

1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6
7 Attorneys for Designated Party,
National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10
11 IN THE MATTER OF:
12 TENTATIVE CLEANUP AND ABATEMENT
13 ORDER NO. R9-2010-0002

**NASSCO'S FIRST SET OF REQUESTS
FOR ADMISSIONS TO SAN DIEGO
COASTKEEPER (FORMERLY SAN
DIEGO BAY-KEEPER)**

14
15 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

16 RESPONDING PARTY: San Diego Coastkeeper (formerly San Diego Bay-Keeper)

17 SET NUMBER: One

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1 PLEASE TAKE NOTICE THAT pursuant to the Second Amended Order of
2 Proceedings and the Presiding Officer's February 18, 2010 Discovery Scheduling Order,
3 National Steel and Shipbuilding Company ("NASSCO") hereby requests that the San Diego
4 Coastkeeper respond to the following First Set of Requests for Admission, separately and fully in
5 writing and under oath, within thirty (30) days from the date of service of these requests.

6 **DEFINITIONS**

7 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
8 Team of the California Regional Water Quality Control Board, San Diego Region, specially
9 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
10 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
11 acting on its behalf.

12 2. The term "ANGLER SURVEY" shall mean and refer to the survey
13 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT.

14 3. The term "BENTHIC REPORT" shall mean and refer to the report entitled
15 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
16 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared for EHC
17 and/or Coastkeeper by MacDonald Environmental Services, Ltd. in October, 2009.

18 4. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
19 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
20 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
21 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
22 on its behalf.

23 5. The term "COMMUNICATIONS" shall mean and refer to the written or
24 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
25 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
26 writing method, meeting, discussion, conversation or other form of verbal expression.

27 6. The term "DOCUMENT(S)" shall mean and refer to any and all written,
28 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),

1 however produced or reproduced, including data stored in a computer, data stored on removable
2 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
3 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
4 request refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,
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8 to the medium in which the document is embodied. DOCUMENT(S) shall include all "writings"
9 and tangible forms of expression falling within the scope of California Evidence Code § 250,
10 within YOUR custody, possession or control.

11 7. The term "IDENTIFY," when used with respect to a DOCUMENT, means
12 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
13 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
14 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
15 date of the document; the form of the document (for example, "letter," "memorandum," or
16 "report"); and a description of the contents of the DOCUMENT. The term "IDENTIFY," when
17 used with respect to a PERSON who is an individual, means to state: the individual's name; the
18 individual's last known business and residence addresses; the individual's last known business
19 and residence phone numbers; the individual's last known business and personal e-mail
20 addresses; the individual's company affiliation; and the individual's professional position. The
21 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to
22 state: the name of the entity; the location of the entity's trade or business; the nature of the
23 entity's trade or business; the entity's phone number; and the entity's web-site address.

24 8. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
25 within the SITE.

26 9. The term "NASSCO" shall mean and refer to National Steel and
27 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
28 subsidiaries, affiliates, or anyone acting on its behalf.

1 10. The term "PERSON(S)" shall mean and refer to any natural person,
2 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
3 firm, association, organization, board, authority, governmental entity, or any other entity,
4 including a representative of such PERSON(S).

5 11. The term "REGIONAL BOARD" shall mean and refer to the California
6 Regional Water Quality Control Board, San Diego Region, including but not limited to each and
7 every past and current member of that board.

8 12. The term "RELATING TO" shall mean and refer to relating to, pertaining
9 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
10 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
11 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
12 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
13 matter addressed in the request, in whole or in part.

14 13. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
15 described in the TENTATIVE ORDER and TECHNICAL REPORT.

16 14. The term "TECHNICAL REPORT" shall mean and refer to the Draft
17 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
18 including but not limited to the prior drafts released publicly on August 24, 2007, and April 4,
19 2008.

20 15. The term "TENTATIVE ORDER" shall mean and refer to Tentative
21 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,
22 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
23 and April 4, 2008.

24 16. The terms "YOU," "YOUR," or "COASTKEEPER" shall mean and refer
25 to the San Diego Coastkeeper (formerly San Diego Bay-Keeper), its staff, its agents, employees,
26 attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

27 ///

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1 **REQUESTS FOR ADMISSIONS**

2 **REQUEST FOR ADMISSION NO. 1:**

3 Admit that the authors of the ANGLER SURVEY do not have expert scientific
4 credentials.

5 **REQUEST FOR ADMISSION NO. 2:**

6 Admit that impacts to aquatic life, aquatic-dependent wildlife, and human health
7 alleged to be caused by "Dischargers" are properly assessed by comparing SITE conditions to
8 reference conditions in San Diego Bay, rather than to pristine controls.

9 **REQUEST FOR ADMISSION NO. 3:**

10 Admit that the benthic community within the LEASEHOLD is mature.

11 **REQUEST FOR ADMISSION NO. 4:**

12 Admit that the benthic community within the LEASEHOLD is thriving.

13 **REQUEST FOR ADMISSION NO. 5:**

14 Admit that the BENTHIC REPORT scores all three lines of evidence (chemistry,
15 toxicity, benthic community) solely by the worst index or indicator only.

16 **REQUEST FOR ADMISSION NO. 6:**

17 Admit that the BENTHIC REPORT does not make use of reference data for San
18 Diego Bay.

19 **REQUEST FOR ADMISSION NO. 7:**

20 Admit that reference data for San Diego Bay exists.

21 **REQUEST FOR ADMISSION NO. 8:**

22 Admit that the organisms the California Toxics Rule is designed to protect are not
23 exposed to pore water.

24 **REQUEST FOR ADMISSION NO. 9:**

25 Admit that the comparison of California Toxics Rule values to pore water
26 concentrations of primary constituents of concern is irrelevant for determining adverse effects in
27 benthic communities.

28 ///

1 **REQUEST FOR ADMISSION NO. 10:**

2 Admit that the California Toxics Rule criteria were developed to assess water
3 quality in the open water column.

4 **REQUEST FOR ADMISSION NO. 11:**

5 Admit that the California Toxics Rule criteria are not applicable to pore water.

6 **REQUEST FOR ADMISSION NO. 12:**

7 Admit that YOU have never observed any fishing taking place at the LEASEHOLD.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have never observed any lobstering taking place at the
10 LEASEHOLD.

11 **REQUEST FOR ADMISSION NO. 14:**

12 Admit that YOU have never observed any shellfishing taking place at the
13 LEASEHOLD.

14 **REQUEST FOR ADMISSION NO. 15:**

15 Admit that YOU have never observed any endangered species within the
16 LEASEHOLD.

17 **REQUEST FOR ADMISSION NO. 16:**

18 Admit that YOU have never observed any threatened species within the
19 LEASEHOLD.

20 **REQUEST FOR ADMISSION NO. 17:**

21 Admit that little correlation between concentrations of constituents of concern in
22 sediment at the LEASEHOLD and sediment toxicity has been observed.

23 **REQUEST FOR ADMISSION NO. 18:**

24 Admit that correlations have been observed between pesticide concentrations in
25 sediment and sediment toxicity.

26 **REQUEST FOR ADMISSION NO. 19:**

27 Admit that NASSCO is not responsible for the discharge of pesticides into San
28 Diego Bay.

1 **REQUEST FOR ADMISSION NO. 20:**

2 Admit that sources of pesticide discharges to San Diego Bay are uncontrolled.

3 **REQUEST FOR ADMISSION NO. 21:**

4 Admit that locations where high toxicity in sediment has been found within the
5 SITE are near locations where municipal stormwater is discharged.

6 **REQUEST FOR ADMISSION NO. 22:**

7 Admit that sediment within the LEASEHOLD is adversely affected by sources of
8 pollution unrelated to NASSCO or its operations.

9 **REQUEST FOR ADMISSION NO. 23:**

10 Admit that remediation goals in the TENTATIVE ORDER will in the future be
11 adversely affected by re-contamination from other sources.

12 **REQUEST FOR ADMISSION NO. 24:**

13 Admit that discharges at Chollas Creek impact sediment quality within the
14 LEASEHOLD.

15 **REQUEST FOR ADMISSION NO. 25:**

16 Admit that dredging would adversely affect existing and mature benthic
17 communities within the SITE.

18 **REQUEST FOR ADMISSION NO. 26:**

19 Admit that it is technologically infeasible to require remediation to background
20 sediment quality levels within the SITE, within the meaning of State Board Resolution 92-49.

21 **REQUEST FOR ADMISSION NO. 27:**

22 Admit that it is economically infeasible to require remediation to background
23 sediment quality levels within the SITE, within the meaning of State Board Resolution 92-49.

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1 **REQUEST FOR ADMISSION NO. 28:**

2 Admit that NASSCO has not discharged PCBs to the Bay.

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4 Dated: July 22, 2010

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LATHAM & WATKINS LLP

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By 

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Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE SAN**
6 **DIEGO COASTKEEPER (FORMERLY SAN DIEGO BAY-KEEPER)**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
13 snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

14 Michael McDonough
15 Counsel
16 Bingham McCutchen LLP
17 355 South Grand Avenue, Suite 4400
18 Los Angeles, CA 90071-3106
19 michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

20 Brian Ledger
21 Attorney at Law
22 Gordon & Rees LLP
23 101 West Broadway, Suite 1600
24 San Diego, CA 92101
25 bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

26 Marco Gonzalez
27 Attorney at Law
28 Coast Law Group LLP
1140 South Coast Highway 101
Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

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Jill Tracy
Senior Environmental Counsel
Sempra Energy
101 Ash Street
San Diego, CA 92101
jtracy@sempra.com
(619) 699-5112
(619) 699-5189

Leslie FitzGerald
Deputy Port Attorney
San Diego Unified Port District
PO Box 120488
San Diego, CA 92112
lfitzger@portofsandiego.org
(619) 686-7224
(619) 686-6444

Laura Hunter
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
National City, CA 91950
laurah@environmentalhealth.org
(619) 474-0220
(619) 474-1210

Tom Stahl, AUSA
Chief, Civil Division
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
(619) 557-7140
(619) 557-5004

Mike Tracy, Esq.
DLA Piper LLP US
401 B Street, Suite 1700
San Diego, California 92101-4297
mike.tracy@dlapiper.com
(619) 699-3620
(619) 764-6620

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

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Robert M. Howard (SB No. 145870)
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6 Attorneys for Designated Party,
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8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10

11 IN THE MATTER OF:

12 TENTATIVE CLEANUP AND ABATEMENT
13 ORDER NO. R9-2010-0002

**NASSCO'S FIRST SET OF REQUESTS
FOR ADMISSIONS TO
ENVIRONMENTAL HEALTH
COALITION**

14

15

16 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

17 RESPONDING PARTY: Environmental Health Coalition

18 SET NUMBER: One

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2 Proceedings and the Presiding Officer's February 18, 2010 Discovery Scheduling Order,
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4 Health Coalition respond to the following First Set of Requests for Admission, separately and
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6 **DEFINITIONS**

7 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
8 Team of the California Regional Water Quality Control Board, San Diego Region, specially
9 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
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12 2. The term "ANGLER SURVEY" shall mean and refer to the survey
13 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT.

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15 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
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24 8. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
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27 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
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REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that the authors of the ANGLER SURVEY do not have expert scientific credentials.

REQUEST FOR ADMISSION NO. 2:

Admit that impacts to aquatic life, aquatic-dependent wildlife, and human health alleged to be caused by “Dischargers” are properly assessed by comparing SITE conditions to reference conditions in San Diego Bay, rather than to pristine controls.

REQUEST FOR ADMISSION NO. 3:

Admit that the benthic community within the LEASEHOLD is mature.

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16 LEASEHOLD.

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25 sediment and sediment toxicity at the SITE.

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28 Diego Bay.

