



# 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>

### NOTICE OF PREHEARING CONFERENCE

## Tentative Cleanup and Abatement Order No. R9-2010-0002

July 14, 2010  
9 a.m.

San Diego Regional Water Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

#### BACKGROUND

The San Diego Regional Water Quality Control Board (San Diego Water Board) will consider the San Diego Water Board Cleanup Team's (Cleanup Team) Motion to Extend the Discovery Schedule submitted on June 16, 2010 (Motion) and related issues discussed below concerning tentative Cleanup and Abatement Order R9-2010-0002 (CAO) at its regular meeting on July 14, 2010. This Prehearing Conference is open to the public and will be convened at 9 a.m. in the Regional Board Meeting Room at the San Diego Water Board's offices located at 9174 Sky Park Court, San Diego, California, 92123.

San Diego Coastkeeper and the Environmental Health Coalition (Environmental Groups) submitted a conditional opposition to the Motion, raised concerns about the timing of California Environmental Quality Act (CEQA) (Public Res. Code § 21100 et seq.) compliance and requested other relief. Mediation Parties BAE Systems San Diego Ship Repair (BAE), National Steel and Shipbuilding Company (NASSCO), City of San Diego, San Diego Gas & Electric Company (SDG&E), Campbell Industries and the United States Navy (U.S. Navy) responded jointly to the Motion, requesting that the discovery schedule be extended to coincide with completion of the CEQA process or, in the alternative, be continued for at least 280 days. The Cleanup Team, in response, concurs with the Mediation Parties' suggestion to extend the discovery schedule to align with completion of the CEQA process. The San Diego Water Board did not receive a response to the Motion from Chevron or BP. The San Diego Unified Port District does not object to the Cleanup Team's Motion.

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*California Environmental Protection Agency*

**PREHEARING CONFERENCE**

The San Diego Water Board is authorized by Water Code section 13228.15, to hold a prehearing conference to consider the Cleanup Team's Motion and related issues. The purposes of this Prehearing Conference include having the Cleanup Team and other Mediation Parties inform the San Diego Water Board about what appears to be a lack of progress and significant delay in the orderly conduct of the CAO proceeding. The San Diego Water Board will hear from Designated Parties and rule upon the requests for extension of the discovery schedule. The San Diego Water Board may also consider additional concerns raised by some Designated Parties, including but not limited to, the projected CEQA compliance time frame, the timing of the proposed release by the Cleanup Team of another revised tentative Cleanup and Abatement Order and associated draft Technical Report, and the Environmental Group's concerns about the validity of data referred to by the Cleanup Team in its Motion and other submittals.

At the Prehearing Conference, the Cleanup Team will make a report addressing all of the above issues and, will be prepared to answer questions by the San Diego Water Board and its Advisory Team. Designated Parties may comment on and/or supplement the Cleanup Team's report and should also be prepared to answer questions by the San Diego Water Board and its Advisory Team. The San Diego Water Board recognizes that the Mediation Parties (and formerly the Environmental Groups and the San Diego Unified Port District) have been engaged in mediation and that communications within that mediation are protected by a joint mediation privilege. The San Diego Water Board does not intend to require parties to divulge confidential communications made during the course of the mediation, but does expect candid and straightforward responses to questions by San Diego Water Board members and the Advisory Team at the Prehearing Conference.

A ruling on the Motion may be made at the conference or as soon thereafter as practicable and will be provided to all Designated Parties to the Cleanup and Abatement Order proceedings.

Questions concerning the Prehearing Conference may be addressed to Catherine George Hagan at [chagan@waterboards.ca.gov](mailto:chagan@waterboards.ca.gov) or (858) 467-2958.

  
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James G. Smith, Assistant Executive Officer

30 June 10  
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Date