the complete list of all document index criteria that can be used for this purpose is provided in Attachment 1. Attachment 2 provides basic instructions for accessing the files on the HD, and for searching and retrieving documents. Examples of documents that can be readily retrieved using these techniques are summarized in the table below:

Sample Document Query	Step 1	Step 2	Step 3
Retrieve Inspection Reports for the years 1978 –1988 for NASSCO Shipyard.	Filter the "Place Name" column, (Column X on the spreadsheet) for "NASSCO Shipyard."	Filter the "Program Action" column, Column I for keywords containing "Inspection Documents."	Filter the "Document Date" column (Column K) for dates greater than "19771231" and less than "19890101."
Retrieve Monitoring Reports submitted by Southwest Marine Inc. since 1995.	Filter the "Party Name" column, (Column V on the spreadsheet) for "Southwest Marine Inc."	Filter the "Program Action" column, Column I for keywords containing "Monitoring Reports."	Filter the "Document Date" column (Column K) for dates greater than "19941231."
Retrieve Documents sent by NASSCO to the San Diego Water Board.	Filter the "From Organization" column, (Column N on the spreadsheet) for "NASSCO."	Filter the "To Organization", (Column Q, for "San Diego RWQCB."	
Retrieve San Diego Water Board Notices of Violation for any facility.	Filter the "Program Activity" column, Column H on the spreadsheet for keywords containing "Enforcement."	Filter the "Program Action" column, Column I for keywords containing "Notice of Violation."	
Search for Documents pertaining to SWRCB Resolution 92-49.	Select the "Subject" Column", Column L on the index spreadsheet.	Click EDIT and then FIND on the menu bar and specify search for "92-49."	

Ms. Richards contends that the Record cannot be searched across all documents, that there is no efficient or easy way to review the Record to locate relevant documents, and that the parties will be required to open each individual document to search for relevant terms. Ms. Richards's comments reveal an incomplete understanding of the Record.

Documents in the record can be accessed with a minimum of effort. The HD has image directories containing pdf files of all documents in the Record. The pdf files are text searchable both individually and collectively using advanced search functions in Adobe Acrobat™ or Acrobat Reader™. Moreover, we understand that the Record is also presented in a format that allows users to reconfigure it for use in proprietary consolidated database software such as IPRO™ and Concordance™ with sophisticated text search and retrieval functions specifically designed for managing high volumes of documents and data generated in litigation. (This would naturally require the user to have a licensed copy of the software.) We recently received an informal report from a litigation support consultant for one of the parties that this was accomplished shortly after receiving the HD.

Ms. Richardson also alleges that approximately 1,500 files on the HD are not indexed. We assume this comment refers to certain "native" electronic files exported from CD discs submitted by the Parties to the San Diego Water Board such as certain video files, database files, information files from digital cameras, and executable program files that cannot be viewed as an image. These "native" files are presented in their original format on the HD and can be accessed by hyperlink on the spreadsheet in the "Original Native File format column, column AC. These files were copied in their native form so that the original application designed for that file could be used to open it if the user had the appropriate software program. Contrary to Ms. Richardson's comment, these files are indexed in the columns on the index spreadsheet that reference native files, column Z, and unprocessed native files, column AC.

An example of a native file is Shipyard Administrative Record No. SAR015205 (see the "Document ID" column on the spreadsheet, column A). When the user clicks on the SAR015205 hyperlink in the first column, the user will see the "File Not Representable as Image" notice indicating that the file could not be converted to an image. This placeholder notice is the numbered page listed in column A. The actual native file, in this case DM-30345.mpg, may be accessed through the spreadsheet hyperlink listed in the "Link to Unprocessed Native Files" column AC.

Brian Ledger comments in the letter on behalf of the City of San Diego that the Record is not organized in chronological date order or subject matter and that makes reviewing the Record more burdensome and lengthy than anticipated. Were the Record comprised of paper documents contained in binders, where only one method of organization could be chosen, presenting them in chronological order might be logical. The Record in this matter, because of its electronic format, is far more flexible. The user can sort the Record not only chronologically, but in a variety of other ways

described above and in Attachment 1. Using standard Excel sort functions, the documents can be sorted by date, by subject, by a variety of document types, by associated Party and Place names, associated Regional Board regulatory documents and by document sender and recipient. Thus, several methods of organizing the Record are available for each individual user to choose.

For the foregoing reasons we respectfully request that Presiding Officer David King reaffirm his acceptance of the Record in its current configuration and format. While we believe that no specialized expertise is necessary to search, retrieve and organize documents in the Record, we can answer specific questions or, should there be interest, at the request of the Presiding Officer we can present a demonstration for the Parties or Advisory Team.

cc w/attachments: Shipyard Sediment Distribution List

**Attachment 1. Key to Index Fields in the Shipyards Administrative Record**

Index Field	Spreadsheet Column	Definition
Document ID	A	The "Document ID" is the unique sequential Shipyards Administrative Record (SAR) number that is assigned to every page in the record (except for native files). The document ID is signified by the SAR number on the first page of the document. In the Excel spreadsheet index, the document ID is hyperlinked to the electronic image of the document in portable document format (PDF). Users can click on the hyperlink to retrieve the corresponding pdf document.
Original Begin ID	B	The "Original Beginning ID" is the original number assigned by the San Diego Water Board's contractor D-M Information Systems (D-M) to the first page of a document before conversion to the SAR number.
Original End ID	C	The "Original Ending ID" is the original number assigned by D-M to the last page of a document before conversion to the SAR number.
Attachment of	D	The "Attachment of" field displays the SAR number of the cover document associated with a group of documents.
Original Attachment Range	E	The range of original numbers assigned by D-M to a group of attached documents.
Document Type	F	A description of the type of document. "Document Type" includes: Audio Tape, Disc, E-Mail, Guidance Document, Letter, Map or Plot Plan, Meeting Minutes, Memorandum to File, Microfiche, Order, Photograph, Record of Conversation, Reference, Report or Study, Transcript of Proceedings, and Video.