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1 **REQUEST FOR ADMISSION NO. 28:**

2 Admit that NASSCO has not discharged PCBs to the Bay.

3

4 Dated: July 22, 2010

5

LATHAM & WATKINS LLP

6



7

By

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S FIRST SET OF REQUESTS FOR ADMISSIONS TO THE**
6 **ENVIRONMENTAL HEALTH COALITION**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
13 snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

14 Michael McDonough
15 Counsel
16 Bingham McCutchen LLP
17 355 South Grand Avenue, Suite 4400
18 Los Angeles, CA 90071-3106
19 michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

1 Jill Tracy
Senior Environmental Counsel
2 Sempra Energy
101 Ash Street
3 San Diego, CA 92101
jtracy@sempra.com
4 (619) 699-5112
(619) 699-5189

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
Deputy Port Attorney
7 San Diego Unified Port District
PO Box 120488
8 San Diego, CA 92112
lfitzger@portofsandiego.org
9 (619) 686-7224
(619) 686-6444

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11 Laura Hunter
12 Environmental Health Coalition
401 Mile of Cars Way, Suite 310
13 National City, CA 91950
laurah@environmentalhealth.org
14 (619) 474-0220
15 (619) 474-1210

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

16 Tom Stahl, AUSA
17 Chief, Civil Division
Office of the U.S. Attorney
880 Front Street, Room 6293
18 San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
19 (619) 557-7140
20 (619) 557-5004

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

21 Mike Tracy, Esq.
22 DLA Piper LLP US
401 B Street, Suite 1700
23 San Diego, California 92101-4297
mike.tracy@dlapiper.com
24 (619) 699-3620
(619) 764-6620

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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

1 LATHAM & WATKINS LLP
2 Robert M. Howard (SB No. 145870)
3 Kelly E. Richardson (SB No. 210511)
4 Jeffrey P. Carlin (SB No. 227539)
5 Ryan R. Waterman (SB No. 229485)
6 Jennifer P. Casler (SB No. 259438)
7 600 West Broadway, Suite 1800
8 San Diego, California 92101-3375
9 Telephone: (619) 236-1234
10 Facsimile: (619) 696-7419

11 Attorneys for Designated Party,
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

14 SAN DIEGO REGION

15 IN THE MATTER OF:
16 CLEANUP AND ABATEMENT ORDER
17 NO. R9-2010-0002

**NASSCO'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO SAN
DIEGO COASTKEEPER (FORMERLY SAN
DIEGO BAY-KEEPER)**

18 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

19 RESPONDING PARTY: San Diego Coastkeeper (formerly San Diego Bay-Keeper)

20 SET NUMBER: One

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1 Pursuant to the Second Amended Order of Proceedings and the Presiding
2 Officer's February 18, 2010 Discovery Scheduling Order, National Steel and Shipbuilding
3 Company ("NASSCO") hereby requests that the San Diego Coastkeeper (hereinafter
4 "Coastkeeper") produce and permit inspection, photographing and copying of the documents and
5 tangible things described below. NASSCO specifically requests that within thirty (30) days of
6 service of this request, Coastkeeper serve its original of the written response hereto, and on the
7 same date produce the requested documents and things for inspection at the offices of
8 NASSCO's counsel, Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego,
9 California 92101.

10 DEFINITIONS

11 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
12 Team of the California Regional Water Quality Control Board, San Diego Region, specially
13 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
14 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
15 acting on its behalf.

16 2. The term "ANGLER SURVEY" shall mean and refer to the survey
17 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT.

18 3. The term "BENTHIC REPORT" shall mean and refer to the report entitled
19 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
20 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared for
21 Environmental Health Coalition ("EHC") and/or Coastkeeper by MacDonald Environmental
22 Services, Ltd. in October, 2009.

23 4. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
24 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
25 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
26 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
27 on its behalf.

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1 5. The term “COMMUNICATIONS” shall mean and refer to the written or
2 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
3 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
4 writing method, meeting, discussion, conversation or other form of verbal expression.

5 6. The term “DOCUMENT(S)” shall mean and refer to any and all written,
6 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
7 however produced or reproduced, including data stored in a computer, data stored on removable
8 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
9 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
10 request refers. “DOCUMENT(S)” shall further include, without limitation, all preliminary,
11 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
12 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
13 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
14 to the medium in which the document is embodied. DOCUMENT(S) shall include all “writings”
15 and tangible forms of expression falling within the scope of California Evidence Code § 250,
16 within YOUR custody, possession or control.

17 7. The term “IDENTIFY,” when used with respect to a DOCUMENT, means
18 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
19 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
20 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
21 date of the document; the form of the document (for example, “letter,” “memorandum,” or
22 “report”); and a description of the contents of the DOCUMENT. The term “IDENTIFY,” when
23 used with respect to a PERSON who is an individual, means to state: the individual’s name; the
24 individual’s last known business and residence addresses; the individual’s last known business
25 and residence phone numbers; the individual’s last known business and personal e-mail
26 addresses; the individual’s company affiliation; and the individual’s professional position. The
27 term “IDENTIFY,” when used with respect to a PERSON that is a business entity, means to
28

1 state: the name of the entity; the location of the entity's trade or business; the nature of the
2 entity's trade or business; the entity's phone number; and the entity's web-site address.

3 8. The term "NASSCO" shall mean and refer to National Steel and
4 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
5 subsidiaries, affiliates, or anyone acting on its behalf.

6 9. The term "PERSON(S)" shall mean and refer to any natural person,
7 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
8 firm, association, organization, board, authority, governmental entity, or any other entity,
9 including a representative of such PERSON(S).

10 10. The term "REGIONAL BOARD" shall mean and refer to the California
11 Regional Water Quality Control Board, San Diego Region, including but not limited to each and
12 every past and current member of that board.

13 11. The term "RELATING TO" shall mean and refer to relating to, pertaining
14 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
15 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
16 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
17 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
18 matter addressed in the request, in whole or in part.

19 12. The term "SEDIMENT INVESTIGATION" shall mean and refer to the
20 Sediment Quality Investigation described in Paragraph 12 of the TENTATIVE ORDER.

21 13. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
22 described in the TENTATIVE ORDER and TECHNICAL REPORT.

23 14. The term "TECHNICAL REPORT" shall mean and refer to the Draft
24 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
25 including but not limited to the prior drafts released publicly on August 24, 2007, and April 4,
26 2008.

27 15. The term "TENTATIVE ORDER" shall mean and refer to Tentative
28 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,

1 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
2 and April 4, 2008.

3 16. The terms "YOU," "YOUR," or "COASTKEEPER" shall mean and refer
4 to the San Diego Coastkeeper (formerly San Diego Bay-Keeper), its staff, agents, employees,
5 attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

6 **REQUESTS FOR PRODUCTION**

7 **REQUEST NO. 1:**

8 All DOCUMENTS identified in YOUR responses to NASSCO's First Set of
9 Special Interrogatories.

10 **REQUEST NO. 2:**

11 All of YOUR DOCUMENTS RELATING TO the TENTATIVE ORDER or
12 TECHNICAL REPORT.

13 **REQUEST NO. 3:**

14 All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
15 any PERSON RELATED TO the TENTATIVE ORDER or TECHNICAL REPORT.

16 **REQUEST NO. 4:**

17 All DOCUMENTS RELATING TO YOUR development of the ANGLER
18 SURVEY.

19 **REQUEST NO. 5:**

20 All DOCUMENTS RELATING TO the survey questions YOU used to produce
21 the ANGLER SURVEY, including the survey questions themselves.

22 **REQUEST NO. 6:**

23 All DOCUMENTS RELATING TO survey participants' responses to interview
24 questions for the ANGLER SURVEY.

25 **REQUEST NO. 7:**

26 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
27 and any PERSON RELATING TO the ANGLER SURVEY.

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1 **REQUEST NO. 8:**

2 All DOCUMENTS RELATING TO any peer review reports regarding the
3 ANGLER SURVEY.

4 **REQUEST NO. 9:**

5 All DOCUMENTS RELATING TO the professional qualifications each author of
6 the ANGLER SURVEY, including but not limited to the curriculum vitae of each such
7 individual.

8 **REQUEST NO. 10:**

9 All DOCUMENTS RELATING TO the professional qualifications each
10 contributor to the ANGLER SURVEY, including but not limited to the curriculum vitae of each
11 such individual.

12 **REQUEST NO. 11:**

13 All DOCUMENTS RELATING TO the professional qualifications each peer-
14 reviewer of the ANGLER SURVEY, including but not limited to the curriculum vitae of each
15 such individual.

16 **REQUEST NO. 12:**

17 All DOCUMENTS cited in the ANGLER SURVEY.

18 **REQUEST NO. 13:**

19 All DOCUMENTS RELATING TO YOUR development of the BENTHIC
20 REPORT.

21 **REQUEST NO. 14:**

22 All DOCUMENTS RELATING TO the professional qualifications each author of
23 the BENTHIC REPORT, including but not limited to the curriculum vitae of each such
24 individual.

25 **REQUEST NO. 15:**

26 All DOCUMENTS RELATING TO the professional qualifications each
27 contributor to the BENTHIC REPORT, including but not limited to the curriculum vitae of each
28 such individual.

1 **REQUEST NO. 16:**

2 All DOCUMENTS RELATING TO the professional qualifications each peer-
3 reviewer of the BENTHIC REPORT, including but not limited to the curriculum vitae of each
4 such individual.

5 **REQUEST NO. 17:**

6 All DOCUMENTS RELATING TO the establishment of sediment cleanup levels
7 and remediation footprint proposed in the BENTHIC REPORT.

8 **REQUEST NO. 18:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
10 and any PERSON RELATING TO the BENTHIC REPORT.

11 **REQUEST NO. 19:**

12 All DOCUMENTS cited in the BENTHIC REPORT.

13 **REQUEST NO. 20:**

14 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
15 and any REGIONAL BOARD or STATE BOARD staff or Board member regarding the
16 SEDIMENT INVESTIGATION.

17 **REQUEST NO. 21:**

18 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and any staff member of any local, state or federal agency regarding the SEDIMENT
20 INVESTIGATION.

21 **REQUEST NO. 22:**

22 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
23 and any PERSON regarding the SEDIMENT INVESTIGATION.

24 **REQUEST NO. 23:**

25 All DOCUMENTS RELATING TO any presentation materials YOU prepared for
26 the REGIONAL BOARD RELATING TO the SEDIMENT INVESTIGATION.

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1 **REQUEST NO. 24:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and the ADVISORY TEAM regarding the SITE, TENTATIVE ORDER or the TECHNICAL
4 REPORT.

5 **REQUEST NO. 25:**

6 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
7 and the CLEANUP TEAM regarding the SITE, TENTATIVE ORDER or the TECHNICAL
8 REPORT.

9 **REQUEST NO. 26:**

10 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
11 and any REGIONAL BOARD staff regarding the SITE, TENTATIVE ORDER or the
12 TECHNICAL REPORT.

13 **REQUEST NO. 27:**

14 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
15 and any PERSON regarding the SITE, TENTATIVE ORDER or the TECHNICAL REPORT.

16 **REQUEST NO. 28:**

17 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
18 and any PERSON regarding the ANGLER SURVEY.

19 **REQUEST NO. 29:**

20 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
21 and any PERSON regarding the BENTHIC REPORT.

22 **REQUEST NO. 30:**

23 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
24 and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
25 REPORT.

26 **REQUEST NO. 31:**

27 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
28 and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

1 **REQUEST NO. 32:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **REQUEST NO. 33:**

5 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
6 and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **REQUEST NO. 34:**

8 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
9 and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
10 REPORT.

11 **REQUEST NO. 35:**

12 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
13 and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

14 **REQUEST NO. 36:**

15 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
16 and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

17 **REQUEST NO. 37:**

18 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

20 **REQUEST NO. 38:**

21 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
22 and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

23 **REQUEST NO. 39:**

24 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
26 REPORT.

27 ///

28 ///

1 **REQUEST NO. 40:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
4 REPORT.

5 **REQUEST NO. 41:**

6 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
7 and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

8 **REQUEST NO. 42:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
10 and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

11 **REQUEST NO. 43:**

12 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
13 and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
14 REPORT.

15 **REQUEST NO. 44:**

16 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
17 and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

18

19 Dated: July 22, 2010

20

LATHAM & WATKINS LLP

21

22

By



Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

23

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
6 **TO SAN DIEGO COASTKEEPER (FORMERLY SAN DIEGO BAY-KEEPER)**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
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12 San Francisco, CA 94111
snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

13 Michael McDonough
14 Counsel
15 Bingham McCutchen LLP
16 355 South Grand Avenue, Suite 4400
17 Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
(213) 680-6600
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Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
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(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
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James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
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5

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
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sharon@sdpta.com
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7 San Diego Unified Port District
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10

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
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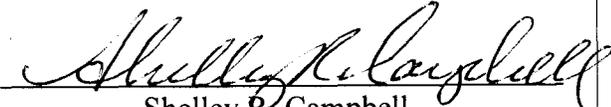
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William D. Brown, Esq.
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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

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11 Attorneys for Designated Party,
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
14 SAN DIEGO REGION

15 IN THE MATTER OF:
16 CLEANUP AND ABATEMENT ORDER
17 NO. R9-2010-0002

**NASSCO'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
ENVIRONMENTAL HEALTH COALITION**

18 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")
19 RESPONDING PARTY: Environmental Health Coalition
20 SET NUMBER: One
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1 Pursuant to the Second Amended Order of Proceedings and the Presiding
2 Officer's February 18, 2010 Discovery Scheduling Order, National Steel and Shipbuilding
3 Company ("NASSCO") hereby requests that the Environmental Health Coalition (hereinafter
4 "EHC") produce and permit inspection, photographing and copying of the documents and
5 tangible things described below. NASSCO specifically requests that within thirty (30) days of
6 service of this request, EHC serve its original of the written response hereto, and on the same
7 date produce the requested documents and things for inspection at the offices of NASSCO's
8 counsel, Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California 92101.

