

1 SAN DIEGO, CALIFORNIA, TUESDAY,  
2 OCTOBER 5, 2010, 10:02 A.M.

3

4 VIDEO TECHNICIAN: Time on the record is  
5 10:02 a.m. Today's date is October 5th, 2010.

6 My name is Javan Heard of Peterson Reporting,  
7 Video & Litigation Services.

8 The court reporter today is Julie McKay of  
9 Peterson Reporting located at 530 "B" Street, Suite 350,  
10 San Diego, California, 92101.

11 This begins the videotaped deposition of Lisa  
12 Honma testifying in the matter of Tentative Cleanup and  
13 Abatement in the California Regional Water Quality  
14 Control Board, Order Number R9-2011-0001, taken at  
15 12636 High Bluff Drive, San Diego, California, 92130.

16 The video and audio recordings will take place  
17 at all times during this deposition, unless all counsel  
18 agree to go off the record. The beginning and end of  
19 each videotape will be announced.

20 Will counsel please identify yourselves and  
21 state whom you represent.

22 MR. CARLIN: Hi. Good morning, Ms. Honma. My  
23 name is Jeff Carlin and I represent NASSCO in this  
24 proceeding.

25 MR. RICHARDSON: Kelly Richardson with Lathan &

1 Watkins representing NASSCO.

2 MS. WITKOWSKI: Jill Witkowski for San Diego  
3 Coastkeeper and Environmental Health Coalition.

4 MR. DART: Matt Dart, DLA Piper, for BAE.

5 MR. CUSHMAN: Nate Cushman, Department of the  
6 Navy.

7 MR. SPEAR: Scott Spear with the United States  
8 Department of Justice representing the United States  
9 Navy.

10 MS. NICHOLS: Sandi Nichols with Allen Matkins  
11 representing the San Diego Unified Port District.

12 MS. TRACY: Jill Tracy representing San Diego  
13 Gas & Electric.

14 VIDEO TECHNICIAN: Thank you.

15 The court reporter may now swear in or affirm  
16 the deponent.

17 MR. CARRIGAN: One last. I'm Chris Carrigan  
18 for the San Diego Regional Quality Control Board and  
19 also representing the witness.

20 VIDEO TECHNICIAN: Sorry.

21 MR. CARRIGAN: No, that's all right.

22 VIDEO TECHNICIAN: The court reporter may now  
23 affirm or swear in the witness.

24

25

1 LISA HONMA,  
2 having been first duly sworn, testifies as follows:

3  
4 VIDEO TECHNICIAN: Counsel, you may proceed.

5  
6 EXAMINATION

7 BY MR. CARLIN:

8 Q. Good morning, Ms. Honma.

9 A. Hi.

10 Q. Can you please state and spell your name for  
11 the record.

12 A. Lisa, L-i-s-a; Honma, H-o-n as in Nancy, "m" as  
13 in Mary, "a."

14 Q. Have you ever been deposed before?

15 A. No.

16 Q. Okay. With that in mind, I'm going to go over  
17 a few of the ground rules that will govern the  
18 deposition today and, hopefully, help things go more  
19 smoothly.

20 I'm going to ask you a series of questions and  
21 ask that you answer those question as fully and  
22 accurately as possible.

23 As you can see, we have a court reporter with  
24 us here today that is going to take down everything that  
25 we say. So with that in mind, it's important that we

1 don't talk over each other. I would ask that you wait  
2 until I finish my question before you start your answer  
3 and, likewise, I will wait until you answer your  
4 question before I begin another question.

5 Does that make sense?

6 A. Yes.

7 Q. Okay. It's also important so the court  
8 reporter can get an accurate record that you answer  
9 questions audibly, for example, "yes" or "no" rather  
10 than nodding your head, because the court reporter can't  
11 pick that up.

12 Do you understand?

13 A. Yes, I do.

14 Q. Now, if you don't hear a question, please tell  
15 me and I'll be glad to repeat a question. Likewise, if  
16 you don't understand a question, please let me know and  
17 I'll try to rephrase it for you. But if you do answer a  
18 question, I'll assume that you've understood it.

19 Is that fair?

20 A. Yes.

21 Q. From time to time you may hear objections from  
22 other attorneys in the room to make the record. Those  
23 will be evaluated and ruled upon by a fact finder at a  
24 later time. But after the objections are made, you are  
25 still under an obligation to answer the question, unless

1 your counsel specifically directs you not to answer a  
2 question.

3 Do you understand?

4 A. Yes.

5 Q. Okay. And although the setting here is  
6 relatively informal, make sure you understand that your  
7 testimony is under oath and it has the same effect as if  
8 you were testifying in a court of law.

9 Do you understand?

10 A. Yes.

11 Q. After the deposition is concluded, the court  
12 reporter will prepare a transcript of everything that  
13 was said today. You will have an opportunity to review  
14 that transcript and make any corrections that you feel  
15 are necessary.

16 One caution I'll give you is that if you make  
17 any corrections of a substantive nature, those can be  
18 commented upon later on at the time of trial or hearing  
19 in this matter with respect to your credibility.

20 Do you understand?

21 A. Yes.

22 Q. Okay. If you need to take a break at any time  
23 today, just please let me know and we'll be happy to  
24 accommodate you after the pending question has been  
25 answered.

1           Is there any reason you can think of that might  
2 prevent you from giving your best testimony here today?

3           A.    No.

4           Q.    You are not taking any medication that might  
5 affect your ability to testify?

6           A.    No.

7           Q.    Okay. And you are here today to testify  
8 regarding your role as a member of the San Diego  
9 Regional Water Quality Control Board's cleanup team in  
10 the matter of Tentative Cleanup and Abatement Order  
11 Number R9-2011-1 and the accompanying Draft Technical  
12 Report.

13                    If I refer to abbreviations CAO or DTR, I'll be  
14 referring to those versions of the CAO and DTR, unless I  
15 specify some other iteration of those documents.

16                    Is that clear?

17           A.    That is clear.

18           Q.    Okay. And if I refer to the Shipyard Sediment  
19 Site or "site," I'll be referring to the adjoining  
20 NASSCO and BAE leaseholds as they are defined as the  
21 Shipyard Sediment Site in the CAO and DTR.

22                    Is that clear?

23           A.    Yes.

24           Q.    Did you meet with anybody to prepare for your  
25 deposition today?

1 A. I met with my counsel.

2 Q. When did you meet? Well, sorry.

3 With your counsel, you mean Mr. Carrigan that  
4 is with you here today?

5 A. Yes.

6 Q. Okay. When did that meeting take place?

7 A. Last week.

8 Q. Was anybody else at the meeting?

9 A. No.

10 Q. Did Mr. Carrigan show you any documents?

11 A. No.

12 Q. Have you reviewed any documents otherwise to  
13 prepare for the deposition today?

14 A. My own documents.

15 Q. When you refer to your own documents, which  
16 documents are those?

17 A. I reviewed my emails to determine what I needed  
18 to provide, as requested in the deposition.

19 Q. Other than review of emails, did you review any  
20 other documents?

21 A. My personal drive on our network.

22 Q. Okay. And did you review anything else?

23 A. No.

24 Q. Okay. We'll come back to that in a minute.

25 MR. CARLIN: I would like to mark as

1 Exhibit 400 the Second Amended Notice of Videotaped  
2 Deposition of Lisa Honma.

3 (Exhibit 400 marked for identification.)

4 BY MR. CARLIN:

5 Q. Take a minute to familiarize yourself with the  
6 document. Particularly the document requests that begin  
7 on Page 4.

8 A. (Witness reviews document.)

9 Q. Have you seen this document before?

10 A. Yes, I have.

11 Q. Okay. And a minute ago you mentioned that you  
12 were reviewing your email connected with the deposition  
13 notice. Were you looking for documents that are  
14 responsive to these requests?

15 A. Yes.

16 Q. Okay. To search for documents, did you review  
17 any hard copy files?

18 A. No.

19 Q. You maintain any hard copy files for your work  
20 on the CAO and the DTR?

21 A. Just the DTR and the CAO themselves.

22 Q. You maintain -- the only documents you maintain  
23 in file are a copy of the CAO and the DTR?

24 A. The only hard copy documents.

25 Q. You don't --

1           A.    I have a paper copy of the DTR and a paper copy  
2 of the CAO.

3           Q.    You don't maintain any other working files in  
4 hard copy format?

5           A.    Not in hard copy.

6           Q.    Do you maintain an electronic file?

7           A.    Yes.

8           Q.    Did you search that electronic file?

9           A.    Yes, I did.

10          Q.    And you produced documents -- your counsel  
11 provided me with some documents this morning that he  
12 indicated were responsive to the document request and  
13 the deposition notice.

14                    Can you verify for me, to the best of your  
15 knowledge, those are the only responsive documents in  
16 your possession?

17          A.    That is correct.

18          Q.    Are those all emails?

19          A.    Yes.

20          Q.    Have you or your offices ever destroyed any  
21 documents prepared by you or at your direction in  
22 connection with the CAO and DTR?

23                    MR. CARRIGAN:  Calls for speculation.  Lacks  
24 foundation.

25                    You can answer.

1 THE WITNESS: Destroy? I don't understand.

2 BY MR. CARLIN:

3 Q. Have you ever intentionally taken documents,  
4 for example, that you are working on in this matter and  
5 had them shredded?

6 A. No.

7 Q. Is anybody outside of the Regional Board  
8 holding any records for you that you prepared in this  
9 matter?

10 A. No.

11 Q. Are you aware that certain parties in this  
12 proceeding are engaged in mediation regarding the CAO  
13 and DTR?

14 A. Yes.

15 Q. And you were aware that the cleanup team is one  
16 of those parties engaged in the mediation?

17 A. Yes.

18 Q. Do you understand that all communications made  
19 within the context of that mediation are confidential?

20 A. Yes.

21 Q. And so you also understand that you are not to  
22 disclose the substance of any of those communications  
23 during the course of the deposition today?

24 A. Yes.

25 Q. Can you please describe your formal education

1 beyond high school for me.

2 A. I intended UC Santa Barbara. I graduated in  
3 '92, 1992, in environmental studies with an emphasis in  
4 natural resource management. And then I -- I got a job.

5 Q. We'll go into your jobs in a second.

6 A. Okay.

7 Q. Are you -- do you have any professional  
8 certifications?

9 A. No.

10 Q. Are you a member of any professional societies?

11 A. No, not at this time.

12 Q. Have you been a member of any professional  
13 societies in the past?

14 A. Yes. The Health Physics Society.

15 Q. Any other societies?

16 A. No.

17 Q. Okay. And after you received your  
18 undergraduate degree in 1992, did you take -- have you  
19 taken any graduate studies?

20 A. No.

21 Q. No advanced degree programs?

22 A. No.

23 Q. Okay. Now, if -- you said after you graduated  
24 in '92 from UCSB, you began to work. Can you trace me  
25 through your work history starting after graduation and

1 up until your current position with the Regional Board.

2 A. After -- well, while I was in school and after  
3 graduation, I worked as a student assistant at the  
4 Integrated Waste Management Board for one of the board  
5 members in Santa Barbara.

6 After graduation, I stayed on working. For one  
7 semester, I attended community college to take a class  
8 to keep my student assistant job. And I eventually  
9 moved back to Sacramento, which is where I was from, and  
10 eventually obtained a position with the Department of  
11 Health Services as a junior health physicist.

12 Q. What year was that, approximately?

13 A. I believe it was the end of 1993.

14 Q. Okay. You can continue with the employment  
15 history.

16 A. I worked at the Department of Health Services  
17 for approximately seven years. Relocated to Southern  
18 California and eventually got on with the Water Board as  
19 an environmental scientist. And that was in 2000.

20 Q. Go back for a minute. When you were working  
21 for the Department of Health sciences, what type of work  
22 were you doing there?

23 A. I was a health physicist.

24 Q. What type of duties did that involve?

25 A. It is a radiation safety specialist,

1 essentially. So -- the agency regulates people who have  
2 or they issue permits, essentially, to people who use  
3 radioactive materials. I worked in the environmental  
4 unit, so we oversaw and participated in surplus sites,  
5 cleanup, doing decommissioning. We did ambient  
6 monitoring throughout the state of nuclear facilities.  
7 And we're involved in several cleanups where radioactive  
8 materials were involved.

9 Q. Your specific role was with respect to  
10 radioactive harm in connection with those permits or  
11 cleanups; is that correct?

12 A. Yes. I did a lot of -- decommissioning means  
13 that you certify that a site is clean enough to be --  
14 to -- for the facility to terminate their license.

15 Q. Okay. And then you said you started at the  
16 San Diego Regional Board in the year 2000?

17 A. That's correct.

18 Q. And you were an environmental scientist?

19 A. Correct.

20 Q. And you're still -- have you worked at the  
21 Regional Board continuously from 2000 through to today?

22 A. Yes.

23 Q. Okay. You started as an environmental  
24 scientist. Are you still an environmental scientist  
25 today?

1 A. Yes, I am.

2 Q. Okay. Have -- do you consider yourself to be  
3 an expert in any field relative to your current duties  
4 at the Regional Board?

5 A. No.

6 Q. No specific expertise?

7 A. Correct.

8 Q. Okay. I'm going to go -- I'm going to go  
9 through a series of categories or topics and I just want  
10 to confirm whether or not you are an expert in those  
11 areas. I understand you said you don't believe you have  
12 any expertise, but I'm just going to walk through a  
13 variety of categories to make sure.

14 A. Okay. Sure.

15 Q. Do you consider yourself to be an expert in  
16 marine ecology?

17 A. No.

18 Q. Do you consider yourself to be an expert in  
19 sediment toxicology?

20 A. No.

21 Q. Same question for environmental chemistry.

22 A. No.

23 Q. Same question for ecotoxicology.

24 A. No.

25 Q. Do you consider yourself to be an expert in

1 ecological risk assessment?

2 A. No.

3 Q. Same question for human toxicology.

4 A. No.

5 Q. Same question for human health risk assessment.

6 A. No.

7 Q. Same question for economic feasibility in  
8 regard to sediment remediation.

9 A. No.

10 Q. Same question regarding technological  
11 feasibility for sediment remediation.

12 A. No.

13 Q. Same question with regard to the California  
14 Sediment Quality Objectives.

15 A. No.

16 Q. Same question with respect to bioaccumulation.

17 A. No.

18 Q. Same question with respect to remedial design.

19 A. No.

20 Q. Same question with respect to remedial  
21 monitoring.

22 A. No.

23 Q. And finally, do you consider yourself to be an  
24 expert with respect to fate and transport?

25 A. No.

1 Q. Have you offered any technical publications?

2 A. No.

3 Q. And have you ever --

4 A. Oh.

5 Q. Go ahead.

6 A. Please describe what you mean by "technical  
7 publications."

8 Q. I would think anything of a technical nature  
9 that's published -- perhaps it's peer reviewed --  
10 regarding a specific technical subject.

11 A. I write staff reports for the purpose of basin  
12 plan amendments to adopt total maximum daily loads.

13 Q. Is that something you do with some frequency in  
14 your duties at the Regional Board?

15 A. That is my job description.

16 Q. Fair enough.

17 Aside from that, from what you've just  
18 described, is there any other type of writing you do  
19 that you might consider as a technical publication?

20 A. No.

21 Q. To your knowledge, have you ever been  
22 designated as an expert witness in any lawsuit?

23 A. No.

24 Q. And to your knowledge, have you ever been  
25 designated as an expert witness in any administrative

1 proceeding like the CAO proceeding we're here for today?

2 A. No.

3 Q. Have you ever provided testimony at trial?

4 A. No.

5 Q. Have you ever provided any testimony in an  
6 administrative proceeding?

7 A. No.

8 Q. You've never testified --

9 A. Well, I mean, I would say -- we have board  
10 hearings, if that would be considered an administrative  
11 hearing. I -- I've been the staff person presenting  
12 basin plan amendments before the Regional Board.

13 Q. And those are in connection with TMDL  
14 processes?

15 A. Yes.

16 Q. Aside from the work you've just described  
17 before on the basin plan amendments and TMDL processes,  
18 have you ever prepared an expert report in connection  
19 with a lawsuit?

20 A. No.

21 Q. How about in connection with an administrative  
22 proceeding?

23 A. Say that again, please.

24 MR. CARRIGAN: Other than what she just  
25 described?

1 MR. CARLIN: Correct.

2 THE WITNESS: Other than --

3 MR. CARLIN: Correct.

4 THE WITNESS: No.

5 BY MR. CARLIN:

6 Q. During your employment with the Regional Board,  
7 have you ever been involved in any other cleanup  
8 projects in San Diego Bay?

9 A. No.

10 Q. And during your time at the Regional Board,  
11 have you ever been involved with any other sediment  
12 remediation projects in San Diego Bay?

13 A. Just this one.

14 Q. And during your time at the Regional Board,  
15 have you ever been involved in a matter where the  
16 Regional Board is investigating the quality of the  
17 sediments?

18 A. No. Just this one.

19 Q. You say "Just this one." You are referring to  
20 the CAO?

21 A. Just the -- yes, the Shipyard Sediment Site.

22 Q. Are you a member of any environmental  
23 organization?

24 A. No.

25 Q. You are not a member of San Diego Coastkeeper?

1 A. No.

2 Q. Have you been a member of Coastkeeper in the  
3 past?

4 A. No.

5 Q. And you are not a member of Environmental  
6 Health Coalition?

7 A. No.

8 Q. You haven't been a member of Environmental  
9 Health Coalition in the past?

10 A. No.

11 Q. Do you know when you were appointed to the  
12 cleanup team in this matter?

13 A. July of 2005.

14 Q. Do you know why you were appointed?

15 A. Because we needed to generate a staff report.

16 Q. And you were appointed to the team to help with  
17 the generation of the staff report?

18 A. Correct.

19 Q. Do you know who appointed you?

20 A. My supervisor.

21 Q. Who was your supervisor?

22 A. Craig Carlisle.

23 Q. Are you aware of any -- do you have any special  
24 qualifications that led to your appointment?

25 A. I was in the unit.

1 MR. CARRIGAN: Don't be modest.

2 THE WITNESS: I was -- the team consisted of  
3 mostly the unit, so the people who worked underneath  
4 Craig Carlisle pretty much made up the team.

5 BY MR. CARLIN:

6 Q. You refer to "the unit." Which unit is that?

7 A. At the time it was a TMDL unit.

8 Q. And that was in 2005?

9 A. Yes.

10 Q. You said, "At the time it was the TMDL unit."  
11 Is it now a different unit?

12 A. Yes.

13 Q. And what's the name of the current unit?

14 A. It's been combined with the Water Quality  
15 Standards unit. So now it's Water Quality Standards and  
16 TMDL. However, those people who had been in the unit  
17 are now in different units throughout the organization.

18 Q. What unit are you currently in?

19 A. The Water Quality Standards and TMDL unit.

20 Q. When did the unit -- well, how long were you in  
21 the TMDL unit starting in 2005 going forward?

22 A. Going forward -- well, I -- up until this past  
23 May when they did a reorganization.

24 Q. So in May 2010 your unit changed to the Water  
25 Quality Standards and TMDL unit?

1 A. Yes.

2 Q. You said you were appointed to the team because  
3 they needed somebody to write the staff report.

4 Is that correct?

5 A. To assist in writing the staff report, yes.

6 Q. What duties, more specifically, have you been  
7 engaged in in connection with preparation of a staff  
8 report?

9 A. Duties? Can you --

10 Q. Just trying to get a sense of the type of work  
11 you've done in your capacity as a member of the cleanup  
12 team.

13 A. There was some writing of some of the sections.

14 Q. Hold on. When you say "some of the sections,"  
15 are you referring to --

16 A. The DTR.

17 Q. Okay.

18 A. So preparing the sections that were supporting  
19 the findings of the DTR.

20 Q. And which specific sections did you contribute  
21 to?

22 A. I worked on the SDG&E charging allegations  
23 section. And there were parts of Finding 1. I also  
24 sort of was document manager for the DTR.

25 Q. You said, "Finding 1." Do you recall what

1 Finding 1 --

2 A. I had to do some research on environmental  
3 justice. The nuisance part of the discussion. So much  
4 of the discussion that falls under nuisance I provided  
5 draft language for.

6 Q. The work that you are describing, was that work  
7 that you did in connection with the original version of  
8 the CAO and DTR in 2005?

9 A. Yes.

10 Q. Have you done any work on the most recent  
11 version of the CAO and DTR that was published in 2010?

12 A. Mostly technical editing.

13 Q. Can you give me a sketch of what you mean by  
14 "technical editing"?

15 A. Document management. And as people needed to  
16 make changes, I maintained red line strike-out versions  
17 and helped with the formatting and production, document  
18 production.

19 Q. What do you mean by "document production"?

20 A. Spell checking and formatting and making sure  
21 everything looks right.

22 Q. And that type of work --

23 A. Some proofreading.

24 Q. Would that type of work apply across all  
25 sections of the DTR and CAO?

1 A. Yes.

2 Q. And is that the same type of work you described  
3 a minute ago that you had, what you described as a  
4 document manager function on the CAO and DTR? Is that  
5 something separate than what you've just described?

6 A. No. It's the same thing.

7 Q. Have you maintained that role from 2005 up to  
8 the present?

9 A. Yes, I have.

10 Q. Through each iteration of the CAO and DTR  
11 that's been made?

12 A. Yes, I have.

13 Q. Okay. I'm going to go through a variety of  
14 topics that are covered in the CAO and DTR, and I just  
15 want to confirm whether or not you've had any  
16 involvement in these specific sections.

17 And the question will apply to each iteration  
18 of the CAO and DTR starting with from 2005 up to the  
19 present. Okay?

20 A. Okay.

21 Q. Did you have any involvement with determining  
22 who would be listed as a responsible party?

23 A. No.

24 Q. Did you have any involvement with developing  
25 the factual or historical allegations against NASSCO?

1           A.    I don't understand your question "factual." I  
2 mean, please say it again.

3           Q.    Did you have any involvement with developing  
4 the charging allegations against NASSCO?

5           A.    No.

6           Q.    Did you have any involvement in developing the  
7 charging allegations against BAE?

8           A.    No.

9           Q.    Same question for the City of San Diego.

10          A.    No.

11          Q.    Same question for Star & Crescent?

12          A.    No.

13          Q.    Same question for Campbell Industries.

14          A.    No.

15          Q.    Same question for Chevron.

16          A.    No.

17          Q.    Same question for BP.

18          A.    No.

19          Q.    Same question for the United States Navy.

20          A.    No.

21          Q.    And finally, same question for the San Diego  
22 Unified Port District.

23          A.    No.

24          Q.    Were you involved in drafting any analysis in  
25 the CAO or DTR concerning Chollas Creek?

1 A. No.

2 Q. Were you involved in any way in the selection  
3 of Sediment Quality Reference Stations?

4 A. No.

5 Q. Were you involved in any way in the Aquatic  
6 Life Impairment Analysis?

7 A. No.

8 Q. Were you involved with the Aquatic Dependent  
9 Wildlife Analysis?

10 A. No.

11 Q. Were you involved in any way in the Aquatic  
12 Dependent Wildlife Risk Assessment?

13 A. No.

14 Q. Same question for the Human Health Impairment  
15 Analysis.

16 A. No.

17 Q. Same question for the Human Health Risk  
18 Assessment.

19 A. No.

20 Q. Same question for the Technological Feasibility  
21 Analysis.

22 A. No.

23 Q. Same question for the Economic Feasibility  
24 Analysis.

25 A. No.

1 Q. Same question with respect to alternative  
2 cleanup levels?

3 A. No.

4 Q. Same question with respect to the proposed  
5 remedial footprint.

6 A. No.

7 Q. Same question with respect to the preliminary  
8 remedial design.

9 A. No.

10 Q. Same question with respect to the remedial  
11 monitoring program.

12 A. No.

13 Q. Same question with respect to the Remedial  
14 Action Implementation Schedule?

15 A. No.

16 Q. Finally, were you involved in any way with or  
17 are you involved in any way with the Regional Board's  
18 review of the Cleanup and Abatement Order under the  
19 California Environmental Quality Act?

20 A. No.

21 Q. And you weren't involved with drafting any  
22 sections in the DTR related to the CEQA review of the  
23 CAO?

24 A. No.

25 Q. Okay. Earlier you mentioned you were involved

1 in drafting what you described as the charging  
2 allegations against SDG&E; is that right?

3 A. Yes.

4 Q. Did anyone else assist you in that analysis?

5 A. I don't remember.

6 Q. You can't remember if anybody assisted you  
7 or --

8 A. I didn't start with a blank document. I did  
9 pieces of it, but I don't know who provided the other  
10 pieces.

11 Q. Do you know who oversaw preparation of the  
12 analysis?

13 A. Craig Carlisle.

14 Q. Do you recall whether you consulted with any  
15 outside groups or organizations while you were working  
16 on those sections? Or that section. I'm sorry.

17 A. Consulted, no.

18 Q. Did you receive input from any outside  
19 organizations?

20 A. We received a request from at the time  
21 Southwest Marine, I believe. Maybe it was BAE by that  
22 time. They reported that there was an NOV that the City  
23 had issued. I think they were issuing it to BAE, but  
24 the City ended up looking at SDG&E and I think they  
25 issued it.

1           So he had sent us an email or had spoken with  
2 maybe somebody of our staff, and then I was directed to  
3 follow up on it, and so I did.

4           Q.    Okay.  Thanks.  I'm sure other lawyers may have  
5 further questions about that later today.

6           A.    Okay.

7           Q.    Did you receive any other outside input that  
8 you recall with respect to your work on the CAO and DTR?

9           A.    The information provided by the City.

10          Q.    And is that information that you were just  
11 referring to?

12          A.    Yes.

13          Q.    As part of your duties at the Regional Board,  
14 were you involved in any way with the development of the  
15 Chollas Creek TMDL for dissolved copper, lead and zinc?

16          A.    No.

17          Q.    Were you involved with the Chollas Creek TMDL  
18 for Diazinon?

19          A.    No.

20          Q.    And are you involved in the development of the  
21 TMDL for the mouth of Chollas Creek?

22          A.    I am.

23          Q.    Okay.  I'll come back to that in a bit.

24                I would like to talk about the administrative  
25 record for the shipyard matter.

1 A. Okay.

2 Q. All right. In your duties in the cleanup team,  
3 have you been involved in the maintenance of the  
4 development of the record?

5 A. Yes, I have.

6 Q. And what have your duties been in that regard?

7 A. Maintaining the record. Essentially, the  
8 documents that need to get put into the record, I store  
9 them and organize them.

10 Q. Do you -- are you involved personally in  
11 determining which documents need to get put in the  
12 record, as you've described it?

13 A. Please ask again.

14 Q. You said you're responsible, I believe, for  
15 maintaining and organizing --

16 A. Yes.

17 Q. -- documents that you said need to be put in  
18 the record.

19 A. Yes.

20 Q. So my question is, are you personally involved  
21 in the determination of which documents need to be put  
22 in the record or are you responsible for receiving  
23 documents from other people or sources and then  
24 maintaining and organizing those documents?

25 A. Some of the documents I am told need to be in

1 the record. Other documents are obvious because they're  
2 either put out by the cleanup team or the advisory team.  
3 When we receive comments or responses submitted on  
4 letterhead by any of the parties, those go into the  
5 record as well.

6 Q. With respect to members of the cleanup team,  
7 would you say that you have the lead or primary role  
8 with respect to the maintenance of the administrative  
9 record?

10 A. I have so far.

11 Q. Do you anticipate that that might be -- that  
12 that role may be transferred to another cleanup team  
13 member?

14 A. Yes.

15 Q. Who would that be?

16 A. It will be Vincente Rodriguez.

17 MR. CARRIGAN: And we can all cheer now for  
18 Lisa.

19 THE WITNESS: Yes.

20 BY MR. CARLIN:

21 Q. And when will that take place -- will the  
22 transfer take place?

23 A. It's taking place currently.

24 Q. So it's in process as we speak?

25 A. Yes.

1 Q. Have you personally taken steps to gather or  
2 round up emails that you believe should be included in  
3 the administrative record?

4 A. No. Emails?

5 Q. You've not independently reviewed perhaps  
6 Regional Board server email system to search for emails  
7 that you believe should be included in the record?

8 A. Only ones in my inbox. I'm not sure I  
9 understand your question.

10 Q. You said you searched your own email system to  
11 see if there is any documents you believe should be  
12 included in the administrative record. Is that what you  
13 just --

14 A. Well, to respond to the deposition request.  
15 However, most of my personal emails would really not  
16 need to go into the admin record.

17 Q. Okay. My question is not -- it's separate from  
18 the deposition notice today. I'm speaking just about  
19 your duties --

20 A. Okay.

21 Q. -- as custodian, if that's the right word, or  
22 the overseeing of the development of the administrative  
23 record.

24 A. Okay. Okay.

25 Q. So my question is whether you personally have

1 searched, whether it's the Regional Board server or  
2 through another means, tried to search and target emails  
3 that you believe should be included in the  
4 administrative record?

5 A. Documents? So documents that are attached to  
6 emails?

7 Q. That would be -- that would be covered in my  
8 question, yes.

9 A. Yes.

10 Q. And how did you go about doing those searches?

11 A. Usually I ask our attorney whether there is any  
12 documents that need to go into the -- I mean, what --

13 MR. CARRIGAN: You don't have to talk about  
14 conversations or communications that we have had, but  
15 you can describe your mental process about preparing  
16 your records. That's fine.

17 THE WITNESS: Okay. Well, if there is a  
18 document that is pertinent to the process that we're  
19 having, it seems like it would qualify. So things that  
20 get sent out to the distribution list. They are pretty  
21 obvious. I don't really have to search for them.