Index Field	Spreadsheet Column	Definition
Program Program Activity Program Action Program SubAction	G - J	<p>Program, Program Activity, Program Action and Program Sub-action are a suite of hierarchical document classification fields used in the index to facilitate document retrieval pertaining to a variety of topics from a Regional Board regulatory program perspective.</p> <p>"Program" is a classification name given to documents associated with a particular Water Board regulatory program. (e.g., NPDES Wastewater, NPDES Industrial Storm Water, Waste Discharge Requirements, Site Cleanup Program, Total Maximum Daily Load TMDL, etc.).</p> <p>"Program Activity" refers to a specific subset of document subject types associated with the selected Program. (e.g., Individual Permits or Addendums, Inspections, Monitoring Reports and Notifications, General Correspondence, etc.).</p> <p>"Program Action" refers to a specific subset of document types associated with the Program Activity (e.g., Permit Applications, Inspection Documents, types of RWQCB required Monitoring Reports (e.g. influent, effluent, receiving waters), types of enforcement orders (e.g. cleanup and abatement orders), public hearing notices, public comments and RWQCB responses, etc.).</p> <p>The "Program SubAction" refers to more specific document descriptions within the Program Action (e.g., initial application, inspection report, annual monitoring reports, reference documents relied on, etc.).</p>
Document Date	K	<p>The date of the document. This field can also represent the date the document was received by the Water Board if a date was not present on the document. If the month or day of the month could not be determined from the document, the last month of the year and/or the last day of the month were used to complete the date.</p>
Subject	L	<p>The subject line or title of the document.</p>
From - Person	M	<p>The person who signed the document or author of the study or report. This field is left blank if it the specific person was not apparent.</p>
From - Organization	N	<p>The company, agency, or organization that submitted the document.</p>
From - Organization Type	O	<p>The "type" of Organization, such as city, state, or federal agency, corporation, non governmental organization (NGO), privately owned business, etc.</p>

Index Field	Spreadsheet Column	Definition
To - Person	P	The person (addressee) who received the document. This field is left blank if the specific person is not apparent.
To - Organization	Q	The company, agency, or organization that received the document.
To - Organization Type	R	The "type" of Organization, such as city, state, or federal agency, corporation, non governmental organization (NGO), privately owned business, etc.
File Code	S	The Water Board file identification number assigned to the paper hard copy file that contained the original paper document, disc, tape, photograph, or microfiche image. Paper documents in San Diego Water Board files are generally arranged in chronological order.
File Volume	T	The Water Board file volume identification number assigned to the paper hard copy file that contained the original paper document, disc, tape, photograph, or microfiche image. The number on the file folder, which are generally filled in chronological order.
Party No.	U	A number assigned by the San Diego Water Board to the owner/operator of the facility.
Party Name	V	The name of the facility owner/operator that the San Diego Water Board has associated with the document.
Place No.	W	A number assigned by the San Diego Water Board to a facility.
Place Name	X	The address or name of the facility that the San Diego Water Board has associated with the document.
RWQCB Order Nos.	Y	The Water Board's numbering convention for regulatory measures such as NPDES requirements, Waste Discharge Requirements and enforcement orders that is associated with the document. The numbers are displayed in the format of R9-YEAR-XXXX, which stands for Regional Board No. 9 (San Diego Region), the year of the order or resolution was introduced or adopted, and a unique four-digit number.

Index Field	Spreadsheet Column	Definition
Original Native Path	Z	Shows the path to all native files as exported on the original 37 disc set.
Link to unprocessed native files	AC	The link to view the original unprocessed native files or coded directories.



## **Attachment 2. Shipyards Administrative Record Instructions**

**NOTE: The documents and folders on the hard drive are not write protected and can be unintentionally altered or deleted. Use caution when closing, saving, or copying.**

### **Set Up**

1. Remove hard drive and USB cable from box.
2. Plug USB cable into hard drive and other end into computer USB port.

### **Viewing Hard Drive**

1. Open Windows File Explorer (or equivalent).
2. Look for hard drive location under "My Computer" (possibly E: or F: or similar) that will have folder "RWQCBSD".
3. Open folder "RWQCBSD".
4. Note 38 folders (RWQCB\_001 through RWQCB\_038) that contain the documents. These folders generally correspond to the 37 disks previously made available plus one additional folder.
5. Note the one Excel file "RWQCBSD.xls" which is the index.

### **Viewing and Searching for Documents Via Index**

1. Open Index (RWQCB.xls).
2. Every page has a unique number (SAR000001 through SAR 375697). First column titled "Document ID" provides the SAR number for the first page of that document. To open a document, click on the SAR number.
3. Each document is indexed according to (up to) 24 different fields (column B through Column Y). See Attachment 1 above for details.
4. Each field (column) can be searched using Excel's filter capabilities (click on "Data" then "Filter". See Excel help menu for details.
5. Searches on the Index can also be performed using Excel's "Find" function located under "Edit."

### **Viewing and Searching for Documents Via Adobe**

Since all of the documents are pdf's, they are searchable using Adobe Reader or Adobe Acrobat.

1. Open Adobe Reader or Adobe Acrobat.
2. Type in word or phrase.
3. Indicate what folder(s) you would like searched. To search all documents, select hard drive location from drop down menu.
4. Select other criteria as desired (e.g. whole words only).

5. Click on "Search".
6. To search a smaller set of documents, place those documents in a separate folder and indicate that folder in the search criteria.