9 **DEFINITIONS**

10 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
11 Team of the California Regional Water Quality Control Board, San Diego Region, specially
12 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
13 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
14 acting on its behalf.

15 2. The term "ANGLER SURVEY" shall mean and refer to the survey
16 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT.

17 3. The term "BENTHIC REPORT" shall mean and refer to the report entitled
18 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
19 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared for EHC
20 by MacDonald Environmental Services, Ltd. in October, 2009.

21 4. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
22 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
23 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
24 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
25 on its behalf.

26 5. The term "COMMUNICATIONS" shall mean and refer to the written or
27 verbal exchange of information by any means, including, without limitation, telephone, telecopy,

28 ///

1 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
2 writing method, meeting, discussion, conversation or other form of verbal expression.

3 6. The term "DOCUMENT(S)" shall mean and refer to any and all written,
4 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
5 however produced or reproduced, including data stored in a computer, data stored on removable
6 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
7 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
8 request refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,
9 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
10 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
11 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
12 to the medium in which the document is embodied. DOCUMENT(S) shall include all "writings"
13 and tangible forms of expression falling within the scope of California Evidence Code § 250,
14 within YOUR custody, possession or control.

15 7. The term "IDENTIFY," when used with respect to a DOCUMENT, means
16 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
17 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
18 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
19 date of the document; the form of the document (for example, "letter," "memorandum," or
20 "report"); and a description of the contents of the DOCUMENT. The term "IDENTIFY," when
21 used with respect to a PERSON who is an individual, means to state: the individual's name; the
22 individual's last known business and residence addresses; the individual's last known business
23 and residence phone numbers; the individual's last known business and personal e-mail
24 addresses; the individual's company affiliation; and the individual's professional position. The
25 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to
26 state: the name of the entity; the location of the entity's trade or business; the nature of the
27 entity's trade or business; the entity's phone number; and the entity's web-site address.

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1 8. The term "NASSCO" shall mean and refer to National Steel and
2 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
3 subsidiaries, affiliates, or anyone acting on its behalf.

4 9. The term "PERSON(S)" shall mean and refer to any natural person,
5 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
6 firm, association, organization, board, authority, governmental entity, or any other entity,
7 including a representative of such PERSON(S).

8 10. The term "REGIONAL BOARD" shall mean and refer to the California
9 Regional Water Quality Control Board, San Diego Region, including but not limited to each and
10 every past and current member of that board.

11 11. The term "RELATING TO" shall mean and refer to relating to, pertaining
12 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
13 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
14 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
15 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
16 matter addressed in the request, in whole or in part.

17 12. The term "SEDIMENT INVESTIGATION" shall mean and refer to the
18 Sediment Quality Investigation described in Paragraph 12 of the TENTATIVE ORDER.

19 13. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
20 described in the TENTATIVE ORDER and TECHNICAL REPORT.

21 14. The term "TECHNICAL REPORT" shall mean and refer to the Draft
22 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
23 including but not limited to the prior drafts released publicly on August 24, 2007, and April 4,
24 2008.

25 15. The term "TENTATIVE ORDER" shall mean and refer to Tentative
26 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,
27 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
28 and April 4, 2008.

1 **REQUEST NO. 9:**

2 All DOCUMENTS RELATING TO the professional qualifications of each author
3 of the ANGLER SURVEY, including but not limited to the curriculum vitae of each such
4 individual.

5 **REQUEST NO. 10:**

6 All DOCUMENTS RELATING TO the professional qualifications of each
7 contributor to the ANGLER SURVEY, including but not limited to the curriculum vitae of each
8 such individual.

9 **REQUEST NO. 11:**

10 All DOCUMENTS RELATING TO the professional qualifications of each peer-
11 reviewer of the ANGLER SURVEY, including but not limited to the curriculum vitae of each
12 such individual.

13 **REQUEST NO. 12:**

14 All DOCUMENTS cited in the ANGLER SURVEY.

15 **REQUEST NO. 13:**

16 All DOCUMENTS RELATING TO YOUR development of the BENTHIC
17 REPORT.

18 **REQUEST NO. 14:**

19 All DOCUMENTS RELATING TO the professional qualifications of each author
20 of the BENTHIC REPORT, including but not limited to the curriculum vitae of each such
21 individual.

22 **REQUEST NO. 15:**

23 All DOCUMENTS RELATING TO the professional qualifications of each
24 contributor to the BENTHIC REPORT, including but not limited to the curriculum vitae of each
25 such individual.

26 ///

27 ///

28 ///

1 **REQUEST NO. 16:**

2 All DOCUMENTS RELATING TO the professional qualifications of each peer-
3 reviewer of the BENTHIC REPORT, including but not limited to the curriculum vitae of each
4 such individual.

5 **REQUEST NO. 17:**

6 All DOCUMENTS RELATING TO the establishment of sediment cleanup levels
7 and remediation footprint proposed in the BENTHIC REPORT.

8 **REQUEST NO. 18:**

9 All DOCUMENTS cited in the BENTHIC REPORT.

10 **REQUEST NO. 19:**

11 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
12 and any PERSON RELATING TO the BENTHIC REPORT.

13 **REQUEST NO. 20:**

14 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
15 and any REGIONAL BOARD or STATE BOARD staff or Board member regarding the
16 SEDIMENT INVESTIGATION.

17 **REQUEST NO. 21:**

18 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and any staff member of any local, state or federal agency regarding the SEDIMENT
20 INVESTIGATION.

21 **REQUEST NO. 22:**

22 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
23 and any PERSON regarding the SEDIMENT INVESTIGATION.

24 **REQUEST NO. 23:**

25 All DOCUMENTS RELATING TO any presentation materials YOU prepared for
26 the REGIONAL BOARD RELATING TO the SEDIMENT INVESTIGATION.

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1 **REQUEST NO. 24:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and the ADVISORY TEAM regarding the SITE, TENTATIVE ORDER or TECHNICAL
4 REPORT.

5 **REQUEST NO. 25:**

6 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
7 and the CLEANUP TEAM regarding the SITE, TENTATIVE ORDER or TECHNICAL
8 REPORT.

9 **REQUEST NO. 26:**

10 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
11 and any REGIONAL BOARD staff regarding the SITE, TENTATIVE ORDER or TECHNICAL
12 REPORT.

13 **REQUEST NO. 27:**

14 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
15 and any PERSON regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

16 **REQUEST NO. 28:**

17 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
18 and any PERSON regarding the ANGLER SURVEY.

19 **REQUEST NO. 29:**

20 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
21 and any PERSON regarding the BENTHIC REPORT.

22 **REQUEST NO. 30:**

23 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
24 and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
25 REPORT.

26 **REQUEST NO. 31:**

27 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
28 and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

1 **REQUEST NO. 32:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **REQUEST NO. 33:**

5 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
6 and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **REQUEST NO. 34:**

8 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
9 and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
10 REPORT.

11 **REQUEST NO. 35:**

12 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
13 and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

14 **REQUEST NO. 36:**

15 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
16 and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

17 **REQUEST NO. 37:**

18 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

20 **REQUEST NO. 38:**

21 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
22 and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

23 **REQUEST NO. 39:**

24 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
26 REPORT.

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1 **REQUEST NO. 40:**

2 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
3 and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
4 REPORT.

5 **REQUEST NO. 41:**

6 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
7 and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

8 **REQUEST NO. 42:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
10 and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

11 **REQUEST NO. 43:**

12 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
13 and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL
14 REPORT.

15 **REQUEST NO. 44:**

16 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
17 and David King RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

18 **REQUEST NO. 45:**

19 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
20 and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

21

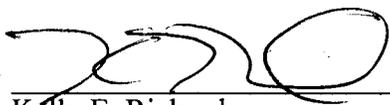
22 Dated: July 22, 2010

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LATHAM & WATKINS LLP

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25

By 
Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

26

27

28

1 Jill Tracy
2 Senior Environmental Counsel
3 Sempra Energy
4 101 Ash Street
5 San Diego, CA 92101
6 jtracy@sempra.com
7 (619) 699-5112
8 (619) 699-5189

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
7 Deputy Port Attorney
8 San Diego Unified Port District
9 PO Box 120488
10 San Diego, CA 92112
11 lfitzger@portofsandiego.org
12 (619) 686-7224
13 (619) 686-6444

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11 Laura Hunter
12 Environmental Health Coalition
13 401 Mile of Cars Way, Suite 310
14 National City, CA 91950
15 laurah@environmentalhealth.org
16 (619) 474-0220
17 (619) 474-1210

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

16 Tom Stahl, AUSA
17 Chief, Civil Division
18 Office of the U.S. Attorney
19 880 Front Street, Room 6293
20 San Diego, CA 92101-8893
21 thomas.stahl@usdoj.gov
22 (619) 557-7140
23 (619) 557-5004

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

21 Mike Tracy, Esq.
22 DLA Piper LLP US
23 401 B Street, Suite 1700
24 San Diego, California 92101-4297
25 mike.tracy@dlapiper.com
26 (619) 699-3620
27 (619) 764-6620

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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

1 LATHAM & WATKINS LLP
2 Robert M. Howard (SB No. 145870)
3 Kelly E. Richardson (SB No. 210511)
4 Jeffrey P. Carlin (SB No. 227539)
5 Ryan R. Waterman (SB No. 229485)
6 Jennifer P. Casler-Goncalves (SB No. 259438)
7 600 West Broadway, Suite 1800
8 San Diego, California 92101-3375
9 Telephone: (619) 236-1234
10 Facsimile: (619) 696-7419

11 Attorneys for Designated Party,
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

14 SAN DIEGO REGION

15 IN THE MATTER OF:

16 TENTATIVE CLEANUP AND
17 ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S FIRST SET OF SPECIAL
INTERROGATORIES TO
ENVIRONMENTAL HEALTH
COALITION**

18 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

19 RESPONDING PARTY: Environmental Health Coalition

20 SET NUMBER: One

1 PLEASE TAKE NOTICE THAT pursuant to the Second Amended Order of
2 Proceedings and the Presiding Officer's February 18, 2010 Discovery Scheduling Order,
3 National Steel and Shipbuilding Company ("NASSCO") hereby requests that the Environmental
4 Health Coalition (hereinafter, "EHC") respond to the following First Set of Special
5 Interrogatories separately and fully in writing and under oath, within thirty (30) days from the
6 date of service of these Interrogatories.

7 **DEFINITIONS**

8 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
9 Team of the California Regional Water Quality Control Board, San Diego Region, specially
10 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
11 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
12 acting on its behalf.

13 2. The term "ANGLER SURVEY" shall mean and refer to the survey
14 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT, and any and all other studies,
15 reports, questionnaires, surveys and similar work related to fishing in San Diego Bay.

16 3. The term "BENTHIC REPORT" shall mean and refer to the report entitled
17 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
18 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared for EHC
19 by MacDonald Environmental Services, Ltd. in October, 2009.

20 4. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
21 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
22 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
23 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
24 on its behalf.

25 5. The term "COMMUNICATIONS" shall mean and refer to the written or
26 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
27 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
28 writing method, meeting, discussion, conversation or other form of verbal expression.

1 6. The term "DOCUMENT(S)" shall mean and refer to any and all written,
2 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
3 however produced or reproduced, including data stored in a computer, data stored on removable
4 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
5 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
6 Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,
7 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
8 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
9 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
10 to the medium in which the document is embodied. DOCUMENT(S) shall include all "writings"
11 and tangible forms of expression falling within the scope of California Evidence Code § 250,
12 within YOUR custody, possession or control.

13 7. The term "ENVIRONMENTAL GROUPS" shall mean and refer to any
14 and all non-profit and/or advocacy organizations focused on environmental causes and issues,
15 including but not limited to Designated Parties San Diego Coastkeeper (formerly San Diego
16 Bay-Keeper) and Environmental Health Coalition.

