



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



**Edmund G. Brown Jr.**  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

**TO: DESIGNATED PARTIES, TENTATIVE ORDER NO. R9-2011-0001  
(See Enclosed List) Via E-Mail and U.S. Mail**

**FROM: Grant Destache**   
Chair and Presiding Officer for Prehearing Proceedings  
**SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

**DATE: October 26, 2011**

**SUBJECT: SAN DIEGO BAY SHIPYARD SEDIMENT CLEANUP, TENTATIVE CLEANUP  
AND ABATEMENT ORDER NO. R9-2011-0001 AND DRAFT TECHNICAL  
REPORT; RULINGS ON MOTIONS IN LIMINE OUTSTANDING AS OF  
OCTOBER 18, 2011, AND CERTAIN OBJECTIONS AND PROCEDURAL  
REQUESTS**

The San Diego Regional Water Quality Control Board's (San Diego Water Board) evidentiary hearing on Tentative Cleanup and Abatement Order No. R9-2011-0001, its supporting Draft Technical Report and the Final Environmental Impact Report, is scheduled to take place November 9, 14, 15 and 16 (if necessary), 2011. This is an administrative proceeding for the purpose of receiving and considering evidence, arguments and policy statements to determine whether to adopt the Tentative Order as written or with modifications, or to reject the Tentative Order and whether to certify the Final Environmental Impact Report. The Designated Parties and Interested Persons are reminded that this is an administrative and not a judicial proceeding. As Chair, I will conduct the hearing in accordance with the State Water Resources Control Board's (State Water Board) regulations governing adjudicative proceedings (Cal. Code Regs., tit. 23, § 648, et seq.) and Chapter 4.5 of the Administrative Procedures Act (APA) (Gov. Code § 14000, et seq.).

In ruling on evidentiary and other materials to be included in the record, the San Diego Water Board is guided by the following principles. When conducting an evidentiary hearing, the San Diego Water Board is not bound by the technical rules relating to evidence and witnesses. (See Gov. Code § 11513, subd. (c); Cal. Code Regs., tit. 23, § 648. See also the Notice of Public Hearing, September 16, 2011, pp. 3-4.) Any relevant evidence is admissible as long as it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.<sup>1</sup> (Gov. Code § 11513, subd. (c).) Hearsay evidence is admissible and may be used to supplement or explain other evidence. (*Id.*, § 11513, subd. (d).) Over timely objection, however, hearsay is not sufficient in itself to support a finding unless it would be admissible over objection in a civil action. (*ibid.*) Further, opinion testimony by non-expert witnesses may be admissible. The San Diego Water Board notes that even under the technical rules of

<sup>1</sup> Reasonable deadlines for submission of evidence in this case were established under prior notices and will be enforced.

evidence, non-expert opinion testimony is allowed where the testimony is rationally based on the witness' perception and is helpful to a clear understanding of the witness' testimony (Ev. Code § 800.) All timely submittals, including documents posted on the San Diego Water Board's Shipyard Cleanup webpage, are part of the record for this matter, unless the Chair has issued a written or oral ruling excluding an item. The record also includes the electronic record released by the San Diego Water Board's Cleanup Team in 2008 and timely supplements to the record by the Cleanup Team and other Designated Parties. SDG&E's July 12, 2011, untimely Sur-Reply to BAE's Rebuttal Comments, Argument and Evidence is excluded from the record. (See below, Ruling on BAE Objection to SDG&E Sur-Reply).

This letter first addresses motions in limine outstanding as of October 18, 2011, as well as certain other objections and procedural requests raised in recent submissions by National Steel and Shipbuilding Company (NASSCO) (October 7, 2011), San Diego Coastkeeper and Environmental Health Coalition (collectively Environmental Parties), (October 7, 2011), BAE Systems San Diego Ship Repair (BAE), San Diego Gas & Electric Company (SDG&E), and San Diego Water Board Cleanup Team (Cleanup Team) (all October 13, 2011) and by NASSCO, Cleanup Team, Environmental Parties, Campbell Industries and SDG&E on October 19, 2011. Remaining objections and procedural requests, as well as additional motions submitted by the Designated Parties on October 19, 2011, will be addressed separately as far in advance of the hearing as time permits. I anticipate issuing a revised Notice of Public Hearing to conform to the decisions set forth herein. The Agenda and Meeting Notice published today reflects my decision to delay from 3 p.m. until 5 p.m. on November 9 the time certain set aside for interested persons to comment on both the final EIR and the Tentative Cleanup and Abatement Order.