22 BY MR. CARLIN:

23 Q. So you have not -- I just want to confirm you  
24 haven't made independent effort to search for documents  
25 that you believe should be included in the

1 administrative record?

2 A. No. I mean, during -- when a document is used  
3 in the DTR for purposes of reference, some of them are  
4 emails and it was referenced. So, yes, I had to go seek  
5 those out. But that would be it.

6 Q. If you were going to include an email in the  
7 administrative record, would you personally print that  
8 down off of your own computer?

9 A. Yes. Sometimes that happened. But -- because  
10 I'm on the distribution list. If I receive something  
11 from the advisory team, it's easier for me to print my  
12 own copy than to go to that person. We're not supposed  
13 to, you know, interact with the advisory team, so I  
14 don't go to the advisory team and say, "Can you provide  
15 me a hard copy?" I print my own.

16 Q. Are there instances when other individuals have  
17 given you printed emails and asked you to include them  
18 in the record?

19 A. That's likely.

20 Q. You don't recall any specific instances?

21 A. No specifics.

22 Q. Has Craig Carlisle overseen or supervised your  
23 work with regard to the administrative record?

24 A. No.

25 Q. Is there some other member of the cleanup team

1 that's supervised or overseen your work?

2 A. Yes.

3 Q. And who would that be?

4 A. David Barker.

5 Q. Anybody else aside from Mr. Barker?

6 A. Not me personally.

7 Q. You mean nobody aside from Mr. Barker has  
8 overseen your work personally?

9 A. Correct.

10 Q. Are you aware of any other members of the  
11 cleanup team that have a supervisory role with respect  
12 to the administrative record?

13 A. Yes.

14 Q. And who would those be?

15 A. I believe Julie Chan may have been involved at  
16 some point.

17 Q. Anybody else?

18 A. No.

19 Q. You mentioned the advisory team a minute ago.  
20 Do you know who the current members of the advisory team  
21 are?

22 A. I'm not sure.

23 Q. To your knowledge, have you ever had a  
24 communication with a member of the advisory team  
25 regarding the substance of the CAO or DTR?

1 A. No.

2 Q. Have you ever had any communications with any  
3 current member of the Regional Board regarding the  
4 substance of the CAO or DTR?

5 A. Only the cleanup team.

6 Q. Just to clarify, when I say "member of the  
7 Regional Board," I'm not talking about a staff member.  
8 I'm actually talking about a board member.

9 A. Oh. No.

10 Q. No communications with board members?

11 A. No.

12 Q. Any communications with a former member of the  
13 Regional Board regarding the substance of the CAO or  
14 DTR?

15 A. No.

16 Q. All right. You mentioned a minute ago that you  
17 had had some involvement with the TMDL for the mouth of  
18 Chollas Creek?

19 A. Yes.

20 Q. Before we discuss that, can you just describe  
21 for me generally the TMDL process. What is the TMDL and  
22 what's the process for its implementation?

23 A. A TMDL is -- it's essentially a performance  
24 standard that's based on the Water Quality Standards  
25 that are in our basin plan. Well, basin -- the -- we

1 call them Water Quality Objectives. And that combined  
2 with the beneficial use is similar to Water Quality  
3 Standard.

4 So if a water body is found to be impaired  
5 because it's not meeting our objectives in our basin  
6 plan, then it's put on what's called a 303-D list. Once  
7 it's been identified as an impaired water body, we are  
8 required to write a total maximum daily load for it,  
9 which is a calculation which essentially takes the  
10 standard and makes it kind of -- I lost my train of  
11 thought.

12 It is a numerical number that equates the  
13 standard with the assimilative capacity of that water  
14 body. So the idea is that if you are meeting the TMDL,  
15 then you are meeting the Water Quality Objectives and  
16 the water body would not be impaired anymore.

17 So what we have to do is adopt them as basin  
18 plan amendments. And there is a process for that. So  
19 there are certain requirements that are in federal law  
20 and then we also have our California state law, which  
21 governs how we adopt basin plan amendments.

22 Q. And you testified earlier you do quite a bit of  
23 work with the basin plan amendment process; is that  
24 correct?

25 A. Yes.

1 Q. Is it fair to say you are involved in the  
2 entirety of the TMDL process from the time when the  
3 Regional Board consideration developing a TMDL until  
4 it's incorporated as a basin plan amendment, or does  
5 your role focus more on the basin plan amendment  
6 process?

7 A. Yeah. I'm involved with the whole process.

8 Q. What is your current role with regard to the  
9 mouth of Chollas Creek TMDL?

10 A. I'm on the team that is -- that is writing the  
11 staff report to develop the TMDL and to adopt it through  
12 basin plan amendment process.

13 Q. When you refer to the staff report, is that the  
14 same thing as what would be described as a technical  
15 report?

16 A. Yes.

17 Q. What are the other -- who are the other members  
18 of that team?

19 A. Cynthia Gorham.

20 Q. Is there anybody else on the team?

21 A. Not at this time.

22 Q. Is my understanding correct that at this time  
23 Ms. Gorham is your supervisor?

24 A. Not technically.

25 Q. You say, "Not technically." Could you just

1 elaborate on that?

2 A. The unit -- well, the unit was sort of broken  
3 up and I was moved under Debra Jayne, who is the Water  
4 Quality Standard Supervisor. So now it's Water Quality  
5 Standards and TMDL.

6 Cynthia remained in the unit, but it was  
7 renamed Monitoring Assessment unit, and she's a  
8 temporary or acting supervisor of that unit.

9 Q. Aside from -- strike that.

10 Are there any member of Regional Board staff  
11 that is acting in a supervisory role currently over you  
12 and Ms. Gorham in your work on the mouth of Chollas  
13 Creek TMDL?

14 A. I guess I would say that because Cynthia is  
15 acting supervisor and the current Assistant EO is acting  
16 branch chief, I guess I would say Jimmy Smith would be  
17 the supervisor in this case.

18 Q. Is Jimmy Smith the current Assistant EO?

19 A. He is.

20 Q. Would you describe Mr. Smith as having active  
21 or day-to-day involvement in the Chollas Creek TMDL?

22 A. No.

23 Q. Would you give me an overview of his role.

24 A. Well, he's -- in May, we had a reorg and we've  
25 had a new EO and a new AEO. So things have sort of been

1 shifting around. However, this is a project that,  
2 basically, Cynthia and I work on and the supervisory  
3 level hasn't always been present. So...

4 Q. So you and Ms. Gorham are running the show, so  
5 to speak?

6 A. Pretty much. Pretty much. With direction from  
7 the AEO.

8 Q. So maybe to the extent you have questions or  
9 need a specific answer to a question, you would go to  
10 Mr. Smith?

11 A. For authorization, we would go to Mr. Smith.

12 Q. What type of authorization are you referring  
13 to?

14 A. Currently we're at a point where I've been  
15 working so much on this project, I haven't really worked  
16 on that project for about a year. There is a lot of --

17 Q. I'm sorry. I want to clarify. When you say  
18 "been working so much on this project" --

19 A. Okay.

20 Q. -- you mean the CAO and DTR?

21 A. Correct.

22 Q. So you haven't worked on the mouth of Chollas  
23 Creek deal for about a year?

24 A. For about a year. And we're being directed to  
25 get it done, so there has been a lot of pressure for me

1 to start working on it again.

2 Q. You are getting directed to get the mouth of  
3 Chollas Creek TMDL done?

4 A. By Jimmy Smith.

5 Q. Do you have any sense of why you are receiving  
6 pressure from Mr. Smith?

7 A. Not certain entirely. I could speculate.

8 MR. CARRIGAN: No need for that.

9 BY MR. CARLIN:

10 Q. I don't want you to speculate. I mean, the  
11 usual instruction we give is that we're entitled to your  
12 best estimate. We don't want guesses or speculation.

13 MR. CARRIGAN: If you have the dirt on your  
14 boss, you can give it. If you don't --

15 MR. CARLIN: Speaking objections only.

16 MR. CARRIGAN: That's my style.

17 BY MR. CARLIN:

18 Q. When did you begin working on the mouth of  
19 Chollas Creek TMDL?

20 A. I don't remember exactly. How long has it  
21 been? I would guess 2007.

22 Q. So you believe you've been working on the mouth  
23 of Chollas Creek TMDL for about three years with the  
24 proviso that you haven't spent much time on it over the  
25 past year or so.

1 Is that accurate?

2 A. Off and on I've worked on that project.

3 Q. During the course of the past three years?

4 A. Three years, yes.

5 Q. Has Craig Carlisle ever worked with you on the  
6 TMDL for the mouth of Chollas Creek?

7 A. Yes.

8 Q. But he's not currently working on the TMDL?

9 A. Correct.

10 Q. Is his lack of involvement due to the  
11 reorganization that you mentioned earlier today?

12 A. A previous reorganization.

13 Q. When was that reorganization, to the best of  
14 your recollection?

15 A. Two years ago, approximately.

16 Q. Has Alan Monji worked with you on the TMDL for  
17 the mouth of Chollas Creek?

18 A. He was the original staff person assigned to  
19 it.

20 Q. And do you know why he's no longer working on  
21 the TMDL?

22 A. He doesn't work in the unit anymore.

23 Q. Is that a function of the recent  
24 reorganization?

25 A. Yes.

1 Q. Did Mr. Monji work on the TMDL up to the point  
2 of that reorganization?

3 A. No. I took it over from him in approximately  
4 2007.

5 Q. Do you know what the current status of the TMDL  
6 for the mouth of Chollas Creek is?

7 A. It needs to be sent to peer review.

8 Q. Do you know when that will take place?

9 A. As soon as I can get in the request.

10 Q. Do you know when the technical report will be  
11 made publicly available?

12 A. Once it's been peer reviewed, it goes out for  
13 public review.

14 Q. Do you have an estimate or expectation of when  
15 the peer review would be completed?

16 A. I'm going to ask that it be completed by the  
17 end of December.

18 Q. Who are you asking to do the peer review?

19 A. The Peer Review Coordinator.

20 Q. Who's that?

21 A. His name is Gerald Bose at the State Board.

22 Q. Have you worked with any outside consultants or  
23 entities on the Chollas Creek TMDL?

24 A. Yes.

25 Q. Who would those be?

1 A. SCCWRP and Tetra Tech.

2 Q. Anybody else?

3 A. Just the stakeholders.

4 Q. Can you identify any stakeholders you've worked  
5 with for me?

6 A. Well, we would have stakeholder meetings. The  
7 people who usually attend would be the main  
8 stakeholders. The Navy. I guess the Navy also provided  
9 some technical information. The Navy, the  
10 City of San Diego, the City of Lemon Grove, the City of  
11 La Mesa, CalTrans. Anybody else? NASSCO. I think  
12 that's everyone.

13 Oh, we recently added to the stakeholder list  
14 the small MS4, so some of the local schools and the city  
15 colleges were asked to attend stakeholder meetings. But  
16 they -- a few of them attended.

17 Q. I would like to refer you to what's been marked  
18 as Master Exhibit 2 in this proceeding and that's the  
19 most current version of the Draft Technical Report.

20 A. Okay.

21 Q. I believe the court reporter has a copy.

22 You are responsible for the artwork on the  
23 cover?

24 A. I was able to get a graphic designer at the  
25 State Board to work on this for me. All three copies.

1 Q. Well done.

2 A. Thanks.

3 Q. I would like to direct you to Page 33-3 and  
4 specifically Figure 33-2.

5 A. (Witness complies.)

6 Okay.

7 Q. Okay. The figure is labeled "Chollas Creek  
8 Mouth Study Area." And I just wanted to confirm, is  
9 this area the area that you believe will be addressed in  
10 the mouth of Chollas Creek TMDL?

11 A. Yes, it is.

12 Q. Okay. And the figure identifies C-01 through  
13 C-14 monitoring stations. Those are the monitoring  
14 stations that have been used in connection with the  
15 development of the mouth of Chollas Creek TMDL?

16 A. I believe they are the monitoring stations for  
17 the Phase I study.

18 Q. Is that the study that was done by SCCWRP?

19 A. Yes. And Spawar. I believe it was -- they  
20 both worked on it, I think.

21 Q. If you look at the diagram, I just want to  
22 confirm that the north side of the mouth of Chollas  
23 Creek is bounded by a pier from the NASSCO Shipyard  
24 Sediment Site; is that right?

25 A. You are referring to Berth VI?

1 Q. Correct. It's labeled as Berth V and Berth VI  
2 on the document.

3 A. Yes.

4 Q. And then the south side of the southern portion  
5 of the mouth is bound by a Navy pier, which is labeled  
6 as Pier 1?

7 A. Yes.

8 Q. Is it your understanding that the mouth of  
9 Chollas Creek TMDL area extends to the end of both of  
10 those piers?

11 A. Yes.

12 Q. Do you know what constituents of concern the  
13 mouth of Chollas Creek TMDL will address?

14 A. It will address the organics, which include  
15 chlordane, PCBs and PAHs.

16 Q. To your knowledge, will the TMDL be intended to  
17 address any other contaminants?

18 A. No.

19 Q. So the mouth of Chollas Creek TMDL, just to  
20 confirm, it's not intended to address any metals  
21 contamination?

22 A. Correct.

23 Q. You mentioned chlordane is an organic, correct?

24 A. It's a pesticide, yes.

25 Q. Do you know what the primary source of

1 chlordane contamination to the sediments in the mouth of  
2 Chollas Creek area is?

3 MS. NICHOLS: Objection. Calls for expert  
4 testimony and outside this witness' expertise.

5 MS. REYNA: Lacks foundation. Calls for  
6 speculation.

7 MR. CARRIGAN: Same objections as the City and  
8 the Port.

9 You can answer, if you know.

10 THE WITNESS: My research shows that it was  
11 commonly used as termite -- pesticide used to tent  
12 houses or treat houses. I guess not tent, but to treat  
13 houses for termites and sometimes ants.

14 BY MR. CARLIN:

15 Q. Based on your work on the mouth of Chollas  
16 Creek TMDL, do you have any understanding of how  
17 chlordane might make its way to the sediments at the  
18 mouth of Chollas Creek?

19 MS. REYNA: Same objections.

20 MR. CARRIGAN: Plus calls for expert opinion.  
21 I'll join the City's objection. And calls for expert  
22 opinion.

23 Go ahead.

24 THE WITNESS: Okay. The references I used  
25 stated that it tends to adhere -- or absorb to -- with

1 sediment. So wherever the sediment moves, the chlordanes  
2 will move.

3 BY MR. CARLIN:

4 Q. Do you recall what studies you reviewed that  
5 came to that conclusion?

6 A. ATSDR. I don't remember the actual name. It's  
7 a toxicological research paper or agency that puts out  
8 research papers on chemicals.

9 Q. We've been going for almost an hour. Would you  
10 like to take a break?

11 A. I'm okay.

12 Q. You want to keep going?

13 A. Yeah, that's fine.

14 MR. CARLIN: Other counsel?

15 MR. CARRIGAN: Do you need a break, Jeff?

16 MR. CARLIN: Thanks, Chris.

17 Let's go off the record.

18 MR. CARRIGAN: We'll take five.

19 VIDEO TECHNICIAN: Time off the record is  
20 10:57 a.m.

21 (Recess.)

22 VIDEO TECHNICIAN: Time back on the record is  
23 11:17 a.m.

24 Counsel, you may proceed.

25

1 BY MR. CARLIN:

2 Q. Ms. Honma, are you familiar with the term  
3 "source control" in relation to a sediment remediation  
4 project?

5 A. Yes.

6 Q. How would you define "source control"?

7 A. Controlling the source of pollution.

8 Q. Could you give me some examples of source  
9 control measures?

10 A. I guess they are referred to as best management  
11 practices. They could be putting sandbags around storm  
12 drains. Preventing things that would get into the storm  
13 drain. It will be a physical barrier, would be one  
14 example.

15 Q. Would you consider a TMDL to be a source  
16 control measure?

17 A. The implementation plan of the TMDL would  
18 recommend -- let me see. Let me think a minute.

19 The implementation plan for the TMDL would  
20 include actions that need to be taken to take source  
21 control measures.

22 Q. In your experience at the Regional Board, is  
23 source control a factor that you typically take into  
24 account when implementing a remediation project?

25 MR. CARRIGAN: Lacks foundation.

1 MS. NICHOLS: Join.

2 THE WITNESS: Please say it again.

3 BY MR. CARLIN:

4 Q. Sure.

5 Based on your experience working at the  
6 Regional Board, is source control or the implementation  
7 of source control measures typically something you take  
8 into consideration as part of a remediation project?

9 MR. CARRIGAN: Same objection.

10 MS. REYNA: Join.

11 THE WITNESS: Yes.

12 MR. CARLIN: Mark this as 402.

13 Counsel, I've provided excerpts of a full  
14 document. I provided the witness covering pages I  
15 intend to go over.

16 MS. WITKOWSKI: What number was this?

17 MR. CARLIN: This is 402. 401. We marked 401  
18 as the emails that Ms. Honma produced today.

19 MS. WITKOWSKI: Was there a 400?

20 MR. CARLIN: Yes. 400 is the depo notice.

21 MS. WITKOWSKI: Okay.

22 (Exhibits 401 and 402 marked for  
23 identification.)

24 BY MR. CARLIN:

25 Q. I've marked as Exhibit 402 the United States

1 Environmental Protection Agency document entitled  
2 "Contaminated Sediment Remediation Guidance for  
3 Hazardous Waste Sites."

4 Do you recall if you ever reviewed this  
5 document or consulted in connection with your work on  
6 the CAO and DTR?

7 A. I have not.

8 Q. Are you aware of any Regional Board or State  
9 Board guidance with respect to the remediation of  
10 sediment sites?

11 A. Am I aware?

12 Q. Let me ask it this way: Have you consulted any  
13 Regional Board policy documents with respect to  
14 providing guidance for sediment remediation?

15 A. For which project?

16 Q. For the TMDL at the mouth of Chollas Creek.

17 A. Yes.

18 Q. What policy documents would those be?

19 A. The Sediment Quality Guidelines or the  
20 Objective.

21 Q. You are referring to the Sediment Quality  
22 Objectives --

23 A. Yes.

24 Q. -- adopted by the State Board?

25 A. Yes.

1 Q. Do you know if those would be the Phase I  
2 objectives?

3 A. Part 1.

4 Q. Okay. I wanted to direct you to Page 2-20.  
5 And it's labeled "Section 2.6, Source Control."

6 And do you see the first paragraph under  
7 Section 2.6?

8 A. Yes.

9 Q. I'm going to go ahead and read for you the  
10 second sentence of that paragraph. It indicates,  
11 "Source control generally is defined for the purposes of  
12 this guidance as those efforts are taken to eliminate or  
13 reduce, to the extent practicable, the release of  
14 contaminants from direct and indirect continuing sources  
15 to the water body under investigation."

16 Do you see that sentence?

17 A. Yes, I do.

18 Q. Would you agree with that definition of "source  
19 control"?

20 A. Yes.

21 Q. Okay. I would like to turn now to Page 2-21 of  
22 the report.

23 MR. CARRIGAN: Counsel, at the break could you  
24 arrange for me to get a copy of the exhibit? Not the  
25 full exhibit, but just the parts that you passed around?

1 MR. CARLIN: Sure, Counsel. I brought them in.  
2 I'm sorry I didn't have one for you.

3 MR. CARRIGAN: Didn't make it that far.

4 Okay. Go ahead.

5 BY MR. CARLIN:

6 Q. I'm now looking at the last full paragraph  
7 above Section 2.7. I'm just going to read the first  
8 sentence of that paragraph into the record. It says,  
9 "Generally significant continuing Upland sources,  
10 including ground water NAPL or upgrading water releases,  
11 should be controlled to the greatest extent possible  
12 before sediment cleanup."

13 Do you see that sentence?

14 A. Yes.

15 Q. Do you agree with the E.P.A. guidance on that  
16 point?

17 A. Sure.

18 Q. Why do you agree with the E.P.A. guidance?

19 MS. NICHOLS: Vague and ambiguous.

20 THE WITNESS: Because it's E.P.A. guidance.

21 BY MR. CARLIN:

22 Q. In your duties at the Regional Board, would you  
23 typically follow E.P.A. guidance to the extent you were  
24 provided with it and it was on point with the work you  
25 were doing?

1 MS. TRACY: Objection. Vague and ambiguous.  
2 Calls for speculation.

3 MR. CARRIGAN: Join.

4 MS. REYNA: Join.

5 THE WITNESS: Yes.

6 BY MR. CARLIN:

7 Q. Okay. I want to go back to the mouth of  
8 Chollas Creek TMDL process that we were talking about  
9 before the break.

10 MR. CARRIGAN: Are we done with the exhibit?

11 MR. CARLIN: For now.

12 MR. CARRIGAN: Okay.

13 BY MR. CARLIN:

14 Q. And you mentioned -- you testified earlier that  
15 TMDL for the mouth of Chollas Creek would be intended to  
16 address chlordane, PAHs and PCBs; is that correct?

17 A. Yes.

18 Q. Based on your work on the TMDL, do you have an  
19 understanding of what the primary source or sources of  
20 PAH is contributing to sediment contamination in the  
21 mouth of Chollas Creek are?

22 MR. CARRIGAN: Vague. Calls for speculation.  
23 Lacks foundation.

24 You can answer, if you know.

25 THE WITNESS: In the source analysis, we

1 identified the sources that contribute to -- that would  
2 contribute PAHs, so...

3 BY MR. CARLIN:

4 Q. What sources are those?

5 A. Cars. Like -- so oil leaks from cars. Also,  
6 industrial sources. So fuel. Activities of the ships,  
7 cars, general automotive transportation type sources.

8 Q. You mentioned "Activities of the ships." Are  
9 there any specific activities you have in mind?

10 A. I don't recall specifics. It's been awhile  
11 since I've seen the analysis, staff report.

12 Q. So as you are sitting here today, you are not  
13 aware of any specific ship-related activities that would  
14 contribute PAHs to Chollas Creek?

15 A. Fueling.

16 Q. Anything else?

17 A. Any oil spills. They are typically reported.

18 MS. NICHOLS: Can you speak up just a little  
19 bit, please?

20 THE WITNESS: Sure.

21 So oil spills and fueling activities that may  
22 spill fuel into the water from the ships.

23 BY MR. CARLIN:

24 Q. I want to ask the same question with regard to  
25 PCBs. Again, based on your work on the mouth of Chollas

1 Creek TMDL, were you aware of or could you point me to  
2 the primary source or sources of PCB contamination to  
3 the sediments to the mouth of Chollas Creek?

4 MR. CARRIGAN: Objection. Vague.

5 You can answer.

6 MS. NICHOLS: Objection. Calls for expert  
7 opinion outside this witness's area of expertise.

8 MS. REYNA: Lacks foundation. And join the  
9 Port's objection.

10 THE WITNESS: The references that I consulted  
11 for my work indicated that PCBs were used in lubricating  
12 fluids, sometimes transformers. So if there were waste  
13 oils that may have had PCBs in them, I believe they've  
14 also been found to be in caulks, which are adhesives  
15 that were used in construction prior to them being  
16 banned.

17 BY MR. CARLIN:

18 Q. Okay. I wanted to go back to the technical  
19 report for a minute. You said earlier you were going to  
20 send that report to -- I believe it was Gerald Bose for  
21 peer review?

22 A. We submit a request to Gerald Bose to line up  
23 the peer review.

24 Q. So Mr. Bose himself would not be the individual  
25 doing the peer review?

1 A. Correct.

2 Q. Do you know who will do the peer review?

3 A. He has a liaison with the UC regents and that  
4 person lines up experts in the field to be peer  
5 reviewers. So I do not know who the peer reviewers are.

6 Q. To your understanding, the peer reviewers have  
7 not been selected?

8 A. Correct. I haven't made the request yet.

9 Q. With respect to the mouth of the Chollas Creek  
10 TMDL, do you know what specific actions you are  
11 considering implementing to address the contaminants of  
12 concern that you've identified?

13 A. They have not been determined. I mean, we  
14 are -- they are still in development.

15 Q. I understand the TMDL has not yet been  
16 approved. My question was if you could let me know what  
17 actions you are considering implementing.

18 A. It would be to implement the TMDL. So to put  
19 it in force by placing it in permits to where people who  
20 hold permits will need to take certain actions to meet  
21 the TMDL.

22 The impairment itself will need to be addressed  
23 within the mouth area. So the TMDL addresses  
24 discharges. But to address the impairment, we will also  
25 have to address the sediments in the mouth area.

1 Q. And how might you address the sediments in the  
2 mouth area?

3 MR. CARRIGAN: Calls for speculation.

4 THE WITNESS: There are a number of  
5 alternatives that are possible, and we are working with  
6 the stakeholders to identify what they are.

7 BY MR. CARLIN:

8 Q. Well, first let me ask you this: Is it your  
9 understanding that sediment contamination at the mouth  
10 of Chollas Creek will be remediated as part of the TMDL  
11 for the mouth of Chollas Creek?

12 A. It will need to be addressed to address the  
13 impairment. So yes.

14 Q. And that would involve some type of  
15 remediation?

16 A. Most likely.

17 Q. You mentioned you were considering some  
18 alternatives for that remediation. Can you describe  
19 those alternatives for me?

20 A. Likely alternatives might be capping or  
21 dredging. It isn't -- it's an area that's used for  
22 navigation, so dredging is an obvious --

23 MS. NICHOLS: I'm sorry?

24 THE WITNESS: -- alternative.

25 MS. NICHOLS: We can't hear all the --

1 THE WITNESS: I'm sorry?

2 MS. NICHOLS: We can't hear all the way down  
3 here. You need to speak up, please.

4 THE WITNESS: Okay.

5 MS. NICHOLS: Thank you.

6 MR. SPEAR: Is or is not an alternative?

7 THE WITNESS: It is an alternative.

8 MR. SPEAR: Is an alternative.

9 THE WITNESS: Dredging would be an alternative.  
10 It is a channel for navigation.

11 BY MR. CARLIN:

12 Q. With the remediation targeted towards the  
13 sediments at the mouth of Chollas Creek, whether it's  
14 dredging or capping, would that occur under the TMDL  
15 before you implement any reductions in chemical volumes  
16 entering Chollas Creek?

17 MR. CARRIGAN: Objection. Calls for  
18 speculation. Lacks foundation.

19 MS. REYNA: Join.

20 MS. NICHOLS: Join.

21 THE WITNESS: I can't answer that.

22 BY MR. CARLIN:

23 Q. You just don't know?

24 A. I just don't know.

25 Q. Do you know who would be involved in making

1 that determination?

2 MR. CARRIGAN: Objection. Calls for  
3 speculation.

4 THE WITNESS: The staff will ultimately make a  
5 recommendation, but the decision lies with the Regional  
6 Board members.

7 BY MR. CARLIN:

8 Q. As part of your duties on the Chollas Creek  
9 mouth TMDL, will you be -- have you been asked for  
10 recommendation -- to make a recommendation in that  
11 regard?

12 A. We will make -- the staff will make a  
13 recommendation. I will be involved in that, yes.

14 Q. But you haven't made a recommendation or you  
15 haven't reached a decision on a recommendation at this  
16 point?

17 A. No.

18 Q. When you say "the staff will make a  
19 recommendation," I assume, based on your earlier  
20 testimony, that would be -- that would include you and  
21 Ms. Gorham.

22 Is there any other staff that would be involved  
23 in that decision making?

24 A. The executive management of the board.

25 Q. And who would that include, just so I'm clear?

1 A. At this time, Jimmy Smith.

2 Q. You mentioned that dredging was one alternative  
3 remedy being considered; is that right?

4 A. Yes.

5 Q. To the extent dredging was implemented, do you  
6 have any understanding of the quantity of sediment that  
7 would need to be dredged?

8 MR. CARRIGAN: Calls for speculation.  
9 Incomplete hypothetical.

10 THE WITNESS: No.

11 MR. CARRIGAN: Calls for an expert opinion.

12 THE WITNESS: No.

13 BY MR. CARLIN:

14 Q. It's not something you've evaluated in your  
15 work on the TMDL to this point?

16 A. Correct.

17 Q. Now, is my understanding correct that each TMDL  
18 will have what's called a compliance schedule that sets  
19 forth the time in which the TMDL is intended to be  
20 successfully achieved?

21 A. Yes.

22 Q. Have you been involved in the development of a  
23 compliance schedule for the mouth of Chollas Creek TMDL?

24 A. We have not developed one yet.

25 Q. Are you in the process of developing one at

1 this point?

2 A. Sure. Yes.

3 Q. I assume before the technical report goes to  
4 peer review, you will have a compliance schedule?

5 A. That is not required for peer review.

6 Q. So it may be the case that you submit the tech  
7 report to peer review without a compliance schedule?

8 A. They review the scientific merits, so only the  
9 technical aspects of the project will be reviewed by  
10 peer review. The compliance schedule is part of the  
11 implementation plan.

12 Q. Okay. So from your vantage point, the  
13 compliance schedule is not a, quote, technical aspect of  
14 the TMDL?

15 A. Correct.

16 Q. I would like to go back to Master Exhibit 2,  
17 the DTR, to Page 33-2. Specifically Figure 33-1, which  
18 is labeled "Polygons Targeted for Remediation."

19 A. Uh-huh. Yes.

20 Q. Okay. And I want to point to the remedial  
21 polygon labeled "NA22."

22 Do you see that there on the chart?

23 A. Yes, I do.

24 Q. Is it your understanding that that remedial  
25 polygon, the area covered by that polygon, will be

1 remediated as part of the mouth of Chollas Creek TMDL  
2 process?