17 8. The term "IDENTIFY," when used with respect to a DOCUMENT, means
18 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
19 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
20 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
21 date of the document; the form of the document (for example, "letter," "memorandum," or
22 "report"); and a description of the contents of the DOCUMENT. The term "IDENTIFY," when
23 used with respect to a PERSON who is an individual, means to state: the individual's name; the
24 individual's last known business and residence addresses; the individual's last known business
25 and residence phone numbers; the individual's last known business and personal e-mail
26 addresses; the individual's company affiliation; and the individual's professional position. The
27 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to

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1 state: the name of the entity; the location of the entity's trade or business; the nature of the
2 entity's trade or business; the entity's phone number; and the entity's web-site address.

3 9. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
4 within the SITE.

5 10. The term "NASSCO" shall mean and refer to National Steel and
6 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
7 subsidiaries, affiliates, or anyone acting on its behalf.

8 11. The term "PERSON(S)" shall mean and refer to any natural person,
9 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
10 firm, association, organization, board, authority, governmental entity, or any other entity,
11 including a representative of such PERSON(S).

12 12. The term "REGIONAL BOARD" shall mean and refer to the California
13 Regional Water Quality Control Board, San Diego Region, including but not limited to each and
14 every past and current member of that board.

15 13. The term "RELATING TO" shall mean and refer to relating to, pertaining
16 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
17 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
18 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
19 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
20 matter addressed in the request, in whole or in part.

21 14. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
22 described in the TENTATIVE ORDER and TECHNICAL REPORT.

23 15. The term "TECHNICAL REPORT" shall mean and refer to the Draft
24 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
25 including but not limited to the prior drafts released publicly on August 24, 2007, and April 4,
26 2008.

27 16. The term "TENTATIVE ORDER" shall mean and refer to the Tentative
28 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,

1 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
2 and April 4, 2008.

3 17. The terms "YOU," "YOUR," or "EHC" shall mean and refer to the
4 Environmental Health Coalition, including, but not limited to its staff, agents, employees,
5 attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.

6 **SPECIAL INTERROGATORIES**

7 **INTERROGATORY NO. 1:**

8 IDENTIFY each author of the ANGLER SURVEY.

9 **INTERROGATORY NO. 2:**

10 IDENTIFY all DOCUMENTS YOU reviewed to develop the ANGLER
11 SURVEY.

12 **INTERROGATORY NO. 3:**

13 IDENTIFY all DOCUMENTS YOU relied on to develop the ANGLER
14 SURVEY.

15 **INTERROGATORY NO. 4:**

16 IDENTIFY each PERSON that was consulted by YOU in connection with YOUR
17 preparation of the ANGLER SURVEY.

18 **INTERROGATORY NO. 5:**

19 For every group, organization, or agency identified in response to the preceding
20 Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or
21 agency who was consulted in connection with YOUR preparation of the ANGLER SURVEY.

22 **INTERROGATORY NO. 6:**

23 For every employee identified in response to the preceding Special Interrogatory,
24 please specify to which section(s) in the ANGLER SURVEY such employee consultation
25 relates.

26 **INTERROGATORY NO. 7:**

27 IDENTIFY every ENVIRONMENTAL GROUP that was consulted in connection
28 with YOUR preparation of the ANGLER SURVEY.

1 **INTERROGATORY NO. 8:**

2 For every ENVIRONMENTAL GROUP identified in response to the preceding
3 Special Interrogatory, IDENTIFY the individual member(s) of that ENVIRONMENTAL
4 GROUP who was consulted in connection with YOUR preparation of the ANGLER SURVEY.

5 **INTERROGATORY NO. 9:**

6 For every member of an ENVIRONMENTAL GROUP identified in response to
7 the preceding Special Interrogatory, please specify to which section(s) in the ANGLER
8 SURVEY such consultation relates.

9 **INTERROGATORY NO. 10:**

10 IDENTIFY every REGIONAL BOARD staff member that was consulted in
11 connection with YOUR preparation of the ANGLER SURVEY.

12 **INTERROGATORY NO. 11:**

13 For every member of the REGIONAL BOARD identified in response to the
14 preceding Special Interrogatory, please specify to which section(s) in the ANGLER SURVEY
15 such consultation relates.

16 **INTERROGATORY NO. 12:**

17 IDENTIFY the PERSON primarily responsible for developing the survey design
18 of the ANGLER SURVEY.

19 **INTERROGATORY NO. 13:**

20 IDENTIFY the PERSON primarily responsible for developing the survey
21 questions RELATING TO the ANGLER SURVEY.

22 **INTERROGATORY NO. 14:**

23 IDENTIFY the PERSON primarily responsible for pilot-testing the survey
24 questions RELATING TO the ANGLER SURVEY.

25 **INTERROGATORY NO. 15:**

26 IDENTIFY each PERSON that conducted interviews RELATING TO the
27 ANGLER SURVEY.

28 ///

1 **INTERROGATORY NO. 16:**

2 For every PERSON identified in response to the preceding Special Interrogatory,
3 please specify at which interview location(s) each PERSON conducted such interviews.

4 **INTERROGATORY NO. 17:**

5 IDENTIFY the PERSON primarily responsible for selecting the interview
6 locations RELATING TO the ANGLER SURVEY.

7 **INTERROGATORY NO. 18:**

8 IDENTIFY each PERSON used to translate the interview questions RELATING
9 TO the ANGLER SURVEY.

10 **INTERROGATORY NO. 19:**

11 If YOU considered alternatives to the methods specified in the ANGLER
12 SURVEY, IDENTIFY the PERSON primarily responsible for preparation of any analysis of
13 alternatives.

14 **INTERROGATORY NO. 20:**

15 IDENTIFY all DOCUMENTS RELATING TO any alternatives to the survey
16 methods specified in the ANGLER SURVEY that were evaluated by EHC.

17 **INTERROGATORY NO. 21:**

18 IDENTIFY the PERSON primarily responsible for calculating the results
19 contained in the ANGLER SURVEY.

20 **INTERROGATORY NO. 22:**

21 IDENTIFY all DOCUMENTS RELATING TO any calculations YOU conducted
22 RELATING TO the ANGLER SURVEY.

23 **INTERROGATORY NO. 23:**

24 IDENTIFY the PERSON primarily responsible for developing each conclusion
25 contained in the ANGLER SURVEY.

26 **INTERROGATORY NO. 24:**

27 IDENTIFY the PERSON primarily responsible for developing each
28 recommendation contained in the ANGLER SURVEY.

1 **INTERROGATORY NO. 25:**

2 If YOU considered alternatives to the recommendations specified in the
3 ANGLER SURVEY, IDENTIFY the PERSON primarily responsible for the preparation of any
4 analysis of alternatives.

5 **INTERROGATORY NO. 26:**

6 IDENTIFY all DOCUMENTS RELATING TO any analysis of alternative
7 recommendations YOU prepared RELATING TO the ANGLER SURVEY.

8 **INTERROGATORY NO. 27:**

9 IDENTIFY all peer-reviewed scientific journals in which the ANGLER SURVEY
10 has been published.

11 **INTERROGATORY NO. 28:**

12 IDENTIFY all peer reviewers of the ANGLER SURVEY.

13 **INTERROGATORY NO. 29:**

14 IDENTIFY every PERSON YOU consulted RELATING TO the SITE,
15 TENTATIVE ORDER or TECHNICAL REPORT.

16 **INTERROGATORY NO. 30:**

17 For every group, organization, or agency identified in response to the preceding
18 Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or
19 agency who YOU consulted regarding the SITE, TENTATIVE ORDER or TECHNICAL
20 REPORT.

21 **INTERROGATORY NO. 31:**

22 For every employee identified in response to the preceding Special Interrogatory,
23 please specify to which section(s) in the SITE, TENTATIVE ORDER or TECHNICAL
24 REPORT such consultation relates.

25 **INTERROGATORY NO. 32:**

26 IDENTIFY every PERSON YOU consulted RELATING TO the BENTHIC
27 REPORT.

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1 **INTERROGATORY NO. 33:**

2 For every group, organization, or agency identified in response to the preceding
3 Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or
4 agency who was consulted in connection with YOUR preparation of the BENTHIC REPORT.

5 **INTERROGATORY NO. 34:**

6 For every employee identified in response to the preceding Special Interrogatory,
7 please specify to which section(s) in the BENTHIC REPORT such consultation relates.

8 **INTERROGATORY NO. 35:**

9 IDENTIFY the PERSON primarily responsible for drafting each section of the
10 BENTHIC REPORT.

11 **INTERROGATORY NO. 36:**

12 IDENTIFY the PERSON at EHC who is most knowledgeable concerning the
13 subject matter contained in each section of the BENTHIC REPORT.

14 **INTERROGATORY NO. 37:**

15 IDENTIFY all DOCUMENTS that YOU rely on to support each finding or
16 conclusion in the BENTHIC REPORT.

17 **INTERROGATORY NO. 38:**

18 IDENTIFY all DOCUMENTS RELATING TO YOUR proposed remediation
19 footprint described in Section 11 of the BENTHIC REPORT.

20 **INTERROGATORY NO. 39:**

21 IDENTIFY all DOCUMENTS RELATING TO any calculations YOU conducted
22 RELATING TO the BENTHIC REPORT.

23 **INTERROGATORY NO. 40:**

24 IDENTIFY all COMMUNICATIONS between YOU and Cynthia Gorham-Test
25 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

26 **INTERROGATORY NO. 41:**

27 IDENTIFY all COMMUNICATIONS between YOU and Peter Peuron
28 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

1 **INTERROGATORY NO. 42:**

2 IDENTIFY all COMMUNICATIONS between YOU and Julie Chan RELATING
3 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **INTERROGATORY NO. 43:**

5 IDENTIFY all COMMUNICATIONS between YOU and Alan Monji
6 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **INTERROGATORY NO. 44:**

8 IDENTIFY all COMMUNICATIONS between YOU and Benjamin Tobler
9 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

10 **INTERROGATORY NO. 45:**

11 IDENTIFY all COMMUNICATIONS between YOU and Laurie Walsh
12 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

13 **INTERROGATORY NO. 46:**

14 IDENTIFY all COMMUNICATIONS between YOU and David Barker
15 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

16 **INTERROGATORY NO. 47:**

17 IDENTIFY all COMMUNICATIONS between YOU and Craig Carlisle
18 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 48:**

20 IDENTIFY all COMMUNICATIONS between YOU and Tom Alo RELATING
21 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

22 **INTERROGATORY NO. 49:**

23 IDENTIFY all COMMUNICATIONS between YOU and Vicente Rodriguez
24 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

25 **INTERROGATORY NO. 50:**

26 IDENTIFY all COMMUNICATIONS between YOU and John Robertus
27 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

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1 **INTERROGATORY NO. 51:**

2 IDENTIFY all COMMUNICATIONS between YOU and David Gibson
3 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **INTERROGATORY NO. 52:**

5 IDENTIFY all COMMUNICATIONS between YOU and the ADVISORY
6 TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **INTERROGATORY NO. 53:**

8 IDENTIFY all COMMUNICATIONS between YOU and the CLEANUP TEAM
9 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

10 **INTERROGATORY NO. 54:**

11 IDENTIFY all COMMUNICATIONS between YOU and the REGIONAL
12 BOARD RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

13 **INTERROGATORY NO. 55:**

14 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
15 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

16 **INTERROGATORY NO. 56:**

17 IDENTIFY all COMMUNICATIONS between YOU and Katie Zeeman
18 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 57:**

20 IDENTIFY all COMMUNICATIONS between YOU and Steve Bay RELATING
21 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

22 **INTERROGATORY NO. 58:**

23 IDENTIFY all COMMUNICATIONS between YOU and Ed Kimura RELATING
24 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

25 **INTERROGATORY NO. 59:**

26 IDENTIFY all PERSONS YOU have observed fishing at the LEASEHOLD.

27 **INTERROGATORY NO. 60:**

28 IDENTIFY all PERSONS YOU have observed lobstering at the LEASEHOLD.

1 **INTERROGATORY NO. 61:**

2 IDENTIFY all threatened or endangered species YOU have observed at the
3 LEASEHOLD.

4 **INTERROGATORY NO. 62:**

5 IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of
6 confined aquatic disposal at the SITE

7 **INTERROGATORY NO. 63:**

8 IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of
9 near-shore confined disposal at the SITE.

10 **INTERROGATORY NO. 64:**

11 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
12 within the LEASEHOLD poses a significant risk to aquatic wildlife.