#### MOTIONS RECEIVED PRIOR TO OCTOBER 19, 2011

1. NASSCO Motion in Limine to Exclude Expert Testimony of Donald MacDonald, submitted May 26, 2011 (joined by BAE, SDG&E and City of San Diego). This motion seeks to exclude written and oral testimony of Mr. MacDonald, designated as expert witness for Environmental Health Coalition and San Diego Coastkeeper, and comments based upon his written testimony, based upon allegations of destruction of evidence and lack of expert qualifications.  
Ruling: NASSCO's motion is denied. (Written explanation of ruling will follow.)
2. (a) BAE's Motion, joined by NASSCO, to Exclude Declarations of the San Diego Unified Port District's (Port District) Experts Michael Johns, PhD., Ying Poon, D.SC., and Robert Collacott, MBA, M.S., submitted June 23, 2011, and (b) SDG&E's Motion in Limine to Exclude San Diego Unified Port District's Expert Declarations. These motions seek to exclude the Port District's expert declarations of Johns, Poon and Collacott as untimely expert evidence.  
Ruling: BAE's and SDG&E's motions are denied. The April 12, 2011, Notice of Opportunity to Comment and May 12, 2011, Extension, did not place limitations on the form or authorship of comments, argument and evidence that could be

submitted. BAE, NASSCO and SDG&E extensively rebutted the Port District's witness declarations and therefore are not prejudiced. The Port District's submittal and the Designated Parties' rebuttal thereto will not be excluded.

3. NASSCO's Motion to Exclude the Untimely Expert Evidence Submitted by the U.S. Navy, submitted June 23, 2011. NASSCO's motion seeks to exclude comments submitted by the U.S. Navy as both untimely and disguised expert reports.  
Ruling: NASSCO's motion is denied. The April 12, 2011, Notice of Opportunity to Comment and May 12, 2011, Extension, did not place limitations on the form or authorship of comments, argument and evidence that could be submitted. BAE and other Designated Parties were not prejudiced as they had the opportunity to and rebutted the Navy's submittal. The Navy's submittal and the Designated Party rebuttal thereto will not be excluded.
4. BAE Motion, joined by NASSCO, to Exclude Environ International Corp.'s May 26, 2011, Technical Comments Regarding Tentative Cleanup and Abatement Order No. R9-2011-0001, submitted June 23, 2011. BAE's motion seeks to exclude Environ comments submitted as part of SDG&E's May 26, 2011, Initial Comments, Evidence and Legal Argument, alleging that the comments are actually untimely expert reports.  
Ruling: BAE's motion is denied. The April 12, 2011, Notice of Opportunity to Comment and May 12, 2011, Extension, did not place limitations on the form or authorship of comments, argument and evidence that could be submitted. BAE and other Designated Parties were not prejudiced as they had the opportunity to and did rebut SDG&E's Environ comments. SDG&E's timely submittals on May 26, 2011, and June 23, 2011, and Designated Parties' rebuttal thereto will not be excluded.
5. BAE Objection to SDG&E July 12, 2011, Sur-Reply to BAE Reply Comments of June 23, 2011, submitted July 13, 2011.  
Ruling: BAE's objection is sustained. SDG&E's Sur-Reply was not allowed under the procedural schedule (no sur-replies were authorized). Allowing sur-replies could result in an endless loop of parties seeking to have the last word. SDG&E's Sur-Reply is therefore excluded from the record and will not be considered. No substantive written responses to SDG&E's Sur-Reply will be accepted. SDG&E is free to attempt to discredit BAE's rebuttal comments concerning SDG&E through the hearing process.
6. SDG&E and NASSCO Motions to Strike Port District Comments or other Documents regarding Policies of Insurance of SDG&E and NASSCO, submitted August 8, 2011 (SDG&E) and August 12, 2011 (NASSCO). By letter dated August 12, 2011, the Port District withdrew Exhibits 10 (BAE), 12 (NASSCO) and 13 (SDG&E) as well as references to those exhibits. A correspondingly revised

version of comments was submitted August 15, 2011, replacing earlier Port comments. As a result, these motions are moot.

