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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

**IN THE MATTER OF:**  
**TENTATIVE CLEANUP AND**  
**ABATEMENT ORDER NO. R9-2011-0001**  
**(formerly No. R9-2010-0002)**

**DECLARATION OF T. MICHAEL CHEE**  
**IN SUPPORT OF NASSCO'S RESPONSE**  
**TO COMMENTS ON TENTATIVE**  
**CLEANUP AND ABATEMENT ORDER**  
**NO. R9-2011-0001**

1 I, T. Michael Chee, declare and state as follows:

2 1. I am the Environmental Manager at Designated Party National Steel and  
3 Shipbuilding Company (“NASSCO”). I hold a Bachelors of Science Degree in Marine Biology,  
4 and have worked at NASSCO for 38 years, including 25 years developing and managing  
5 NASSCO’s environmental program and department as Environmental Manager. I make this  
6 declaration based on personal knowledge and, if called as a witness, I could competently testify  
7 thereto.

8 2. As the Environmental Manager at NASSCO, my job responsibilities entail  
9 supervising a staff of six environmental specialists, taking appropriate measures to minimize or  
10 eliminate potential environmental risks and ensure full compliance with applicable laws and  
11 regulations. I oversee the development of environmental programs and projects in support of  
12 NASSCO’s Environmental Management System to ensure environmental compliance, pollution  
13 prevention and continual improvement.

14 3. I am also the person responsible for overseeing compliance with NASSCO’s  
15 storm water permits, and am therefore required to be familiar with issues pertaining to storm  
16 water and urban runoff. Accordingly, I am aware that urban runoff to San Diego Bay can  
17 contain metals, total suspended solids, sediment, petroleum products, pesticides, herbicides and  
18 PCBs, among other pollutants. I am also aware that Chollas Creek has been placed on the Clean  
19 Water Act Section 303(d) list for toxicity, cadmium, copper, lead, zinc and diazinon as a result of  
20 urban runoff to the creek.

21 4. In connection with NASSCO’s annual corporate volunteer cleanups at Chollas  
22 Creek, I have also observed the presence of significant trash and debris in areas of Chollas Creek  
23 immediately adjacent to the NASSCO Shipyard.<sup>1</sup> Such trash and debris include but are not  
24 limited to shopping carts, tires, appliances and medical waste.

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27 <sup>1</sup> For purposes of this declaration, the term “NASSCO Shipyard” refers to the bayside portion  
28 of the Shipyard Sediment Site, as defined in Tentative Cleanup and Abatement Order No.  
R9-2011-0001, that is presently leased by NASSCO. A true and correct copy of a map  
depicting the NASSCO Shipyard is attached to this declaration as Exhibit 1.

1           5.       As Environmental Manager at NASSCO, I often patrol the NASSCO Shipyard  
2 during rain events. I have frequently observed storm water plumes, trash and debris discharge  
3 from Chollas Creek to the NASSCO Shipyard during rainstorms.

4           6.       Contaminant loadings in “first flush” storm water runoff, which is the initial  
5 surface runoff in a rainstorm, are typically more concentrated compared to contaminant loading  
6 in storm water during the remainder of the storm. Similarly, early season rains typically result in  
7 higher pollution concentrations or loads than later rainstorms due to “first flush” effects.

8           7.       On several occasions, including but not limited to January 2005, December 2010  
9 and January 2010, I have observed a visible storm water plume flowing from Chollas Creek to  
10 the inner portion of the NASSCO Shipyard, including to areas comprising the remedial footprint  
11 described in the San Diego Regional Quality Control Board’s Tentative Cleanup and Abatement  
12 Order No. R9-2011-0001. I have also observed significant amounts of trash and debris flowing  
13 out of Chollas Creek and into the NASSCO Shipyard, particularly during “first flush” rain  
14 events.

15           8.       On or about January 10, 2005, my staff photographically documented the storm  
16 water plume and trash flowing into the NASSCO Shipyard during a rain event. Attached hereto  
17 as Exhibit 2 are true and correct copies of the January 10, 2005 photographs depicting that the  
18 Chollas Creek storm water plume, as well as trash and debris, reach NASSCO polygons NA06,  
19 NA09, NA15, NA17 and NA19 during storm events.