13 **INTERROGATORY NO. 65:**

14 IDENTIFY the PERSON most knowledgeable regarding aquatic wildlife.

15 **INTERROGATORY NO. 66:**

16 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
17 within the LEASEHOLD poses a significant risk to aquatic-dependent wildlife.

18 **INTERROGATORY NO. 67:**

19 IDENTIFY the PERSON most knowledgeable regarding aquatic-dependent
20 wildlife.

21 **INTERROGATORY NO. 68:**

22 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
23 within the LEASEHOLD poses a significant risk to human health.

24 **INTERROGATORY NO. 69:**

25 IDENTIFY the PERSON most knowledgeable regarding human health risks.

26 **INTERROGATORY NO. 70:**

27 IDENTIFY all DOCUMENTS RELATING TO any correlation between
28 concentrations of shipyard contaminants at the SITE and toxicity at the SITE.

1 **INTERROGATORY NO. 71:**

2 IDENTIFY all DOCUMENTS RELATING TO any correlation between pesticide
3 concentrations in sediment at the SITE and sediment toxicity at the SITE.

4 **INTERROGATORY NO. 72:**

5 IDENTIFY all DOCUMENTS RELATING TO the potential contribution of
6 discharges into Chollas Creek to sediment contamination at the SITE.

7 **INTERROGATORY NO. 73:**

8 IDENTIFY all DOCUMENTS RELATING TO sources of PCB discharges at the
9 SITE.

10 **INTERROGATORY NO. 74:**

11 IDENTIFY all DOCUMENTS RELATING TO the potential re-suspension of
12 contaminants that could be caused by sediment dredging at the SITE.

13 **INTERROGATORY NO. 75:**

14 IDENTIFY all DOCUMENTS RELATING TO the potential for sediment
15 dredging at the SITE to adversely affect the existing benthic community at the SITE.

16 **INTERROGATORY NO. 76:**

17 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
18 tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within
19 the meaning of State Water Board Resolution No. 92-49.

20 **INTERROGATORY NO. 77:**

21 IDENTIFY the PERSON most knowledgeable concerning economic feasibility of
22 the tentative cleanup levels described in the TENTATIVE ORDER.

23 **INTERROGATORY NO. 78:**

24 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
25 tentative cleanup levels described in the BENTHIC REPORT are economically feasible within
26 the meaning of State Water Board Resolution No. 92-49.

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1 **INTERROGATORY NO. 79:**

2 IDENTIFY the PERSON most knowledgeable concerning economic feasibility of
3 the tentative cleanup levels described in the BENTHIC REPORT.

4 **INTERROGATORY NO. 80:**

5 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
6 tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible
7 within the meaning of State Water Board Resolution No. 92-49.

8 **INTERROGATORY NO. 81:**

9 IDENTIFY the PERSON most knowledgeable concerning technological
10 feasibility of the tentative cleanup levels described in the TENTATIVE ORDER.

11 **INTERROGATORY NO. 82:**

12 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
13 tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within
14 the meaning of State Water Board Resolution No. 92-49.

15 **INTERROGATORY NO. 83:**

16 IDENTIFY the PERSON most knowledgeable concerning technological
17 feasibility of the tentative cleanup levels described in the BENTHIC REPORT.

18 **INTERROGATORY NO. 84:**

19 IDENTIFY all DOCUMENTS YOU have prepared RELATING TO the SITE,
20 TENTATIVE ORDER, or TECHNICAL REPORT.

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1 **INTERROGATORY NO. 85:**

2 IDENTIFY all DOCUMENTS YOU have reviewed RELATING TO the SITE,
3 TENTATIVE ORDER, or TECHNICAL REPORT.

4
5 Dated: July 22, 2010

6 LATHAM & WATKINS LLP

7
8 By 
9 Kelly E. Richardson
10 Attorneys for Designated Party
11 National Steel and Shipbuilding Company
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S FIRST SET OF SPECIAL INTERROGATORIES TO**
6 **ENVIRONMENTAL HEALTH COALITION**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

13 Michael McDonough
14 Counsel
15 Bingham McCutchen LLP
16 355 South Grand Avenue, Suite 4400
17 Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

1 Jill Tracy
Senior Environmental Counsel
2 Sempra Energy
101 Ash Street
3 San Diego, CA 92101
jtracy@sempra.com
4 (619) 699-5112
(619) 699-5189
5

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
Deputy Port Attorney
7 San Diego Unified Port District
PO Box 120488
8 San Diego, CA 92112
lfitzger@portofsandiego.org
9 (619) 686-7224
(619) 686-6444
10

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11 Laura Hunter
12 Environmental Health Coalition
401 Mile of Cars Way, Suite 310
13 National City, CA 91950
laurah@environmentalhealth.org
14 (619) 474-0220
15 (619) 474-1210

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

16 Tom Stahl, AUSA
Chief, Civil Division
17 Office of the U.S. Attorney
880 Front Street, Room 6293
18 San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
19 (619) 557-7140
20 (619) 557-5004

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

21 Mike Tracy, Esq.
22 DLA Piper LLP US
401 B Street, Suite 1700
23 San Diego, California 92101-4297
mike.tracy@dlapiper.com
24 (619) 699-3620
(619) 764-6620
25
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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): Robert M. Howard (SBN 145870); Kelly E. Richardson (SBN 210511); Jeffrey P. Carlin (SBN 227539); Ryan R. Waterman (SBN 229485); Jennifer P. Casler-Goncalves (SBN 259438) Latham & Watkins, LLP 600 West Broadway, Suite 1800, San Diego, CA 92101-3375 TELEPHONE NO.: 619-236-1234 FAX NO. (<i>Optional</i>): 619-696-7419 E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): National Steel and Shipbuilding Company (NASSCO)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego Before the San Diego Regional Water Quality Control Board	
SHORT TITLE OF CASE: In the Matter Re: Tentative Cleanup and Abatement Order R9-2010-0002	
<p style="text-align: center;">FORM INTERROGATORIES—GENERAL</p> Asking Party: NASSCO Answering Party: San Diego Coastkeeper Set No.: One	CASE NUMBER:

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.
- (d) The interrogatories in section 16.0, *Defendant's Contentions—Personal Injury*, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.
- (e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

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

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (*Check one of the following*):

- (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"):

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

1.0 Identity of Persons Answering These Interrogatories
2.0 General Background Information—Individual
3.0 General Background Information—Business Entity
4.0 Insurance
5.0 [Reserved]
6.0 Physical, Mental, or Emotional Injuries
7.0 Property Damage
8.0 Loss of Income or Earning Capacity
9.0 Other Damages
10.0 Medical History
11.0 Other Claims and Previous Claims
12.0 Investigation—General
13.0 Investigation—Surveillance
14.0 Statutory or Regulatory Violations
15.0 Denials and Special or Affirmative Defenses
16.0 Defendant's Contentions Personal Injury
17.0 Responses to Request for Admissions
18.0 [Reserved]
19.0 [Reserved]
20.0 How the Incident Occurred—Motor Vehicle
25.0 [Reserved]
30.0 [Reserved]
40.0 [Reserved]
50.0 Contract
60.0 [Reserved]
70.0 Unlawful Detainer [See separate form DISC-003]
101.0 Economic Litigation [See separate form DISC-004]
200.0 Employment Law [See separate form DISC-002]
Family Law [See separate form FL-145]

1.0 Identity of Persons Answering These Interrogatories

- 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

- 2.1 State:
- your name;
 - every name you have used in the past; and
 - the dates you used each name.
- 2.2 State the date and place of your birth.
- 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- the state or other issuing entity;
 - the license number and type;
 - the date of issuance; and
 - all restrictions.
- 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- the state or other issuing entity;
 - the license number and type;
 - the date of issuance; and
 - all restrictions.
- 2.5 State:
- your present residence **ADDRESS**;
 - your residence **ADDRESSES** for the past five years; and
 - the dates you lived at each **ADDRESS**.
- 2.6 State:
- the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- 2.7 State:
- the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - the dates you attended;
 - the highest grade level you have completed; and
 - the degrees received.
- 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- the city and state where you were convicted;
 - the date of conviction;
 - the offense; and
 - the court and case number.
- 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
- (b) a description of your duties.
- 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature of the disability or condition; and
- (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature or description of each substance;
- (c) the quantity of each substance used or taken;
- (d) the date and time of day when each substance was used or taken;
- (e) the **ADDRESS** where each substance was used or taken;
- (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
- (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
- (b) all other names used by the corporation during the past 10 years and the dates each was used;
- (c) the date and place of incorporation;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.
- 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
- (b) all other names used by the partnership during the past 10 years and the dates each was used;
- (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
- (d) the name and **ADDRESS** of each general partner; and
- (e) the **ADDRESS** of the principal place of business.
- 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
- (b) all other names used by the company during the past 10 years and the date each was used;
- (c) the date and place of filing of the articles of organization;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.

- 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
- (b) all other names used by the joint venture during the past 10 years and the dates each was used;
- (c) the name and **ADDRESS** of each joint venturer; and
- (d) the **ADDRESS** of the principal place of business.
- 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
- (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
- (c) the **ADDRESS** of the principal place of business.
- 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
- (b) the dates each was used;
- (c) the state and county of each fictitious name filing; and
- (d) the **ADDRESS** of the principal place of business.
- 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
- (b) state the name of the public entity; and
- (c) state the dates of issuance and expiration.

4.0 Insurance

- 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:

- (a) a description;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

8.3 State the last date before the **INCIDENT** that you worked for compensation.

8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- the nature;
 - the date it occurred;
 - the amount; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- a description of the complaint or injury;
 - the dates it began and ended; and
 - the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.*)
- 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- the date and the place it occurred;
 - the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - the nature of any injuries you sustained;
 - the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- the court, names of the parties, and case number of any action filed;
- the name, **ADDRESS**, and telephone number of any attorney representing you;
- whether the claim or action has been resolved or is pending; and
- a description of the injury.

- 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- the date, time, and place of the **INCIDENT** giving rise to the claim;
 - the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - the period of time during which you received workers' compensation benefits;
 - a description of the injury;
 - the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - who made any statement at the scene of the **INCIDENT**;
 - who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- the name, **ADDRESS**, and telephone number of the individual interviewed;
 - the date of the interview; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - the date the statement was obtained; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

- 12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:
- the number of photographs or feet of film or videotape;
 - the places, objects, or persons photographed, filmed, or videotaped;
 - the date the photographs, films, or videotapes were taken;
 - the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

- 12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:
- the type (i.e., diagram, reproduction, or model);
 - the subject matter; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- 12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:
- the name, title, identification number, and employer of the **PERSON** who made the report;
 - the date and type of report made;
 - the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

- 12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:
- the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
 - the date of the inspection.

13.0 Investigation—Surveillance

- 13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:
- the name, **ADDRESS**, and telephone number of the individual or party;
 - the time, date, and place of the surveillance;
 - the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

- 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:
- the title;
 - the date;
 - the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

- 14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.
- 14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:
- the name, **ADDRESS**, and telephone number of the **PERSON**;
 - the statute, ordinance, or regulation allegedly violated;
 - whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
 - the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:
- state all facts upon which you base the denial or special or affirmative defense;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

- 16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:
- state the name, **ADDRESS**, and telephone number of the **PERSON**;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:
- state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:

- (a) identify it;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:

- (a) identify each service;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

- (a) identify each cost;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:

- (a) identify each part of the loss;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:

- (a) identify each item of property damage;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

- (a) identify each cost item;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each **DOCUMENT**;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

- (a) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
- (b) a description of each **DOCUMENT**; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

17.0 Responses to Request for Admissions

17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

18.0 *[Reserved]*

19.0 *[Reserved]*

20.0 How the Incident Occurred—Motor Vehicle

20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).

20.2 For each vehicle involved in the **INCIDENT**, state:

- (a) the year, make, model, and license number;
- (b) the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.
- 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.
- 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.
- 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.
- 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.
- 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:
- your location when you first saw it;
 - the color;
 - the number of seconds it had been that color; and
 - whether the color changed between the time you first saw it and the **INCIDENT**.
- 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:
- just before the **INCIDENT**;
 - at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.
- 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:
- identify the vehicle;
 - identify each malfunction or defect;
 - state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
 - state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:
- identify the vehicle;
 - identify each malfunction or defect;
 - state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.
- 25.0 *[Reserved]*
- 30.0 *[Reserved]*
- 40.0 *[Reserved]*
- 50.0 **Contract**
- 50.1 For each agreement alleged in the pleadings:
- identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
 - identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
 - state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
 - identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.
- 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.
- 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.
- 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.
- 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.
- 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.
- 60.0 *[Reserved]*

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **FORM INTERROGATORIES (San Diego Coastkeeper)**

6 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
7 format (.pdf) and served by electronic mail to the addresses listed below.

