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April 22, 2008

San Diego Regional Water Quality Control Board  
Attn: John Robertus, Executive Director  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

RE: Shipyard Sediment Site 2005 Tentative Cleanup and Abatement Order No. R9-2005-0126

Dear Mr. Robertus:

This letter serves to supplement the San Diego Gas and Electric ("SDG&E") letter dated April 18, 2008, requesting an extension of Phase III of the Order of Proceedings and revisions to the March 25, 2008, Recommended Format for Written Comments. SDG&E provides the following written comments in advance of the upcoming pre-hearing conference.

**Information from Cleanup Team**

SDG&E requests that the Presiding Officer direct the Cleanup Team to provide the following as soon as possible to all designated parties:

- Confirmation that the Cleanup Team has provided all documents, including, but not limited to data, reports, logs, telephone records, notes, emails and other communications, that are relevant to the tentative order and technical report;
- A list of all Regional Board staff who were involved in the development of the tentative order, technical report or administrative record and a description of each staff member's involvement, including identification of the subject matter that each person addressed;
- A list of all agencies, organizations, experts and others who were consulted, or otherwise involved, in the development of the tentative order, technical report or administrative record and a description of each entity's involvement;
- Confirmation that the Cleanup Team has produced all relevant documents and files of the agencies, organizations, or other persons identified under the previous item;
- A complete and accurate index of files in the administrative record on the hard drive provided to the parties on April 4, 2008, including identification of the roughly 1,500 files in the record that are not on the current index;

4 / 23 / 2008

- Identification of which documents in the record correspond to each of the findings under the tentative order and technical report;
- A redline comparison showing revisions to the 700+ page Report;
- A redline comparison showing revisions to the Order;
- Service list for all submittals; and
- Instructions on how to submit third-party subpoenas.

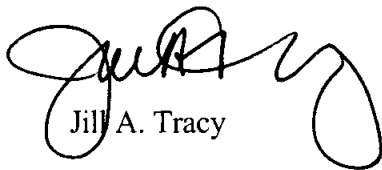
### **Tentative Schedule for Phase III**

Following receipt of this information from the Cleanup Team, SDG&E proposes the following schedule:

- **Review of Administrative Record:** The parties shall have one-hundred and twenty (120) days after the Presiding Officer issues his ruling on modifications to the schedule and process for reviewing the administrative record and for determining the type, scope, and length of discovery needed.
- **Conduct Written Discovery:** The parties shall have thirty (30) days after the close of the initial 120-day record review period to serve written discovery requests, including, but not limited to, requests for the production of documents, requests for admissions, interrogatories, and identification of persons to depose. The parties shall respond to, and complete their review of, all written discovery within ninety (90) days of service of such written discovery.
- **Conduct Depositions:** The parties shall have sixty (60) days to coordinate and conduct depositions at the conclusion of written discovery.
- **Preparation of Written Submittals after Completion of Discovery:** After depositions and other discovery have been completed, the parties shall have sixty (60) days to develop and file technical submittals based on the administrative record and the evidence obtained through discovery.
- **Submit Rebuttal Evidence:** In the First Amended Order of Proceedings, this step is identified as Phase IV, and commences upon completion of Phase III described above.
- **Submit Non-Binding Summary of Areas of Disagreement:** The First Amended Order of Proceedings contemplates the parties jointly submitting a non-binding summary of areas of disagreement. However, the parties will have a better understanding of the areas of disagreement *after* all discovery has been completed. Therefore, SDG&E recommends that the parties submit to the Advisory Team a non-binding summary of its areas of disagreement at the conclusion of all discovery.

SDG&E looks forward to discussing an appropriate time frame and procedures for conducting and completing Phase III of the Order of Proceedings, and determining an appropriate format for submission of written comments at the April 25, 2008, pre-hearing conference.

Sincerely,



Jill A. Tracy

JAT/rmm

cc: David Barker, Regional Water Quality Control Board  
Vice-Chair David King, Regional Water Quality Control Board  
Regional Water Quality Control Board Members  
Christopher Barnes, Esq., General Dynamics NASSCO  
See Attached E-Mail Service List