3 A. I believe it will.

4 Q. Would you agree it's within the area -- well,  
5 let me point you to Figure 33-2, which is on the next  
6 page of the DTR, 33-3. We looked at that earlier.

7 A. Yes.

8 Q. All right. Would you agree that the remedial  
9 polygon area for NA22 is within what is described as the  
10 Chollas Creek mouth study area?

11 A. Yes.

12 Q. And the mouth of Chollas Creek study area is  
13 the area that is intended to be addressed by the mouth  
14 of Chollas Creek TMDL, correct?

15 A. Correct.

16 Q. I want to go back to something you said  
17 earlier. You -- I want to make sure I understood your  
18 testimony correct. I believe you said that it was your  
19 understanding that chlordane could absorb -- adsorb onto  
20 sediment particles?

21 A. Yes.

22 Q. Would those be fine sediment particles, to your  
23 understanding?

24 MR. CARRIGAN: Objection. Calls for  
25 speculation. Lacks foundation. Calls for expert

1 opinion.

2 MS. REYNA: Join.

3 MS. NICHOLS: Join.

4 MS. TRACY: Join.

5 THE WITNESS: I believe so.

6 BY MR. CARLIN:

7 Q. Now, I want you to look again at Figure 33-2.  
8 I'm going to ask you, based on your work at the mouth of  
9 Chollas Creek TMDL, do you believe that fine sediments  
10 from Chollas Creek are deposited in the vicinity of  
11 Station NA22 on Figure 33-2?

12 MS. NICHOLS: Same objection.

13 MS. TRACY: Same as well.

14 MS. REYNA: Join.

15 THE WITNESS: I don't think I can answer that.

16 BY MR. CARLIN:

17 Q. You just don't know?

18 A. I just don't know.

19 Q. Do you know Katie Zeiman?

20 A. I've met her.

21 Q. In what context did you meet her?

22 A. At a stakeholder meeting.

23 Q. Stakeholder meeting for the TMDL?

24 A. Correct.

25 Q. Aside from your meeting at the stakeholder

1 meeting, have you had any other communications with her?

2 A. No.

3 Q. Have you ever exchanged emails with Ms. Zeiman?

4 A. No.

5 Q. Has she provided input on the mouth of Chollas  
6 Creek TMDL?

7 A. I believe there is a study or a paper that she  
8 wrote that we reference in the document.

9 Q. It will be --

10 A. Staff report for the TMDL.

11 Q. Do you recall the subject of her -- generally  
12 speaking, do you recall the subject of her paper?

13 A. I do not.

14 Q. Have you been involved in any CEQA review for  
15 the TMDL for the mouth of Chollas Creek?

16 A. I was at the CEQA scoping meeting.

17 Q. You attended the meeting?

18 A. I attended -- well, I was presenting the  
19 project, which was the first half of the meeting. It  
20 was a public meeting and a scoping meeting.

21 Q. So you didn't present on the CEQA portion of  
22 the meeting?

23 A. Correct.

24 Q. And aside from your attendance at the meeting,  
25 have you been involved with any CEQA analysis of the

1 TMDL?

2 A. No.

3 Q. Okay. And you haven't been involved with the  
4 assessment of whether implementation of the TMDL might  
5 or might not have a potentially significant  
6 environmental impact under CEQA?

7 MR. CARRIGAN: Calls for speculation. Assumes  
8 facts in evidence. Lacks foundation.

9 THE WITNESS: I have not done that.

10 BY MR. CARLIN:

11 Q. I had a question regarding one of the emails  
12 that you produced before your deposition -- for your  
13 deposition this morning. We've marked the entire packet  
14 as Exhibit 401. And I saw an email exchange between you  
15 and an individual named John Kiefer, K-i-e-f-e-r.

16 A. Okay.

17 Q. Can you tell me who Mr. Kiefer is?

18 A. I believe it was somebody who had called our  
19 office to obtain information. So it would be -- I would  
20 qualify it as a public records request.

21 Q. So you've never met Mr. Kiefer?

22 A. Correct.

23 Q. And aside from what you've described as a  
24 public records act request, you've never had any other  
25 communications with Mr. Kiefer?

1 A. Correct.

2 Q. And you are not sure why Mr. Kiefer was seeking  
3 the information that he was seeking?

4 A. He did not tell me.

5 MR. CARLIN: I would like to take just a  
6 five-minute break, go off the record, review my notes,  
7 and see if I have any further questions.

8 MR. CARRIGAN: Okay.

9 VIDEO TECHNICIAN: Time off the record is  
10 11:43 a.m.

11 (Recess.)

12 VIDEO TECHNICIAN: Time back on record is  
13 11:51 a.m.

14 This ends Videotape Number 1 in the deposition  
15 of Lisa Honma. Today's date is October the 5th, 2010.  
16 Time is 11:51 a.m.

17 Off the record.

18

19 ---

20 (Lunch recess.)

21 ---

22

23 VIDEO TECHNICIAN: This begins Videotape  
24 Number 2 in the deposition of Lisa Honma.

25 Today's date is October the 5th, 2010. Time is

1 12:43 p.m.

2 Back on the record.

3

4 EXAMINATION

5 BY MS. TRACY:

6 Q. Good afternoon, Ms. Honma.

7 A. Good afternoon.

8 Q. My name is Jill Tracy and I represent San Diego  
9 Gas & Electric in this proceeding.

10 A. Yes.

11 Q. And I would like to draw your attention to  
12 Master Exhibit Number 2. And specifically Finding 9  
13 starting on Page 9-1.

14 A. Is that this (indicating)?

15 Q. Yes, it is.

16 A. Okay.

17 Q. And I would like you to take a moment and to  
18 review Section 9 in its entirety. I'm going to ask you  
19 a series of questions regarding this section.

20 A. Okay.

21 Q. Thank you.

22 A. Uh-huh.

23 Q. Starting with Page 9-1, can you identify what  
24 sections you were involved in preparing?

25 A. 9.3.

1 Q. And when you say "9.3," do you mean the entire  
2 portion of 9.3?

3 A. I prob- -- yeah. Yes. I believe I wrote a  
4 draft.

5 Q. Okay. And I'll come back to this section.

6 A. Okay.

7 Q. So if you want to just go through the whole  
8 finding and identify those sections you were involved in  
9 preparing.

10 A. I was somewhat involved in 9.5, 9.8, 9.9.

11 Q. I'm sorry.

12 A. Okay.

13 Q. Okay. 9.8 starting on 9-11 and 9-9 [sic] on  
14 9-13. Okay.

15 A. 9.10. And that's it.

16 Q. Okay. And now for each section that you  
17 identified being involved in preparing, I'm going to go  
18 back and ask you more specific questions regarding that  
19 section.

20 A. Okay.

21 Q. So let's go to 9.3, "Historical activities."  
22 Were you involved in drafting the first  
23 paragraph of that sentence -- or that section?

24 A. Yes.

25 Q. Beginning with "SDG&E owned and operated"?

1 A. Yes.

2 Q. Okay. The second paragraph beginning with  
3 "SDG&E maintained an easement," were you involved in  
4 that paragraph?

5 A. Yes.

6 Q. Okay. Were you involved in the -- that's a  
7 long paragraph, so I would just like to question you  
8 specifically regarding the second paragraph in  
9 Section 9.3.

10 A. Okay.

11 Q. Were you involved in the entire paragraph or  
12 just certain portions of it?

13 A. I would say the entire paragraph.

14 Q. Okay. Same question as to the third paragraph  
15 on 9-3.

16 A. Yes.

17 Q. Okay. You were involved in the entire  
18 paragraph preparation?

19 A. Yes. This entire subsection (indicating).

20 Q. Okay. Thank you very much.

21 So through the beginning of 9.4. You were  
22 involved in all of these Paragraphs in 9.3?

23 A. Yes.

24 Q. Okay. Were any other members of the Regional  
25 Board involved in drafting Section 9.3?

1 A. It was reviewed by my supervisor.

2 Q. And your supervisor was?

3 A. Craig Carlisle.

4 Q. Craig Carlisle.

5 And was this in 2005?

6 A. 2005, maybe 2006.

7 Q. Okay. Other than Craig Carlyle, was there  
8 anybody else involved that was a member of the --

9 A. David Barker was also consulted.

10 Q. David Barker. Same time frame 2005/2006?

11 A. Yes.

12 Q. And when you say "consulted," could you explain  
13 that a little bit for me?

14 A. A lot of the -- what we write as staff within  
15 the unit, we write drafts and they're reviewed by our  
16 supervisors. David Barker was Craig Carlisle's  
17 supervisor and he was also the leader of the cleanup  
18 team.

19 Q. Okay. So both Craig Carlisle and Dave Barker  
20 reviewed this section after you prepared initial draft?

21 A. I would think so, yes.

22 Q. Do you have any specific recollection or are  
23 you just familiar with the general manner in which  
24 you -- your team reviewed and prepared certain sections  
25 of the DTR?

1 A. The general manner in which we prepared and  
2 reviewed sections of the DTR.

3 Q. Okay. Did you refer or use any reference or  
4 source documents in preparing Section 9.3?

5 A. Yes. The ones that are referenced within the  
6 section.

7 Q. Okay. So that would be ENV America 2004a?

8 A. Gonzales 2005 would be first. It's right there  
9 (indicating).

10 Q. Oh, I'm sorry. Thank you.

11 Gonzales 2005, then ENV 2004a, SDUPD 2004, as  
12 well as ENV 2004b. And that looks like it's it.

13 A. Yes.

14 Q. Now, are there any other documents that are not  
15 referenced in this section that you used as source  
16 materials?

17 A. No.

18 Q. Do you know the basis for the statement in the  
19 second paragraph of Section 9.3 that begins with "SDG&E  
20 maintained an easement to San Diego Bay"?

21 A. What was your question about that?

22 Q. Do you know what source document that came  
23 from?

24 A. It came from both the ENV America 2004b and the  
25 San Diego Unified Port District 2004.

1 Q. Okay. Thank you.

2 With respect to the last paragraph in  
3 Section 9.3, the last sentence that starts with "The  
4 ponds were filled in at some unknown time in the past,"  
5 are the source documents ENV 2004b and SDUPD 2004 the  
6 source documents for that statement?

7 A. Yes.

8 Q. Did you do any independent verification of that  
9 statement?

10 A. No.

11 Q. Did you do any independent verification of any  
12 of the statements in 9.3?

13 MR. CARRIGAN: Other than the sources cited?

14 MS. TRACY: Correct.

15 THE WITNESS: No.

16 BY MS. TRACY:

17 Q. Thank you.

18 Okay. Then jumping to 9.5, you've testified  
19 that you were somewhat involved in drafting this  
20 section; is that correct?

21 A. Yes.

22 Q. This is a long section, so --

23 A. Yes.

24 Q. -- would you start by describing what your  
25 involvement was in preparing this section.

1 A. It was the first paragraph.

2 Q. Was it only the first paragraph?

3 A. Yes, I believe so.

4 Q. Okay. Let's go to Section 9.8 entitled  
5 "Unauthorized Destructive Toxic Pollutants to Land."

6 Could you generally describe what your  
7 involvement was in preparing this section?

8 A. I drafted the section. So the draft text and  
9 tables -- table.

10 Q. And when did you draft this section?

11 A. At the same time as the other section.

12 Q. In 2005 or 2006?

13 A. Correct.

14 Q. Okay. Table 9.4 seems to summarize certain  
15 data from the SDG&E or underground storage tank closure.

16 Do you remember when you received -- and it  
17 references -- I'm sorry -- TN & Associates 2006 as the  
18 source document; is that correct?

19 A. Yes.

20 Q. Do you recall when you received that document?

21 A. No.

22 Q. Do you receive -- do you recall how you  
23 received that document?

24 A. I do not.

25 Q. Do you recall whether or not you did a public

1 record search at the San Diego County Department of  
2 Environmental Health?

3 A. I did not.

4 Q. Do you recall whether or not you received that  
5 document from your supervisor, Craig Carlisle?

6 A. That was the likely source of the document.

7 Q. Was your supervisor Craig Carlisle?

8 A. Yes.

9 Q. Okay. Could you --

10 A. Actually, you know what, I don't believe I  
11 wrote this one because the UST stuff I -- I think I'm  
12 confusing with the other unauthorized discharge to the  
13 MS4.

14 So, yeah, I need to correct that. I didn't  
15 write the UST stuff.

16 Q. Okay. When you mean -- when you reference the  
17 "UST stuff," do you mean the discussion in Section 9.8  
18 regarding the USTs of SDG&E?

19 A. I do.

20 Q. Okay. So do you know who in your group would  
21 have drafted 9.8?

22 A. I do not know that.

23 Q. So I would like to direct your attention to  
24 Section 9.9.

25 A. Yeah. Okay. That would be good.

1 Q. And can you describe for me your involvement in  
2 drafting Section 9.9.

3 A. I wrote the text there and created the  
4 tables -- two tables that are contained within that  
5 section.

6 Q. So Tables 9-5 and 9-6 you summarized; is that  
7 correct?

8 A. Yes.

9 Q. And you drafted the introductory paragraph on  
10 Page 9-13 in Section 9.9; is that correct?

11 A. Yes.

12 Q. And did you draft the paragraph following Table  
13 9-5 and before dash -- Table dash -- 9-6 on Page 914?

14 A. Yes.

15 Q. Okay. Thank you.

16 A. And the final paragraph after Table 9-6.

17 Q. Thank you.

18 And what were the source documents that you  
19 referenced in drafting this Section 9. --

20 A. They are referenced in the document, so -- go  
21 ahead.

22 Q. So would that be Zirkle 2005a and Kolb 2005b?

23 A. Yes.

24 Q. You also reference Long L 1995. I think that  
25 was in comparing the PCBs and the sediments discussed in

1 Table 9-6 and comparing them to ERL and ERM; is that  
2 correct?

3 A. 9-5, yes.

4 Q. Okay.

5 A. Table 9-5 contains that, yes.

6 Q. Other than Zirkle 2005a and Kolb 2005b, did you  
7 or anyone on the cleanup team do any independent  
8 verification of the information in those source  
9 documents?

10 A. No. We relied on the source documents.

11 Q. What was the source of those source documents?

12 A. The City of San Diego.

13 Q. Okay. How did you come into possession of the  
14 Zirkle 2005 and Kolb 2005b documents?

15 A. I contacted Ruth Kolb to request information,  
16 and she sent them to me.

17 Q. And why did you contact Ruth Kolb?

18 A. Because I was directed to by my supervisor.

19 Q. And your supervisor was?

20 A. Craig Carlisle.

21 Q. Okay. Did Mr. Carlisle mention why he wanted  
22 you to contact Ruth Kolb at the City of San Diego?

23 A. Yes.

24 Q. And what -- what did he say?

25 A. I recall that he had instructed me to contact

1 Ruth to follow up on something that he had found out  
2 from BAE Systems.

3 Q. BAE Systems. Do you know what that was that he  
4 found out from BAE?

5 A. I believe that BAE had -- was receiving an NOV  
6 from the City, and in their discussions they were saying  
7 that they thought it was SDG&E. And so -- it is hazy  
8 because it was a long time ago. I apologize.

9 My understanding was that BAE had been  
10 originally involved in the NOV and then the City was  
11 issuing SDG&E an NOV. So I contacted the City to find  
12 out more about it.

13 Q. Did you ever verify whether San Diego Gas &  
14 Electric was the source of contaminants in the catch  
15 basin at issue?

16 A. Not person- --

17 MS. NICHOLS: Calls for expert opinion.

18 MS. REYNA: Lacks foundation.

19 MR. CARRIGAN: All right. I'll join those  
20 both.

21 You can answer, if you remember the question.

22 THE WITNESS: I'm trying to remember the  
23 question.

24 MS. TRACY: She can read it back, if you would  
25 like.

1 THE WITNESS: Okay. Please read it back, the  
2 question.

3 (Record read.)

4 THE WITNESS: Not personally.

5 BY MS. TRACY:

6 Q. Are you aware if anyone else did?

7 A. The City collected the sample. They provided  
8 us with the lab results.

9 Q. And other than the lab results, did you receive  
10 any other information regarding the source of  
11 contaminants in CB-1 at issue?

12 A. No.

13 Q. Do you remember what the lab results said?

14 A. They are contained in Table 9-5.

15 Q. And you say, "They are contained in Table 9-5."

16 Do you mean a summary of the data of the  
17 laboratory records that you received are summarized in  
18 Table 9-5?

19 A. Yes. I should also point out that the  
20 reference at the bottom of the table for CEL 2005 is the  
21 lab report.

22 Q. Thank you.

23 MS. TRACY: Hold on just a second. What  
24 exhibit number are we on? 403?

25 MR. CARRIGAN: 403.

1 MS. TRACY: Okay. I would like to mark as  
2 Exhibit 403 -- we're on 404, aren't we?

3 COURT REPORTER: Hang on one second.

4 THE WITNESS: Well, this is 1.

5 COURT REPORTER: It's 400, 401 and 402.

6 MS. TRACY: So 403? Okay.

7 -- document beginning with SAR 281646  
8 Calscience Environmental Laboratories dated  
9 October 12th, 2005.

10 (Exhibit 403 marked for identification.)

11 BY MS. TRACY:

12 Q. Could you take a moment to take a look at that,  
13 please.

14 A. Sure.

15 MS. NICHOLS: Do you have copies of this  
16 document?

17 MS. TRACY: No, I don't.

18 MS. NICHOLS: Can you identify the date again,  
19 please?

20 MS. TRACY: October 12th, 2005.

21 MS. NICHOLS: Thank you.

22 MR. SPEAR: And if you would, the SAR number?

23 MS. TRACY: It is 281646.

24 MR. SPEAR: Thank you.

25 MS. TRACY: It's also referenced as CEL 2005 in

1 the DTR.

2 MR. SPEAR: Thank you.

3 THE WITNESS: Okay.

4 BY MS. TRACY:

5 Q. Is that the document you recall receiving from  
6 the City?

7 A. Yes.

8 Q. And what is it about that document that helped  
9 you determine that SDG&E was the proper recipient of an  
10 NOV for Catch Basin 1?

11 A. It -- can you say that again, please?

12 MS. TRACY: Can you repeat the question.

13 (Record read.)

14 MS. NICHOLS: Lacks foundation.

15 MS. REYNA: Join.

16 THE WITNESS: I didn't make --

17 MR. CARLIN: Join.

18 THE WITNESS: I didn't make that determination.

19 BY MS. TRACY:

20 Q. Who did?

21 MR. CARRIGAN: Calls for speculation. Lacks --

22 BY MS. TRACY:

23 Q. If you know.

24 A. I don't know.

25 Q. Thank you.

1 MS. TRACY: Could I have the exhibit back for  
2 just a moment.

3 (Document handed to counsel.)

4 BY MS. TRACY:

5 Q. On Page 10 and Page 12 of this document, could  
6 you tell me who was listed as the client for that  
7 report?

8 MR. CARRIGAN: Document speaks for itself.

9 MS. NICHOLS: Are we still on Exhibit 403?

10 MS. TRACY: Yes.

11 THE WITNESS: It reads: "Port of San Diego."

12 BY MS. TRACY:

13 Q. And on Page 12?

14 A. "Port of San Diego."

15 Q. And you said you got this document from the  
16 City of San Diego?

17 A. That's correct.

18 Q. Can you tell me if you know why the Port of  
19 San Diego is listed as the client on that lab report?

20 MS. NICHOLS: Calls for speculation.

21 BY MS. TRACY:

22 Q. If you know.

23 MR. CARRIGAN: Join.

24 THE WITNESS: I do not know.

25

1 BY MS. TRACY:

2 Q. Thank you.

3 You've testified that you prepared Table 9-6;  
4 is that correct?

5 A. That is correct.

6 Q. The PCB/MPH concentrations that are reflected  
7 in this table, do you know at what depth these  
8 concentrations are from?

9 A. I do not.

10 Q. But you prepared the table?

11 A. Yes. This was the results that was reported in  
12 the Exponent report.

13 Q. Did you look at any reports other than the  
14 Exponent reports in preparing Table 9-6?

15 A. No. This was just to provide the results that  
16 was provided for in the Exponent report for the Shipyard  
17 Sediment Site.

18 Q. Okay. But you also make a statement, don't  
19 you, with respect to the concentrations of PAHs and PCBs  
20 that were found in CB-1 and compare them to the values  
21 set forth in Table 9-6; is that right?

22 A. That's correct.

23 Q. Do you know why you did that?

24 A. Because the storm drain is on land and the  
25 Shipyard Sediment Site is in the bay.

1 Q. Is it your understanding that the sampling  
2 in -- for SW-20 through SW-25 is in the vicinity of the  
3 discharge area for the MS-4?

4 A. Yes.

5 Q. Okay. So you are not aware of whether or not  
6 the concentrations set forth in Table 9-6 are from the  
7 surface or from core or anywhere in between; is that  
8 correct?

9 A. That's correct.

10 Q. Okay. Are you familiar with the location of  
11 MS4 after it enters the BAE shipyard?

12 MR. CARRIGAN: Vague.

13 THE WITNESS: Not specifically.

14 BY MS. TRACY:

15 Q. Are you aware of whether or not there are  
16 presently any direct stormwater discharges into the MS4  
17 stormwater line in the BAE shipyard?

18 MS. NICHOLS: Vague and ambiguous.

19 MR. CARRIGAN: Join. Lacks foundation.

20 THE WITNESS: I do not know.

21 MS. TRACY: Can we take a break for a minute?

22 VIDEO TECHNICIAN: Time off the record is

23 1:11 p.m.

24 (Recess.)

25 VIDEO TECHNICIAN: Back on the record.

1 The time is 1:18 p.m.

2 Counsel, you may proceed.

3 BY MS. TRACY:

4 Q. I would like to direct your attention to  
5 Page 9-15. The sentence on the bottom of that page  
6 beginning with "PCBs and Sediments from the Laterals and  
7 Catch Basin."

8 Do you know why a comparison was done of those  
9 values to the ERL and ERM?

10 A. They were provided as screening values for  
11 comparison purposes.

12 Q. Screening values for what?

13 A. For sediment concentration.

14 Q. Screening values for sediment concentrations  
15 for investigation purposes?

16 A. No. Just -- we -- we typically use the ERLs  
17 and ERMs to be able to make a comparison of whether a  
18 value is high or low. So it was just screening  
19 purposes.

20 Q. Okay. But it wasn't -- the ERLs or ERMs are  
21 not cleanup levels, are they?

22 A. They are not.

23 Q. And then on the next page, the 9-16, the final  
24 sentence before Section 9-10, did you prepare that?

25 A. Yes.

1 Q. Your statement, "This data provides evidence,"  
2 could you specifically refer to which data you are  
3 referencing?

4 A. Table 9-5. And 9-6, I suppose.

5 Q. When you reference Table 9-6, is that the data  
6 from the Exponent report?

7 A. Yes.

8 Q. Let's move on to Section 9-10 or -- 9.10.  
9 Excuse me.

10 A. Okay.

11 Q. Can you explain to me what section of 9.10 did  
12 you prepare?

13 A. The entire section was originally drafted by  
14 me.

15 Q. Other than the references or source documents  
16 contained in 9.10, were there any other source documents  
17 you used?

18 A. Nine.

19 Q. The first paragraph in Section 9.10, second  
20 sentence, you state that "The proximity of the ponds to  
21 San Diego Bay in evidence that a discharge happened on  
22 at least one occasion provided potential for discharges  
23 that contributed pollution to the Shipyard Sediment  
24 Site."

25 Did you prepare a similar -- or conduct a

1 similar comparison to other named dischargers in the  
2 same manner as you set forth in that sentence?

3 MS. NICHOLS: Vague and ambiguous.

4 MS. REYNA: Join.

5 MS. WITKOWSKI: Join.

6 MR. CARRIGAN: Asked and answered. And join  
7 the other objections.

8 MR. DART: Join.

9 THE WITNESS: I'm not sure what you are asking.

10 BY MS. TRACY:

11 Q. Well, did you take -- did you review landside  
12 data at any of the other discharger sites within the  
13 Shipyard Sediment Site and compare that landside data to  
14 sediment data within the vicinity of the shipyard  
15 landside data and compare that data?

16 MS. NICHOLS: Same objections.

17 MR. DART: Same.

18 THE WITNESS: I only worked on the SDG&E one,  
19 so I only worked on this one and cannot attest to what  
20 other people did.

21 BY MS. TRACY:

22 Q. In preparing Section 9.10, did you look at any  
23 other documents that had landside data in the vicinity  
24 of the SDG&E facility?

25 A. No. Only the ones referenced in the section.

1 Q. So you didn't look at any data related to what  
2 is known as the BAE Shipyard Site?

3 MR. DART: Asked and answered.

4 THE WITNESS: No.

5 BY MS. TRACY:

6 Q. When you compared landside data for SDG&E to  
7 sediment data, what sediment data did you look at?

8 A. I don't believe I compared this landside data  
9 with the sediment data.

10 Q. So you didn't look at any sediment data to  
11 conclude that SDG&E's ponds contributed to a condition  
12 of pollution or nuisance or threatened to contribute to  
13 a condition of pollution or nuisance?

14 MS. NICHOLS: Misstates the witness's  
15 testimony.

16 MR. DART: Join.

17 MR. CARRIGAN: Vague.

18 THE WITNESS: What's in this section is data  
19 collected that was reported as being collected in ponds  
20 from soil borings, and the existence of these  
21 concentrations in an area that's next to the bay is why  
22 this was discussed in this chapter.

23 BY MS. TRACY:

24 Q. But you didn't look at any sediment  
25 concentration data with respect to drafting Section

1 9.10.

2 MS. NICHOLS: Misstates the witness's  
3 testimony.

4 THE WITNESS: With respect to the sediment --  
5 Shipyard Sediment Site?

6 BY MS. TRACY:

7 Q. No. Section 9.10.

8 I'll restate the question.

9 A. Okay.

10 Q. Did you review any sediment data in preparing  
11 Section 9.10 about SDG&E?

12 A. No. Only the soil boring data.

13 Q. Did anyone else have any input in drafting  
14 Section 9.10?

15 MS. REYNA: Asked and answered.

16 MS. NICHOLS: Calls for speculation.

17 THE WITNESS: My supervisor would have reviewed  
18 it.

19 BY MS. TRACY:

20 Q. So Craig Carlisle?

21 A. Correct.

22 MS. TRACY: I have no further questions at this  
23 time.

24 VIDEO TECHNICIAN: Time off the record is  
25 1:27 p.m.

1 (Recess.)

2 VIDEO TECHNICIAN: Time back on the record is  
3 1:33 p.m.

4 Counsel, you may proceed.

5 MS. WITKOWSKI: Thank you.

6

7 EXAMINATION

8 BY MS. WITKOWSKI:

9 Q. Good afternoon, Ms. Honma.

10 A. Hi.

11 Q. My name is Jill Witkowski. I'm counsel for  
12 San Diego Coastkeeper and Environmental Health  
13 Coalition. I would like to speak with you today about  
14 your work with TMDLs and specifically your work on the  
15 Chollas Creek mouth TMDLs.

16 A. Okay.

17 Q. Let's first talk about your experience with  
18 TMDLs.

19 About how many TMDLs would you say that you've  
20 worked on in the past?

21 A. Projects or TMDL numbers?

22 Q. Either one. If there is a distinction, you can  
23 explain what that is.

24 A. Okay. Two projects.

25 Q. And how many TMDL numbers?

1           A.     There were two in Rainbow Creek and we had  
2 about eight, I think, in the Chollas Paleta Switzer TMDL  
3 project.

4           Q.     How many years have you been working on TMDLs?

5           A.     Ten.

6           Q.     What specifically is your role in the Chollas  
7 Creek mouth TMDL?

8           A.     Preparing the staff report.

9           Q.     What does that involve?

10          A.     The problem statement. The numeric targets.  
11 Source analysis. The linkage analysis. Discussion of  
12 margin of safety. Identification of TMDLs. TMDL  
13 allocations and implementation plan and the basin plan  
14 amendment.

15          Q.     Have you provided any -- I just lost my word --  
16 presentations to either stakeholders or the Regional  
17 Board regarding the Chollas Creek mouth TMDL?

18          A.     We gave a presentation to the stakeholders at a  
19 public meeting.

20          Q.     Were you involved in preparing that  
21 presentation?

22          A.     I was.

23          Q.     Actually, I'll hand what I've marked as  
24 Honma 404.

25                   (Exhibit 404 marked for identification.)

1 BY MS. WITKOWSKI:

2 Q. Do you recognize this document?

3 A. Yes. Well, I didn't do this one, but -- oh,  
4 well -- let me start over. I just saw the scoping  
5 meeting part.

6 Yes.

7 Q. How do you recognize this document?

8 A. It's a presentation that myself and Cynthia  
9 Gorham gave at the meeting.

10 Q. And you had indicated earlier that you may not  
11 have prepared all of this. Were there parts that you  
12 specifically worked on?

13 A. Yes. I've done -- I would have done the  
14 problem statement, the sources, and then I believe  
15 Cynthia did the remainder. And then I also discussed  
16 the implementation plan.

17 Q. Are you familiar with the rest of the material  
18 in it?

19 A. Let me add. I probably did the linkage  
20 analysis as well. I remember describing the model that  
21 was used.

22 Q. Let's talk about the implementation plan. What  
23 is the implementation plan for this TMDL?

24 MR. CARRIGAN: Calls for speculation.

25 THE WITNESS: Actually, the purpose of this

1 meeting was to get input from the stakeholders on what  
2 they thought the implementation should be.