8
9
10 Sandi Nichols, Esq.
11 Allen Matkins
12 Three Embarcadero Center, 12th Floor
13 San Francisco, CA 94111
snichols@allenmatkins.com
Telephone: (415) 837-1515
Fax: (415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
Telephone: (619) 238-1000+2030
Fax: (619) 239-1751

14 Michael McDonough
15 Counsel
16 Bingham McCutchen LLP
17 355 South Grand Avenue, Suite 4400
18 Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
Telephone: (213) 680-6600
Fax: (213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
Telephone: (213) 488-7507
Fax: (213) 629-1033

19 Brian Ledger
20 Attorney at Law
21 Gordon & Rees LLP
22 101 West Broadway, Suite 1600
23 San Diego, CA 92101
bledger@gordonrees.com
24 Telephone: (619) 230-7729
25 Fax: (619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement,
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
Telephone: (916) 322-3626
Fax: (916) 341-5896

1 Marco Gonzalez
Attorney at Law
2 Coast Law Group LLP
1140 South Coast Highway 101
3 Encinitas, CA 92024
marco@coastlawgroup.com
4 Telephone: (760) 942-8505
Fax: (760) 942-8515
5

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvm.com
Telephone: (253) 627-8131
Fax: (253) 272-4338

6 Jill Tracy
Senior Environmental Counsel
7 Sempra Energy
101 Ash Street
8 San Diego, CA 92101
jtracy@sempra.com
9 Telephone: (619) 699-5112
Fax: (619) 699-5189
10

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
Telephone: (619) 226-6546
Fax: (619) 226-6557

11 Leslie FitzGerald
Deputy Port Attorney
12 San Diego Unified Port District
PO Box 120488
13 San Diego, CA 92112
lfitzger@portofsandiego.org
14 Telephone: (619) 686-7224
Fax: (619) 686-6444
15

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
Telephone: (619) 532-2511
Fax: (619) 532-1663

16 Laura Hunter
Environmental Health Coalition
17 401 Mile of Cars Way, Suite 310
18 National City, CA 91950
laurah@environmentalhealth.org
19 Telephone: (619) 474-0220
Fax: (619) 474-1210
20

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
Telephone: (619) 758-7743, ext. 109
Fax: (619) 223-3676

21 Tom Stahl, AUSA
Chief, Civil Division
22 Office of the U.S. Attorney
880 Front Street, Room 6293
23 San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
24 Telephone: (619) 557-7140
Fax: (619) 557-5004
25

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
Telephone: (760) 633-4485
Fax: (760) 633-4427
26
27
28

1 Mike Tracy, Esq.
2 DLA Piper LLP US
3 401 B Street, Suite 1700
4 San Diego, California 92101-4297
5 mike.tracy@dlapiper.com
6 Telephone: (619) 699-3620
7 Fax: (619) 764-6620

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I declare under penalty of perjury according to the laws of the State of California that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert M. Howard (SBN 145870); Kelly E. Richardson (SBN 210511); Jeffrey P. Carlin (SBN 227539); Ryan R. Waterman (SBN 229485); Jennifer P. Casler-Goncalves (SBN 259438) Latham & Watkins, LLP 600 West Broadway, Suite 1800, San Diego, CA 92101-3375 TELEPHONE NO.: 619-236-1234 FAX NO (Optional): 619-696-7419 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): National Steel and Shipbuilding Company (NASSCO)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego Before the San Diego Regional Water Quality Control Board	
SHORT TITLE OF CASE: In the Matter Re: Tentative Cleanup and Abatement Order R9-2010-0002	
<p style="text-align: center;">FORM INTERROGATORIES—GENERAL</p> <p>Asking Party: NASSCO</p> <p>Answering Party: Environmental Health Coalition Set No.: One</p>	CASE NUMBER:

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party’s right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, Form *Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.
- (d) The interrogatories in section 16.0, Defendant’s Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff’s injuries and damages.
- (e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

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

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

(2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"):

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

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1.0 Identity of Persons Answering These Interrogatories

1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

2.1 State:
 (a) your name;
 (b) every name you have used in the past; and
 (c) the dates you used each name.

2.2 State the date and place of your birth.

2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
 (a) the state or other issuing entity;
 (b) the license number and type;
 (c) the date of issuance; and
 (d) all restrictions.

2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
 (a) the state or other issuing entity;
 (b) the license number and type;
 (c) the date of issuance; and
 (d) all restrictions.

2.5 State:
 (a) your present residence **ADDRESS**;
 (b) your residence **ADDRESSES** for the past five years; and
 (c) the dates you lived at each **ADDRESS**.

2.6 State:
 (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.

2.7 State:
 (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 (b) the dates you attended;
 (c) the highest grade level you have completed; and
 (d) the degrees received.

2.8 Have you ever been convicted of a felony? If so, for each conviction state:
 (a) the city and state where you were convicted;
 (b) the date of conviction;
 (c) the offense; and
 (d) the court and case number.

2.9 Can you speak English with ease? If not, what language and dialect do you normally use?

2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
- (b) a description of your duties.
- 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature of the disability or condition; and
- (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature or description of each substance;
- (c) the quantity of each substance used or taken;
- (d) the date and time of day when each substance was used or taken;
- (e) the **ADDRESS** where each substance was used or taken;
- (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
- (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
- (b) all other names used by the corporation during the past 10 years and the dates each was used;
- (c) the date and place of incorporation;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.
- 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
- (b) all other names used by the partnership during the past 10 years and the dates each was used;
- (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
- (d) the name and **ADDRESS** of each general partner; and
- (e) the **ADDRESS** of the principal place of business.
- 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
- (b) all other names used by the company during the past 10 years and the date each was used;
- (c) the date and place of filing of the articles of organization;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.

- 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
- (b) all other names used by the joint venture during the past 10 years and the dates each was used;
- (c) the name and **ADDRESS** of each joint venturer; and
- (d) the **ADDRESS** of the principal place of business.
- 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
- (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
- (c) the **ADDRESS** of the principal place of business.
- 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
- (b) the dates each was used;
- (c) the state and county of each fictitious name filing; and
- (d) the **ADDRESS** of the principal place of business.
- 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
- (b) state the name of the public entity; and
- (c) state the dates of issuance and expiration.

4.0 Insurance

- 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:

- (a) a description;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

8.3 State the last date before the **INCIDENT** that you worked for compensation.

8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- the nature;
 - the date it occurred;
 - the amount; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- a description of the complaint or injury;
 - the dates it began and ended; and
 - the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.*)
- 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- the date and the place it occurred;
 - the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - the nature of any injuries you sustained;
 - the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- the court, names of the parties, and case number of any action filed;
- the name, **ADDRESS**, and telephone number of any attorney representing you;
- whether the claim or action has been resolved or is pending; and
- a description of the injury.

- 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- the date, time, and place of the **INCIDENT** giving rise to the claim;
 - the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - the period of time during which you received workers' compensation benefits;
 - a description of the injury;
 - the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - who made any statement at the scene of the **INCIDENT**;
 - who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- the name, **ADDRESS**, and telephone number of the individual interviewed;
 - the date of the interview; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - the date the statement was obtained; and
 - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- (a) the name, title, identification number, and employer of the **PERSON** who made the report;
- (b) the date and type of report made;
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:

- (a) the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

- (a) the name, **ADDRESS**, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:
- identify it;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:
- identify each service;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:
- identify each cost;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:
- identify each part of the loss;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:
- identify each item of property damage;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:
- identify each cost item;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:
- the source of each **DOCUMENT**;
 - the date each claim arose;
 - the nature of each claim; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:
- the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
 - a description of each **DOCUMENT**; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 17.0 Responses to Request for Admissions**
- 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
- state the number of the request;
 - state all facts upon which you base your response;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 18.0 [Reserved]**
- 19.0 [Reserved]**
- 20.0 How the Incident Occurred—Motor Vehicle**
- 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).
- 20.2 For each vehicle involved in the **INCIDENT**, state:
- the year, make, model, and license number;
 - the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.
- 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.
- 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.
- 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.
- 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.
- 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:
- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.
- 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:
- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.
- 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.
- 25.0 *[Reserved]*
- 30.0 *[Reserved]*
- 40.0 *[Reserved]*
- 50.0 Contract**
- 50.1 For each agreement alleged in the pleadings:
- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.
- 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.
- 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.
- 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.
- 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.
- 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.
- 60.0 *[Reserved]*

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Latham & Watkins, 600 West Broadway, Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

FORM INTERROGATORIES (Environmental Health Coalition)

BY E-MAIL: I caused the above-referenced documents to be converted in digital format (.pdf) and served by electronic mail to the addresses listed below.

Sandi Nichols, Esq.
Allen Matkins
Three Embarcadero Center, 12th Floor
San Francisco, CA 94111
snichols@allenmatkins.com
Telephone: (415) 837-1515
Fax: (415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
Telephone: (619) 238-1000+2030
Fax: (619) 239-1751

Michael McDonough
Counsel
Bingham McCutchen LLP
355 South Grand Avenue, Suite 4400
Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
Telephone: (213) 680-6600
Fax: (213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
Telephone: (213) 488-7507
Fax: (213) 629-1033

Brian Ledger
Attorney at Law
Gordon & Rees LLP
101 West Broadway, Suite 1600
San Diego, CA 92101
bledger@gordonrees.com
Telephone: (619) 230-7729
Fax: (619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement,
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
Telephone: (916) 322-3626
Fax: (916) 341-5896

1 Marco Gonzalez
2 Attorney at Law
3 Coast Law Group LLP
4 1140 South Coast Highway 101
5 Encinitas, CA 92024
6 marco@coastlawgroup.com
7 Telephone: (760) 942-8505
8 Fax: (760) 942-8515

6 Jill Tracy
7 Senior Environmental Counsel
8 Sempra Energy
9 101 Ash Street
10 San Diego, CA 92101
11 jtracy@sempra.com
12 Telephone: (619) 699-5112
13 Fax: (619) 699-5189

11 Leslie FitzGerald
12 Deputy Port Attorney
13 San Diego Unified Port District
14 PO Box 120488
15 San Diego, CA 92112
16 lfitzger@portofsandiego.org
17 Telephone: (619) 686-7224
18 Fax: (619) 686-6444

16 Laura Hunter
17 Environmental Health Coalition
18 401 Mile of Cars Way, Suite 310
19 National City, CA 91950
20 laurah@environmentalhealth.org
21 Telephone: (619) 474-0220
22 Fax: (619) 474-1210

21 Tom Stahl, AUSA
22 Chief, Civil Division
23 Office of the U.S. Attorney
24 880 Front Street, Room 6293
25 San Diego, CA 92101-8893
26 thomas.stahl@usdoj.gov
27 Telephone: (619) 557-7140
28 Fax: (619) 557-5004

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
Telephone: (253) 627-8131
Fax: (253) 272-4338

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
Telephone: (619) 226-6546
Fax: (619) 226-6557

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
Telephone: (619) 532-2511
Fax: (619) 532-1663

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
Telephone: (619) 758-7743, ext. 109
Fax: (619) 223-3676

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
Telephone: (760) 633-4485
Fax: (760) 633-4427

1 Mike Tracy, Esq.
2 DLA Piper LLP US
3 401 B Street, Suite 1700
4 San Diego, California 92101-4297
5 mike.tracy@dlapiper.com
6 Telephone: (619) 699-3620
7 Fax: (619) 764-6620

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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6 Attorneys for Designated Party,
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10

11 IN THE MATTER OF:

12 TENTATIVE CLEANUP AND ABATEMENT
13 ORDER NO. R9-2010-0002

**NASSCO'S SECOND SET OF
REQUESTS FOR ADMISSIONS TO THE
SAN DIEGO REGIONAL WATER
QUALITY CONTROL BOARD
CLEANUP TEAM**

14

15

16 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

17 RESPONDING PARTY: San Diego Regional Water Quality Control Board, including, but
18 not limited to, the Cleanup Team and other agency staff ("Board
19 Staff")

20 SET NUMBER: Two

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1 Pursuant to the Second Amended Order of Proceedings and the Presiding
2 Officer's February 18, 2010 Discovery Scheduling Order, National Steel and Shipbuilding
3 Company ("NASSCO") hereby requests that the San Diego Regional Water Quality Control
4 Board, including, but not limited to, the Cleanup Team and other agency staff (hereinafter,
5 "BOARD STAFF") respond to the following Second Set of Requests for Admission, separately
6 and fully in writing and under oath, within thirty (30) days from the date of service of these
7 requests.