7. BAE Joinder in July 28, 2011, comments by Department of Toxic Substances Control on Draft Environmental Impact Report, submitted September 13, 2011. No objections to the timing of the joinder were received.  
Ruling: Joinder is accepted.
  
8. San Diego Water Board Cleanup Team Motion to Admit Rebuttal Evidence in Support of Revisions to Tentative Order No. R9-2011-0001, Draft Technical Report and Final Environmental Impact Report, submitted September 14, 2011, release of revisions. The Cleanup Team moves to admit into the record the following:
  - (a) All staff opinions contained in the August 23, 2011 Response to Comments Report;
  - (b) All expert opinions rendered by staff in the August 23, 2011 Response to Comments Report;
  - (c) Qualifications of Cleanup Team witnesses set forth in an Appendix to the August 23, 2011, Response to Comments Report;
  - (d) All references cited in support of analysis and opinions in the August 23, 2011, Response to Comments Report; and
  - (e) The Cleanup Team's written testimony and rebuttal evidence, including revised and additional appendices to the Draft Technical Report submitted with the September 15, 2011, proposed revisions to the TCAO and DTR (and appendices).

Designated Parties BAE, City of San Diego, Star & Crescent, joined by SDG&E and NASSCO, responded to the Cleanup Team's motion on October 19, 2011, expressing concern that the Cleanup Team has not identified which Cleanup Team witnesses are offering which expert opinion in the August 23, 2011, Response to Comments Report and that certain Cleanup Team witnesses identified in the Motion to Admit Rebuttal Evidence were not designated as expert witnesses in July 2010 in accordance with the Discovery Schedule. (Joint Response to Cleanup Team Motion, pp. 2-3.) Through their joint response, these Designated Parties "reserve the right to object to (1) any expert opinion offered by the Cleanup Team from a witness not timely designated as an expert in these proceedings, and (2) any expert opinion offered by a Cleanup Team witness that is outside the area(s) of that witness' demonstrated experience." (Joint Response to Cleanup Team Motion, p. 4.) No Designated Party objected to admission of the references cited in support of the Cleanup Team's August 23, 2011, Response to Comments Report (item 4, above) or the Cleanup Team's written testimony and rebuttal evidence described in item 5, above.

Ruling: The Cleanup Team's Motion is granted with Designated Party reservations noted. Objections will be ruled upon on a case-by-case basis. As provided in the September 16, 2011, Notice of Public Hearing, I will also allow as part of the Designated Parties' October 19, 2011, submissions evidence offered to rebut new evidence submitted by the Cleanup Team.

### PROCEDURAL MOTIONS, OBJECTIONS AND REQUESTS

1. Request to Relocate Hearing and Expand/Delay Hearing Time to Accommodate Interested Persons on November 9. San Diego Coastkeeper and the Environmental Health Coalition renew their request that the San Diego Water Board hold the hearing on November in the vicinity of the project site. The Cleanup Team strongly supports the Environmental Parties' request and suggests a later start time of 11 a.m. on November 9, 2011; BAE, NASSCO and SDG&E do not object to changing the time or locations to facilitate public participation. While the San Diego Water Board offices are centrally located within the City of San Diego and the San Diego Region, the San Diego Water Board nonetheless appreciates that it is more convenient for those relying on public transportation or who live or work near the proposed project site to attend a hearing closer to the proposed project site. However, despite a diligent search for an alternative location closer to the project site, no venue suitable for the board's purposes is available on November 9. Therefore, the San Diego Water Board will convene the hearing at the board offices as originally planned, but will delay the time certain to hear from interested persons until 5 p.m. The hearing will continue to 8 p.m. if necessary to complete interested person comments. Interested persons wishing to speak prior to 5 p.m. may be heard earlier at the Chair's discretion. A revised hearing notice and fact sheet will be distributed noting this change. The Agenda and Meeting Notice published today reflects the time change.
2. Personal Appearances of Witnesses to Affirm Written Testimony, Reports and Comments: The Notice of Public Hearing states: "Written testimony from persons who do not appear to affirm their testimony and are not subject to cross-examination will not be made part of the record unless the Chair allows the unaffirmed testimony into the record as hearsay evidence." (NOPH, p. 5.) This statement implements the State Water Board's regulations applicable to San Diego Water Board adjudicative proceedings, providing in relevant part: "Any witness providing written testimony shall appear at the hearing and affirm that the written testimony is true and correct." (Cal. Code Regs, tit. 23, § 648.4(d).) NASSCO, BAE and SDG&E object to the requirement, claiming this regulatory requirement is being imposed for the first time in the Notice of Public Hearing. BAE, NASSCO and SDG&E also contend that to the extent no Designated Party sought to depose a timely designated expert witness, Designated Parties waived any right to cross-examine such witness at hearing.