3 BY MS. WITKOWSKI:

4 Q. Have you at this point developed the waste  
5 allocation and load allocations for the Chollas mouth  
6 TMDL?

7 THE WITNESS: No.

8 MR. CARRIGAN: Calls for speculation. Let  
9 me --

10 THE WITNESS: Sorry. No.

11 BY MS. WITKOWSKI:

12 Q. So there are currently no waste load  
13 allocations yet?

14 A. At this time at this meeting.

15 Q. As of today.

16 A. As of today, there are.

17 MR. SPEAR: I'm sorry. Could you keep your  
18 voice up. I'm really struggling to hear.

19 THE WITNESS: Okay. Sorry.

20 BY MS. WITKOWSKI:

21 Q. What are the waste load allocations as of today  
22 for the Chollas Creek mouth TMDL?

23 MR. CARRIGAN: Proposed by staff? Is that your  
24 question?

25 MS. WITKOWSKI: Yes.

1 THE WITNESS: I don't know them by heart.

2 BY MS. WITKOWSKI:

3 Q. Do they include -- does it include one  
4 allocation for the mouth of Chollas Creek?

5 A. No.

6 Q. Does it include the sediment within the mouth  
7 of Chollas Creek?

8 A. No. The TMDLs are specific to the discharge  
9 and -- from the sources.

10 Q. So the TMDL, as it's currently proposed by the  
11 staff, does not address the existing pollutant in the  
12 sediment at the mouth of Chollas Creek?

13 A. The implementation plan will address the legacy  
14 pollutants in the sediment of the mouth of Chollas  
15 Creek.

16 Q. Now, is that the same implementation plan that  
17 will be implementing the waste allocation and load  
18 allocation?

19 A. It's the TMDL implementation plan.

20 Q. Explain to me how that will work.

21 A. Basically, the TMDL -- well, the basin plan  
22 amendment that includes the TMDLs and the implementation  
23 plan goes into our basin plan. And then we use other  
24 tools to actually make them in effect.

25 Q. What would those tools include?

1 MR. CARRIGAN: Calls for speculation.

2 THE WITNESS: Permits would be one example.

3 BY MS. WITKOWSKI:

4 Q. How would a permit address existing pollutants  
5 in sediment?

6 MR. CARRIGAN: Calls for speculation.

7 Incomplete hypothetical.

8 THE WITNESS: The permit would include  
9 discharge like effluent limits or water quality  
10 effluent-based -- wait -- WQ bells. Water quality based  
11 effluent permits.

12 BY MS. WITKOWSKI:

13 Q. How would a permit address legacy pollutants?

14 MR. CARRIGAN: Same objections.

15 THE WITNESS: It doesn't.

16 BY MS. WITKOWSKI:

17 Q. So how are legacy pollutants addressed?

18 MR. CARRIGAN: Same objections. Are you  
19 talking about in this project that has yet to be  
20 proposed? How would -- I'm having a hard time following  
21 this line of questioning. So I'm just going to object.

22 Same objections. Incomplete hypothetical.

23 Calls for speculation.

24 MS. NICHOLS: Join.

25 THE WITNESS: The TMDLs are numbers that are

1 associated with the discharge. So to the extent that a  
2 permit would regulate a discharge, it would be included  
3 in the permit as a discharge effluent limit.

4 BY MS. WITKOWSKI:

5 Q. And those permit numbers don't address legacy  
6 pollutants, correct?

7 MR. CARRIGAN: Same objections.

8 THE WITNESS: Only the discharge.

9 BY MS. WITKOWSKI:

10 Q. I would like you to turn to Page 34, please, of  
11 Honma 404.

12 MS. REYNA: What's the title, 'cause I don't  
13 think --

14 MS. WITKOWSKI: It's the -- actually, the  
15 second-to-last page. It's "Implementation Strategies  
16 for Contaminated Base Sediment."

17 THE WITNESS: Okay. Wait, 33 or 34?

18 BY MS. WITKOWSKI:

19 Q. Thirty-four.

20 This slide lists no action as one  
21 implementation strategy for contaminated sediments.

22 MR. CARRIGAN: Misstates the document.

23 BY MS. WITKOWSKI:

24 Q. Is no action still an alternative for  
25 implementing --

1 MR. CARRIGAN: Calls for speculation. Excuse  
2 me. I'm sorry.

3 BY MS. WITKOWSKI:

4 Q. Is no action still an option being considered  
5 by the Regional Board staff to address contaminated base  
6 sediments in the Chollas Creek mouth TMDL?

7 MR. CARRIGAN: Calls for speculation and -- it  
8 calls for speculation.

9 THE WITNESS: This is included because it's  
10 required by CEQA to evaluate.

11 BY MS. WITKOWSKI:

12 Q. Is it it's still on the table, then?

13 MR. CARRIGAN: Same objections.

14 THE WITNESS: It needs to be evaluated in the  
15 CEQA portion of the basin plan amendment.

16 BY MS. WITKOWSKI:

17 Q. Where are you in the process of developing  
18 implementation strategies for --

19 MR. CARRIGAN: Asked and answered. I'm sorry.  
20 Getting ahead of you.

21 THE WITNESS: Please restate the question.

22 MR. CARRIGAN: When she's done with her  
23 question, let me interpose my objections.

24 THE WITNESS: Okay.

25 MR. CARRIGAN: Okay.

1 THE WITNESS: Okay.

2 BY MS. WITKOWSKI:

3 Q. You had said that you were working on  
4 implementation strategies for the TMDL. Where currently  
5 are -- is the Regional Board and are you in the process  
6 of developing implementation strategies for the Bay  
7 sediments in Chollas Creek?

8 MR. CARRIGAN: Asked and answered.

9 THE WITNESS: I am preparing the technical part  
10 of the document for submittal to peer review.

11 BY MS. WITKOWSKI:

12 Q. How does that document address PCBs that are  
13 already in the sediment?

14 MR. CARRIGAN: Calls for speculation. Lacks  
15 foundation.

16 THE WITNESS: The implementation plan will  
17 propose action that will need to be taken to address the  
18 sediment in the mouth of Chollas.

19 BY MS. WITKOWSKI:

20 Q. Does that address copper?

21 MR. CARRIGAN: Calls for expert opinion. Calls  
22 for speculation.

23 MS. REYNA: Lacks foundation. And join the  
24 other objections.

25 THE WITNESS: The TMDL is addressing a sediment

1 toxicity in benthic community effects impairment. No,  
2 it does not address metals.

3 BY MS. WITKOWSKI:

4 Q. In your own words, how would you say that the  
5 mouth of Chollas Creek TMDL applies to sediment in the  
6 mouth of Chollas Creek?

7 MR. CARRIGAN: Calls for speculation.

8 MS. REYNA: Vague.

9 THE WITNESS: I'm not sure I understand your  
10 question.

11 BY MS. WITKOWSKI:

12 Q. There has been an allegation that the TMDL  
13 applies to sediment in the Chollas Creek. I would like  
14 you to explain how you think the TMDL applies to  
15 sediment in the Chollas Creek.

16 A. The impair- -- the impairment is the mouth --  
17 is the sediment in the mouth of Chollas Creek. So,  
18 therefore, the TMDL has to address the sediment in the  
19 mouth of Chollas Creek.

20 Q. Have you ever worked on a TMDL before that  
21 addressed contaminated sediments?

22 A. No.

23 Q. Do you know of any that have?

24 A. In San Diego region?

25 Q. Just through your experience, are you aware of

1 any?

2 A. Yes.

3 Q. Which ones are those?

4 A. Region 4 has a couple -- I think Region 8 and  
5 Region 4, which would be Santa Ana region and the L.A.  
6 region have sediment TMDLs.

7 Q. Are those being used as models?

8 MR. CARRIGAN: Calls for speculation. Lacks  
9 foundation.

10 THE WITNESS: No, they are not.

11 BY MS. WITKOWSKI:

12 Q. What are you using as a model to develop your  
13 implementation strategy in this case?

14 MR. CARRIGAN: Assumes facts not in evidence.  
15 Calls for speculation.

16 MS. NICHOLS: Lacks foundation.

17 MR. CARRIGAN: Join.

18 MS. REYNA: Join.

19 THE WITNESS: The model was developed through  
20 stakeholder process.

21 BY MS. WITKOWSKI:

22 Q. You listed stakeholders earlier in your  
23 testimony. I didn't hear you mention any environmental  
24 groups.

25 Are there any environmental groups that are

1 part of the stakeholder process?

2 A. I believe EHC was attending.

3 Q. Let's talk about the -- I would like you to  
4 turn to Page 33-3 of master Exhibit 2. In Figure 33.2,  
5 there are plus signs labeled "C" with a number.

6 What do those indicate?

7 A. Those are the station numbers for the Phase I  
8 study for Chollas Paleta.

9 Q. When was that study conducted?

10 A. I don't remember. I'm looking for a reference.  
11 Must be in here somewhere. Oh, it's not in this  
12 document. I don't recall.

13 Q. Was it several years ago?

14 A. My best guess would put it at about 2002, 2003  
15 maybe.

16 Q. Would the Regional Board have had access to  
17 that data of the Phase I study once it was collected?

18 A. It was our project.

19 Q. So it could have been used in addition to the  
20 mouth of Chollas Creek TMDL for other purposes?

21 A. The project was specifically for the TMDL  
22 project.

23 Q. Can you tell from Figure 33.2 which of these  
24 TMDL stations are located in the polygon that has been  
25 designated NA22 in the DTR?

1 MR. CARRIGAN: Document speaks for itself.

2 THE WITNESS: I'm not sure what you are asking.

3 If -- I mean --

4 BY MS. WITKOWSKI:

5 Q. All 14 of these sites are not located in the  
6 NA22 polygon, correct?

7 A. Correct.

8 Q. Would you take an estimate as to how many of  
9 those sampling sites were in the NA22 polygon?

10 MR. CARRIGAN: Document speaks for itself.

11 MS. REYNA: Lacks foundation. Calls for  
12 speculation.

13 MR. DART: Join.

14 THE WITNESS: No, because I'm uncertain as to  
15 the boundaries of the polygon.

16 BY MS. WITKOWSKI:

17 Q. Was this Phase I data available prior to  
18 September 15th, 2010?

19 A. Yes.

20 Q. And available prior to December 1st, 2009?

21 A. Yes.

22 Q. In order for this TMDL process to address  
23 legacy pollutants, will there be a cleanup and abatement  
24 order required?

25 MR. CARRIGAN: Calls for speculation. Calls

1 for a legal conclusion.

2 MS. NICHOLS: Join.

3 THE WITNESS: That decision will ultimately  
4 rely with the Regional Board.

5 BY MS. WITKOWSKI:

6 Q. If there is not a cleanup and abatement order  
7 used, what other process could be used to mandate  
8 addressing the legacy pollutants?

9 MR. CARRIGAN: Same objections.

10 MS. REYNA: Incomplete hypothetical.

11 MS. NICHOLS: Join.

12 MR. CARRIGAN: Join the City's objection.

13 THE WITNESS: I don't know.

14 BY MS. WITKOWSKI:

15 Q. What process is the Regional Board staff using  
16 to identify who would be responsible for implementing  
17 the plan to address the legacy pollutants?

18 A. What plan?

19 Q. You had mentioned a plan to implement -- that  
20 will be implemented to address the legacy pollutants.

21 A. The TMDL implementation plan?

22 Q. The portion that addresses the legacy  
23 pollutants.

24 A. The sources.

25 Q. And how will the legacy pollutants be connected

1 to sources?

2 MS. REYNA: Objection. Calls for speculation.

3 MR. CARRIGAN: Join.

4 THE WITNESS: In the TMDL process, we do a  
5 source analysis. So once the sources are identified,  
6 they are given an allocation of the TMDL. Any source  
7 that discharges that ends up into the Bay would be  
8 considered a source for cleaning up the Bay.

9 BY MS. WITKOWSKI:

10 Q. So any current dischargers will be responsible  
11 for the legacy pollutants?

12 MR. CARRIGAN: Misstates the witness's  
13 testimony.

14 MS. REYNA: Join.

15 MR. CARLIN: Lacks foundation.

16 BY MS. WITKOWSKI:

17 Q. If I'm misunderstanding, please clarify what  
18 you meant.

19 A. The sources that are identified in the TMDL  
20 will be expected to address the impairment.

21 Q. So, for example, if it were -- if one of the  
22 sources was urban runoff from MS4 that went from MS4s  
23 that were owned by the City of San Diego, it would be  
24 the City of San Diego that would be responsible for  
25 addressing the legacy pollutants in the sediment?

1 MR. CARRIGAN: Calls for expert opinion.

2 Incomplete hypothetical. Calls for speculation.

3 MS. REYNA: Join. Lacks foundation, also.

4 THE WITNESS: All parties would be identified  
5 that need to participate in responding to cleaning up  
6 the impairment.

7 BY MS. WITKOWSKI:

8 Q. Please flip to Page 24, Honma 404. It's  
9 labeled "Screening Levels and Background Levels for  
10 Pollutants in San Diego Bay Sediments." The chart  
11 that's on this page along the left-hand side lists  
12 pollutants and on the top list things including ERL,  
13 ERM, CA LRM T20.

14 Do you know what that top row stands for?

15 A. Yes. There will be potential sediment cleanup  
16 criteria.

17 Q. Which -- have one of these methods been  
18 selected as part of the TMDL?

19 A. No. Not presently.

20 Q. So currently the TMDL has not selected a  
21 cleanup level, a proposed cleanup level?

22 MR. CARRIGAN: Asked and answered.

23 THE WITNESS: Yes. This would be part of the  
24 implementation plan, which is not required for peer  
25 review.

1 BY MS. WITKOWSKI:

2 Q. Is there a reason why one column is labeled "CA  
3 LRM T20" is in orange and all the rest are in yellow?

4 A. The CA LR- -- well, the California LRM T20 is  
5 what we're using as the numeric target to -- for the  
6 TMDL development.

7 Q. Why did you choose that level?

8 MR. CARRIGAN: Calls for speculation. Lacks  
9 foundation.

10 THE WITNESS: I would defer to Cynthia Gorham  
11 who worked on that section for the numeric targets.

12 BY MS. WITKOWSKI:

13 Q. These numeric targets in orange are greater  
14 than the background targets listed in the final column,  
15 correct?

16 MR. CARRIGAN: Document speaks for itself.

17 THE WITNESS: Yes, it appears so.

18 BY MS. WITKOWSKI:

19 Q. Would that indicate that the higher numbers  
20 allow a greater concentration of pollutants than the  
21 lower numbers?

22 A. Sure.

23 Q. If you flip to the next page that says "Numeric  
24 targets," are these the current numeric targets being  
25 proposed in the TMDL?

1 MR. CARRIGAN: Asked and answered. Calls for  
2 speculation.

3 THE WITNESS: Yes.

4 BY MS. WITKOWSKI:

5 Q. How are these targets reached?

6 A. The Southern California LRM T20.

7 Q. Do you know how these target levels compare to  
8 levels proposed in the DTR?

9 A. I do not.

10 Q. If you flip to Page 30, which is labeled  
11 "Allocations." Does this reflect the current TMDL  
12 allocation?

13 A. I cannot speak to this.

14 Q. And why can you not speak to it?

15 A. Because I'm not the person who's working on it.

16 Q. From your knowledge, is there 100 percent  
17 certainty that the sediments at the mouth of Chollas  
18 Creek will be dredged as a part of the implementation  
19 process of the TMDL?

20 MS. REYNA: Objection. Calls for speculation.

21 MS. NICHOLS: Join.

22 MR. CARRIGAN: I'll join the City and the  
23 Port's objections.

24 THE WITNESS: I cannot speculate on what --  
25 with any type of certainty as to what the final cleanup

1 levels will be. Is that what you asked?

2 BY MS. WITKOWSKI:

3 Q. Can you speculate with any certainty of what  
4 the cleanup method will be?

5 A. No.

6 MR. CARRIGAN: Calls for speculation.

7 I think the witness has testified that the  
8 Regional Board will make the decision about the TMDLs.  
9 So if you want to ask questions about what the Board  
10 might do, I don't think this witness can answer you.  
11 So, I mean, I'll -- I mean, I've given you a lot of  
12 leeway in asking what the Board might do, but I'm going  
13 to shut that down. That's enough. We know the Board  
14 will make the decision.

15 BY MS. WITKOWSKI:

16 Q. Is there a hundred percent certainty as to what  
17 you would recommend the cleanup method would be for the  
18 mouth TMDL?

19 A. I have not addressed that yet.

20 MS. WITKOWSKI: I would like a brief break to  
21 confer with counsel. Thank you.

22 VIDEO TECHNICIAN: Time off the record is  
23 1:56 p.m.

24 (Recess.)

25 VIDEO TECHNICIAN: Time back on record is

1 2:04 p.m.

2 Counsel, you may proceed.

3 MS. WITKOWSKI: Thank you.

4 BY MS. WITKOWSKI:

5 Q. Some TMDL implementation plans use a model of  
6 reducing pollution over time using certain milestones.

7 As you are developing the implementation plan  
8 for the Chollas Creek mouth team deal, do you anticipate  
9 using a similar model?

10 MS. REYNA: Calls for speculation.

11 MR. CARRIGAN: Join.

12 THE WITNESS: I believe we're required by the  
13 E.P.A. to -- if you are referring to having like a  
14 tiered TMDL process where we might tier them over time.  
15 Is that --

16 BY MS. WITKOWSKI:

17 Q. Yes.

18 A. Okay. E.P.A. usually looks to us to do that,  
19 yes.

20 Q. In that tiering, would legacy pollutants be  
21 addressed in the tiering?

22 MR. CARRIGAN: Calls for speculation.

23 MS. REYNA: Join.

24 MS. TRACY: Join.

25 MR. SPEAR: Join.

1 THE WITNESS: No.

2 BY MS. WITKOWSKI:

3 Q. So the legacy pollutants would be addressed in  
4 a separate process?

5 MR. CARRIGAN: Calls for speculation.

6 MS. REYNA: Join.

7 MR. SPEAR: Join.

8 MS. TRACY: Join.

9 MR. CARRIGAN: Calls for a legal conclusion.

10 THE WITNESS: A separate implementation action.

11 BY MS. WITKOWSKI:

12 Q. Just a few definitions to end up.

13 A. Okay.

14 Q. How do you define "waste load allocation"?

15 MS. NICHOLS: How does she personally define  
16 it?

17 BY MS. WITKOWSKI:

18 Q. How is waste load allocation defined?

19 MS. NICHOLS: Vague and ambiguous.

20 THE WITNESS: Waste load allocation is the part  
21 of the allocation that's from a point source.

22 BY MS. WITKOWSKI:

23 Q. What is a load allocation?

24 A. That part of the allocation of the TMDL that is  
25 for a non-point source.

1 Q. What is a point source?

2 A. A point source discharge, which is usually from  
3 a specific point.

4 Q. And a non-point source?

5 A. Things that don't generate from a point.

6 MS. WITKOWSKI: I think that's it for me today.

7 Thank you.

8 THE WITNESS: Okay.

9 VIDEO TECHNICIAN: Time off the record is  
10 2:05 p.m.

11 (Pause in proceedings.)

12 VIDEO TECHNICIAN: Time back on the record is  
13 2:07 p.m.

14 Counsel, you may proceed.

15 MS. NICHOLS: Thank you very much.

16

17 EXAMINATION

18 BY MS. NICHOLS:

19 Q. Ms. Honma, my name is Sandi Nichols and I'm  
20 with the law firm of Allen Matkins. We represent the  
21 San Diego Unified Port District in this matter. From  
22 time to time I may refer to the Port District or to the  
23 Port. Please understand that I'm referring to the  
24 San Diego Unified Port District. Okay?

25 A. Yes.

1 Q. Okay. With respect to your role in preparing  
2 the DTR, my understanding of your prior testimony is  
3 that you did not have anything to do with the  
4 preparation of finding Number 11 in the current DTR  
5 relating to the Port District; is that correct?

6 A. Yes, with respect to the content.

7 Q. Was there some other -- something other than  
8 the content that you participated in with respect to the  
9 Port District?

10 A. I've provided technical editing and document  
11 production. So I have more or less touched every  
12 paragraph in -- in that report.

13 Q. But with respect to the substance, then, if you  
14 will, of the finding, you did not participate in  
15 anything having to do with that, then, as to the Port  
16 District?

17 A. That's correct.

18 Q. Have you been at any meetings where there was  
19 any discussions concerning whether or not to name the  
20 Port District as a discharger in this proceeding?

21 A. I was not.

22 Q. Have you ever received any emails with respect  
23 to that subject?

24 A. No.

25 Q. What about memoranda? Have you ever seen any

1 memoranda addressing that subject?

2 A. I have not.

3 Q. Have you ever had any discussions with anyone  
4 else on the cleanup team with respect to whether or not  
5 the Port District should be named in this cleanup and  
6 abatement order?

7 A. No.

8 Q. With regard to the work you did in connection  
9 with maintaining and organizing the administrative  
10 record, was there anyone else in addition to yourself  
11 who participated in that?

12 A. Yes.

13 Q. Who else?

14 A. With respect to the document scanning, Alan  
15 Monji, Tom Alo, Phil Hammer, Lori Walsh, David Barker.

16 Q. I'm sorry. What was Mr. or Ms. Walsh's name?

17 A. Lori.

18 Q. Lori. And Dave Barker?

19 A. Yes.

20 Q. And this was, you said, with respect to the  
21 scanning?

22 A. Yes.

23 Q. Were any of those individuals also responsible  
24 for determining the content of the administrative  
25 record?

1 A. No.

2 Q. Who made those decisions?

3 A. Well, only one.

4 Q. Who is that?

5 A. Dave Barker.

6 Q. So other than Dave Barker and yourself, did  
7 anyone else make any decisions with respect to what  
8 should be in the administrative record?

9 MR. CARRIGAN: Calls for speculation.

10 THE WITNESS: I don't believe so.

11 MR. CARRIGAN: If you know.

12 BY MS. NICHOLS:

13 Q. How did you make the decisions as to what  
14 should or should not go into the administrative record?

15 MR. CARRIGAN: Misstates testimony. Mr. Barker  
16 made those decisions.

17 BY MS. NICHOLS:

18 Q. Okay. Let me ask that question, then. And I  
19 apologize if it was asked and answered at the very  
20 beginning. I may have forgotten.

21 But did Mr. Barker make all of the decisions  
22 with respect to what belonged in or out of the  
23 administrative record?

24 A. Yes.

25

1 Q. So if you did not make those decisions, then,  
2 what did you do?

3 A. I prepared the index. I prepared the batches  
4 of documents for shipment to the contractor who  
5 performed the scanning. I received notifications from  
6 that contractor and their product. And I maintain it  
7 today.

8 Q. Okay. Did you have any discussions with  
9 Mr. Barker about how he was selecting documents to go  
10 into the administrative record?

11 MR. CARRIGAN: Vague.

12 THE WITNESS: I don't recall.

13 BY MS. NICHOLS:

14 Q. Since the administrative record was made  
15 available on the hard disk drive to the public, do you  
16 know whether there have been any documents added to the  
17 administrative record?

18 A. I'm currently compiling documents for an  
19 addendum to the administrative record.

20 Q. Do you have any sense of the number of pages of  
21 documents that will include?

22 A. No.

23 Q. Do you have any estimate?

24 A. No. More than ten.

25 Q. Are we talking about boxes of documents or less

1 than one box of document?

2 MR. CARRIGAN: I'm going to say calls for --  
3 let me -- between your discussions here, I'm going to  
4 say calls for speculation.

5 BY MS. NICHOLS:

6 Q. You can answer.

7 A. They are all electronic at this time.

8 Q. So you've never seen paper copies of these  
9 documents that are going to be in the addendum?

10 A. Some of them are scanned copies.

11 Q. But have you ever seen actual hard copies of  
12 these documents?

13 MR. CARRIGAN: Vague.

14 THE WITNESS: I scanned several of them to be  
15 electronic.

16 BY MS. NICHOLS:

17 Q. And did you receive those from someone or did  
18 you select those yourself?

19 A. They were given to me.

20 Q. By whom?

21 A. David Barker.

22 Q. Do you recall what those documents were?

23 A. There was a letter from -- or was it Christine  
24 Kehoe to another senator regarding this project.

25 Q. Have you personally reviewed the electronic

1 documents that you received for the addendum?

2 A. I'm not sure I understand what you mean by  
3 "reviewed."

4 Q. Okay. Did you read them?

5 A. Scanned them.

6 Q. Scanning is a process, correct, an electronic  
7 process?

8 A. Oh, I'm sorry. Let me rephrase.

9 I skimmed them.

10 Q. In this electronic era, "scanning" means many  
11 things. Okay. Thank you.

12 So you skimmed the additional documents?

13 A. Yes.

14 Q. And do you recall whether any of those  
15 additional documents contained any additional laboratory  
16 data?

17 A. No.

18 Q. You don't recall or they did not?

19 A. I don't recall.

20 Q. Do you recall, other than the documents you  
21 mentioned between Ms. Kehoe and another senator, what  
22 any of the other documents were?

23 A. Many -- most of the documents are documents  
24 that have been put on the website during the proceedings  
25 of this project.

1 Q. So that would be documents that were sent to  
2 the designated parties by the advisory team, for  
3 example?

4 A. Correct.

5 Q. And any other documents that the designated  
6 party submitted to the Regional Board would be included?

7 A. Correct.

8 Q. Other than those sorts of public documents, if  
9 you will, are there any documents that are not on the  
10 Regional Board's website that you recall skimming as  
11 part of your preparation of the addendum?

12 A. No.

13 Q. Do you know when the addendum will be  
14 completed?

15 A. I do not know at this time.

16 Q. Do you have any estimate?

17 A. Soon.

18 Q. Within a month?

19 A. Hopefully.

20 Q. And will that also be made available in  
21 electronic form to the designated parties?

22 A. Yes.

23 Q. Going back through some of your prior  
24 testimony, Ms. Honma, is it your practice to regularly  
25 maintain your inbox, your email inbox?

1 A. Yes.

2 Q. And so from time to time, do you have occasion  
3 to delete emails?

4 A. I do.

5 Q. And would that include emails relating to the  
6 Shipyard Sediment Site proceedings?

7 A. Yes.

8 Q. Have you ever been instructed not to delete  
9 those emails?

10 A. No.

11 Q. How often do you delete your emails?

12 A. Periodically.

13 Q. Would it be once a month? Once every six  
14 months? Once a year?

15 A. When I have the time.

16 Q. But generally.

17 A. Yeah, a couple times a year, probably.

18 Q. And you don't retain any hard copy files of  
19 those documents before they are deleted?

20 A. No.

21 Q. With respect to the work you've done in  
22 connection with the Cleanup and Abatement Order and  
23 Draft Technical Reports in this proceeding, and I'm not  
24 just referring to the current one --

25 A. Okay.

1 Q. The first one you worked on, then, was in 2005?

2 A. It started in 2005.

3 Q. Did you work specifically on any changes that  
4 were made between 2005 and December of 2009?

5 A. Yes.

6 Q. Do you recall what those changes were?

7 A. It was a revision to the previous DTR.

8 Q. And would that have related specifically to the  
9 section regarding SDG&E?

10 A. I don't believe any of that section changed  
11 between the two --

12 Q. Do you --

13 A. -- dates.

14 Q. Excuse me.

15 Do you recall specifically any of the changes  
16 that you personally worked on between 2005 and 2009?

17 A. They were edits provided to me to make into the  
18 master document.

19 Q. Okay. So whatever you did was directed by  
20 someone else?

21 A. Correct.

22 Q. And was that Craig Carlisle?

23 A. Craig or Julie Chan or David Barker.

24 Q. With respect to the changes made to the Cleanup  
25 and Abatement Order and the Draft Technical Report

1 between December 2009 and September 2010, did you make  
2 any of those changes?

3 A. Just the edits that were given to me.

4 Q. And were you given any edits with respect to  
5 finding Number 11 relating to the San Diego Unified Port  
6 District?

7 MS. TRACY: Objection. Asked and answered.

8 BY MS. NICHOLS:

9 Q. You can answer.

10 A. Yes.

11 Q. And in making those changes, were you simply  
12 inputting information that was provided to you by  
13 someone else?

14 A. Yes.

15 Q. Who provided that information to you?

16 A. Julie Chan.

17 Q. And do you know if Julie Chan wrote the  
18 information that she was giving to you concerning the  
19 Port District?

20 A. I do not know.

21 Q. Do you know if someone else outside the  
22 Regional Board may have written that?

23 MR. CARRIGAN: Asked and answered.

24 BY MS. NICHOLS:

25 Q. You can answer the question.

1 A. No.

2 Q. Did you ever have any discussion with Ms. Chan  
3 regarding any of those changes you were inputting  
4 concerning the Port District?

5 A. No.

6 Q. So you were merely a typist, then?

7 A. An insert person. Make the formatting right.  
8 That was me.

9 Q. So you basically copied and pasted and  
10 reformatted what she gave to you?

11 A. That's correct.

12 Q. Okay.

13 A. It may have been David Barker.

14 Q. It may have been David Barker who gave you  
15 those changes?

16 A. Yeah. Yeah, because -- email.

17 Q. It came to you by email?

18 A. Yes. They'd send me the electronic version of  
19 the section and say, "Please incorporate." I keep a  
20 master. They provide me their changes. I put their  
21 changes into the master.

22 Q. And do you have those emails?

23 A. I don't think I kept anything prior to -- with  
24 respect to the drafting. So, no, I wouldn't have kept  
25 that.