20           9.       On or about February 23, 2005, my staff photographically documented the storm  
21 water plume and trash flowing into the NASSCO Shipyard during a rain event. Attached hereto  
22 as Exhibit 3 are true and correct copies of the February 23, 2005 photographs depicting that the  
23 Chollas Creek storm water plume, as well as trash and debris, reach NASSCO polygons NA06,  
24 NA09, NA15, NA17 and NA19 during storm events.

25           10.      On or about April 28, 2005, my staff photographically documented the storm  
26 water plume and trash flowing into the NASSCO Shipyard during a rain event. Attached hereto  
27 as Exhibit 4 are true and correct copies of the April 28, 2005 photographs depicting that the

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1 Chollas Creek storm water plume, as well as trash and debris, reach NASSCO polygons NA06,  
2 NA09, NA15, NA17 and NA19 during storm events.

3 11. On or about December 21-23, 2010, my staff photographically documented the  
4 storm water plume and trash flowing from Chollas Creek to the NASSCO Shipyard. Attached  
5 hereto as Exhibit 5 are true and correct copies of the December 21-23, 2010 photographs  
6 documenting that the Chollas Creek storm water plume, as well as trash and debris, reach  
7 NASSCO polygons NA06, NA09, NA15, NA17 and NA19 during storm events.

8 12. On or about January 19-22, 2010, my staff photographically documented the  
9 storm water plume and trash flowing from Chollas Creek to the NASSCO Shipyard. Attached  
10 hereto as Exhibit 6 are true and correct copies of the January 19-22, 2010 photographs  
11 documenting that the Chollas Creek storm water plume, as well as trash and debris, reach  
12 NASSCO polygons NA06, NA09, NA15, NA17 and NA19 during storm events.

13 13. In contrast to the uncontrolled discharges from Chollas Creek, NASSCO currently  
14 incorporates pollution prevention measures aimed at eliminating the possibility of direct releases  
15 of storm water contaminants from NASSCO.

16 14. NASSCO maintains collection systems for surface waters and spills. Curbs,  
17 sumps, pumps and holding tanks collect all rainwater or other liquids released within the  
18 NASSCO Shipyard's paved areas. All collected material is processed through the Shipyard's  
19 onsite water treatment facility before it is discharged to the sewer system.

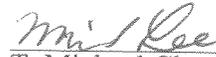
20 15. All processed water from industrial operations is collected and treated onsite  
21 before it is discharged to the sewer system. Prior to the mid-1980s, all bilge and ballast water  
22 was trucked offsite for disposal. In 1997, all non-contact cooling water and load test water  
23 (seawater pumped from the Bay and circulated in pipes and tanks isolated from construction and  
24 repair activities) were also redirected to the sewer system.

25 16. In 2000, NASSCO installed a "first-flush" storm water capture system to prevent  
26 the discharge of "first flush" storm water from high risk areas of the NASSCO Shipyard,  
27 including the floating drydock, graving dock, building ways and paint and blasting areas.  
28 Capture of "first flush" storm water was extended to additional areas of the facility in 1997, and

1 since 2000, all storm water has been captured, treated and discharged to the sewer system. The  
2 storm water collection system was developed and certified by a Professional Engineer registered  
3 in the State of California.

4 17. NASSCO implements ongoing pollution prevention training programs to establish  
5 and maintain high standards of environmental awareness by shipyard employees, and was the  
6 first commercial shipyard in the United States to be ISO-14001 certified for their Environmental  
7 Management System. NASSCO has also received awards from the California Environmental  
8 Protection Agency in 2002 and the U.S. Environmental Protection Agency in 2003 related to its  
9 pollution prevention systems.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct and that this declaration was executed this 23rd day of June, 2011 at  
12 San Diego, California.

