

McCann

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May 5, 2008

San Diego Regional Water Quality Control Board  
Attn: Michael P. McCann, Supervising Engineer  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Re: **Shipyard Sediment Site 2005 Tentative Cleanup & Abatement Order  
No. R9-2005-0126**

Dear Mr. McCann:

On behalf of the City San Diego ("The City"), we herein respond to the Notice of Settlement Conference issued on April 28, 2008. The City welcomes the Advisory Team's attempt to seek early resolution of cleanup level issues in this proceeding and will attend.

The City agrees to authorize Vice Chair David King, the Presiding Officer, to act as mediator for this settlement conference and to waive the *ex parte* rules for the purposes of communications to Mr. King during this settlement conference. The City does not agree, however, to waive *ex parte* rules with respect to the Advisory Team members. The City believes that settlement discussions will be more open and information more forthcoming if only one individual is authorized to receive confidential information. For this reason, the City believes that Mr. King should be the sole individual to whom a waiver of *ex parte* rules should apply. Accordingly, the City does not agree to waive *ex parte* rules with respect to the Advisory Team.

The City looks forward to the settlement conference and a hopefully productive session.

Sincerely,

GORDON & REES LLP

Brian Ledger

SAN DIEGO REGIONAL  
WATER QUALITY CONTROL BOARD  
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cc: Advisory Team, c/o Michael P. McCann (12 copies)  
David Barker, Regional Water Quality Control Board  
Vice-Chair and Presiding Officer, David King, Regional Water Quality Control Board  
See Attached E-Mail Service List

5 / 7 / 2008

CERTIFICATION

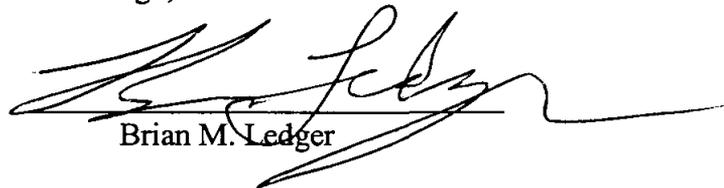
I am an attorney, duly licensed to practice law before all Courts in the State of California, and am a partner of the law firm of Gordon & Rees, LLP counsel for the City of San Diego in regards to the San Diego Bay Sediment Cleanup.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

The May 5, 2008 electronic submittal provided by my office to all parties on the e-mail list for The San Diego Bay Sediment Cleanup is a true and accurate copy of the signed original submitted to the Regional Water Quality Control Board.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 5th day of May 2008 at San Diego, California.

  
Brian M. Ledger

Date of Document	Type of Document	Title/Description of Document	Submitted By	Submitted To	Total Number of Pages	Title of Attachments
5/5/08	Letter	Response to Notice of Settlement Conference	The City of San Diego	Michael P. McCann	Two (2)	None

1 / 7 / 2008