It is important to clarify that no *right* to cross-examination exists in this proceeding. Any cross-examination is allowed at the discretion of the Chair. As the Cleanup Team and

Environmental Parties point out, the Designated Parties' conclusion that a party has affirmatively waived any opportunity to cross-examine a witness by choosing not to depose that witness does not necessarily follow, particularly where expert reports were not submitted until the last day of the discovery period and some Designated Parties, such as SDG&E, submitted later technical comments authored by their expert witness.

Designated Parties' claims of surprise at the San Diego Water Board's inclusion of section 648.4(d)'s affirmation requirement ring hollow. Designated Parties were on notice since as early as 2005 that the San Diego Water Board would conduct the hearings on this matter in accordance with section 648, et seq. of the State Water Board's regulations governing adjudicative proceedings. (See Notice of Prehearing Conference, September 26, 2005, p. 2) Moreover, on several occasions before selecting hearing dates, the Advisory Team queried the Designated Parties about their party-availability and obstacles to participation on alternative proposed dates, including November 14-16, 2011. (See e.g., e-mail from Catherine George Hagan to Designated Party and Interested Persons list, April 27, 2011, 11:05 a.m.) Only the Environmental Parties indicated that their expert witness was unavailable on November 14-16. Hence, scheduling accommodation was made for Mr. MacDonald. The July 12, 2011, Hearing Outline at item 7 specified that the ordinary procedure for cross-examination of party witnesses, excepting Mr. MacDonald, would occur after all that party's witnesses have testified. The outline states: "The party conducting cross-examination may either direct questions to a particular witness, or pose the question to the testifying party's witnesses as a panel and allow the testifying party to designate which witness should answer." Claims that parties were somehow prejudiced by the reiteration of the regulatory requirement of section 648.4(d) in the Notice of Public Hearing lack merit.

NASSCO's October 19, 2011, comments supplement its initial objection, arguing that requiring each witness to affirm prior testimony in person will be time-consuming and expensive. NASSCO misunderstands the nature of the requirement for affirmation in section 648.4(d). All that is required of a witness, or even a group of witnesses sponsored by a Designated Party, is that they personally appear before the San Diego Water Board to orally affirm that their previously submitted written testimony is true and correct. Such affirmation need not be time consuming, as no oral direct testimony is required. No additional time will be added to Designated Parties' time blocks for oral affirmation.

Absent personal appearance to affirm written testimony, such testimony is hearsay. As explained in applicable regulations (see e.g., Gov. Code § 11513 and Cal. Code Regs., tit. 23, § 648, et seq.), the San Diego Water Board is not bound by the technical rules relating to evidence and witnesses. Hearsay evidence is admissible and may be used to supplement or explain other evidence. (*Id.*, § 11513, subd. (d).) Over timely objection, however, hearsay is not sufficient in itself to support a finding unless it would be admissible over objection in a civil action. (*Ibid.*)

As an alternative to dispensing altogether with the requirement that a witness appear in person to affirm his or her testimony, several Designated Parties urge the San Diego Water Board to allow telephonic affirmation by witnesses. Government Code section 11440.30, also applicable to adjudicative proceedings of the San Diego Water Board, authorizes the board to conduct all or part of a hearing telephonically unless a party objects. Having considered all the arguments by the Designated Parties on this issue, I will allow telephonic affirmation of written testimony by, and cross-examination of, witnesses who are unable to attend the hearing in person unless any other Designated Party objects to this process for that particular witness. If a party objects, the unavailable witness' written testimony will nonetheless be allowed into the record as hearsay, although hearsay testimony is not sufficient alone, to support a finding unless it would be admissible over objection in a civil action. (Gov. Code § 11513, subd. (d).)