1 Q. Okay. So you deleted the emails with respect  
2 to the insertions of the Port District in the current  
3 version of the Draft Technical Report sometime between  
4 the time you received them from either Mr. Barker or  
5 Ms. Chan and today?

6 MR. CARRIGAN: Misstates testimony.

7 BY MS. NICHOLS:

8 Q. You can answer the question.

9 A. I didn't retain any of the drafts. Everything  
10 that -- once it made it into the final -- well, the  
11 master copy, I did not retain it.

12 Q. So let me reask my question, Ms. Honma.

13 You referred an email from either Ms. Chan or  
14 Mr. Barker that contained an electronic insert, if you  
15 will, regarding Finding number 11 for the current DTR,  
16 correct?

17 A. Yes.

18 Q. And you did not save that email?

19 A. I did not.

20 Q. Did someone ask you to delete it?

21 A. No.

22 Q. Was there some reason that you did delete it?

23 A. It was not needed anymore.

24 Q. Do you recall when you received the email from  
25 Mr. Barker or Ms. Chan with the insert for the Finding

1 Number 11?

2 A. Early September.

3 Q. Okay. So you deleted it sometime between early  
4 September and today?

5 A. Between early September and September 15th,  
6 which was the release of the final product.

7 Q. Did you delete any other emails regarding the  
8 preparation of the DTR between early September and  
9 today?

10 A. Any of the previous drafts, which were unneeded  
11 once the final product was on -- up on the website I did  
12 not retain.

13 Q. So as of today, you have no emails with respect  
14 to any information communicated to you by Mr. Barker or  
15 Ms. Chan with respect to revisions to this DTR?

16 A. That's correct.

17 Q. Have you ever had any discussion with  
18 Mr. Barker or Ms. Chan regarding the fact that you  
19 deleted those emails?

20 A. No.

21 Q. Have you discussed that with anyone?

22 A. No.

23 Q. With respect to changes -- other changes made  
24 to the DTR, say, for example, with regard to Campbell  
25 Industries, did you also receive those changes from

1 Mr. Barker or Ms. Chan and simply do the copy, paste and  
2 reformat?

3 A. Yes.

4 Q. Did you ever discuss any of those changes with  
5 anyone?

6 A. No.

7 MR. CARRIGAN: Objection to the extent it calls  
8 for privileged information from counsel or from  
9 mediation parties.

10 MS. NICHOLS: Excluding -- all of my questions  
11 are intended to exclude --

12 MR. CARRIGAN: I think she understood that up  
13 to this point.

14 MS. NICHOLS. Okay.

15 BY MS. NICHOLS:

16 Q. Exclude conversations with your counsel. I'm  
17 not seeking anything that you and Mr. Carrigan discussed  
18 about this.

19 A. Okay.

20 Q. But with respect to other members of the  
21 cleanup team, did you have any discussions with them  
22 about any changes made to the Campbell Industries  
23 portion of the DTR?

24 A. No.

25

1 Q. And what about the section on Star & Crescent  
2 Boat Company?

3 A. No.

4 Q. Would it be correct to say, then, that you were  
5 the repository for all of the revisions to the DTR and  
6 CAO between December 2009 and September 2010?

7 A. Yes.

8 Q. Do you recall how early in September you  
9 received the email from Julie Chan or Dave Barker that  
10 contained the changes to the -- strike that.

11 Do you recall when in September, how early, you  
12 know, first week, second week of September, before the  
13 report came out that you received the changes regarding  
14 Finding Number 11 in the DTR?

15 A. Second week, maybe.

16 Q. So just before it was released?

17 A. Maybe. Yes.

18 Q. Okay. Do you recall how many days you had to  
19 get that all together before the DTR was actually  
20 published on September 15th?

21 A. No.

22 Q. Do you feel -- strike that.

23 Do you recall feeling rushed to get that done?

24 A. Yes. Well, yes.

25 Q. Do you recall when you received the changes

1 with respect to Campbell Industries for the current DTR?

2 A. It would have been early September.

3 Q. And how about Star & Crescent?

4 A. Same thing.

5 Q. Were those all in a single email or were there  
6 multiple emails?

7 A. I don't recall.

8 Q. In all of the -- strike that.

9 With regard to the changes you received with  
10 respect to the Port District, after you did the  
11 insertion into the DTR, were there any further changes  
12 made?

13 A. I don't recall.

14 Q. And just to be clear, when I said "any further  
15 changes made," I meant to Finding Number 11 with respect  
16 to the Port.

17 A. I don't recall that there were any changes.

18 Q. You previously testified that you maintain red  
19 line and strike-out versions of the DTR, correct?

20 MR. CARRIGAN: Misstates the witness's  
21 testimony.

22 BY MS. NICHOLS:

23 Q. Is that correct?

24 A. Somewhat.

25 Q. Do you have a red line or strike out version of

1 comparing the current DTR to the December 2009 DTR?

2 A. I do not.

3 Q. Do you have -- well, strike that.

4 Do you know if a red line of the -- has been  
5 prepared comparing the current version of the DTR to the  
6 December 2009 version?

7 A. It has not been prepared as of yet.

8 Q. Does the Regional Board cleanup team intend to  
9 prepare one?

10 MR. CARRIGAN: Calls for speculation.

11 BY MS. NICHOLS:

12 Q. To your knowledge.

13 A. I don't know.

14 Q. If a red line is to be prepared, is that  
15 something that you have done in the past and would  
16 likely do this time?

17 MS. TRACY: Objection. Calls for speculation.

18 MR. CARRIGAN: Calls for speculation.

19 THE WITNESS: I believe if it happens, it will  
20 be assigned to someone else.

21 BY MS. NICHOLS:

22 Q. Okay. By your choice.

23 The practice of the cleanup team with respect  
24 to the DTRs prior to this one has been to have it peer  
25 reviewed, correct?

1 A. I don't believe it's ever been peer reviewed.

2 Q. Has there been a request for a peer review of a  
3 prior version?

4 MR. CARRIGAN: Calls for speculation.

5 BY MS. NICHOLS:

6 Q. To your knowledge.

7 A. We did make a request for peer review of this  
8 document.

9 Q. And it was peer reviewed, to your knowledge?

10 A. It was denied by the State Board that it  
11 qualified as something that should be peer reviewed.

12 Q. And do you know why?

13 A. Because it's an enforcement order.

14 Q. And those are not peer reviewed?

15 A. Correct.

16 Q. I take it, Ms. Honma, that you have never  
17 participated in any decision yourself as to whether the  
18 Port District should or should not be named in the TCAO?

19 A. That's correct.

20 MS. NICHOLS: I would like to have marked next  
21 in order 405, an email string between you and Ruth Kolb  
22 dated November -- the last email being dated  
23 November 21st, 2005.

24 THE WITNESS: Okay.

25 (Exhibit 405 marked for identification.)

1 BY MS. NICHOLS:

2 Q. Have you had an opportunity to review that  
3 document?

4 A. Yes.

5 Q. And does it look familiar to you?

6 A. Yes, it does.

7 Q. Your name at the top of the page suggests that  
8 this was a document that was printed by your email,  
9 correct?

10 A. Yes. It came to me, so...

11 Q. Is this the exchange you previously referenced  
12 in your testimony with respect to discussion with the  
13 City concerning the issuance of an NOV to San Diego Gas  
14 & Electric?

15 A. Yes.

16 Q. And the representative of SWM -- I take it,  
17 means Southwest Marine?

18 A. Yes, it does.

19 Q. -- was Shaun Halvax, correct?

20 A. Yes.

21 Q. Did you have any further discussions with  
22 Mr. Halvax regarding his opinions concerning the source  
23 of the contaminated sediments in the catch basin  
24 described in these emails?

25 A. I don't remember.

1 Q. Would you have been the person to undertake  
2 that follow-up?

3 MR. CARRIGAN: Calls for speculation.

4 MR. DART: Join.

5 MS. REYNA: Join.

6 MS. NICHOLS: Let me -- let me reask the  
7 question.

8 BY MS. NICHOLS:

9 Q. Once you came into possession of information  
10 concerning this catch basin, did you communicate that  
11 information to anyone else on the cleanup team?

12 A. Well, I had to write the section, so I would  
13 speak with my supervisor.

14 Q. Craig Carlisle?

15 A. Yes.

16 Q. Okay. And did Mr. Carlisle ever tell you to do  
17 further follow-up?

18 A. Yes.

19 Q. Did he suggest to you that you speak with Shaun  
20 Halvax?

21 A. I don't remember that.

22 Q. You just remember him asking you to speak with  
23 Ms. Kolb?

24 A. Yes.

25 Q. Did you ever receive any additional documents

1 from Shaun Halvax or anyone else at Southwest Marine  
2 concerning this catch basin?

3 A. No.

4 Q. Do you recall ever receiving any additional  
5 information from San Diego Gas & Electric with respect  
6 to the source of contaminants in this catch basin?

7 A. Would you say that again?

8 Q. Sure.

9 Do you recall ever receiving any information  
10 from San Diego Gas & Electric Company regarding the  
11 source of the contaminants in this catch basin?

12 A. No.

13 Q. The email from Ms. Kolb -- excuse me -- to you  
14 dated November 21st, 2005 indicates that Ms. Kolb met  
15 with an SDG&E representative on the site; that SDG&E  
16 cleaned the catch basin and was in the process of trying  
17 to determine the origination of the six-inch and  
18 twelve-inch storm drains that enter the City's catch  
19 basin.

20 Do you see that?

21 A. Yes.

22 Q. Do you know whether there was any further  
23 follow-up by San Diego Gas & Electric with respect to  
24 the origination of the six-inch and twelve-inch storm  
25 drains that enter --

1 MS. TRACY: Objection.

2 BY MS. NICHOLS:

3 Q. -- that catch basin?

4 MS. TRACY: Objection. Lacks foundation.  
5 Calls for speculation. Vague and ambiguous.

6 THE WITNESS: I do not know.

7 BY MS. NICHOLS:

8 Q. If that information had ever been provided to  
9 the Regional Board cleanup team, would that be something  
10 you would have?

11 MS. TRACY: Objection -- same objections.

12 MR. CARRIGAN: Calls for speculation.

13 THE WITNESS: If there was any follow-up, we  
14 would have included it in the report.

15 BY MS. NICHOLS:

16 Q. Okay. So the fact that it's not in the report  
17 suggests that it was never provided to you?

18 MS. TRACY: Same objection.

19 THE WITNESS: That's correct.

20 BY MS. NICHOLS:

21 Q. Do you have any knowledge as to whether that  
22 information was ever provided to the City?

23 MS. TRACY: Same objection.

24 MR. CARRIGAN: I'm join that one. Lacks  
25 foundation.

1 THE WITNESS: I don't know.

2 MS. NICHOLS. Okay. Mark this document next in  
3 order Exhibit 406.

4 (Exhibit 406 marked for identification.)

5 BY MS. NICHOLS:

6 Q. If you could please review that document and  
7 tell me if you have ever seen this document.

8 A. I recall writing the index for it.

9 Q. It bears an administrative record Bate stamp  
10 number, correct?

11 A. It does.

12 Q. Okay. And that suggests to you that it is  
13 included in the administrative record for this  
14 proceeding, correct?

15 MS. TRACY: Objection. Document --

16 THE WITNESS: That's correct.

17 MS. TRACY: -- speaks for itself.

18 BY MS. NICHOLS:

19 Q. The date of this document is June 15, 2005.

20 Do you see that?

21 A. I do.

22 Q. And this was before your email of  
23 November 21st, 2005.

24 Do you know whether you were involved with  
25 respect to investigating San Diego Gas & Electric's role

1 in the shipyard CAO between June 2005 and November 2005?

2 A. I was not involved.

3 Q. Okay. So in the Exhibit 405, you mention to  
4 Ms. Kolb that you're "trying to put together a record  
5 regarding SDG&E's role in the Shipyard CAO. Any  
6 information would be appreciated."

7 Do you see that?

8 A. Uh-huh.

9 Q. Do you recall how long before November of 2005  
10 you became involved in investigating SDG&E's role in the  
11 Shipyard CAO?

12 A. The information that she provided was used to  
13 write the section on SDG&E.

14 Q. I understand that. But do you know how long  
15 before November of 2005 you first became involved in  
16 investigating SDG&E's role?

17 A. This was probably the beginning action that led  
18 to my involvement in it.

19 Q. Okay. Looking at Exhibit 406 and turning your  
20 attention, please, to the second page of that document.  
21 In the letter, which is a letter from ENV America to  
22 John Robertus, the executive officer of the Regional  
23 Board as of June 15, 2005, ENV states in the last  
24 sentence of that first full paragraph on Page 2: "SDG&E  
25 plans to conduct sampling in July of 2005 and to publish

1 the results by November 2005" referring to an analysis  
2 of sediments in that paragraph, correct?

3 A. That's one thing --

4 MS. TRACY: Objection. The document speaks for  
5 itself.

6 MS. NICHOLS. Okay. I'll stipulate to that.

7 BY MS. NICHOLS:

8 Q. Did you ever see any results published from the  
9 ENV America study that was undertaken in 2005?

10 MS. TRACY: Objection. Vague and ambiguous.  
11 Lacks foundation.

12 THE WITNESS: I don't believe I've ever seen  
13 this document or it was not reviewed at the time.

14 BY MS. NICHOLS:

15 Q. Okay. Aside from whether you've seen this  
16 document, which is in the administrative record you are  
17 maintaining --

18 A. Right. That's what you mean.

19 Q. -- do you know whether SDG&E or ENV America  
20 ever published to the Regional Board the results of its  
21 2005 sediment testing?

22 A. Not aware of it.

23 Q. Have you ever seen any results of the 2005  
24 sediment testing?

25 MS. TRACY: Same objection.

1 THE WITNESS: Unless it was what was in the  
2 product of what they submitted for the 13267  
3 investigative order, I'm not sure.

4 BY MS. NICHOLS:

5 Q. If there are results for the September -- I'm  
6 sorry.

7 If there are results for the 2005 sediment  
8 testing that was performed by or on behalf of San Diego  
9 Gas & Electric, that would be information that should be  
10 included in this administrative record, correct?

11 MS. TRACY: Objection. Calls for a legal  
12 conclusion. Vague and ambiguous. Lacks foundation.

13 BY MS. NICHOLS:

14 Q. You can answer.

15 A. I'm not sure.

16 Q. If the Regional Board receives results of 2005  
17 sediment testing with respect to the sediments -- excuse  
18 me -- now or anytime prior to the hearing of this  
19 matter, those will go into the administrative record,  
20 correct?

21 A. Yes.

22 MS. TRACY: Same objection. And I would just  
23 like to explain that you are using the term "sediments"  
24 and I am objecting to the term "sediments" as vague and  
25 ambiguous.

1 BY MS. NICHOLS:

2 Q. Just to address counsel's objection, then, let  
3 me direct your attention to the paragraph that I was  
4 previously discussing in the ENV America letter. And  
5 I'll read that paragraph to you and then be sure you  
6 understand my question.

7 A. Okay.

8 Q. ENV states: "Recognizing that there is  
9 uncertainty, SDG&E is planning to conduct its own  
10 sampling of bay sediments. On May 16, 2005, the RWQCB  
11 was provided with SDG&E's work plan to independently  
12 sample and analyze sediments to determine if SDG&E  
13 operations contributed to sediment contamination (ENV  
14 America 2005, Footnote 3,)" with a reference to the  
15 workplan. "SDG&E plans to conduct sampling in July of  
16 2005 and to publish the results by November 2005."

17 Do you see that paragraph?

18 A. I do.

19 Q. And with respect to my questioning concerning  
20 the data for sediment sampling in 2005, you understood  
21 it in the context of this paragraph, correct?

22 A. No, I don't think so.

23 Q. Okay. Then let me reask it.

24 Now that we've read the whole paragraph, do you  
25 understand from this paragraph that SDG&E was going to

1 have ENV America analyze sediments to determine if SDG&E  
2 operations contributed to sediment contamination?

3 MS. TRACY: Objection. The document speaks for  
4 itself.

5 BY MS. NICHOLS:

6 Q. I'm asking for your understanding now.

7 A. That appears to be what this document states.

8 Q. Correct.

9 And if results of that investigation are  
10 provided to the Regional Board cleanup team or to the  
11 Regional Board otherwise, those will become part of the  
12 administrative record, correct?

13 MS. TRACY: Objection. Calls for speculation.  
14 Lacks foundation.

15 THE WITNESS: I would think so.

16 BY MS. NICHOLS:

17 Q. And that information would be important to the  
18 cleanup team of which you are a member in evaluating  
19 SDG&E's potential contribution to the contamination at  
20 this site, correct?

21 MS. TRACY: Same objection. I would like to  
22 also add that it calls for expert testimony.

23 MR. CARRIGAN: I'm going to join with that  
24 objection and, also, that it calls for a legal  
25 conclusion.

1 THE WITNESS: I don't recall reviewing this  
2 document or any kind of sample result -- a document with  
3 such sample results.

4 BY MS. NICHOLS:

5 Q. Well, I understand that and I'm good with that.

6 A. Okay.

7 Q. I understand. But what I'm asking, Ms. Honma,  
8 is if you are provided with sampling results for the  
9 testing done in 2005 --

10 A. Okay.

11 Q. -- that information would be important to you,  
12 wouldn't it, in developing the factual basis for the  
13 potential historical contributions of SDG&E to the  
14 contamination at the Shipyard Sediment Site?

15 MS. TRACY: Same objections.

16 THE WITNESS: It would be worth reviewing.

17 BY MS. NICHOLS:

18 Q. And if it showed that there were high levels of  
19 PCBs, that would be important to you, wouldn't it?

20 MS. TRACY: Same objection.

21 MR. CARRIGAN: Incomplete hypothetical.

22 BY MS. NICHOLS:

23 Q. You can answer. There is going to be a lot of  
24 objections to this line of questioning.

25 MS. TRACY: Excuse me. Assumes facts not in

1 evidence.

2 THE WITNESS: Not knowing the data set, yes, it  
3 would be interest- -- I would be interested in it.

4 BY MS. NICHOLS:

5 Q. So, for example, if you were to learn that  
6 there were higher PCB concentrations that were  
7 discovered as part of this investigation than what is  
8 listed in the DTR, that would be important to you,  
9 wouldn't it?

10 MS. TRACY: Same objection.

11 THE WITNESS: It would.

12 BY MS. NICHOLS:

13 Q. So turning your attention to Page 33-7 of  
14 master Exhibit Number 2, do you see the middle top box  
15 of Table -33-3 [sic].

16 A. Yes.

17 Q. And that identifies -- well, strike that.

18 Can you read, since it's upside down for me,  
19 what the title is or the caption for Table 33-3?

20 A. "Polygons with Highest Individual COCs."

21 Q. And among the COCs are PCBs, correct?

22 A. The middle table is PCB congeners.

23 Q. And so the purpose of this page is to identify  
24 by polygon the highest individual COCs in the respective  
25 polygons, correct?

1 MS. TRACY: Objection. Calls for speculation.  
2 Expert testimony. Lacks foundation. Vague and  
3 ambiguous. And assumes facts not in record.

4 THE WITNESS: It appears that way.

5 BY MS. NICHOLS:

6 Q. Did you prepare Table 33-3?

7 A. Only the formatting.

8 Q. Do you know who provided the information to you  
9 for Table 33-3?

10 A. Not specifically.

11 Q. Would you be surprised to learn that -- that  
12 one of the polygons that has the highest concentrations  
13 of PCBs at the Shipyard Sediment Site is not listed in  
14 that table?

15 MS. TRACY: Same objection.

16 MR. DART: Join.

17 MR. CARRIGAN: I'm going to --

18 THE WITNESS: Can you say that again because I  
19 don't think that it's --

20 BY MS. NICHOLS:

21 Q. Okay. Let me reask the question.

22 Do you see SW29 listed in that table?

23 A. I do not.

24 Q. So if SW29, referring to polygon SW29 -- excuse  
25 me -- at the Shipyard Sediment Site, if that polygon had

1 a higher concentration of COCs than any of those listed  
2 there, would that information be important to include in  
3 that table?

4 MS. TRACY: Same objection.

5 MR. DART: Same.

6 MS. TRACY: Actually, if counsel continues this  
7 line of inquiry, I would like to have a standing  
8 objection so we can move forward more quickly.

9 MS. NICHOLS. So stipulated.

10 BY MS. NICHOLS:

11 Q. Would that be important to you?

12 MS. TRACY: Chris, is that okay with you?

13 MR. CARRIGAN: It's okay with me.

14 MS. TRACY: Thank you.

15 THE WITNESS: I was not involved in this  
16 construction of the tables into their purpose, so I'm  
17 not really sure.

18 BY MS. NICHOLS:

19 Q. In developing your -- the findings that you  
20 mentioned that you developed for the DTR with respect to  
21 SDG&E --

22 A. Uh-huh.

23 Q. -- it would be important to you to have all  
24 relevant information, correct?

25 A. Correct.

1 Q. Again, turning your attention to Exhibit 406,  
2 Page 4 -- oh, sorry.

3 Ms. Honma, directing your attention to the  
4 first full paragraph underneath the two bullet points.

5 Do you see that? It begins, "SDG&E..."

6 A. Okay.

7 Q. So it reads: "SDG&E is continuing to research  
8 records on PCB uses and occurrences at Silver Gate Power  
9 Plant and will provide additional supporting  
10 documentation to the RWQCB in a future transmittal."

11 To your knowledge, was there any future  
12 transmittal after June 2005 that discussed the PCB uses  
13 and occurrences at the Silver Gate Power Plant?

14 MS. TRACY: Objection. The witness has already  
15 testified that she hasn't even seen this document, so I  
16 would object on lacks foundation.

17 THE WITNESS: I don't recall specifically.

18 BY MS. NICHOLS:

19 Q. Okay. If the Regional Board had received such  
20 information, that would have been included in the  
21 administrative record, too, correct?

22 A. Correct.

23 MS. NICHOLS: I'll have marked as next in order  
24 a -- five-pages --

25 MR. CARRIGAN: Have I not been paying attention

1 or am I just not getting copies of the exhibits?

2 MS. NICHOLS. Sorry. I counted last time and  
3 made that many.

4 MR. CARRIGAN: Is there -- are we doubling up  
5 with any of the parties? Anybody taking two that might  
6 be willing to let me have one?

7 MS. NICHOLS. I made seven copies, so...

8 MR. CARRIGAN: Okay.

9 MS. NICHOLS: There should be enough copies.

10 MR. CARRIGAN: Okay. I'm sorry. I don't want  
11 to interfere with the deposition.

12 MS. NICHOLS. I made seven copies thinking that  
13 would be enough, but...

14 Are these extras or was --

15 MR. CARRIGAN: No, that's not it.

16 MS. NICHOLS: Oh, okay.

17 Chris, I'll get you copies. I apologize.

18 MR. CARRIGAN: That would be great. Thank you,  
19 Sandi.

20 MS. NICHOLS: We'll have marked as Exhibit  
21 Number 407 a -- five pages, independent pages that I  
22 have compiled as a collection of memos to the Southwest  
23 Marine, Inc. file.

24 BY MS. NICHOLS:

25 Q. If you could please take a look at those for

1 me.

2 A. Okay.

3 (Exhibit 407 marked for identification.)

4 BY MS. NICHOLS:

5 Q. If you could let me know when you're done  
6 reviewing those, I would appreciate it.

7 A. Okay.

8 Q. Can you tell me what each of these documents  
9 is?

10 A. They were -- it's a memo to file stating that I  
11 was unable to find the said or referenced attachment to  
12 transmittal letters.

13 Q. Okay. And these are related to five different  
14 documents or things that were missing?

15 A. Yes.

16 Q. Different memos, correct?

17 A. Yes.

18 Q. Okay. And each of these is dated in late  
19 November 2006.

20 Do you see that?

21 A. Yes.

22 Q. Does that suggest to you that in late  
23 November 2006 you were reviewing records concerning the  
24 Shipyard Sediment Site for the purposes of putting  
25 together the administrative record?

1           A.    This is when we were preparing the documents to  
2 submit to the contractor for scanning, so...

3           Q.    Of the administrative record?

4           A.    Correct.

5           Q.    Okay.  And so in late November 2006, you were  
6 personally reviewing various documents to be sure that  
7 they were complete when they went to the scanner?

8           A.    I had to prepare each document that was a  
9 single document with attachments.  It went to the  
10 contractor.  It had to have an index page and a page  
11 count.

12          Q.    And that would have been done by you, according  
13 to these memos, anyway, in late 200- -- late  
14 November 2006?

15          A.    Yes.

16          Q.    And with respect to the items that you  
17 reference in each of these memoranda that you could not  
18 locate, did you ever subsequently follow up with  
19 Mr. Halvax at BAE Systems to see whether he could  
20 provide you with copies?

21          A.    No.

22          Q.    Do you know if anyone else has?

23                MR. DART:  Calls for speculation.

24                MS. NICHOLS:  I'm asking if she knows whether  
25 anyone else has.

1 THE WITNESS: No.

2 BY MS. NICHOLS:

3 Q. You don't know?

4 A. No, I don't know.

5 Q. Okay. So as you sit here today, to your  
6 knowledge, the documents and things that you note as  
7 missing are not in the administrative record, correct?

8 A. That's correct.

9 Q. Did you do any of the work relating to the  
10 sources of materials in the MS4 drains at SW4 or SW9 at  
11 the Shipyard Sediment Site?

12 MS. TRACY: Objection. Asked and answered.

13 THE WITNESS: No.

14 BY MS. NICHOLS:

15 Q. Did you do any of the work relating to who  
16 should be responsible for the contributions to the  
17 discharges from MS -- I'm sorry -- from SW4 or SW9 at  
18 the Shipyard Sediment Site?

19 MS. TRACY: Objection. Asked and answered.

20 THE WITNESS: No.

21 BY MS. NICHOLS:

22 Q. Do you know who did?

23 A. I do not.

24 Q. Are you familiar with the configuration of the  
25 storm drains out in the tidelands in this area?

1           A.    I am not.

2           MS. NICHOLS:  Ms. Honma, I have no further  
3 questions at this time, subject to the Port District's  
4 reservation of its right to continue and/or re-notice  
5 your deposition once we've had a full opportunity to  
6 review the revisions made in the September 15, 2010 DTR,  
7 the related appendices and any supplemental appendix  
8 that you prepare for the administrative record.

9           To date, we have not been provided with a red  
10 line, either, so it makes it a little bit more  
11 difficult.  So, consequently, we will, as I said,  
12 continue or re-notice this deposition to complete our  
13 cross-examination at a later date.

14           THE WITNESS:  Okay.

15           MS. NICHOLS:  Thank you very much.  Appreciate  
16 it.

17           THE WITNESS:  Thank you.

18           VIDEO TECHNICIAN:  This ends Videotape Number 2  
19 in the deposition of Lisa Honma.

20           Today's date is October the 5th, 2010.  The  
21 time is 2:55 p.m.

22           Off the record.

23           (Recess.)

24           VIDEO TECHNICIAN:  This begins Videotape  
25 Number 3 in the deposition of Lisa Honma.

1 Today's date is October the 5th, 2010. The  
2 time is 3:06 p.m.

3 Back on the record.

4

5 EXAMINATION

6 BY MS. REYNA:

7 Q. Hello, Ms. Honma. My name is Kristin Reyna.  
8 I'm one of the attorneys for the City of San Diego in  
9 this matter. I just have a few follow-up questions for  
10 you this afternoon.

11 A. Okay.

12 Q. First I would like to turn your attention to --  
13 I believe it's Exhibit 403, the Public Workshop and CEQA  
14 Scoping Meeting document.

15 A. 404?

16 Q. Oh, 404. My apologies.

17 A. That's okay.

18 Q. And specifically towards the end of the  
19 document, there aren't any page numbers on my copy, but  
20 there are a couple slides entitled "Implementation Plan"  
21 and "Implementation Strategy for Load Reductions" and  
22 "Implementation Strategies for Contaminated Bay  
23 Sediment." I believe they are sequential.

24 A. Okay.

25 Q. For clarification, the TMDL implementation

1 plan, basically, is two-pronged. There is a prong which  
2 addresses the load reduction and then there is a prong  
3 which I believe counsel earlier was referring to the  
4 legacy pollutants.

5 Is that a fair characterization of what the  
6 TMDL implementation plan encompasses?

7 A. That's fair.

8 Q. Okay. So for the load reductions, is -- would  
9 you say that that's more to address current potential  
10 ongoing sources of contamination into the TMDL area?

11 A. Yes.

12 Q. Legacy pollutants is historical pollution in  
13 the area?

14 A. Correct.

15 Q. Earlier you were asked a question in reference  
16 to the implementation strategies for contaminated bay  
17 sediment slide regarding the no action alternative.

18 Just to clarify, you're required to evaluate no  
19 action as an alternative under CEQA; is that correct?

20 A. That's correct.

21 Q. So you can't not evaluate no action as a  
22 potential alternative. Is that a fair statement?

23 A. That's fair.

24 Q. Okay. And as of right now, the implementation  
25 strategies for both load reductions and dealing with the

1 legacy pollution are still being evaluated; is that  
2 correct?

3 A. That's correct.

4 Q. I would like to turn briefly -- I'm still on  
5 the same subject of the TMDL for the Chollas mouth -- to  
6 Page 33-3 of Exhibit 2. And specifically Figure 33-2.

7 A. Okay.

8 Q. I believe you've been asked this before, but  
9 just foundationally, the data points which are reflected  
10 in Figure 33-2, those are the data points from Phase I  
11 of the Chollas Creek mouth study; is that correct?

