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ONE ORGANIZATION PROTECTING 100% OF THE COAST

June 10, 2013

Via email to Eric.Becker@waterboards.ca.gov

Eric Becker  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

**RE: San Diego Coastkeeper Request for Designated Party Status in Shipyards  
WDR, Tentative Order No. R9-2013-0093**

Dear Mr. Becker:

San Diego Coastkeeper respectfully requests that the Regional Board consider and grant our untimely request for designated party status in the Shipyards Waste Discharge Requirements, Tentative Order No. R9-2013-0093.

San Diego Coastkeeper has been actively involved and engaged in the shipyards cleanup for over a decade. As a designated party in the Cleanup and Abatement Order process, San Diego Coastkeeper significantly contributed to the process and helped ensure a strong and robust cleanup. Several issues Coastkeeper raised during the Cleanup and Abatement Order process were deferred to the Waste Discharge Requirements process. For this reason, it is imperative that we be allowed to continue our work to protect water quality in San Diego Bay.

None of the other Designated Parties can adequately represent San Diego Coastkeeper's point of view. San Diego Coastkeeper's mission is to protect and restore fishable, swimmable, drinkable San Diego waters. We will advocate for robust, thorough, protective requirements, unlike the responsible parties, who will take the opposite approach. Only by allowing San Diego Coastkeeper to be a Designated Party will the Regional Board hear from those who use, enjoy, and rely on a clean San Diego Bay.

We recognize that this request is being made after the June 7, 2013 submission deadline. Unfortunately, I have been out of town for the past week and a half and the student attorney I had assigned to take the lead in preparing the request made a mistake and failed to send the request. While we understand the need for to the Regional Board to set deadlines that the public and interested parties must comply with, the harm of denying our request greatly outweighs any benefits from strictly enforcing the deadline. No party will be prejudiced by this request submitted one day late. Given the Regional Board's past track record of making exceptions for parties not strictly following the rules,<sup>1</sup> we request that the Regional Board please grant San Diego Coastkeeper designated party status.

Respectfully Submitted,

Jill M. Witkowski  
Waterkeeper

<sup>1</sup> For example, during the Cleanup and Abatement Order process, the Regional Board allowed parties who had failed to circulate Powerpoints to all parties before the hearing to use them nonetheless. The Regional Board also allowed NASSCO to submit 289 pages as their 15 page "hearing brief." In the Municipal Stormwater Permit process, the Regional Board allowed the County of San Diego to submit a report dated April 11 on the second day of the April 2013 hearings when the comment deadline was in January.