

Frank Melbourn - MEDIATION OF CLEANUP AND ABATEMENT ORDER NO. R9-2005-0126: PROPOSEDSCHEDULE

From: Timothy Gallagher <[REDACTED]@[REDACTED].com>
To: "David A. King" <[REDACTED]@[REDACTED].com>
Date: 9/30/2009 7:37 PM
Subject: MEDIATION OF CLEANUP AND ABATEMENT ORDER NO. R9-2005-0126:
PROPOSEDSCHEDULE
CC: "CHagan@waterboards.ca.gov" <CHagan@waterboards.ca.gov>, Frank Melbourn
<FMelbourn@waterboards.ca.gov>
Attachments: SHIPYARD SITE PROPOSED SCHEDULEFOR ISSUANCE OF CAO HEARING
093009 1933.pdf

Dear Mr. David King,

Please find attached the proposed schedule agreed upon by the Designated Parties, with the exception of Coastkeeper and Environmental Health Coalition, for your consideration.

This proposed schedule (1) outlines the timing of the release of a draft revised Cleanup and Abatement Order and associated technical report for public comment; and (2) sets forth a schedule for hearing before the San Diego Regional Water Quality Control Board.

Thanks, Timothy Gallagher.

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Subject: MEDIATION OF CLEANUP AND ABATEMENT ORDER NO. R9-2005-0126: PROPOSEDSCHEDULE

Creation Date 9/30/2009 7:36:40 PM

From: Timothy Gallagher <[REDACTED]@[REDACTED].com>

Created By: [REDACTED]@[REDACTED].com

Recipients

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HQpo2.SecDom1

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Files	Size	Date & Time
MESSAGE	492	9/30/2009 7:36:40 PM
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SHIPYARD SITE PROPOSED SCHEDULEFOR ISSUANCE OF CAO HEARING 0930091933.pdf	19768	
Mime.822	37248	

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Shipyard Sediment Matter **Proposed Schedule**

The Designated Parties, with the exception of Coastkeeper and Environmental Health Coalition, have made substantial progress towards resolving this matter since the onset of mediation. On September 29, 2009, these parties reached an agreement in principle on appropriate cleanup levels and post-remedial monitoring requirements. They are now in the process of addressing allocation and reducing the agreed upon terms to writing.

Contingent upon the parties to the mediation reaching an agreement on an appropriate allocation of costs by **November 18, 2009**, this proposed schedule (1) outlines the timing of the release of a draft revised Cleanup and Abatement Order and associated technical report for public comment; and (2) sets forth a schedule for hearing before the San Diego Regional Water Quality Control Board.

- **Phase I – Allocation and Written Settlement:** During Phase I, the parties to the mediation will conduct allocation negotiations and begin drafting the documents that reflect the agreements reached in mediation with respect to cleanup levels and monitoring. The parties are targeting to reach an agreement on allocation by November 18, 2009.
- **Phase II – Draft Revised Cleanup and Abatement Order:** Following an agreement on allocation, it is estimated the RWQCB Cleanup Team will take approximately four to six more weeks to finalize revisions to the draft Cleanup and Abatement Order and accompanying Technical Report. Accordingly, the parties expect the RWQCB Cleanup Team to issue for public comment both the revised Cleanup and Abatement Order and accompanying Technical Report approximately four to six weeks after reaching agreement on allocation; that is, mid to late December 2009.
- **Phase III – Public Comment Period:** Beginning on the date that the draft revised Cleanup and Abatement Order and associated Technical Report are issued, there will be a minimum 90-day public notice and comment period. The public comment period would end late March 2010. The Cleanup Team anticipates analyzing and responding to comments in a 60-day period following the close of the public comment period.
- **Phase IV – Regional Board Hearing:** Upon completion of the response to comments by the Cleanup Team, the Regional Board will conduct a hearing in late May or June 2010.