12 A. Yeah. Yes.

13 Q. There is actually, to -- strike that.

14 To your understanding, is there actually  
15 additional data right now which is being evaluated in  
16 the context of the Chollas Creek mouth TMDL, which is  
17 not depicted on this figure?

18 A. The additional data would be in the watershed.

19 Q. Does that additional data impact the  
20 implementation of the Chollas Creek mouth TMDL?

21 A. Perhaps. I'm not sure I understand.

22 Q. Maybe it was a bad question.

23 Are you evaluating right now the additional  
24 data in your preparation of the Chollas Creek mouth  
25 TMDL?

1           A.    The additional data will be used to -- to -- it  
2 will be put into the model or used in concert with the  
3 model to calculate the TMDL, which is specific to  
4 discharges.

5           Q.    So that would be -- well, strike that.

6                    That would be specific to the load reduction  
7 portion of the implementation?

8           A.    The total maximum daily load, yes.

9           Q.    And this process is still ongoing presently, is  
10 that correct, the evaluation?

11          A.    Yes.

12                   MS. REYNA: I think that's all the questions I  
13 have. Thank you.

14                   THE WITNESS: Okay. Thank you.

15                   MR. SPEAR: I have no questions at this time.  
16 Thank you.

17                   MR. DART: I have no questions, either.

18                   MS. WITKOWSKI: I'm done.

19                   MR. CARRIGAN: That's all of us.

20                   Do you want to follow up?

21                   MS. TRACY: I have no questions.

22                   MR. CARRIGAN: I think it's all of us.

23                   MR. SPEAR: We can stay on the record.

24                   MR. CARLIN: I don't have anything further.

25                   MS. TRACY: Nothing further.

1 MR. CARRIGAN: Jill?

2 MS. TRACY: Nope, nothing further.

3 MR. CARRIGAN: No one has anything further?

4 Same stipulation as last deposition for the  
5 transcript?

6 MR. CARLIN: So stipulated.

7 MS. NICHOLS. Yes.

8 MS. REYNA: Yes.

9 MR. CARRIGAN: Off the record.

10 MS. TRACY: Scott, you want to stay on the  
11 record, you said? You said you want to stay on the  
12 record?

13 MR. SPEAR: No. I just didn't want the  
14 videographer to think it's off the record while we  
15 concluded this proceeding. I think it is going to be  
16 concluded at this time.

17 MS. NICHOLS: And we also should note that  
18 Jason Conder, consultant with Environ, was present for  
19 the deposition up until the time that I started for the  
20 Port District.

21 VIDEO TECHNICIAN: This ends the videotape  
22 deposition of Lisa Honma, Videotape Number 3.

23 Today's date is October the 5th, 2010. The  
24 time is 3:13 p.m.

25 Off the record.

1 (The following stipulation was agreed to  
2 by all counsel:

3 "MR. DART: I propose that we relieve  
4 the court reporter of the duty to  
5 maintain custody of the original;  
6 Instead, when it's completed, I propose  
7 that the transcript is sent to counsel  
8 for the deponent, Mr. Carrigan, who  
9 shall immediately send it to the witness  
10 for review;

11 The witness shall have 30 days to review  
12 the transcript, make any changes that  
13 she deems necessary, and sign the  
14 transcript, after which Mr. Carrigan  
15 will promptly notify all counsel when  
16 the transcript has been signed and  
17 provide an errata or a copy of the  
18 transcript that reflects the changes;  
19 And, if the witness fails to sign the  
20 transcript within 30 days, the unsigned  
21 deposition shall be used in lieu of that  
22 and be available for use for all  
23 purposes.

24 Anything else?

25 MR. CARRIGAN: So stipulated.

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MR. CARLIN: So stipulated.")  
(Whereupon, the deposition was adjourned  
at 3:13 p.m.)

-oOo-

1 I hereby declare under penalty of perjury that the  
2 foregoing is my deposition under oath; that I have read  
3 my deposition and have made the necessary corrections,  
4 additions or changes to my answers that I deem  
5 necessary.

6 In witness thereof, I hereby subscribe my name this  
7 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

8

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LISA HONMA

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1 STATE OF CALIFORNIA )  
 : ss.  
2 COUNTY OF SAN DIEGO )

3 I, Julie A. McKay, Certified Shorthand Reporter in  
4 and for the State of California, Certificate No. 9059,  
5 do hereby certify:

6 That the witness in the foregoing deposition was by  
7 me first duly sworn to testify the truth, the whole  
8 truth, and nothing but the truth in the foregoing cause;  
9 that the deposition was taken before me at the time and  
10 place herein named; that said deposition was reported by  
11 me in shorthand and transcribed, through computer-aided  
12 transcription, under my direction; and that the  
13 foregoing transcript is a true record of the testimony  
14 elicited at proceedings had at said deposition.

15 I do further certify that I am a disinterested  
16 person and am in no way interested in the outcome of  
17 this action or connected with or related to any of the  
18 parties in this action or to their respective counsel.

19 In witness whereof, I have hereunto set my hand  
20 this 14th day of October, 2010.

21

22

\_\_\_\_\_  
Julie A. McKay  
CSR No. 9059

23

24

25



1 LATHAM & WATKINS LLP  
2 Robert M. Howard (SB No. 145870)  
3 Kelly E. Richardson (SB No. 210511)  
4 Jeffrey P. Carlin (SB No. 227539)  
5 Ryan R. Waterman (SB No. 229485)  
6 Jennifer P. Casler-Goncalves (SB No. 259438)  
7 600 West Broadway, Suite 1800  
8 San Diego, California 92101-3375  
9 Telephone: (619) 236-1234  
10 Facsimile: (619) 696-7419

11 Attorneys for Designated Party  
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
14  
15 SAN DIEGO REGION

16 **IN THE MATTER OF:**  
17  
18 **TENTATIVE CLEANUP AND**  
19 **ABATEMENT ORDER NO. R9-2010-0002**

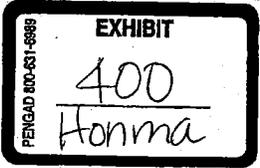
20 **NASSCO'S SECOND AMENDED**  
21 **NOTICE OF VIDEOTAPED**  
22 **DEPOSITION OF LISA HONMA**  
23  
24 Date: October 5, 2010  
25 Time: 10:00 a.m.  
26 Place: Latham & Watkins LLP  
27 12636 High Bluff Dr., Suite 400  
28 San Diego, CA 92130-2071

17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN, pursuant to the Presiding Officer's Order Issuing Final  
19 Discovery Plan dated February 18, 2010, that on October 5, 2010, at 10:00 a.m., National Steel  
20 and Shipbuilding Company ("NASSCO") will take the deposition of Lisa Honma ("Deponent").  
21 This deposition will take place at the law offices of Latham & Watkins LLP, 12636 High Bluff  
22 Drive, Suite 400, San Diego, California, 92130, upon oral examination before a Certified  
23 Shorthand Reporter duly authorized to administer oaths, and will continue from day to day,  
24 Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,  
26 stenographically recorded, and recorded through such means as to provide the instant display of  
27 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition  
28

SD\727074.1



1 testimony at a hearing in this matter.

2 **DOCUMENTS AND ITEMS TO BE PRODUCED**

3 Lisa Honma is required to produce the following items:

4 **DEFINITIONS**

5 The following definitions shall apply to each category of documents set forth below:

6 1. "ADVISORY TEAM" shall mean and refer to the Advisory Team of the  
7 California Regional Water Quality Control Board, San Diego Region ("Regional Board"),  
8 specially formed in response to and for purposes of advising the Regional Board in connection  
9 with its consideration of the TENTATIVE ORDER, and its agents, employees, attorneys,  
10 investigators, consultants, affiliates, or anyone acting on its behalf.

11 2. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange  
12 of information by any means, including, without limitation, telephone, telecopy, facsimile, or  
13 other electronic medium (including e-mail), letter, memorandum, notes or other writing method,  
14 meeting, discussion, conversation or other form of verbal expression.

15 3. "DOCUMENT(S)" shall mean and refer to any and all written, printed,  
16 typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however  
17 produced or reproduced, including data stored in a computer, data stored on removable magnetic  
18 and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and  
19 voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory  
20 refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate  
21 and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia  
22 appearing on any DOCUMENT, and shall not be limited in any way with respect to the process  
23 by which any DOCUMENT was created, generated, or reproduced, or with respect to the  
24 medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and  
25 tangible forms of expression falling within the scope of California Evidence Code § 250, within  
26 YOUR custody, possession or control.

27 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit  
28 and/or advocacy organizations focused on environmental causes and issues, including but not

1 limited to Designated Parties San Diego Coastkeeper (formerly San Diego Baykeeper) and  
2 Environmental Health Coalition.

3 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public  
4 or private corporation, limited or general partnership, trust, joint venture, firm, association,  
5 organization, board, authority, governmental entity, or any other entity, including a  
6 representative of such PERSON(S).

7 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,  
8 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,  
9 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,  
10 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,  
11 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the  
12 request, in whole or in part.

13 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the  
14 TENTATIVE ORDER and TECHNICAL REPORT.

15 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for  
16 the TENTATIVE ORDER, publically released on December 22, 2009, including but not limited  
17 to the prior drafts released publicly on August 24, 2007, and April 4, 2008.

18 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and  
19 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not  
20 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,  
21 2008.

22 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation  
23 YOUR employer or prior employer and its agents, employees, representatives, attorneys,  
24 accountants, investigators, and insurance companies, and their employees, and anyone else  
25 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS  
26 in YOUR possession, custody or control.

27 11. "PERSON" shall mean any entity or natural person.

28 ///

1 ///

2 **DOCUMENT REQUESTS**

3 1. All DOCUMENTS RELATING TO any work YOU performed regarding the  
4 human health risk assessment utilized in connection with the proposed cleanup levels and  
5 remediation of the SITE.

6 2. All DOCUMENTS RELATING TO any work YOU performed regarding the  
7 ecological risk assessment utilized in connection with the proposed cleanup levels and  
8 remediation of the SITE.

9 3. All DOCUMENTS RELATING TO any work YOU performed regarding the  
10 economic feasibility analysis utilized in connection with the proposed cleanup levels and  
11 remediation of the SITE.

12 4. All DOCUMENTS RELATING TO any work YOU performed regarding the  
13 technological feasibility analysis utilized in connection with the proposed cleanup levels and  
14 remediation of the SITE.

15 5. All DOCUMENTS RELATING TO any work YOU performed regarding the  
16 cost analysis utilized in connection with the proposed cleanup levels and remediation of the  
17 SITE.

18 6. All DOCUMENTS RELATING TO any work YOU performed regarding the  
19 remedy selection alternatives analysis utilized in connection with the proposed cleanup levels  
20 and remediation of the SITE.

21 7. All DOCUMENTS RELATING TO any work YOU performed regarding the  
22 aquatic life impairment analysis utilized in connection with the proposed cleanup levels and  
23 remediation of the SITE.

24 8. All DOCUMENTS RELATING TO any work YOU performed regarding the  
25 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup  
26 levels and remediation of the SITE.

27 9. All DOCUMENTS RELATING TO any work YOU performed regarding the  
28 bioavailability analysis utilized in connection with proposed cleanup levels and remediation of

1 the SITE.

2 10. All DOCUMENTS RELATING TO any work YOU performed regarding any  
3 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup  
4 levels and remediation of the SITE.

5 11. All DOCUMENTS RELATING TO any work YOU performed regarding any  
6 remedial monitoring analysis utilized in connection with the proposed cleanup levels and  
7 remediation of the SITE.

8 12. All DOCUMENTS RELATING TO any work YOU performed regarding the  
9 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,  
10 utilized in connection with the proposed cleanup levels and remediation of the SITE.

11 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU  
12 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER or  
13 TECHNICAL REPORT.

14 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU  
15 and any local, state or federal agency RELATING TO the TENTATIVE ORDER or  
16 TECHNICAL REPORT.

17 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU  
18 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER or TECHNICAL  
19 REPORT.

20 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU  
21 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the  
22 TENTATIVE ORDER or TECHNICAL REPORT.

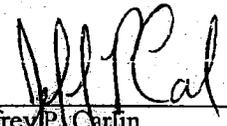
23 Dated: September 15, 2010

LATHAM & WATKINS LLP

24

25

By

  
\_\_\_\_\_  
Jeffrey P. Carlin  
Attorneys for Designated Party  
National Steel and Shipbuilding Company

26

27

28

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a  
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,  
4 Suite 1800, San Diego, California 92101. On September 15, 2010, I served the within  
5 document(s):

6 **NASSCO'S SECOND AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF**  
7 **LISA HONMA**

8  **BY E-MAIL:** I caused the above-referenced documents to be converted in digital  
9 format (.pdf) and served by electronic mail to the addresses listed below.

10 Mike Tracy, Esq.  
11 Matthew Dart, Esq.  
12 DLA Piper LLP US  
13 401 B Street, Suite 1700  
14 San Diego, California 92101-4297  
[mike.tracy@dlapiper.com](mailto:mike.tracy@dlapiper.com)  
[matthew.dart@dlapiper.com](mailto:matthew.dart@dlapiper.com)  
(619) 699-3620  
(619) 764-6620

Raymond Parra  
Senior Counsel  
BAE Systems Ship Repair Inc.  
PO Box 13308  
San Diego, CA 92170-3308  
[raymond.parra@baesystems.com](mailto:raymond.parra@baesystems.com)  
Telephone: (619) 238-1000+2030  
Fax: (619) 239-1751

15 Michael McDonough  
16 Counsel  
17 Bingham McCutchen LLP  
18 355 South Grand Avenue, Suite 4400  
19 Los Angeles, CA 90071-3106  
[michael.mcdonough@bingham.com](mailto:michael.mcdonough@bingham.com)  
Telephone: (213) 680-6600  
Fax: (213) 680-6499

Christopher McNevin  
Attorney at Law  
Pillsbury Winthrop Shaw Pittman LLP  
725 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017-5406  
[chrismcnevin@pillsburylaw.com](mailto:chrismcnevin@pillsburylaw.com)  
Telephone: (213) 488-7507  
Fax: (213) 629-1033

20 Brian Ledger  
21 Kristin N. Reyna  
22 Attorneys at Law  
23 Gordon & Rees LLP  
24 101 West Broadway, Suite 1600  
25 San Diego, CA 92101  
[bledger@gordonrees.com](mailto:bledger@gordonrees.com)  
[kreyna@gordonrees.com](mailto:kreyna@gordonrees.com)  
Telephone: (619) 230-7729  
Fax: (619) 696-7124

Christian Carrigan  
Senior Staff Counsel  
Office of Enforcement,  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
[ccarrigan@waterboards.ca.gov](mailto:ccarrigan@waterboards.ca.gov)  
Telephone: (916) 322-3626  
Fax: (916) 341-5896

1 Marco Gonzalez  
Attorney at Law  
2 Coast Law Group LLP  
1140 South Coast Highway 101  
3 Encinitas, CA 92024  
[marco@coastlawgroup.com](mailto:marco@coastlawgroup.com)  
4 (760) 942-8505  
(760) 942-8515

5  
6 Jill Tracy  
Senior Environmental Counsel  
Sempra Energy  
7 101 Ash Street  
San Diego, CA 92101  
8 [jtracy@sempra.com](mailto:jtracy@sempra.com)  
Telephone: (619) 699-5112  
9 Fax: (619) 699-5189

10  
11 Leslie FitzGerald  
Deputy Port Attorney  
San Diego Unified Port District  
12 PO Box 120488  
San Diego, CA 92112  
13 [lfitzger@portofsandiego.org](mailto:lfitzger@portofsandiego.org)  
Telephone: (619) 686-7224  
14 Fax: (619) 686-6444

15  
16 Laura Hunter  
Environmental Health Coalition  
17 401 Mile of Cars Way, Suite 310  
National City, CA 91950  
18 [laurah@environmentalhealth.org](mailto:laurah@environmentalhealth.org)  
Telephone: (619) 474-0220  
19 Fax: (619) 474-1210

20  
21 Tom Stahl, AUSA  
Chief, Civil Division  
22 Office of the U.S. Attorney  
880 Front Street, Room 6293  
23 San Diego, CA 92101-8893  
[thomas.stahl@usdoj.gov](mailto:thomas.stahl@usdoj.gov)  
24 Telephone: (619) 557-7140  
Fax: (619) 557-5004

James Handmacher  
Attorney at Law  
Morton McGoldrick, P.S.  
PO Box 1533  
Tacoma, WA 98401  
[jvhandmacher@bvmm.com](mailto:jvhandmacher@bvmm.com)  
Telephone: (253) 627-8131  
Fax: (253) 272-4338

Sharon Cloward  
Executive Director  
San Diego Port Tenants Association  
2390 Shelter Island Drive, Suite 210  
San Diego, CA 92106  
[sharon@sdpta.com](mailto:sharon@sdpta.com)  
Telephone: (619) 226-6546  
Fax: (619) 226-6557

Nate Cushman  
Associate Counsel  
U.S. Navy  
SW Div, Naval Facilities Engineering Command  
1220 Pacific Hwy  
San Diego, CA 92132-5189  
[nate.cushman@navy.mil](mailto:nate.cushman@navy.mil)  
Telephone: (619) 532-2511  
Fax: (619) 532-1663

Gabe Solmer  
Legal Director  
San Diego Coastkeeper  
2820 Roosevelt Street, Suite 200A  
San Diego, CA 92106-6146  
[gabe@sdcoastkeeper.org](mailto:gabe@sdcoastkeeper.org)  
Telephone: (619) 758-7743, ext. 109  
Fax: (619) 223-3676

William D. Brown, Esq.  
Brown & Winters  
120 Birmingham Drive, #110  
Cardiff By The Sea, CA 92007  
[bbrown@brownandwinters.com](mailto:bbrown@brownandwinters.com)  
Telephone: (760) 633-4485  
Fax: (760) 633-4427

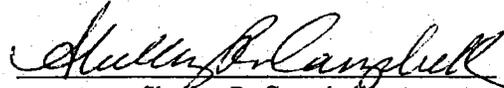
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Melanie Andrews  
Special Assistant U.S. Attorney  
U.S. Department of Justice  
880 Front Street, Room 6293  
San Diego, CA 92101-8893  
[melanie.andrews@usdoj.gov](mailto:melanie.andrews@usdoj.gov)  
Telephone: (619) 557-7460  
Fax: (619) 557-5004

Roslyn Tobe  
Senior Environmental Litigation Attorney  
U.S. Navy  
720 Kennon Street, #36, Room 233  
Washington Navy Yard, DC 20374-5013  
[roslyn.tobe@navy.mil](mailto:roslyn.tobe@navy.mil)  
Telephone: (202) 685-7026  
Fax: (202) 685-7036

Sandi Nichols, Esq.  
Allen Matkins  
Three Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, CA 94111  
[snichols@allenmatkins.com](mailto:snichols@allenmatkins.com)  
Telephone: (415) 837-1515  
Fax: (415) 837-1516

I declare under penalty of perjury according to the laws of the State of California  
that the above is true and correct. Executed on September 15, 2010, at San Diego, California.

  
Shelley R. Campbell



Lisa Honma - Re: Shipyard Cleanup Assignment

---

From: Lisa Honma  
To: Amy Mecklenborg  
Date: 12/14/2009 3:13 PM  
Subject: Re: Shipyard Cleanup Assignment

---

I think I was trying to only capitalize when it was a title, like "see Section 15". Likewise, it seems to make sense if referring to specific subsections. But if it's general, for instance, "in this section" or "the subsections below", I probably left it lowercase.

Does that help? I don't want to necessarily switch everything over, I just want to make sure it's done consistently throughout the document. So if it seems like it is done one way throughout the document, let's just leave it alone, even if it's not necessarily the most current grammatical convention.

>>> Amy Mecklenborg 12/14/09 2:25 PM >>>

Since Technical Report "Sections" is a capital S, would Technical Report "subsections" be a capital S as well?

Amy Mecklenborg, MAS  
Environmental Scientist  
San Diego Regional  
Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
P 858.467.2952 F 858.571.6972  
Direct P 858.637.7139  
AMEcklenborg@waterboards.ca.gov

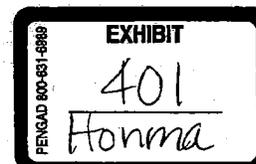
>>> Lisa Honma 12/14/2009 9:42 AM >>>

Hey Amy, Julie said you were going to help out on the DTR revision by reviewing chapters 1-31 for consistency with the formatting rules. This is a separate document from the one I'm working and way to massive and the formatting to intricate to cut and paste your section straight in. I need you to track change or highlight your changes where you find them. I'll be doing a side-by-side update to move your changes over. The rules are attached below and the cutout document of the chapters I need you to look at is at the following location on the s: drive:

S:\WQS\NASSCO & SWM CAO\DTR and CAO - WORKG COPY\Revised DTR - Oct 2009\Revision Docs\Amy\_1-31\_RuleConsistency.doc

I've already done a Find and Replace for the State Water Board, San Diego Water Board names, so you can skip those.

With respect to only using BAE Systems and removing the "formerly known as Southwest Marine" phrase (except for 1st use), there is one location I ran across where the situation might be reversed. The Sediment Quality Investigation (Section 12) performed by the Shipyards was done by Southwest Marine. Check with Julie on how she wants to handle this. We either say Southwest Marine ( now BAE Systems) or we just say BAE Systems and reiterate that it was Southwest Marine in parentheses or a footnote.



## Lisa Honma - Re: Shipyard Cleanup Assignment

---

From: Lisa Honma  
To: Amy Mecklenborg  
Date: 12/14/2009 1:22 PM  
Subject: Re: Shipyard Cleanup Assignment

---

Looked at it, and it may not be possible. They are not maps we generated. I'll discuss with Julie. Thanks. Lisa

>>> Amy Mecklenborg 12/14/09 1:19 PM >>>

The maps in Figures 1-1 and 1-2 use the name "Southwest Marine". Would you like me to change them to "BAE Systems"?

Amy Mecklenborg, MAS  
Environmental Scientist  
San Diego Regional  
Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
P 858.467.2952 F 858.571.6972  
Direct P 858.637.7139  
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>>> Lisa Honma 12/14/2009 9:42 AM >>>

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## Lisa Honma - Shipyard Cleanup Assignment

---

**From:** Lisa Honma  
**To:** Amy Mecklenborg  
**Date:** 12/14/2009 9:42 AM  
**Subject:** Shipyard Cleanup Assignment  
**CC:** Julie Chan  
**Attachments:** 2009 Revised DTR Format and Style Rules.doc

---

Hey Amy, Julie said you were going to help out on the DTR revision by reviewing chapters 1-31 for consistency with the formatting rules. This is a separate document from the one I'm working and way too massive and the formatting is too intricate to cut and paste your section straight in. I need you to track change or highlight your changes where you find them. I'll be doing a side-by-side update to move your changes over. The rules are attached below and the cutout document of the chapters I need you to look at is at the following location on the s: drive:

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## 2009 DTR Revision Style Points

Please use the following rules for writing and editing:

1. Use times new roman for the font and 12 for the font size.
2. In text, the DTR is referred to as “this Technical Report.”
3. In text, Exponent’s report is referred to as “the Shipyard Report (Exponent, 2003).”
4. Use a comma to separate the source and the date when making references in text.
5. Use 2 spaces after a period and the start of a new sentence.
6. Use “Shipyard Sediment Site” when referring to the site that includes NASSCO and BAE Systems shipyards.
7. Use of the word “section.”
  - a. When referring to a section of law, do not capitalize the word “section” (e.g., Clean Water Act section 402 and Water Code section 13376).
  - b. Capitalize the word “section” when making reference to another *specific* section of the DTR (e.g., For the reasons set forth in Sections 6 and 7 of this Technical Report ...).
  - c. Do not capitalize the word section when making general reference to the *same* section of the DTR (e.g., This section provides an overview of the general principles ...).
8. “Figure” is capitalized in the text when referring to a figure by number (eg – Figure 1-2).
9. “Table” is capitalized in the text when referring to a table by number (eg – Table 1-1).
10. Water Board order names should include “No.” as in Resolution No. 92-49, State Board Order No. WQ-86-10. The DTR is inconsistent in this regard, so we will need to edit it to follow this guidance.
11. The word “state” is not capitalized (e.g., ... conform to the state’s antidegradation policy, or, waters of the state).
12. Use the acronyms and abbreviations defined on page xxiv of the Technical Report.
13. Superscript footnote numbers go after punctuation marks. For example, a footnote number superscript follows the period at the end of a sentence.
14. Table, Figure and Section headings are in bold font.
15. Table and Figure titles are left justified.
16. Dates – If a date appears in the middle of a sentence, a comma should follow the year. For example: During an inspection on March 3, 1997, the following was noted.
17. Titles of orders, policies, resolutions, reports, etc. should be in italics.
18. The State Water Resources Control Board short name is “State Water Board.” This is defined in Chapter 1. In all subsequent Chapters, use “State Water Board.”

19. The California Regional Water Quality Control Board, San Diego Region short name is "San Diego Water Board." This is defined in Chapter 1. In all subsequent Chapters use "San Diego Water Board."
20. The National Steel and Shipbuilding Company Shipyard facility short name is defined in Chapter 1 as "NASSCO." Use "NASSCO" in all subsequent chapters.
21. The BAE Systems San Diego Ship Repair Facility short name is defined in Chapter 1 as "BAE Systems." Use "BAE Systems" in all subsequent chapters. Delete "formerly Southwest Marine" wherever it appears after Chapter 1.

**Lisa Honma - Re: Shipyard Cleanup Assignment**

---

From: Lisa Honma  
To: Amy Mecklenborg  
Date: 12/14/2009 10:49 AM  
Subject: Re: Shipyard Cleanup Assignment

---

As soon as you can possibly get them done.

>>> Amy Mecklenborg 12/14/09 10:48 AM >>>

Hello Lisa,  
When are my edits due?  
Thank you,

Amy Mecklenborg, MAS  
Environmental Scientist  
San Diego Regional  
Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
P 858.467.2952 F 858.571.6972  
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>>> Lisa Honma 12/14/2009 9:42 AM >>>

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**Lisa Honma - Re: Shipyard Cleanup Assignment**

---

**From:** Lisa Honma  
**To:** Amy Mecklenborg  
**Date:** 12/14/2009 10:51 AM  
**Subject:** Re: Shipyard Cleanup Assignment

---

It's supposed to be release to the public next Tuesday.

>>> Amy Mecklenborg 12/14/09 10:50 AM >>>

I would like a tentative time frame. When is the whole document aimed for?

Amy Mecklenborg, MAS  
Environmental Scientist  
San Diego Regional  
Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
P 858.467.2952 F 858.571.6972  
Direct P 858.637.7139  
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>>> Lisa Honma 12/14/2009 10:49 AM >>>

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>>> Amy Mecklenborg 12/14/09 10:48 AM >>>

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Thank you,

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San Diego Regional  
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San Diego, CA 92123-4340  
P 858.467.2952 F 858.571.6972  
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31\_RuleConsistency.doc

I've already done a Find and Replace for the State Water Board, San Diego Water Board names, so you can skip those.

With respect to only using BAE Systems and removing the "formerly known as Southwest Marine" phrase (except for 1st use), there is one location I ran across where the situation might be reversed. The Sediment Quality Investigation (Section 12) performed by the Shipyards was done by Southwest Marine. Check with Julie on how she wants to handle this. We either say Southwest Marine ( now BAE Systems) or we just say BAE Systems and reiterate that it was Southwest Marine in parentheses or a footnote.

**From:** Lisa Honma  
**To:** John Edmondson  
**CC:** David Barker  
**Date:** 2/26/07 10:03 AM  
**Subject:** RE: Access to File Conversion Project Cover Sheet

Hey John, Thanks. We are able to get on now. However, the drop-down menus for Program Activity, Action, and Sub-Action are missing, as is the Part # and Place #. Let me know when it can be/is restored. Thanks, Lisa

>>> "John Edmondson" <jhe@nekoind.com> 2/23/07 11:25 AM >>>  
Hello Lisa,

We have reset the password and tested. You should be able to login

John

-----Original Message-----

**From:** Lisa Honma [mailto:LHonma@waterboards.ca.gov]  
**Sent:** Friday, February 23, 2007 11:19 AM  
**To:** jhe@nekoind.com  
**Subject:** Access to File Conversion Project Cover Sheet

Hi John, I've been working on the Shipyard File Conversion Project with Dave Barker and we've lost our access to your server and the cover page we are using for indexing documents. It appears that the password has been changed as the message that appears when logging in indicates not having authorization/permission to view the site. Dave asked me to contact you directly.

The user id and password we've been using is as follows:  
r9master  
2access5

Hope you can help. Thanks in advance, Lisa

Lisa E. B. Honma  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, California 92123  
858/467-2960  
New E-mail Address: [lhonma@waterboards.ca.gov](mailto:lhonma@waterboards.ca.gov)

><(((°>' .. ><(((°>'.. ><(((°>'..><(((°>.  
' .. ><(((°>' .. ><(((°>' .. ><(((°>.

Please take the time to fill out our electronic customer service survey  
located at <http://www.calepa.ca.gov/Customer/>.

**From:** Lisa Honma  
**To:** John Edmondson  
**Date:** 2/26/07 11:16 AM  
**Subject:** RE: Access to File Conversion Project Cover Sheet

Hey John, Well, since I sent you the e-mail, Alan has been able to get on and is not experiencing any problems. It could be my machine (now I'm having problems getting access to state board's server). I'm going to reboot and try again. Since Alan is on the site and not having any problems, you can disregard my earlier message. I'll let you know if anything else comes up. Thanks for your quick response. Lisa

>>> "John Edmondson" <jhe@nekoind.com> 2/26/07 10:12 AM >>>

Hello Lisa,

I just took a look at the website and all of the fields were there? Can you please send us a screen shot of what you are seeing so that we can determine how to proceed.