13   
14 T. Michael Chee

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T. Michael Chee

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# **EXHIBIT 1**

VOLUME III



DRAFT TECHNICAL REPORT FOR TENTATIVE  
CLEANUP AND ABATEMENT ORDER NO. R9-2011-0001

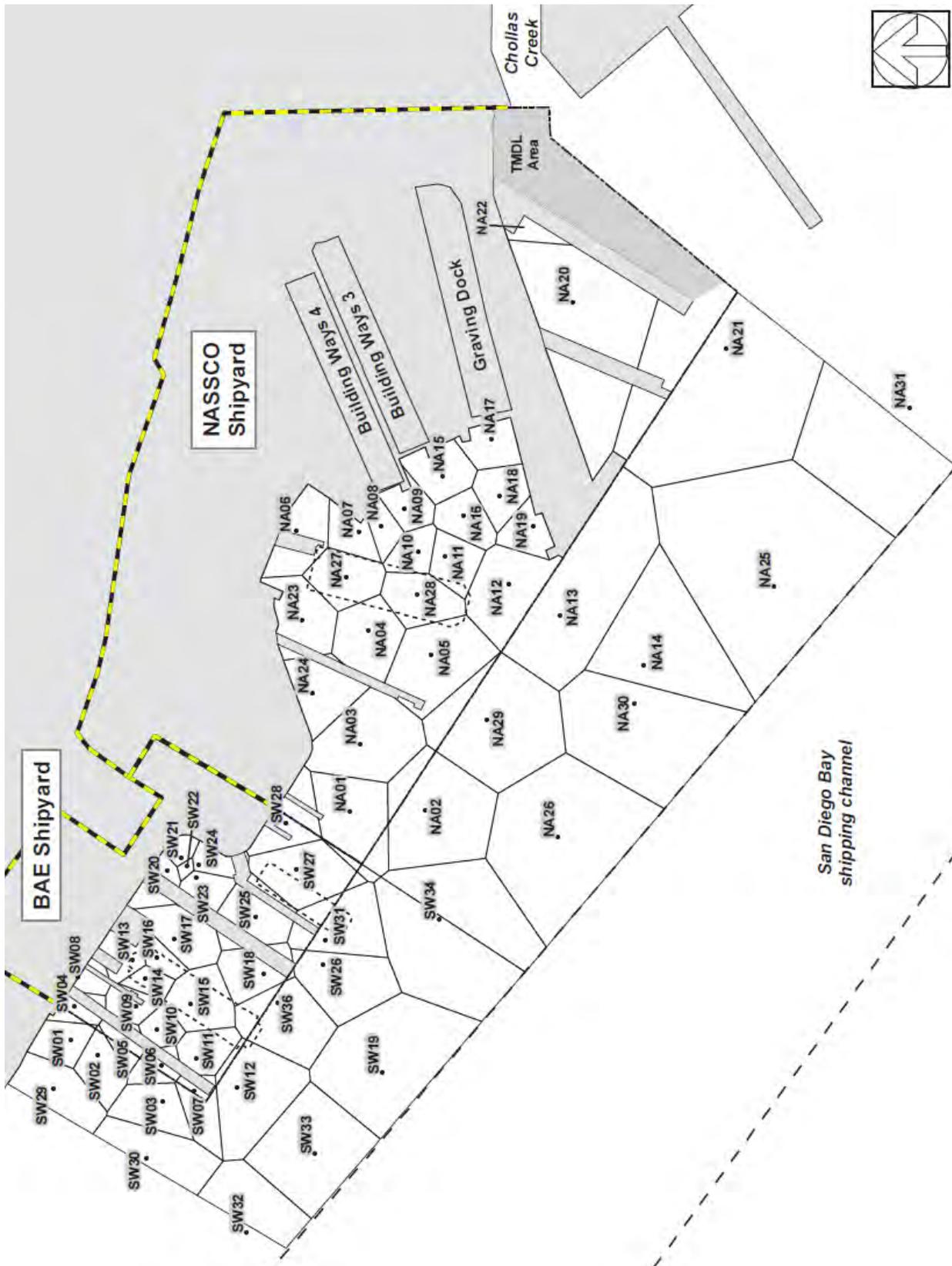
FOR THE SHIPYARD SEDIMENT SITE • SAN DIEGO BAY, SAN DIEGO, CA

SEPTEMBER 15, 2010



STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS

Figure 32-1 Map of Thiessen Polygons at Shipyard Sediment Site Study Area



# **EXHIBIT 2**



01.10 09:22



01.10 09:24

# **EXHIBIT 3**







02.23 08:36



02.23 08:36



02.23 08:38



02.23 08:38

# **EXHIBIT 4**



04.28 13:07



04.28 13:17



04.28 13:17

# **EXHIBIT 5**



12/21/2010



12/21/2010



12/21/2010











# **EXHIBIT 6**