8 DEFINITIONS

9 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
10 Team of the California Regional Water Quality Control Board, San Diego Region, specially
11 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
12 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
13 acting on its behalf.

14 2. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
15 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
16 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
17 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
18 on its behalf.

19 3. The term "COMMUNICATIONS" shall mean and refer to the written or
20 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
21 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
22 writing method, meeting, discussion, conversation or other form of verbal expression.

23 4. The term "DOCUMENT(S)" shall mean and refer to any and all written,
24 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
25 however produced or reproduced, including data stored in a computer, data stored on removable
26 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
27 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
28 request refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,

1 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
2 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
3 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
4 to the medium in which the document is embodied. DOCUMENT(S) shall include all “writings”
5 and tangible forms of expression falling within the scope of California Evidence Code § 250,
6 within YOUR custody, possession or control.

7 5. The term “ENVIRONMENTAL GROUPS” shall mean and refer to any
8 and all non-profit and/or advocacy organizations focused on environmental causes and issues,
9 including but not limited to Designated Parties San Diego Coastkeeper (formerly San Diego
10 Bay-Keeper) and Environmental Health Coalition.

11 6. The term “IDENTIFY,” when used with respect to a DOCUMENT, means
12 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
13 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
14 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
15 date of the document; the form of the document (for example, “letter,” “memorandum,” or
16 “report”); and a description of the contents of the DOCUMENT. The term “IDENTIFY,” when
17 used with respect to a PERSON who is an individual, means to state: the individual’s name; the
18 individual’s last known business and residence addresses; the individual’s last known business
19 and residence phone numbers; the individual’s last known business and personal e-mail
20 addresses; the individual’s company affiliation; and the individual’s professional position. The
21 term “IDENTIFY,” when used with respect to a PERSON that is a business entity, means to
22 state: the name of the entity; the location of the entity’s trade or business; the nature of the
23 entity’s trade or business; the entity’s phone number; and the entity’s web-site address.

24 7. The term “LEASEHOLD” shall mean and refer to NASSCO’s leasehold
25 within the SITE.

26 8. The term “NASSCO” shall mean and refer to National Steel and
27 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
28 subsidiaries, affiliates, or anyone acting on its behalf.

1 9. The term "PERSON(S)" shall mean and refer to any natural person,
2 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
3 firm, association, organization, board, authority, governmental entity, or any other entity,
4 including a representative of such PERSON(S).

5 10. The term "REGIONAL BOARD" shall mean and refer to the California
6 Regional Water Quality Control Board, San Diego Region.

7 11. The term "RELATING TO" shall mean and refer to relating to, pertaining
8 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
9 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
10 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
11 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
12 matter addressed in the request, in whole or in part.

13 12. The term "SEDIMENT INVESTIGATION" shall mean and refer to the
14 Sediment Quality Investigation described in Paragraph 12 of the TENTATIVE ORDER.

15 13. The term "SHIPYARD ADMINISTRATIVE RECORD" refers to the
16 compilation of indexed electronic documents distributed by the CLEANUP TEAM on April 4,
17 2008 in the San Diego Bay sediments cleanup proceedings regarding Tentative Cleanup and
18 Abatement Order No. R9-2005-0126 ("TENTATIVE ORDER"), and any subsequent additions
19 thereto in connection with the TENTATIVE ORDER.

20 14. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
21 described in the TENTATIVE ORDER and TECHNICAL REPORT.

22 15. The term "STATE BOARD" shall mean and refer to the State Water
23 Resources Control Board.

24 16. The term "TECHNICAL REPORT" shall mean and refer to the Draft
25 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
26 publicly released on December 22, 2009, including but not limited to the prior drafts released
27 publicly on August 24, 2007, and April 4, 2008.

28 17. The term "TENTATIVE ORDER" shall mean and refer to Tentative

1 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,
2 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
3 and April 4, 2008.

4 18. The term "TENTATIVE CLEANUP LEVELS" shall mean and refer to
5 the cleanup levels for the SITE proposed in the TENTATIVE ORDER and included in Paragraph
6 34, Table 2 of the TENTATIVE ORDER.

7 19. The terms "YOU," "YOUR," or "BOARD STAFF" shall mean and refer
8 to the REGIONAL BOARD, including, but not limited to, the CLEANUP TEAM, specially
9 formed in response to and for purposes of the investigation of the SITE in San Diego Bay, and
10 other agency staff, its agents, employees, attorneys, investigators, consultants, affiliates, or
11 anyone acting on its behalf.

12 **REQUESTS FOR ADMISSIONS**

13 **REQUEST FOR ADMISSION NO. 1:**

14 Admit that the SITE is exempt from the Water Quality Control Plan for Enclosed
15 Bays and Estuaries of California – Part 1 Sediment Quality ("Phase I Sediment Quality
16 Objectives").

17 **REQUEST FOR ADMISSION NO. 2:**

18 Admit that uncontrolled stormwater discharges to the San Diego Bay adversely
19 affect the benthic community within the LEASEHOLD.

20 **REQUEST FOR ADMISSION NO. 3:**

21 Admit that NASSCO does not discharge stormwater to the San Diego Bay.

22 **REQUEST FOR ADMISSION NO. 4:**

23 Admit that physical disturbances within the San Diego Bay adversely affect the
24 benthic community within the LEASEHOLD.

25 **REQUEST FOR ADMISSION NO. 5:**

26 Admit that "July 2009 Confirmatory Benthic Triad Study" demonstrates that
27 natural attenuation is occurring within the LEASEHOLD.

28

1 **REQUEST FOR ADMISSION NO. 6:**

2 Admit that concentrations of PCBs in fish are higher in reference areas outside of
3 the LEASEHOLD than in reference areas within the LEASEHOLD.

4 **REQUEST FOR ADMISSION NO. 7:**

5 Admit that concentrations of PCBs in lobsters are higher in reference areas
6 outside of the LEASEHOLD than in reference areas within the LEASEHOLD.

7 **REQUEST FOR ADMISSION NO. 8:**

8 Admit that NASSCO's land-side and bay-side security measures do not allow
9 fishing and lobstering within the LEASEHOLD.

10 **REQUEST FOR ADMISSION NO. 9:**

11 Admit that YOU have never observed any fishing or lobstering taking place
12 within the LEASEHOLD.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that correlations have been observed between pesticide concentrations in
15 sediment and sediment toxicity at the SITE.

16 **REQUEST FOR ADMISSION NO. 11:**

17 Admit that pesticides are discharged into the San Diego Bay.

18 **REQUEST FOR ADMISSION NO. 12:**

19 Admit that NASSCO is not responsible for the discharge of pesticides into the
20 San Diego Bay.

21 **REQUEST FOR ADMISSION NO. 13:**

22 Admit that sources of pesticide discharges into the San Diego Bay are
23 uncontrolled.

24 **REQUEST FOR ADMISSION NO. 14:**

25 Admit that locations where higher toxicity in sediment has been found within the
26 SITE are near locations where municipal stormwater is discharged.

27 **REQUEST FOR ADMISSION NO. 15:**

28 Admit that sediment within the LEASEHOLD is adversely affected by sources of

1 pollution unrelated to NASSCO or its operations.

2 **REQUEST FOR ADMISSION NO. 16:**

3 Admit that remediation goals for the SITE will in the future be adversely affected
4 by re-contamination from other sources.

5 **REQUEST FOR ADMISSION NO. 17:**

6 Admit that discharges at Chollas Creek impact sediment quality within the
7 LEASEHOLD.

8 **REQUEST FOR ADMISSION NO. 18:**

9 Admit that it is technologically infeasible to require remediation to background
10 sediment quality levels (as defined by State Board Resolution 92-49) within the SITE.

11 **REQUEST FOR ADMISSION NO. 19:**

12 Admit that it is economically infeasible to require remediation to background
13 sediment quality levels (as defined by State Board Resolution 92-49) within the SITE.

14 **REQUEST FOR ADMISSION NO. 20:**

15 Admit that the REGIONAL BOARD has never required remediation to
16 background sediment quality levels for any other site within the San Diego Bay.

17 **REQUEST FOR ADMISSION NO. 21:**

18 Admit that the REGIONAL BOARD has approved sediment cleanup levels at
19 other sites less stringent than the TENTATIVE CLEANUP LEVELS.

20 Dated: July 22, 2010

21 LATHAM & WATKINS LLP

22
23 By 
24 Kelly E. Richardson
25 Attorneys for Designated Party
26 National Steel and Shipbuilding Company
27
28

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S SECOND SET OF REQUESTS FOR ADMISSIONS TO THE SAN**
6 **DIEGO REGIONAL WATER QUALITY CONTROL BOARD CLEANUP TEAM**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
13 snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

14 Michael McDonough
15 Counsel
16 Bingham McCutchen LLP
17 355 South Grand Avenue, Suite 4400
18 Los Angeles, CA 90071-3106
19 michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

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Jill Tracy
Senior Environmental Counsel
Sempra Energy
101 Ash Street
San Diego, CA 92101
jtracy@sempra.com
(619) 699-5112
(619) 699-5189

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

Leslie FitzGerald
Deputy Port Attorney
San Diego Unified Port District
PO Box 120488
San Diego, CA 92112
lfitzger@portofsandiego.org
(619) 686-7224
(619) 686-6444

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

Laura Hunter
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
National City, CA 91950
laurah@environmentalhealth.org
(619) 474-0220
(619) 474-1210

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

Tom Stahl, AUSA
Chief, Civil Division
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
(619) 557-7140
(619) 557-5004

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

Mike Tracy, Esq.
DLA Piper LLP US
401 B Street, Suite 1700
San Diego, California 92101-4297
mike.tracy@dlapiper.com
(619) 699-3620
(619) 764-6620

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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

1 LATHAM & WATKINS LLP
2 Robert M. Howard (SB No. 145870)
3 Kelly E. Richardson (SB No. 210511)
4 Jeffrey P. Carlin (SB No. 227539)
5 Ryan R. Waterman (SB No. 229485)
6 Jennifer P. Casler (SB No. 259438)
7 600 West Broadway, Suite 1800
8 San Diego, California 92101-3375
9 Telephone: (619) 236-1234
10 Facsimile: (619) 696-7419

11 Attorneys for Designated Party,
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

14 SAN DIEGO REGION

15 IN THE MATTER OF:

16 CLEANUP AND ABATEMENT ORDER
17 NO. R9-2010-0002

**NASSCO'S SECOND SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO
THE SAN DIEGO REGIONAL WATER
QUALITY CONTROL BOARD CLEANUP
TEAM**

18 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")

19 RESPONDING PARTY: San Diego Regional Water Quality Control Board, including, but
20 not limited to, the Cleanup Team and other agency staff ("Board
21 Staff")

22 SET NUMBER: Two

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1 Pursuant to the Second Amended Order of Proceedings and the Presiding
2 Officer's February 18, 2010 Discovery Scheduling Order, National Steel and Shipbuilding
3 Company ("NASSCO") hereby requests that the San Diego Regional Water Quality Control
4 Board, including, but not limited to, the Cleanup Team and other agency staff (hereinafter,
5 "BOARD STAFF") produce and permit inspection, photographing and copying of the
6 documents and tangible things described below. NASSCO specifically requests that within
7 thirty (30) days of service of this request, the CLEANUP TEAM serve its original of the written
8 response hereto, and on the same date produce the requested documents and things for inspection
9 at the offices of NASSCO's counsel, Latham & Watkins LLP, 600 West Broadway, Suite 1800,
10 San Diego, California 92101.

11 **DEFINITIONS**

12 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
13 Team of the California Regional Water Quality Control Board, San Diego Region, specially
14 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
15 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
16 acting on its behalf.

17 2. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
18 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
19 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
20 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
21 on its behalf.

22 3. The term "COMMUNICATIONS" shall mean and refer to the written or
23 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
24 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
25 writing method, meeting, discussion, conversation or other form of verbal expression.

26 4. The term "DOCUMENT(S)" shall mean and refer to any and all written,
27 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
28 however produced or reproduced, including data stored in a computer, data stored on removable

1 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
2 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
3 request refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,
4 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
5 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
6 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
7 to the medium in which the document is embodied. DOCUMENT(S) shall include all "writings"
8 and tangible forms of expression falling within the scope of California Evidence Code § 250,
9 within YOUR custody, possession or control.