**Not later than 5 p.m. on October 28, 2011**, each Designated Party must disclose to the Advisory Team and all other Designated Parties by e-mail which, if any, of that party's witnesses are unable to attend the hearing in person and wish to affirm their testimony and be available for cross-examination telephonically. **Not later than 5 p.m. on November 2, 2011**, any Designated Party objecting to telephonic participation by any party's witness must disclose to the Advisory Team and all other Designated Parties by e-mail the name of the witness whose telephonic participation is objectionable.

3. Reducing San Diego Coastkeeper and Environmental Health Coalition Hearing Times. BAE asserts that I should now, more than 6 years after the First Amended Order of Proceedings was issued in this matter, treat San Diego Coastkeeper and the Environmental Health Coalition (EHC) (collectively the "Environmental Parties") as a single Designated Party for purposes of hearing time allotments. BAE relies upon a September 2005 joint submission by the Environmental Parties requesting designated party status. NASSCO supports BAE's position, while the Environmental Parties oppose it.

Unlike BAE, I read the September 2005 submission by the Environmental Parties to explicitly request treatment as separate designated parties, as in their words, "EHC and Baykeeper [now Coastkeeper] have different Boards of Directors, decisionmaking structures, budgets, and litigation propensities, they cannot be considered a single party. Nonetheless, both of the Environmental Groups agree to jointly produce expert witnesses and documentary evidence [fn]." (September 20, 2005, Environmental Parties' Request for Designated Party Status, p. 7.) Moreover, separate from their request, San Diego Coastkeeper and EHC clearly were granted separate Designated Party status in the Order of Proceedings issued by Chair Minan on October 18, 2005. Despite their historical joining of efforts on some issues (as some other parties likewise have done at various times throughout this proceeding), they have been formally treated as separate designated parties since October 2005. (See, e.g., First Amended Order of Proceedings, January 20, 2006, p. 3; Second Amended Order of Proceedings, May 2, 2008, p. 5; and Third Amended Order of Proceedings, June 8, 2011, pp. 8-9.) As with

other Designated Parties sharing similar interests on some or many issues, I would encourage San Diego Coastkeeper and EHC to endeavor to save hearing time where feasible. I will not, however, disturb the original ruling granting separate designated party status to each of these entities nor reduce their separate allotments of hearing time.

4. Additional Time for Cross-Examination and to Address CEQA Issues. In its October 19 submission, NASSCO asks the San Diego Water Board to clarify that cross-examination by a Designated Party of another party's witness does not count toward the cross-examining party's time allotment. NASSCO also asks that Designated Parties be allowed additional time beyond the allotted time blocks to comment on matters related to the California Environmental Quality Act (CEQA) compliance. The Notice of Public Hearing is clear that cross-examination of another party's witness *does* count against the cross-examining party's overall time allowed for its presentation and that CEQA issues must be addressed within the same time allotment. (See September 16, 2011, Notice of Public Hearing, p. 7, "Designated Parties will have a block of time in which to make opening statements, complete presentation of their respective cases and *conduct cross examination of adverse witnesses.* This block of time will include all issues: cleanup levels, *including CEQA-related issues*, and liability/responsibility issues." (Emphasis added.)) The time blocks established in the Notice of Public Hearing already account for the possibility of cross-examination and the opportunity to make comments related to CEQA. Designated Parties are reminded that responding to board member or Advisory Team questions during the presentations *does not* count against the answering party's overall time.
  