John

-----Original Message-----

**From:** Lisa Honma [<mailto:LHonma@waterboards.ca.gov>]  
**Sent:** Monday, February 26, 2007 10:03 AM  
**To:** [jhe@nekoind.com](mailto:jhe@nekoind.com)  
**Cc:** David Barker  
**Subject:** RE: Access to File Conversion Project Cover Sheet

Hey John, Thanks. We are able to get on now. However, the drop-down menus for Program Activity, Action, and Sub-Action are missing, as is the Part # and Place #. Let me know when it can be/is restored. Thanks, Lisa

>>> "John Edmondson" <[jhe@nekoind.com](mailto:jhe@nekoind.com)> 2/23/07 11:25 AM >>>

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John

-----Original Message-----

**From:** Lisa Honma [<mailto:LHonma@waterboards.ca.gov>]  
**Sent:** Friday, February 23, 2007 11:19 AM  
**To:** [jhe@nekoind.com](mailto:jhe@nekoind.com)  
**Subject:** Access to File Conversion Project Cover Sheet

Hi John, I've been working on the Shipyard File Conversion Project with Dave Barker and we've lost our access to your server and the cover page we are



## Lisa Honma - Redo of Cover for CAO Technical Report

---

**From:** Lisa Honma  
**To:** Sharon Norton  
**Date:** 12/3/2009 11:36 AM  
**Subject:** Redo of Cover for CAO Technical Report  
**Attachments:** Cover San Diego.pdf

---

Sharon, Oh Gosh!, eons ago you designed a cover for a draft Tech Report. Well, now that many moons have passed and a lot of mediated negotiations by the designated parties, we are about to release a revised report. Would it be possible to have the cover modified or even changed (some of the content is new and it has a new order #)? By order of one of our Board Members, we must release the document by December 22nd. I know that's not much time for you, but I was waiting for the re-assigned order number, which I now have. Please let me know of your availability to assist. I recently got Adobe Pro on my desktop; does it have the ability to make the changes if you don't have time?

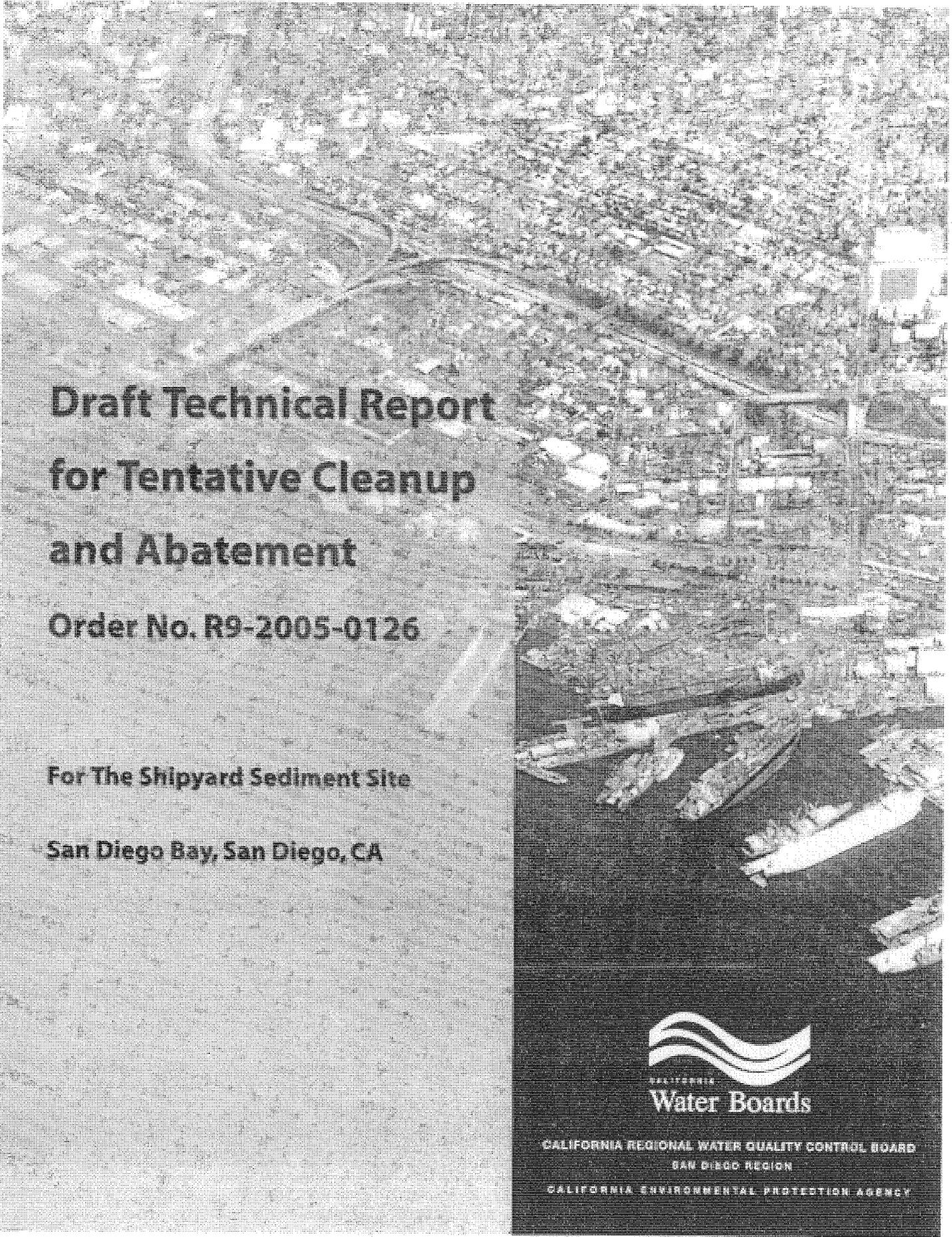
At a minimum I need the title to be changed to:

**Draft Technical Report for Tentative Cleanup and Abatement Order No. R9-2010-0002**

And I'd like to add "December 2009" somewhere on the page.

Thanks for your time, Lisa

P.S. I can get the original image that was used for the cover for you if you have time do something different with the layout.



**Draft Technical Report  
for Tentative Cleanup  
and Abatement**

**Order No. R9-2005-0126**

**For The Shipyard Sediment Site**

**San Diego Bay, San Diego, CA**



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**Lisa Honma - Re: Redo of Cover for CAO Technical Report**

---

From: Lisa Honma  
To: Sharon Norton  
Date: 12/3/2009 1:35 PM  
Subject: Re: Redo of Cover for CAO Technical Report

---

Absolutely! I add the cover at the very end, once I convert the Word doc to PDF. I'm so happy you can do it. It's so nice to have a professional looking cover on a report. And this is a pretty high profile project; I want it to look good. :) Unfortunately, I only have the one picture (which one of our Branch Chiefs took out of the window of a plane many years back : ), so I don't have any new artwork to work with. Let me know if you need me to send the original image. Thanks again. Lisa

>>> Sharon Norton 12/3/09 11:51 AM >>>

Lisa,

I think I'll have some time next week to design you a new cover. If I got you something by the end of next week would that work for you?

Sharon

>>> Lisa Honma 12/03/09 11:36 AM >>>

Sharon, Oh Gosh!, eons ago you designed a cover for a draft Tech Report. Well, now that many moons have passed and a lot of mediated negotiations by the designated parties, we are about to release a revised report. Would it be possible to have the cover modified or even changed (some of the content is new and it has a new order #)? By order of one of our Board Members, we must release the document by December 22nd. I know that's not much time for you, but I was waiting for the re-assigned order number, which I now have. Please let me know of your availability to assist. I recently got Adobe Pro on my desktop; does it have the ability to make the changes if you don't have time?

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And I'd like to add "December 2009" somewhere on the page.

Thanks for your time, Lisa

P.S. I can get the original image that was used for the cover for you if you have time do something different with the layout.

**Lisa Honma - Fwd: Shipyard Report Cover Picture**

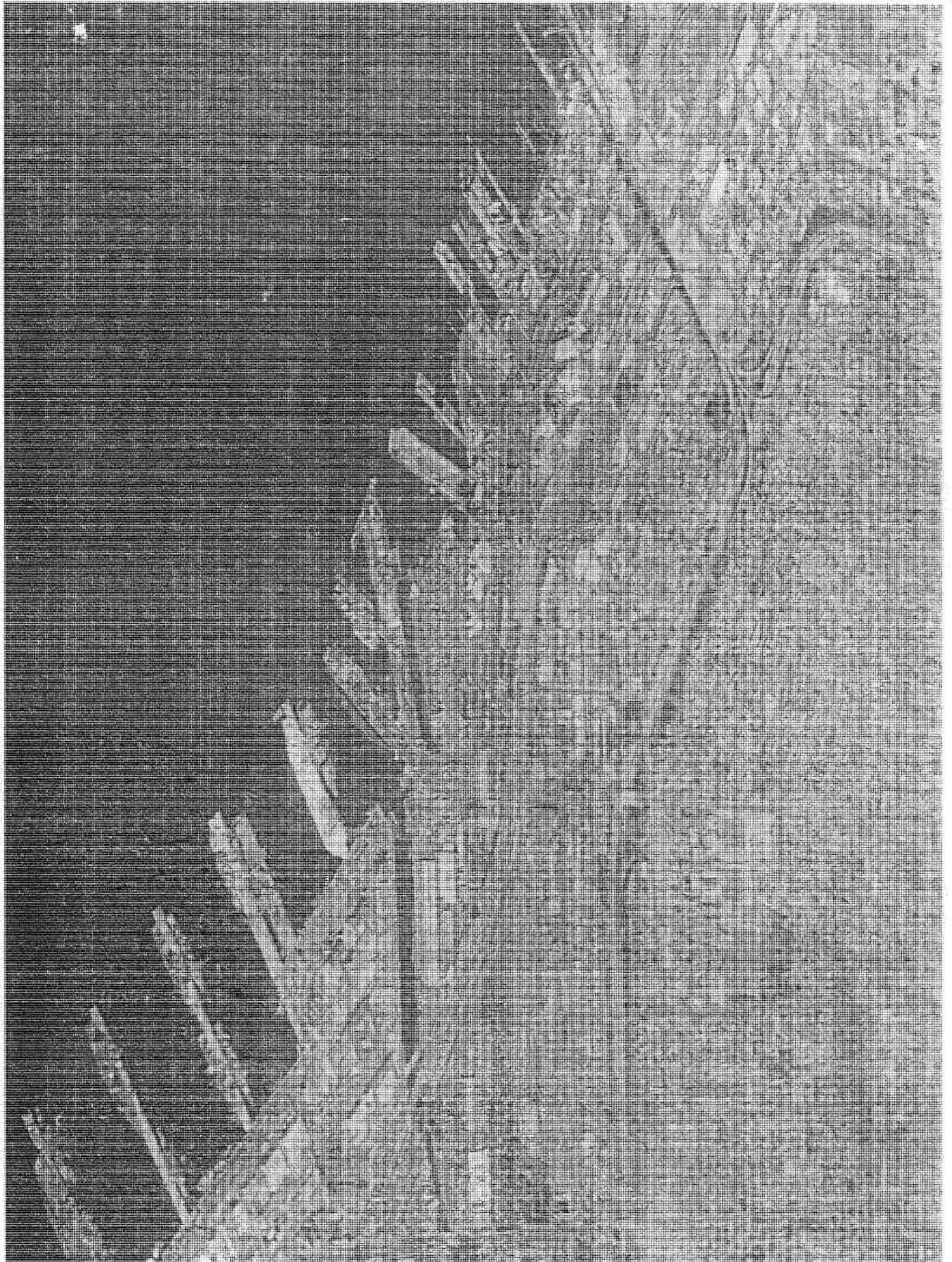
---

**From:** Lisa Honma  
**To:** Sharon Norton  
**Date:** 12/8/2009 4:33 PM  
**Subject:** Fwd: Shipyard Report Cover Picture  
**Attachments:** p5220007.jpg

---

Hey Sharon, here is the original jpg file of the NASSCO and BAE Systems shipyards on San Diego Bay.

>>> David Barker 12/8/09 4:18 PM >>>  
here you go.



**Lisa Honma - Fwd: Original Shipyard Cover Picture**

---

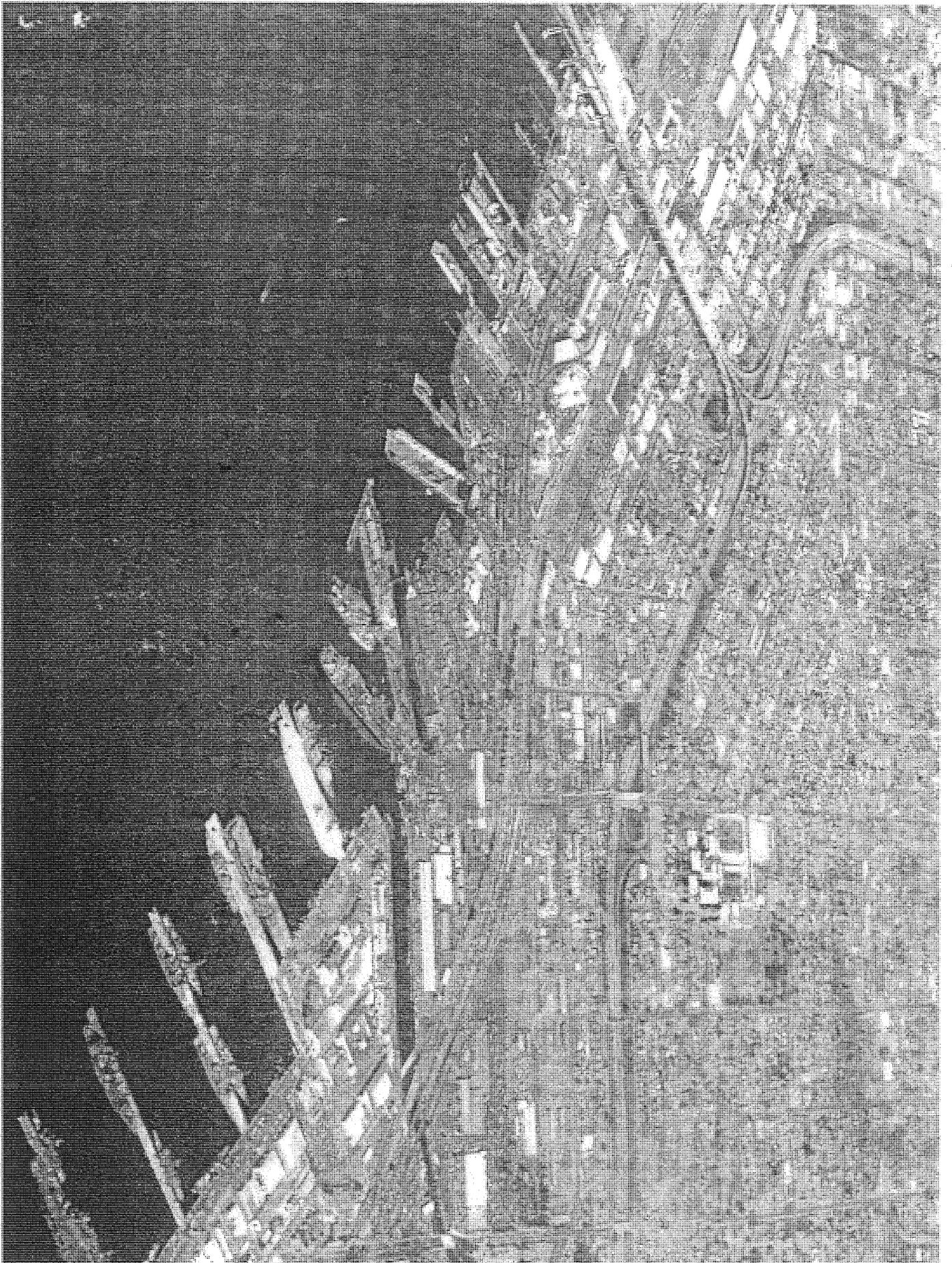
**From:** Lisa Honma  
**To:** Sharon Norton  
**Date:** 12/9/2009 8:50 AM  
**Subject:** Fwd: Original Shipyard Cover Picture  
**Attachments:** Shipyard Sediment Site.jpg

---

I guess there was more than one picture (I thought that other one was a bit hazier than I remembered). I think this one is a clearer shot of the shipyards. FYI - NASSCO has the big red ships and then BAE Systems is to the left towards Coronado Bridge. Naval Station is south of Chollas Creek Mouth (the channel coming in on the right) and you can make out the fuel tanks of Chevron and BP, and SDG&E's Silvergate Power Plant (the big rectangle just inland from BAE Systems Shipyard). Of course, there is the City of San Diego, too. All parties named in the CAO. Thanks, Lisa

>>> David Barker 12/8/09 5:38 PM >>>

Lisa - I found the exact copy of the picture you used to make the shipyard cover picture. See attached. David



**Lisa Honma - Re: Web posting**

---

**From:** Lisa Honma  
**To:** Julie Chan  
**Date:** 12/9/2009 10:18 AM  
**Subject:** Re: Web posting

---

Bob - Looks good, but I noticed a couple of things that need to be fixed.

1) I didn't see the CEQA Scoping Meeting Notice on the Home Page Announcements section. I had given you some language to use in the web posting request I sent yesterday, which is still in my Web Posting folder on my p: drive. I put another copy of the CEQA notice PDF there, too.

I also noticed that there was a redundant item on the 'more' announcements that reads, "Shipyards Sediment Site Cleanup Project and Tentative Cleanup and Abatement Order, R9-2005-0126 (5/13/08)". Please remove this since there is a Shipyards item that remains on the first page of the announcements section.

2) The shipyard CAO has been given a new order number. The titles on this page [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/index.shtml)

and this page [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment/2005\\_0126cut2.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/2005_0126cut2.shtml)

need to be changed. They should read:

on the first:

**San Diego Region - Shipyards Sediment Site Cleanup Project and Tentative Cleanup and Abatement Order No. R9-2010-0002 (formerly R9-2005-0126)**

on the second:

**San Diego Region - Shipyards Sediment Site Cleanup Project Tentative Cleanup and Abatement Order No. R9-2010-0002 Cleanup Team Documents and Information**

3) This project has such a long history that it has several web pages in sequence. I noticed the link on the second to last page has been replaced with the link to the document that immediately precedes it (Guidelines for Assessment and Remediation ...). The link is supposed to go to another web page for documents that date back to 1999. I don't know if the page is lost. Can you look for it and restore the link?

Again, let me know if you have any questions. Thanks a bunch, Lisa

>>> Bob Rossi 12/9/09 7:49 AM >>>  
done ....

Bob Rossi  
LAN Administrator, Region 9  
Phone: (858) 467-2965  
Cell: (858) 336-2328  
BRossi@waterboards.ca.gov

>>> Lisa Honma 12/8/2009 4:10 PM >>>

Hey Bob, I thought I would make some changes to get ready for the release of the Revised CAO and Technical Report. Also, Tom recently released a Notice for a CEQA Scoping Meeting that should be posted on our website, too. Please see the attached web posting request. As always, I try to make it as clear as possible, but if you have any questions at all, please let me know. Thanks, Lisa

**Lisa Honma - Re: Redo of Cover for CAO Technical Report**

---

**From:** Lisa Honma  
**To:** Sharon Norton  
**Date:** 12/15/2009 1:31 PM  
**Subject:** Re: Redo of Cover for CAO Technical Report  
**Attachments:** Cover San Diego.pdf

---

I shared it with Julie. It looks good. But we need some additional info added to the cover. The title needs to include the following:

For the Shipyard Sediment Site  
San Diego Bay, San Diego, CA

It was on the last cover, see attached. Use your best judgement for placement on the page. We are very appreciative of your time, and I'm giving you credit on the title page in the report (I wish I had thought of doing that on the last cover you did for us). Would you prefer your name to be followed by your title, Graphic Designer, or just SWRCB.

Thanks, Lisa

>>> Sharon Norton 12/15/09 11:42 AM >>>

Lisa,

I have attached a new designed cover for your report...I hope you like it...Sharon

Sharon Norton  
Graphic Designer III  
State Water Resources Control Board  
phone: 341-5367 fax: 341-5998  
Please note that I am off Mondays.

>>> Lisa Honma 12/03/09 1:36 PM >>>

Absolutely! I add the cover at the very end, once I convert the Word doc to PDF. I'm so happy you can do it. It's so nice to have a professional looking cover on a report. And this is a pretty high profile project; I want it to look good. :) Unfortunately, I only have the one picture (which one of our Branch Chiefs took out of the window of a plane many years back :), so I don't have any new artwork to work with. Let me know if you need me to send the original image. Thanks again. Lisa

>>> Sharon Norton 12/3/09 11:51 AM >>>

Lisa,

I think I'll have some time next week to design you a new cover. If I got you something by the end of next week would that work for you?

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>>> Lisa Honma 12/03/09 11:36 AM >>>

Sharon, Oh Gosh!, eons ago you designed a cover for a draft Tech Report. Well, now that many moons have passed and a lot of mediated negotiations by the designated parties, we are about to release a revised report. Would it be possible to have the cover modified or even changed (some of the content is new and it has a new order #)? By order of one of our Board Members, we must release the document by December 22nd. I know that's not much time for you, but I was waiting for the re-assigned order number, which I now have. Please let me know of your availability to assist. I recently got Adobe Pro on my desktop; does it have the ability to make the changes if you don't have time?

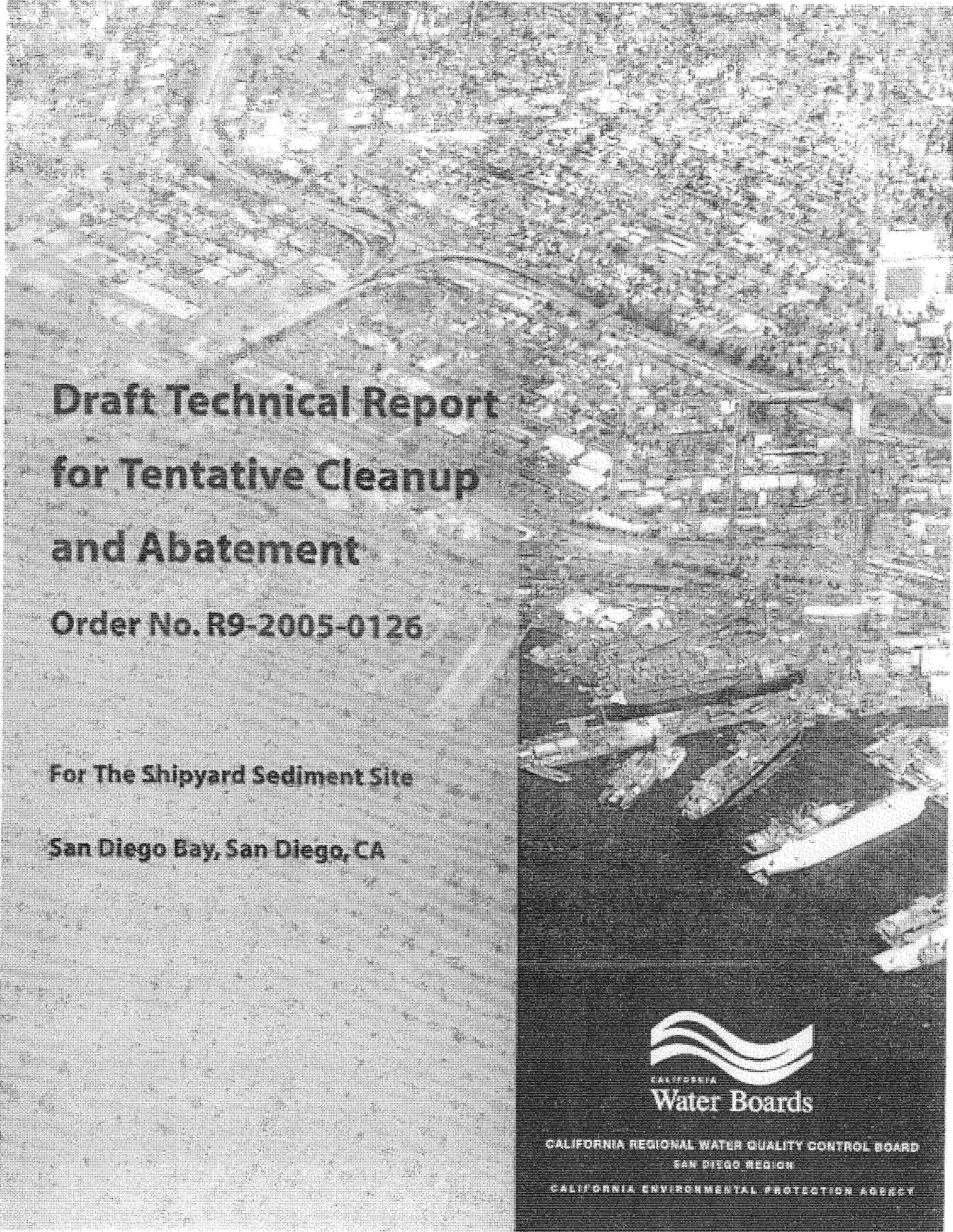
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**Draft Technical Report  
for Tentative Cleanup  
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**Order No. R9-2005-0126**

**For The Shipyard Sediment Site**

**San Diego Bay, San Diego, CA**



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

## Lisa Honma - Re: Redo of Cover for CAO Technical Report

---

From: Lisa Honma  
To: Sharon Norton  
Date: 12/15/2009 4:00 PM  
Subject: Re: Redo of Cover for CAO Technical Report

---

Oh, we love Cover 2! Can you move the pictures upward a touch (maybe put a little space in between the picture block and the 2 text blocks) and then Julie requested that the SB/WB info at the bottom be left justified. Not sure what to do with the December 2009 part, might be strange to leave it hanging out there. What do you think?

>>> Sharon Norton 12/15/09 2:30 PM >>>

Hi Lisa,  
I have attached two different covers...with the correction.  
Thanks,  
Sharon

>>> Lisa Honma 12/15/09 1:31 PM >>>

I shared it with Julie. It looks good. But we need some additional info added to the cover. The title needs to include the following:

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phone: 341-5367 fax: 341-5998  
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>>> Lisa Honma 12/03/09 1:36 PM >>>

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Thanks for your time, Lisa

P.S. I can get the original image that was used for the cover for you if you have time do something different with the layout.

**Lisa Honma - Re: Redo of Cover for CAO Technical Report**

---

From: Lisa Honma  
To: Sharon Norton  
Date: 12/16/2009 11:34 AM  
Subject: Re: Redo of Cover for CAO Technical Report

---

Thank You, Thank You! It looks very nice.

Title page has the following notation:

Cover design by Sharon Norton, Graphic Designer

I hope you are ok with that. Thanks again, I'm glad you were able to work it in to your schedule. In the event it should go "Final," I'll let you know. Happy holidays from both Julie and myself! Lisa

>>> Sharon Norton 12/16/09 9:37 AM >>>

Lisa,  
I have a tatched a new cover...  
Sharon

>>> Lisa Honma 12/15/09 4:00 PM >>>

Oh, we love Cover 2! Can you move the pictures upward a touch (maybe put a little space in between the picture block and the 2 text blocks) and then Julie requested that the SB/WB info at the bottom be left justified. Not sure what to do with the December 2009 part, might be strange to leave it hanging out there. What do you think?

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P.S. I can get the original image that was used for the cover for you if you have time do something different with the layout.

**Lisa Honma - First Shipyard Posting Dec09 .doc**

---

**From:** Lisa Honma  
**To:** r9help  
**Date:** 12/21/2009 10:11 PM  
**Subject:** First Shipyard Posting Dec09 .doc  
**CC:** Julie Chan  
**Attachments:** First Shipyard Posting Dec09 .doc

---

Bob, Julie asked me to forward this directly to you. Mostly these are place-holders and some of the Appendices that I know are not changing. The noted pdfs are in my webposting folder on my p: drive. There will be more stuff as the day progresses. Thanks, Lisa

# WEBPOSTING REQUEST FORM

Please enter the specific website address (URL) of the page(s) that need(s) to be updated in the box to the right.

Please save a **COPY** of the files (pdf's or word or excel – preferably searchable pdf for security purposes) that will be linked to the site. Save it in your **P drive** inside the "**Web Posting**" folder (The folder has been created - please don't delete this folder.) After we copy the documents in your P drive, we will delete the files as well, so make sure you have another copy for yourself in another location as needed.

Browse the website that you want updated, highlight the body of the page and copy and paste it onto this form. (See Below). Then modify the copied document to show the changes that you want. Please don't forget to indicate the filename and where it needs to be linked. If you have a whole new design, copy and paste it as well. Our font style, color and size are all defaulted and cannot be changed.

