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July 19, 2010

San Diego Regional Water Quality Control Board
Attn: David King, Presiding Officer for Prehearing Proceedings
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Re: **Shipyard Sediment Site, Tentative Cleanup & Abatement Order**
No. R9-2005-0126
City of San Diego's Designation of Expert and Non-Expert Witnesses

Dear Mr. King:

Enclosed herewith please find City of San Diego's Expert and Non-Expert Designations in this matter.

Sincerely,

GORDON & REES LLP



Brian Ledger
Kristin N. Reyna

BML/KNR

cc: Advisory Team, c/o James Smith, Assistant Executive Officer, and Frank Melbourne,
WRC Engineer (12 copies)
Cleanup Team, c/o David Barker, Supervising WRC Engineer
David Gibson, Executive Officer
See Attached E-Mail Service List

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2010 I electronically distributed to the complete list of Designated Parties and other interested parties as indicated on the attached Electronic Mail Service List the following document:

1. City of San Diego's Designation of Expert and Non-Expert Witnesses.

and I caused the document to be personally delivered to the following interested parties by placing true copies thereof in sealed envelopes addressed as stated below:

Advisory Team 12 Copies
c/o James Smith, Assistant Executive Officer
Frank Melbourne, WRC Engineer
California Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

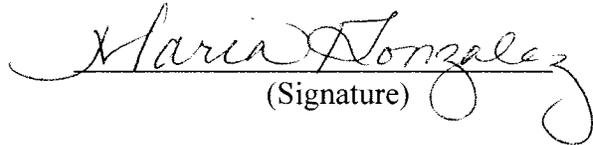
David Barker
David Gibson, Executive Officer
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

David King
Vice-Chair and Presiding Officer
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

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

Executed on July 19, 2010, at San Diego, California.

Maria Gonzalez
(Type of Print Name)


(Signature)

ELECTRONIC MAIL SERVICE LIST

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Ryan.waterman@lw.com
Thomas.stahl@usdoj.gov

Date of Document	Type of Document	Title/Description of Document	Submitted By	Submitted To	Total Number of Pages	Title of Attachments
July 19, 2010		City of San Diego's Designation of Expert and Non-Expert Witnesses	The City of San Diego	Regional Board	Seven (7)	None

CERTIFICATION

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

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

The July 19, 2010 electronic submittal provided by my office to all parties on the e-mail list for The San Diego Bay Sediment Cleanup is a true and accurate copy of the signed original submitted to the Regional Water Quality Control Board.

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

Executed this 19th day of July 2010 at San Diego, California.



Kristin Reyna

1 BRIAN M. LEDGER (SBN: 156942)
KRISTIN N. REYNA (SBN: 211075)
2 GORDON & REES LLP
101 West Broadway, Suite 2000
3 San Diego, CA. 92101
Telephone: (619) 696-6700
4 Fax: (619) 696-7124

5 JAN GOLDSMITH (SBN: 70988)
FREDERICK M. ORTLIEB (SBN: 131751)
6 DAVID J. KARLIN (SBN: 156178)
OFFICE OF THE CITY ATTORNEY
7 1200 Third Avenue, Suite 1100
San Diego, CA. 92101
8 Telephone: (619) 533-5800
Fax: (619) 533-5856

9 Attorneys for CITY OF SAN DIEGO
10

11 CALIFORNIA REGIONAL WATER QUALITY BOARD

12 SAN DIEGO REGION

13 IN THE MATTER OF:)
)
14 SHIPYARD SEDIMENT SITE)
TENTATIVE CLEAN-UP AND)
15 ABATEMENT ORDER NO. R9-2005-0126)
)
16)
)
17)

**CITY OF SAN DIEGO'S
DESIGNATION OF EXPERT AND
NON-EXPERT WITNESSES**

18
19 **I. Expert Witnesses**

20 CITY OF SAN DIEGO (hereinafter "CITY") hereby designates the following expert
21 witnesses in the above-titled matter, pursuant to California Code of Civil Procedure section
22 2034.210:

- 23 1 Richard Haimann, P.E.
GHD United States
24 16451 Scientific Way
Irvine, California 92618
- 25 2. Roy Hummell
26 MWH
2353 130th Ave NE, Suite 200
27 Bellevue, Washington 98005-1758

1 3. Geoffrey Upson, Ph.D.
2 MWH Americas, Inc.
3 2121 North California Boulevard, Suite 600
4 Walnut Creek, California 94596

5 CITY hereby expressly reserves its right to name or call any additional experts as the
6 need may arise pursuant to California Code of Civil Procedure section 2034.280(a). CITY
7 further reserves the right to withdraw any expert designated expressly or by reference herein.