5. Dates/times certain for testimony and/or presentations. The Cleanup Team supports the Environmental Parties' request to delay the time certain for interested persons to speak on November 9, 2011. The Cleanup Team recommends that the November 9, 2011, hearing day run from 11 a.m. to 7 p.m., if held at the San Diego Water Board offices, or 10 a.m. to 6 p.m. if held at a venue close to the project site. In addition, the Cleanup Team requests that the Advisory Team coordinate hearing milestones and presentations so that the Cleanup Team's case-in-chief will not be interrupted on November 9 and continued until November 14. Similarly, NASSCO requests a date certain of November 14 to avoid having some of its experts available both on the 9<sup>th</sup> and on the 14<sup>th</sup>, due to the intervening span of time. The Cleanup Team offers a proposed schedule establishing dates/times certain for each Designated Party. BAE is amenable to completing opening statements, testimony and cross-examination of Donald MacDonald and public comment on November 9, although it is not opposed to delaying opening statements until November 14 if that will maximize the opportunity for public input on November 9.

While dates/times certain for *each* party are appealing for the scheduling certainty it could provide, it is not feasible in a hearing of this complexity other than as a purely non-binding estimate of date/time. Such a schedule would be problematic to adhere to due



to potential cross-examination of party witnesses (which counts against the time of the party conducting cross-examination), board member or Advisory Team questions (which do not count against the presenting party's time but can use substantial amounts of time), moving forward in order with presentations by other parties in the event a party uses significantly less time than allotted, and other interruptions for procedural matters.

Having considered the suggestions and requests made by the Designated Parties, the Notice of Public Hearing will be modified to reflect that the hearing on November 9 will begin at 10 a.m. with opening statements by all Designated Parties, followed by direct and cross-examination of the Environmental Parties' witness Donald MacDonald. Following cross-examination of Mr. MacDonald, the Cleanup Team will begin and may complete its case-in-chief. The San Diego Water Board will begin hearing from interested persons no earlier than 5 p.m., except at the discretion of the Chair upon request, and will continue until 8 p.m. if necessary. No other Designated Party will be required to begin its case-in-chief until Monday, November 14, 2011, beginning at 9 a.m. The Board will proceed with parties in the order specified in the Notice of Public Hearing unless I modify the order based on party request. The order for Designated Party presentations provided in the Notice of Public Hearing affords the parties some ability to make an educated estimate of the approximate date/time on which they will be expected to proceed with their presentations.

6. Collapsing of Cleanup Levels and Liability Issues. The Cleanup Team recommends collapsing Cleanup Levels and Liability issues so that Designated Parties may address both types of issues within their presentation as they see fit. This appears to be a reasonable request that will provide some additional flexibility to the Designated Parties. The Notice of Public Hearing will be revised accordingly.
7. Cleanup Team Request to Make Last Closing Statement. The Cleanup Team requests permission to make the last closing statement, as is customary at San Diego Water Board adjudicative proceedings. The request is granted.
8. Exchange of Witness Lists and Exhibit Lists In Advance of Hearing. NASSCO requests that the San Diego Water Board direct the Designated Parties to provide witness and exhibit lists no later than October 27, 2011. I will direct that the Designated Parties exchange witness lists on or before **5 p.m. on November 4, 2011**, identifying which witnesses each intends to call at the hearing. Identification as a witness on such a list does not mean that a particular witness is obligated to testify, but this tool may help Designated Parties in planning their presentations. I will not direct that the Designated Parties exchange exhibit lists. If Designated Parties are concerned about using hearing time to establish the validity of documents on which they seek to rely, the record for this matter is already established and it is unnecessary for parties to identify or authenticate each such document unless there is an objection to the validity of a document during the hearing. I do not believe preparation of exhibit lists would be a valuable use of parties' time.

## BY ELECTRONIC MAIL

The above-described document was transmitted via electronic mail and U.S. mail to the parties noted below on October 26, 2011.