**PLEASE MAKE SURE YOUR WEB POSTINGS HAVE BEEN APPROVED BY YOUR SUPERVISOR PRIOR TO SUBMITTING THIS REQUEST**

## San Diego Region - Shipyard Sediment Site Cleanup Project Tentative Cleanup And Abatement Order No. R9-2010-0002 (formerly R9-2005-0126) Cleanup Team Documents and Information

NOTICE OF CEQA SCOPING MEETING: 9AM WEDNESDAY, JANUARY 21, 2010  
(POSTED DECEMBER 9, 2009)

Notice of CEQA Scoping Meeting

Initial Study

TENTATIVE CLEANUP AND ABATEMENT ORDER AND DRAFT TECHNICAL REPORT (POSTED DECEMBER 22, 2009)

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

Draft Technical Report for Tentative Cleanup and Abatement Order No. R9-2010-0002

Volume 1

Volume 2

Appendices

Appendix for Section 5 (ALL\_AppSec5.pdf)  
Appendix for Section 11 (ALL\_AppSec11.pdf)  
Appendix for Section 16 (ALL\_AppSec16.pdf)  
Appendix for Section 17 (ALL\_AppSec17.pdf)  
Appendix for Section 18 (ALL\_AppSec18.pdf)  
Appendix for Section 21 (ALL\_AppSec21.pdf)  
Appendix for Section 25 (ALL\_AppSec25.pdf)  
Appendix for Section 26 (ALL\_AppSec26.pdf)  
Appendix for Section 29 (ALL\_AppSec29.pdf)  
Appendix for Section 30 (ALL\_AppSec30.pdf)

*Provided By IT Staff*

**See Regional Board Actions from April 2008 through May 2008 pertaining to Shipyard Sediment Site**

[Redacted content]

**Lisa Honma - Second Shipyard Posting Dec09 .doc**

---

**From:** Lisa Honma  
**To:** Bob Rossi  
**Date:** 12/22/2009 4:08 PM  
**Subject:** Second Shipyard Posting Dec09 .doc  
**Attachments:** Second Shipyard Posting Dec09 .doc

---

OK, the 2 volumes of the Tech Report are in my p: drive!!! ;) Thanks, Lisa

# WEBPOSTING REQUEST FORM

Please enter the specific website address (URL) of the page(s) that need(s) to be updated in the box to the right.

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/shipyards\\_sediment/2005\\_0126cut2.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/2005_0126cut2.shtml)

Please save a **COPY** of the files (pdf's or word or excel – preferably searchable pdf for security purposes) that will be linked to the site. Save it in your **P drive** inside the **"Web Posting" folder** (The folder has been created - please don't delete this folder.) After we copy the documents in your P drive, we will delete the files as well, so make sure you have another copy for yourself in another location as needed.

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## San Diego Region - Shipyard Sediment Site Cleanup Project Tentative Cleanup And Abatement Order No. R9-2010-0002 (formerly R9-2005-0126) Cleanup Team Documents and Information

NOTICE OF CEQA SCOPING MEETING: 9AM WEDNESDAY, JANUARY 21, 2010  
(POSTED DECEMBER 9, 2009)

Notice of CEQA Scoping Meeting

Initial Study (Shipyard\_InitialStudy.pdf)

TENTATIVE CLEANUP AND ABATEMENT ORDER AND DRAFT TECHNICAL REPORT (POSTED DECEMBER 22, 2009)

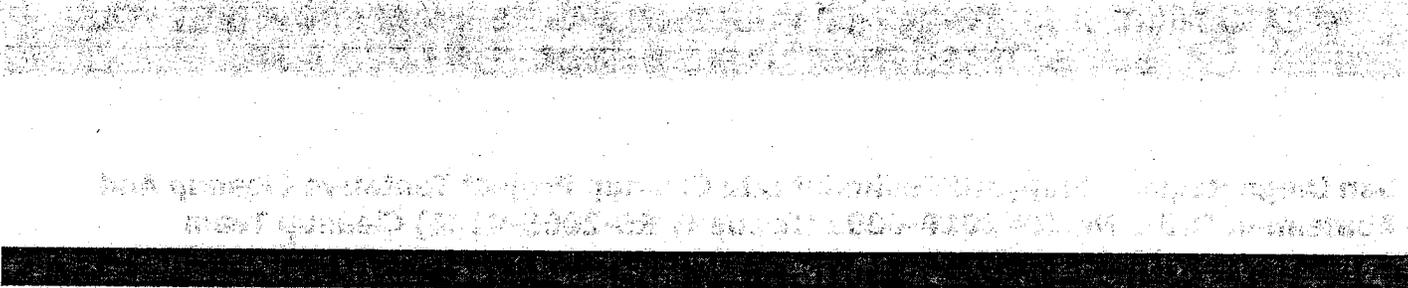
Tentative Cleanup and Abatement Order No. R9-2010-0002 (tCAO\_2010\_0002.pdf)  
Draft Technical Report for Tentative Cleanup and Abatement Order No. R9-2010-0002  
Volume 1 (DTR\_vol1\_22Dec09.pdf)  
Volume 2 (DTR\_vol2\_22Dec09.pdf)

### Appendices

Appendix for Section 5  
Appendix for Section 11  
Appendix for Section 16  
Appendix for Section 17  
Appendix for Section 18  
Appendix for Section 21  
Appendix for Section 25  
Appendix for Section 26  
Appendix for Section 29  
Appendix for Section 30

*Provided By IT Staff*

**See Regional Board Actions from April 2008 through May 2008 pertaining to Shipyard Sediment Site**





Could you take a look in the electronic files to see if I'm overlooking it? Or conversely if it is not on the hard drive but in Board files, could I get a copy of it?

Thanks in advance for your help.

John Kiefer

**Lisa Honma - Item10 Webposting Rqst 3Aug10.doc**

---

**From:** Lisa Honma  
**To:** r9help  
**Date:** 8/3/2010 2:06 PM  
**Subject:** Item10 Webposting Rqst 3Aug10.doc  
**Attachments:** Item10 Webposting Rqst 3Aug10.doc

---

Hello, I have the attached webposting request for the August Agenda. The docs are in my web posting folder on my p: drive. Let me know if you have any questions. Thanks, Lisa

## WEBPOSTING REQUEST FORM

Please enter the specific website address (URL) of the page(s) that need(s) to be updated in the box to the right.

[http://www.waterboards.ca.gov/sandiego/board\\_info/agendas/2010/aug/Aug11.shtml](http://www.waterboards.ca.gov/sandiego/board_info/agendas/2010/aug/Aug11.shtml)

Please save a **COPY** of the files (pdf's or word or excel – preferably searchable pdf for security purposes) that will be linked to the site. Save it in your **P drive** inside the **"Web Posting" folder** (The folder has been created - please don't delete this folder.) After we copy the documents in your P drive, we will delete the files as well, so make sure you have another copy for yourself in another location as needed.

Browse the website that you want updated, highlight the body of the page and copy and paste it onto this form. (See Below). Then modify the copied document to show the changes that you want. Please don't forget to indicate the filename and where it needs to be linked. If you have a whole new design, copy and paste it as well. Our font style, color and size are all defaulted and cannot be changed.

**PLEASE MAKE SURE YOUR WEB POSTINGS HAVE BEEN APPROVED BY YOUR SUPERVISOR PRIOR TO SUBMITTING THIS REQUEST**

10. Resolution Requesting Funding from the Cleanup and Abatement Account for Shipyard Sediment Site Cleanup and Abatement Order Environmental Impact Report (Tentative Resolution No. R9-2010-0102) (Julie Chan)

Executive Officer's Summary Report (EOSR 11Aug2010)

Supporting Document No. 1 – Tentative Resolution No. R9-2010-0102 (SuppDoc 1.doc)

Supporting Document No. 1.A – Memo from David W. Gibson dated July 20, 2010 (SuppDoc\_1.A.pdf)

Supporting Document No. 1.B – CAA Funding Request Form (SuppDoc\_1.B.pdf)

Supporting Document No. 1.C. – Memo from Christian Carrigan dated July 9, 2010-08-03 (SuppDoc\_1.C.pdf)

Supporting Document No. 1.D. – Memo from David A. King dated July 16, 2010-08-03 (SuppDoc\_1.D.pdf)

Supporting Document No. 1.E. – Scope of Work and Budget (SuppDoc\_1.E.pdf)

11. Information Item: Water Quality Protection in the Temecula Valley Wine Country (Cathryn Henning)

**Lisa Honma - Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt**

---

From: Lisa Honma  
To: Sharon Norton  
Date: 9/9/2010 5:02 PM  
Subject: Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt

---

Wait! I wanted the color pictures. The covers look great otherwise! Thanks and please send covers with the color photos. And have a great weekend. ;) Lisa

>>> Sharon Norton 9/9/10 11:31 AM >>>

Hi Lisa,  
I have made some photo changes and attached Vol.1, 2, & 3 pds.  
Thanks....  
Sharon

Sharon Norton  
Graphic Designer III  
State Water Resources Control Board  
phone: 341-5367 fax: 341-5998  
Please note that I am off Mondays.

>>> Lisa Honma 09/08/10 3:38 PM >>>

Hey Sharon, Sorry, I've been so swamped that I haven't been able to get back to you. I like the first one, "CLEANUP AND ABATEMENT Cover.PDF." BTW, the cover looks great! Absolutely love it!

However, a few of the photos are not a perfect fit. The project is in San Diego Bay and it's at a shipyard, so the pictures of the guy sampling on a sandy beach and the beach sunset photo need to be replaced. We were able to acquire some shipyard photos, so I'm sending them to you to see if any of them will work (in attached email). I'm partial to 100\_3888, 100\_3894, and maybe 100\_3895 (tho' I think it's a touch blurry). I like 100\_3898 too, but I think it's the wrong orientation.

I have another photo that I found in a PPT presentation of some guys collecting sediment samples - it's not the greatest because one of the guy's back is facing the camera but I thought I would send it to you to see what you thought. Photo attached.

See what you can do with the photos.

The publish date is September 15. Let me know if you have any questions, although I will be out of the office tomorrow and, of course, Friday is a furlough day. I will be in next week getting everything ready for the Sept. 15th release. Thanks again, Lisa

>>> Sharon Norton 8/25/10 5:11 PM >>>

Hi Lisa,  
(Hopefully I sent the correct one's this time)  
I have attached three cover designs....I'll send the volume 1, 2, 3 and make jpg files when you pick the one you like.  
Thanks,  
Sharon

Sharon Norton  
Graphic Designer III  
State Water Resources Control Board  
phone: 341-5367 fax: 341-5998  
Please note that I am off Mondays.

>>> Lisa Honma 08/03/10 11:27 AM >>>



**Lisa Honma - Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt**

---

From: Lisa Honma  
To: Sharon Norton  
Date: 9/14/2010 4:49 PM  
Subject: Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt

---

Can I have a Volume 3 too?

>>> Sharon Norton 9/14/10 3:12 PM >>>

Lisa,  
I have attached v1 & v2 in color...did you need anything else?  
Best of luck in getting your report out tomorrow. s

>>> Lisa Honma 09/14/10 9:18 AM >>>

Great! We are hoping to starting putting the documents up on the website as we can get them ready. : o ) Ooh, I will be much a happier happy camper, come Wednesday COB. Thanks again. Lisa

>>> Sharon Norton 9/14/10 8:51 AM >>>

Hi Lisa,  
Sorry about that miss-understanding. I'll make the change today.

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Graphic Designer III  
State Water Resources Control Board  
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**Lisa Honma - Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt**

---

From: Lisa Honma  
To: Sharon Norton  
Date: 9/15/2010 8:51 AM  
Subject: Re: Here We Go Again: Covers for Shipyard Cleanup Tech Rpt

---

Thank you. :) Maybe in a year or so, we can make *this* one final and we won't have to mess with the cover design any more. What can I say, I'm an optimist at heart. Take care until next time and thank you again - you do great work. Cheers, Lisa

>>> Sharon Norton 9/14/10 5:10 PM >>>  
Volume 3 is attached :) s

>>> Lisa Honma 09/14/10 4:49 PM >>>  
Can I have a Volume 3 too?

>>> Sharon Norton 9/14/10 3:12 PM >>>  
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**Lisa Honma - Re: Gallager e-mail**

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**From:** Lisa Honma  
**To:** Frank Melbourn; Vicente Rodriguez  
**Date:** 9/28/2010 1:08 PM  
**Subject:** Re: Gallager e-mail

---

Got it. Thanks Frank! Lisa

>>> Frank Melbourn 9/28/10 9:52 AM >>>

Hi Lisa & Vicente,

Below is the link to the pdf file.

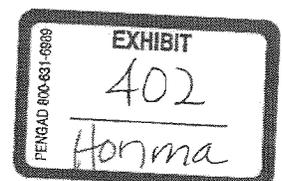
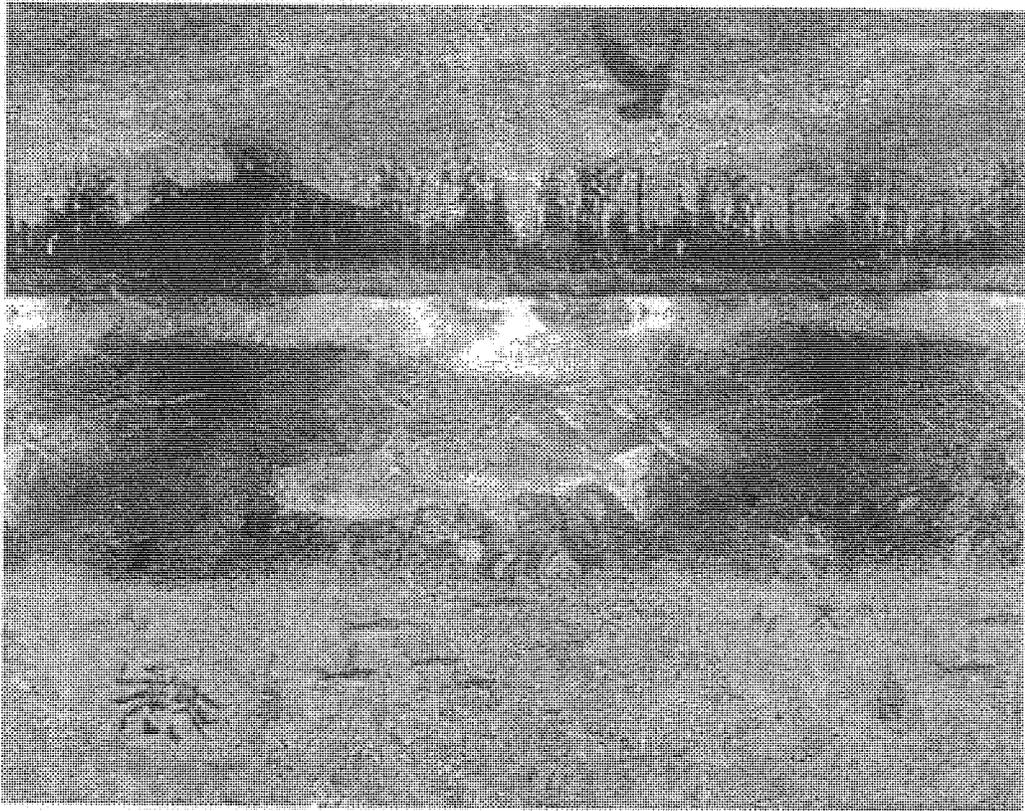
Frank

S:\Compliance\_Assurance\Enforcement\_Orders\CAO\SD Bay Sediments\2009-09-30\_gallagher.pdf





## Contaminated Sediment Remediation Guidance for Hazardous Waste Sites



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United States Environmental Protection Agency  
Office of Solid Waste and Emergency Response

EPA-540-R-05-012  
OSWER 9355.0-85  
December 2005

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## ADDITIONAL COPIES

The *Contaminated Sediment Remediation Guidance for Hazardous Waste Sites* is available to download from EPA's Superfund program Web site at <http://www.epa.gov/superfund/resources/sediment/guidance.htm>. Hard copies of the document can be obtained at no charge by contacting EPA's National Service Center for Environmental Publications (NSCEP) at (800) 490-9198 or ordered via the Internet at <http://www.epa.gov/nscep/ordering.htm>.

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## ACKNOWLEDGMENTS

Initial drafts of this document were prepared by an Inter-Agency workgroup led by the U.S. Environmental Protection Agency (EPA) Office of Emergency and Remedial Response [now Office of Superfund Remediation and Technology Innovation (OSRTI)]. In addition to EPA, the workgroup included representatives from the following organizations:

National Oceanic and Atmospheric Administration (NOAA)  
U.S. Army Corps of Engineers (USACE)  
U.S. Fish and Wildlife Service (USFWS)

Representatives of other organizations contributed to the document by commenting on early drafts. These included the following:

Environment Canada  
U.S. Navy  
U.S. Geological Survey  
U.S. Department of Energy  
Oregon Department of Environmental Quality  
Massachusetts Department of Environmental Quality  
Wisconsin Department of Natural Resources

The following individuals led subgroups to draft various sections of the document or otherwise contributed substantially to the overall character of the guidance:

Steve Ells (EPA OSRTI)  
Allison Hiltner (EPA Region 10)  
Doug Johnson (EPA Region 4)  
Fran Kremer (EPA ORD)  
Judith McCulley (EPA Region 8)  
Richard Nagle (EPA Region 5)  
Michael Palermo (formerly USACE)

The following individuals drafted sections of the document or assisted in various substantial ways in preparation of the guidance, and EPA also sincerely appreciates their assistance:

David Allen (USFWS)	Kevin E. Donovan (EPA OSW)
Daniel Averett (USACE)	David Drake (EPA Region 7)
Ed Barth (EPA ORD)	Bonnie Eleder (EPA Region 5)
Gary Baumgarten (EPA Region 6)	Jane Marshall Farris (EPA OST)
Stacey Bennett (EPA Region 6)	Joan Fisk (EPA OSRTI)
Barbara Bergen (EPA ORD)	Tom Fredette (USACE)
Ned Black (EPA Region 9)	Gayle Garman (NOAA)
Richard Brenner (EPA ORD)	Joanna Gibson (EPA OSRTI)
Daniel Chellaraj (EPA OSRTI)	Ron Gouguet (NOAA)
Scott Cieniawski (EPA GLNPO)	Patricia Gowland (EPA OSRTI)
Sherri Clark (EPA OSRTI)	Jim Hahnenberg (EPA Region 5)
Barbara Davis (EPA OSRTI)	Earl Hayter (EPA ORD)

***Contaminated Sediment Remediation Guidance  
for Hazardous Waste Sites***

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Richard Healy (EPA OST)  
Glynis Hill (EPA OWOW)  
Robert Hitzig (EPA OSRTI)  
Michael Horne (USFWS)  
Michael Hurd (EPA OSRTI)  
Sheila Igoe (EPA OGC)  
Sharon Jaffess (EPA Region 2)  
Brenda Jones (EPA Region 5)  
Kymberlee Keckler (EPA Region 1)  
Karen Keeley (EPA Region 10)  
Anne Kelly (EPA Region 2)  
Michael Kravitz (EPA ORD)  
Tim Kubiak (USFWS)  
Carlos Lago (EPA OSW)  
Amy Legare (EPA OSRE)  
Sharon Lin (EPA OWOW)  
John Lindsay (NOAA)  
Terry Lyons (EPA ORD)  
Kelly Madalinski (EPA OSRTI)  
John Malek (EPA Region 10)  
Steve Mangion (EPA ORD, Region 1)  
Dale Haroski (EPA OSWER)

Bruce Means (EPA OSRTI)  
Amy Merten (NOAA)  
David Mueller (USGS)  
Jan A. Miller (USACE)  
William Nelson (EPA ORD)  
Walter Nied (EPA Region 5)  
Mary Kay O'Mara (USACE)  
Charles Openchowski (EPA OGC)  
David Petrovski (EPA Region 5)  
Cornell Rosiu (EPA Region 1)  
Fred Schauffler (EPA Region 9)  
Ken Seeley (USFWS)  
Robert Shippen (EPA OST)  
Craig Smith (EPA Region 7)  
Mark Sprenger (EPA OSRTI)  
Laurel Staley (EPA ORD)  
Pam Tames (EPA Region 2)  
Dennis Timberlake (EPA ORD)  
Yolaanda Walker (EPA OSRE)  
Larry Zaragoza (EPA OSRTI)  
Craig Zeller (EPA Region 4)

Technical support for this project was provided by Rebecca Tirrell, Molly Wenner, Aaron George, William Zobel, and others at CSC Systems & Solutions LLC. Workgroup facilitation services were provided by Kim Fletcher, SRA International, Inc., and by Jim Fary, EPA OSRTI. EPA very much appreciates their able support.

Ernie Watkins, Chair, Contaminated Sediment Remediation Guidance Workgroup, 1998-2001

Leah Evison, Project Manager, Office of Superfund Remediation and Technology Innovation, 2001-2005

## Executive Summary

In 2004, the U.S. Environmental Protection Agency (EPA) released the *Updated Report on the Incidence and Severity of Sediment Contamination in Surface Waters of the United States: National Sediment Quality Survey*, which identifies areas in all regions of the country where sediment may be contaminated at potentially harmful levels (U.S. EPA 2004a). Contaminated sediment can significantly impair the navigational and recreational uses of rivers and harbors in the U.S. [National Research Council (NRC) 1997 and 2001] and can be a contributing factor in many of the 3,221 fish consumption advisories nationwide (U.S. EPA 2005a). As of 2004, EPA had decided to take action to clean up contaminated sediment at approximately 140 sites, including federal facilities, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and additional sites under the Resource Conservation and Recovery Act [(RCRA), U.S. EPA 2004a]. The remedies for more than 60 sites are large enough that they are being tracked at the national level. Many other sites are being cleaned up under state authorities, other federal authorities, or as voluntary actions.

This document provides technical and policy guidance for project managers and management teams making remedy decisions for contaminated sediment sites. It is primarily intended for federal and state project managers considering actions under CERCLA, although technical aspects of the guidance are also intended to assist project managers addressing sediment contamination under RCRA. Many aspects of this guidance also will be useful to other governmental organizations and potentially responsible parties (PRPs) that may be conducting a sediment cleanup. Although aspects related to site characterization and risk assessment are addressed, the guidance focuses on considerations regarding feasibility studies and remedy selection for contaminated sediment. The guidance is lengthy, and users may wish to consult sections most applicable to their current need. To help in this process, a short summary of each of the eight chapters is provided below. Sediment cleanup is a complex issue, and as new techniques evolve, EPA will issue new or updated guidance on specific aspects of contaminated sediment assessment and remediation. Links to guidance and additional information about contaminated sediments at Superfund sites are available at <http://www.epa.gov/superfund/resources/sediment>.

**Chapter 1, Introduction**, describes the general backdrop for contaminated sediment remediation and reiterates EPA's previously issued Office of Solid Waste and Emergency Response (OSWER) Directive 9285.6-08, *Principles for Managing Contaminated Sediment Risks at Hazardous Waste Sites* (U.S. EPA 2002a). Other issues addressed in Chapter 1 include the role of the natural resource trustees, states, Indian tribes, and communities at sediment sites. Where there are natural resource damages associated with sediment sites, coordination between the remedial and trusteeship roles at the federal, state, and tribal levels is especially important. In addition to their role as natural resource trustees, certain state cleanup agencies and certain Indian tribes or nations have an important role as co-regulators and/or affected parties and as sources of essential information. Communities of people who live and work adjacent to water bodies containing contaminated sediment should be given understandable information about the safety of their activities, and be provided significant opportunities for involvement in the EPA's decision-making process for sediment cleanup.

**Chapter 2, Remedy Investigation Considerations**, introduces investigation issues unique to the sediment environment, including those related to characterizing the site, developing conceptual site models, understanding current and future watershed conditions, controlling sources, and developing cleanup goals. Especially important at sediment sites is the development of an accurate conceptual site

*Contaminated Sediment Remediation Guidance  
for Hazardous Waste Sites*

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model, which identifies contaminant sources, transport mechanisms, exposure pathways, and receptors at various levels of the food chain. Project managers should consider the role of a sediment site in the watershed context, including other potential contaminant sources, key issues within the watershed, and current and reasonably anticipated or desired future uses of the water body and adjacent land. Important parts of site characterization and remedy selection include the identification and, where feasible, control of significant continuing sources of contamination and an accurate understanding of their contribution to site risk and potential for recontamination. It is also generally important that remedial action objectives, remediation goals, and cleanup levels are based on site-specific data and are clearly defined. At most Superfund sites, chemical-specific remediation goals should be developed into final sediment cleanup levels by weighing the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) balancing and modifying criteria.

In addition, Chapter 2 introduces issues relating to sediment mobility and contaminant fate and transport, and modeling at sediment sites. In most aquatic environments, surface sediment and associated contaminants move over time. An important part of the remedial investigation at many sediment sites is a site-specific assessment of whether movement of contaminated sediment (surface and subsurface), or of contaminants alone, is occurring or may occur at scales and rates that will significantly change their contribution to risk. For example, is significant sedimentation of cleaner sediment burying contaminated sediment, and, if so, how quickly, and is erosion likely to re-expose those contaminants in the future? An accurate assessment of sediment mobility and contaminant fate and transport can be one of the most important factors in identifying areas suitable for monitored natural recovery (MNR), in-situ caps, or near-water confined disposal facilities (CDFs). Evaluation of alternatives should include consideration of disruption from man-made (anthropogenic) causes such as propeller scour and natural causes such as floods and ice scour. Generally, this evaluation should include the 100-year flood and other events with a similar probability of occurrence. Project managers should make use of the variety of field and laboratory measurement methods available for evaluating site characteristics. For example, the shear stress necessary to erode sediment or the increase in exposure of biota that might be expected from any contaminants transported to surface water from ground water.

Where appropriate, project managers also should make use of numerical models for predicting future conditions at a site. There is a wide range of models, from simple to complex, which can be applied to contaminated sediment sites. Where numerical models are used, verification, calibration, and validation should be typically performed to yield a scientifically defensible study. While quantitative uncertainty analyses can be performed for watershed loading and food web models, at the current time they cannot be generally performed for fate and transport models. However, frequently a sensitivity analysis can be used to identify the model parameters that have most impact on model results, so that the project team can ensure that these parameters are well constrained by site data.

Chapter 3, *Feasibility Study Considerations*, supplements existing EPA guidance by offering sediment-specific guidance about developing alternatives, applying the NCP remedy selection criteria, identifying applicable or relevant and appropriate requirements (ARARs), evaluating effectiveness and permanence, estimating cost, and using institutional controls. Major alternatives include dredging and excavation, in-situ capping, and MNR. Innovative lab and field testing of in-situ treatment in the form of reactive caps or sediment additives are underway and may be useful in the future. Due to the limited number of cleanup methods available for contaminated sediment, generally project managers should evaluate each of the three potential remedy approaches (sediment removal, capping, and MNR) at every

*Contaminated Sediment Remediation Guidance  
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sediment site. At large or complex sites, project managers have found that alternatives that combine a variety of approaches are frequently cost effective. Pursuant to CERCLA section 121, all final remedial actions at CERCLA sites must be protective of human health and the environment, and must comply with ARARs unless a waiver is justified. Developing accurate cost estimates is an important part of evaluating sediment alternatives. Project managers should evaluate capital costs, operation and maintenance costs (including long-term monitoring), and net present value. When evaluating alternatives with respect to effectiveness and permanence, it is important to remember that each of the three potential remedy approaches may be capable of reaching acceptable levels of effectiveness and permanence, and that site-specific characteristics should be reviewed during the alternatives evaluation to ensure that the alternative selected will be effective in that environment. Institutional controls are frequently evaluated as part of sediment alternatives to prevent or reduce human exposure to contaminants. Common types of institutional controls at sediment sites include fish consumption advisories, commercial fishing bans, and waterway use restrictions. In some cases, land use restrictions or structure maintenance agreements have also been important elements of an alternative.

**Chapter 4, Monitored Natural Recovery**, describes the natural processes that should be considered when evaluating MNR as a remedy, and briefly discusses enhanced natural recovery through thin-layer placement of sand or other material. MNR is a remedy that typically uses known, ongoing, naturally occurring processes to contain, destroy, or otherwise reduce the bioavailability or toxicity of contaminants in sediment. An MNR remedy generally includes site-specific cleanup levels and remedial action objectives, and monitoring to assess whether risk is being reduced as expected. Although a "no action" decision may also include monitoring, in this case the monitoring is intended to ensure that an already-acceptable level of risk is maintained (e.g., that deeply buried contaminants are not re-exposed by erosion). Although burial by clean sediment is often the dominant process relied upon for natural recovery, multiple physical, biological, and chemical mechanisms frequently act together to reduce risk. Evaluation of MNR should be usually based on site-specific data, including multiple lines of evidence such as decreasing trends of contaminant levels in fish, in surface water, and in sediment. Project managers should evaluate the long-term stability of the sediment bed and the mobility of contaminants within it. Contingency measures should be included as part of a MNR remedy when there is significant uncertainty that the remedial action objectives will be achieved within the predicted time frame. Generally, MNR should be used either in conjunction with source control or active sediment remediation.

In addition, Chapter 4 discusses the potential advantages and limitations of MNR. In most cases, the two key advantages of MNR are its relatively low implementation cost and its non-invasive nature. While costs associated with site characterization and modeling can be extensive, the costs associated with implementing MNR are primarily associated with monitoring. Because no construction or infrastructure is needed, it is generally much less disruptive to human communities and the ecosystem than active remedies. Two key limitations of MNR may be that it generally leaves contaminants in place without engineered containment and that it can be slow in reducing risks in comparison to active remedies. As with any risk reduction approach that takes a period of time to reach remediation goals, remedies that include MNR frequently rely upon institutional controls, such as fish consumption advisories, to control human exposure during the recovery period. At most sites, some people will disregard advisories despite best efforts to communicate risk, and advisories have no ability to reduce ecological exposures.

**Chapter 5, In-Situ Capping**, summarizes the major capping technologies and describes the site conditions that are important to understand in evaluating the feasibility and effectiveness of in-situ