8 CITY expressly reserves its right to call any expert witness either presently or later
9 identified by any other Dischargers named in the tentative or final Cleanup and Abatement
10 Order(s) in this matter, although not specifically retained by CITY, regardless of whether or not
11 such other Dischargers remain as such at the time of hearing, the qualifications of whom are filed
12 in conjunction with California Code of Civil Procedure section 2034.310(a) and/or orders of this
13 court, already served, concurrently served or to be served in the future by other parties in this
14 matter. CITY, in compliance with California Code of Civil Procedure section 2034.310(a)
15 incorporates, as though fully set forth herein, the designation of all expert witnesses served or to
16 be served by all other defendants to this litigation.

17 CITY expressly reserves the right to consult with and retain the service of additional
18 expert witnesses to testify on its behalf at the hearing on this matter for the purpose of
19 impeachment pursuant to California Code of Civil Procedure section 2034.310(b).

20 In the event that any additional analyses are obtained by any other party prior to the
21 hearing, CITY reserves the right to call as an expert witness the professional performing any
22 such analyses.

23 Other than as set forth above, CITY does not list herein, but nevertheless reserves the
24 right to call as witnesses to testify, on either lay or expert matters, or both, those individuals who
25 are employees or former employees of any party to the action and who may be called to testify at
26 the hearing under Evidence Code section 776 either live or through competent former testimony.

27 If any of the witnesses discussed or listed above are not available at the time of trial,
28 CITY hereby advises all parties that it will seek the introduction of competent testimony,
 including deposition testimony of such witnesses, in lieu of their live testimony.

1 **II. Non-Expert Witnesses**

2 CITY, by this pleading, also designates the following non-expert witnesses in this matter,
3 who may offer percipient testimony on CITY's behalf at the hearing on this matter:

- 4 1. Ruth Kolb
5 Program Manager
6 City of San Diego
7 Storm Water Department
8 9370 Chesapeake Drive, Suite 100
9 San Diego, CA 92123
- 10 2. Gus Brown
11 Operations and Maintenance Deputy Director
12 City of San Diego
13 Storm Water Department
14 9370 Chesapeake Drive, Suite 100
15 San Diego, CA 92123
- 16 3. Richard Haimann, P.E.
17 GHD United States
18 16451 Scientific Way
19 Irvine, California 92618
- 20 4. Roy Hummell
21 MWH
22 2353 130th Ave NE, Suite 200
23 Bellevue, Washington 98005-1758
- 24 5. Geoffrey Upson, Ph.D.
25 MWH Americas, Inc.
26 2121 North California Boulevard, Suite 600
27 Walnut Creek, California 94596

28 CITY hereby expressly reserves its right to name or call any additional percipient
witnesses as the need may arise. CITY further reserves the right to withdraw any non-expert
witness designated expressly or by reference herein.

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CITY expressly reserves its right to call any percipient witness either presently or later identified by any other Dischargers named in the tentative or final Cleanup and Abatement Order(s) in this matter, although not specifically named as a witness herein by CITY, regardless of whether or not such other Dischargers remain as such at the time of hearing.

Dated: July 19, 2010

GORDON & REES, LLP

By: 

Brian M. Ledger
Kristin N. Reyna
Attorneys for City of San Diego

1 **DECLARATION OF KRISTIN N. REYNA**

2 I, Kristin N. Reyna, declare as follows:

3 1. I am an attorney with Gordon & Rees, counsel of record for CITY OF SAN
4 DIEGO (“CITY”) in the above-referenced matter. I have personal knowledge of all matters set
5 forth herein except as to those matters averred on information and belief, and as to those matters,
6 I believe them to be true.