<p>Christian Carrigan Senior Staff Counsel Office of Enforcement, State Water Resources Control Board PO Box 100 Sacramento, CA 95812-0100 <a href="mailto:Ccarrigan@waterboards.ca.gov">Ccarrigan@waterboards.ca.gov</a> Telephone: (916) 322-3626 Fax: (916) 341-5896</p>	<p>Sharon Cloward Executive Director San Diego Port Tenants Association 2390 Shelter Island Drive, Suite 210 San Diego, CA 92106 <a href="mailto:Sharon@sdpta.com">Sharon@sdpta.com</a> Telephone: (619) 226-6546 Fax: (619) 226-6557</p>
<p>Marco Gonzalez Attorney at Law Coast Law Group LLP 1140 South Coast Highway 101 Encinitas, CA 92024 <a href="mailto:Marco@coastlawgroup.com">Marco@coastlawgroup.com</a> Telephone: (760) 942-8505 Fax: (760) 942-8515</p>	<p>Ellen Gross Deputy Port Attorney San Diego Unified Port District PO Box 120488 San Diego, CA 92112-0488 <a href="mailto:EGross@portofsandiego.org">EGross@portofsandiego.org</a> Telephone: (619) 686-6219 Fax: (619) 686-6444</p>
<p>Catherine Hagan California Regional Water Quality Control Board, San Diego Region 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340 <a href="mailto:Chagan@waterboards.ca.gov">Chagan@waterboards.ca.gov</a> Telephone: (858) 467-2958 Fax: (858) 571-6972</p>	<p>James Handmacher Attorney at Law Morton McGoldrick, P.S. PO Box 1533 Tacoma, WA 98401 <a href="mailto:Jvhandmacher@bvmm.com">Jvhandmacher@bvmm.com</a> Telephone: (253) 627-8131 Fax: (253) 272-4338</p>
<p>Brian Ledger Attorney at Law Gordon &amp; Rees LLP 101 West Broadway, Suite 1600 San Diego, CA 92101 <a href="mailto:Bledger@gordonrees.com">Bledger@gordonrees.com</a> Telephone: (619) 230-7729 Fax: (619) 696-7124</p>	<p>Christopher McNevin Attorney at Law Pillsbury Winthrop Shaw Pittman LLP 725 South Figueroa Street, Suite 2800 Los Angeles, CA 90017-5406 <a href="mailto:Chrismcnevin@pillsburylaw.com">Chrismcnevin@pillsburylaw.com</a> Telephone: (213) 488-7507 Fax: (213) 629-1033</p>

<p>Douglas Reinhart Senior Attorney BP West Coast Products LLP 150 W. Warrenville Road, Mail code 200-1W Naperville, IL 60563-8473 <a href="mailto:Douglas.reinhart@bp.com">Douglas.reinhart@bp.com</a> Telephone: (630) 420-5457 Fax: (630) 420-5172</p>	<p>Kelley Richardson Associate Latham &amp; Watkins LLP NASSCO 600 West Broadway, Suite 1800 San Diego, CA 92101-3375 <a href="mailto:Kelley.richardson@lw.com">Kelley.richardson@lw.com</a> Telephone: (619) 238-2876 Fax: (619) 696-7419</p>
<p>David E. Silverstein Associate Counsel U.S. Navy SW Div, Naval Facilities Engineering Command 1220 Pacific Hwy San Diego, CA 92132-5189 <a href="mailto:David.silverstein@navy.mil">David.silverstein@navy.mil</a> Telephone: (619) 532-2265 Fax: (619) 532-1663</p>	<p>Jill Tracy Senior Environmental Counsel Sempra Energy 101 Ash Street San Diego, CA 92101 <a href="mailto:Jtracy@semprautilities.com">Jtracy@semprautilities.com</a> Telephone: (619) 699-5112 Fax: (619) 699-5189</p>
<p>Mike Tracy DLA Piper LLP US 401 B Street, Suite 1700 San Diego, CA 92101-4297 <a href="mailto:Mike.tracy@dlapiper.com">Mike.tracy@dlapiper.com</a> Telephone: (619) 699-3620 Fax: (619) 764-6620</p>	<p>Suzanne Varco Opper &amp; Varco LLP 225 Broadway, Suite 1900 San Diego, CA 92101 <a href="mailto:Svarco@envirolawyer.com">Svarco@envirolawyer.com</a></p>
<p>Jill Witkowski San Diego Coastkeeper 2825 Dewey Road, Suite 200 San Diego, CA 92106 <a href="mailto:jill@coastkeeper.org">jill@coastkeeper.org</a> Telephone: (619) 758-7743 Fax: (619) 223-3676</p>	