7 2. Richard Haimann. Mr. Haimann will provide testimony on issues of
8 hydrogeology and water flow at, into and around the Shipyard Sediment Site (“the Site”); waste
9 discharges to the Site; stormwater issues relating to the Site, including, but not limited to,
10 CITY’s stormwater system and alleged stormwater and storm drain discharges to the Site;
11 contaminant fate and transport at, into and around the Site; investigation and evaluation of all
12 potential sources of contamination at the Site; Site conditions; environmental impacts at and
13 around the Site; cleanup levels for contaminants at the Site; computer modeling of water
14 movement and contaminant transport at, into and around the Site; Site aerial photography
15 interpretation; Site risk assessment; regulatory interaction relating to the Site; analyses under
16 Resolution 92-49 relating to the Site; remedies for Site contamination, including, but not limited
17 to, types of feasible remedy and overall feasibility issues, the remedial footprint and pre and post
18 remedial actions; and cost allocation for environmental remediation at the Site. Mr. Haimann
19 may also provide testimony regarding, but not limited to, the opinions expressed by any experts
20 designated by any other party relative to these issues.

21 (b) Mr. Haimann may also provide testimony regarding, but not limited to, the
22 opinions expressed by any experts designated by any other party relative to these issues.

23 (c) Mr. Haimann will be sufficiently familiar with this action to submit to a
24 meaningful oral deposition regarding the testimony he is expected to give at trial, and has agreed
25 to testify at trial. Mr. Haimann’s fee for deposition testimony is \$246 per hour or for each part
26 thereof.

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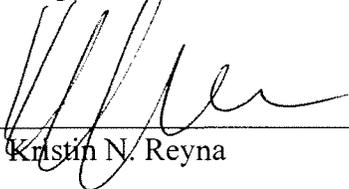
1 3. Roy Hummell. Mr. Hummell will provide testimony on issues of hydrogeology
2 and water flow at, into and around the Shipyard Sediment Site (“the Site”); waste discharges to
3 the Site; stormwater issues relating to the Site, including, but not limited to, CITY’s stormwater
4 system and alleged stormwater and storm drain discharges to the Site; contaminant fate and
5 transport at, into and around the Site; investigation and evaluation of all potential sources of
6 contamination at the Site; Site conditions; environmental impacts at and around the Site; cleanup
7 levels for contaminants at the Site; computer modeling of water movement and contaminant
8 transport at, into and around the Site; Site aerial photography interpretation; Site risk assessment;
9 regulatory interaction relating to the Site; analyses under Resolution 92-49 relating to the Site;
10 remedies for Site contamination, including, but not limited to, types of feasible remedy and
11 overall feasibility issues, the remedial footprint and pre and post remedial actions; and cost
12 allocation for environmental remediation at the Site. Mr. Hummell may also provide testimony
13 regarding, but not limited to, the opinions expressed by any experts designated by any other
14 party relative to these issues.

15 4. Geoffrey Upson. Mr. Upson will provide testimony on issues of hydrogeology
16 and water flow at, into and around the Shipyard Sediment Site (“the Site”); waste discharges to
17 the Site; stormwater issues relating to the Site, including, but not limited to, CITY’s stormwater
18 system and alleged stormwater and storm drain discharges to the Site; contaminant fate and
19 transport at, into and around the Site; investigation and evaluation of all potential sources of
20 contamination at the Site; Site conditions; environmental impacts at and around the Site; cleanup
21 levels for contaminants at the Site; computer modeling of water movement and contaminant
22 transport at, into and around the Site; Site aerial photography interpretation; Site risk assessment;
23 regulatory interaction relating to the Site; analyses under Resolution 92-49 relating to the Site;
24 remedies for Site contamination, including, but not limited to, types of feasible remedy and
25 overall feasibility issues, the remedial footprint and pre and post remedial actions; and cost
26 allocation for environmental remediation at the Site. Mr. Upson may also provide testimony
27 regarding, but not limited to, the opinions expressed by any experts designated by any other
28 party relative to these issues.

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I swear under penalty of perjury of the laws of the state of California that the foregoing is true and correct.

Executed this 19th day of July 2010 in San Diego, California.



Kristin N. Reyna