10 5. The term "ENVIRONMENTAL GROUPS" shall mean and refer to any
11 and all non-profit and/or advocacy organizations focused on environmental causes and issues,
12 including but not limited to Designated Parties San Diego Coastkeeper (formerly San Diego
13 Bay-Keeper) and Environmental Health Coalition.

14 6. The term "IDENTIFY," when used with respect to a DOCUMENT, means
15 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
16 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
17 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
18 date of the document; the form of the document (for example, "letter," "memorandum," or
19 "report"); and a description of the contents of the DOCUMENT. The term "IDENTIFY," when
20 used with respect to a PERSON who is an individual, means to state: the individual's name; the
21 individual's last known business and residence addresses; the individual's last known business
22 and residence phone numbers; the individual's last known business and personal e-mail
23 addresses; the individual's company affiliation; and the individual's professional position. The
24 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to
25 state: the name of the entity; the location of the entity's trade or business; the nature of the
26 entity's trade or business; the entity's phone number; and the entity's web-site address.

27 7. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
28 within the SITE.

1 8. The term "NASSCO" shall mean and refer to National Steel and
2 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
3 subsidiaries, affiliates, or anyone acting on its behalf.

4 9. The term "PERSON(S)" shall mean and refer to any natural person,
5 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
6 firm, association, organization, board, authority, governmental entity, or any other entity,
7 including a representative of such PERSON(S).

8 10. The term "REGIONAL BOARD" shall mean and refer to the California
9 Regional Water Quality Control Board, San Diego Region.

10 11. The term "RELATING TO" shall mean and refer to relating to, pertaining
11 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
12 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
13 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
14 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
15 matter addressed in the request, in whole or in part.

16 12. The term "SEDIMENT INVESTIGATION" shall mean and refer to the
17 Sediment Quality Investigation described in Paragraph 12 of the TENTATIVE ORDER.

18 13. The term "SHIPYARD ADMINISTRATIVE RECORD" refers to the
19 compilation of indexed electronic documents distributed by the CLEANUP TEAM on April 4,
20 2008 in the San Diego Bay sediments cleanup proceedings regarding Tentative Cleanup and
21 Abatement Order No. R9-2005-0126 ("TENTATIVE ORDER"), and any subsequent additions
22 thereto in connection with the TENTATIVE ORDER.

23 14. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
24 described in the TENTATIVE ORDER and TECHNICAL REPORT.

25 15. The term "STATE BOARD" shall mean and refer to the State Water
26 Resources Control Board.

27 16. The term "TECHNICAL REPORT" shall mean and refer to the Draft
28 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,

1 publicly released on December 22, 2009, including but not limited to the prior drafts released
2 publicly on August 24, 2007, and April 4, 2008.

3 17. The term "TENTATIVE ORDER" shall mean and refer to Tentative
4 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,
5 including but not limited to the prior drafts released publicly on April 29, 2005, August 24, 2007,
6 and April 4, 2008.

7 18. The term "TENTATIVE CLEANUP LEVELS" shall mean and refer to
8 the cleanup levels for the SITE proposed in the TENTATIVE ORDER and included in Paragraph
9 34, Table 2 of the TENTATIVE ORDER.

10 19. The terms "YOU," "YOUR," or "BOARD STAFF" shall mean and refer
11 to the REGIONAL BOARD, including, but not limited to, the CLEANUP TEAM, specially
12 formed in response to and for purposes of the investigation of the SITE in San Diego Bay, and
13 other agency staff, its agents, employees, attorneys, investigators, consultants, affiliates, or
14 anyone acting on its behalf.

15 REQUESTS FOR PRODUCTION

16 REQUEST NO. 1:

17 All DOCUMENTS reflecting any COMMUNICATIONS IDENTIFIED in
18 response to NASSCO'S Second Set of Special Interrogatories.

19 REQUEST NO. 2:

20 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
21 and the ADVISORY TEAM or REGIONAL BOARD staff regarding the TENTATIVE ORDER
22 or the TECHNICAL REPORT.

23 REQUEST NO. 3:

24 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and ENVIRONMENTAL GROUPS regarding the TENTATIVE ORDER or TECHNICAL
26 REPORT.

27 REQUEST NO. 4:

28 All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU

1 and any PERSON regarding the TENTATIVE ORDER or TECHNICAL REPORT.

2 **REQUEST NO. 5:**

3 All DOCUMENTS RELATING TO the impact of Chollas Creek on the water
4 quality of the San Diego Bay, including but not limited to, Chollas Creek water quality, flow into
5 the San Diego Bay, stormwater data, and discharge monitoring reports.

6 **REQUEST NO. 6:**

7 All DOCUMENTS RELATING TO the establishment of sediment cleanup levels
8 and approved remedies for other sites within San Diego Bay where sediment contamination was
9 remediated, including but not limited to the Campbell Shipyard Site, Paco Terminals,
10 Commercial Basin, America's Cup Harbor, and Convair Lagoon.

11 **REQUEST NO. 7:**

12 All DOCUMENTS RELATING TO sediment cleanup levels and approved
13 remedies established by the REGIONAL BOARD for any other sites within the REGIONAL
14 BOARD'S jurisdiction where sediment contamination was remediated.

15 **REQUEST NO. 8:**

16 All DOCUMENTS RELATING TO sediment cleanup levels and approved
17 remedies established for all other sites throughout California where sediment contamination was
18 remediated (or allowed to naturally attenuate) in rivers, bays, estuaries, ocean, wetlands, or any
19 other surface water body at the direction of the STATE BOARD or another regional water
20 quality control board.

21 **REQUEST NO. 9:**

22 All DOCUMENTS RELATING TO any cost analysis used in connection with
23 proposed cleanup levels and remediation of the SITE.

24 **REQUEST NO. 10:**

25 All DOCUMENTS RELATING TO confined aquatic disposal facilities as they
26 may relate to the SITE, including but not limited to the technological or economic feasibility of
27 such facilities at the SITE.

28

1 **REQUEST NO. 11:**

2 All DOCUMENTS RELATING TO YOUR dismissal of natural attenuation as a
3 preferred remedy for the SITE.

4 **REQUEST NO. 12:**

5 All DOCUMENTS RELATING TO the economic or technological feasibility of
6 proposed cleanup levels at the SITE, within the meaning of State Water Board Resolution No.
7 92-49.

8 **REQUEST NO. 13:**

9 All DOCUMENTS RELATING TO the results and findings of the June 2009
10 sediment quality testing performed by Exponent, Inc. at the SITE.

11 **REQUEST NO. 14:**

12 All DOCUMENTS RELATING TO any human health risk assessment(s) utilized
13 in connection with proposed cleanup levels and remediation of the SITE, including the
14 assumptions used in any such assessment(s).

15 **REQUEST NO. 15:**

16 All DOCUMENTS RELATING TO any remedy selection alternatives analysis
17 used in connection with proposed cleanup levels and remediation of the SITE.

18 **REQUEST NO. 16:**

19 All DOCUMENTS RELATING TO any aquatic life impairment analysis used in
20 connection with proposed cleanup levels and remediation of the SITE.

21 **REQUEST NO. 17:**

22 All DOCUMENTS RELATING TO any aquatic-dependent wildlife impairment
23 analysis used in connection with proposed cleanup levels and remediation of the SITE.

24 **REQUEST NO. 18:**

25 All DOCUMENTS RELATING TO any bioavailability analysis used in
26 connection with proposed cleanup levels and remediation of the SITE.

27 **REQUEST NO. 19:**

28 All DOCUMENTS RELATING TO any alternative cleanup level analysis used in

1 connection with proposed cleanup levels and remediation of the SITE.

2 **REQUEST NO. 20:**

3 All DOCUMENTS RELATING TO any remedial monitoring analysis used in
4 connection with proposed cleanup levels and remediation of the SITE.

5 **REQUEST NO. 21:**

6 All DOCUMENTS RELATING TO the current and historical discharges to the
7 San Diego Bay from the municipal separate storm sewer systems located within the SITE.

8 **REQUEST NO. 22:**

9 All DOCUMENTS RELATING TO the impact of Chollas Creek on the water
10 quality of San Diego Bay.

11 Dated: July 22, 2010

LATHAM & WATKINS LLP

12
13
14 By 
15 Kelly E. Richardson
16 Attorneys for Designated Party
17 National Steel and Shipbuilding Company
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S SECOND SET OF REQUESTS FOR PRODUCTION OF**
6 **DOCUMENTS TO THE SAN DIEGO REGIONAL WATER QUALITY**
7 **CONTROL BOARD CLEANUP TEAM**

8 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
9 format (.pdf) and served by electronic mail to the addresses listed below.

10 Sandi Nichols, Esq.
11 Allen Matkins
12 Three Embarcadero Center, 12th Floor
13 San Francisco, CA 94111
14 snichols@allenmatkins.com
15 (415) 837-1515
16 (415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

14 Michael McDonough
15 Counsel
16 Bingham McCutchen LLP
17 355 South Grand Avenue, Suite 4400
18 Los Angeles, CA 90071-3106
19 michael.mcdonough@bingham.com
20 (213) 680-6600
21 (213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
23 bledger@gordonrees.com
24 (619) 230-7729
25 (619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

24 Marco Gonzalez
25 Attorney at Law
26 Coast Law Group LLP
27 1140 South Coast Highway 101
28 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

1 Jill Tracy
Senior Environmental Counsel
2 Sempra Energy
101 Ash Street
3 San Diego, CA 92101
jtracy@sempra.com
4 (619) 699-5112
(619) 699-5189
5

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
Deputy Port Attorney
7 San Diego Unified Port District
PO Box 120488
8 San Diego, CA 92112
lfitzger@portofsandiego.org
9 (619) 686-7224
(619) 686-6444
10

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11
12 Laura Hunter
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
13 National City, CA 91950
laurah@environmentalhealth.org
14 (619) 474-0220
(619) 474-1210
15

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

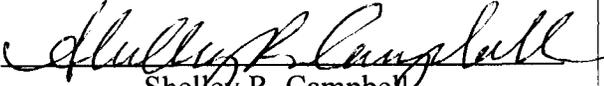
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William D. Brown, Esq.
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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

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6 Attorneys for Designated Party,
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

10
11 IN THE MATTER OF:
12
13 TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002
14

**NASSCO'S SECOND SET OF SPECIAL
INTERROGATORIES TO SAN DIEGO
REGIONAL WATER QUALITY
CONTROL BOARD CLEANUP TEAM**

15
16
17 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")
18 RESPONDING PARTY: San Diego Regional Water Quality Control Board, including, but
19 not limited to, the Cleanup Team and other agency staff ("Board
20 Staff")
21 SET NUMBER: Two
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1 Pursuant to the Second Amended Order of Proceedings and the Presiding
2 Officer's February 18, 2010 Discovery Scheduling Order, National Steel and Shipbuilding
3 Company ("NASSCO") hereby requests that the San Diego Regional Water Quality Control
4 Board, including, but not limited to, the Cleanup Team and other agency staff (hereinafter,
5 "BOARD STAFF") respond to the following Second Set of Special Interrogatories separately
6 and fully in writing and under oath, within thirty (30) days from the date of service of these
7 Interrogatories.

8 **DEFINITIONS**

9 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
10 Team of the California Regional Water Quality Control Board, San Diego Region, specially
11 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
12 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
13 acting on its behalf.

14 2. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
15 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
16 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
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18 on its behalf.

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20 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
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26 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
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5 and tangible forms of expression falling within the scope of California Evidence Code § 250,
6 within YOUR custody, possession or control.

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19 and residence phone numbers; the individual's last known business and personal e-mail
20 addresses; the individual's company affiliation; and the individual's professional position. The
21 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to
22 state: the name of the entity; the location of the entity's trade or business; the nature of the
23 entity's trade or business; the entity's phone number; and the entity's web-site address.

24 7. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
25 within the SITE.

26 8. The term "NASSCO" shall mean and refer to National Steel and
27 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
28 subsidiaries, affiliates, or anyone acting on its behalf.

1 9. The term “PERSON(S)” shall mean and refer to any natural person,
2 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
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4 including a representative of such PERSON(S).

5 10. The term “REGIONAL BOARD” shall mean and refer to the California
6 Regional Water Quality Control Board, San Diego Region.

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8 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
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12 matter addressed in the request, in whole or in part.

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14 Sediment Quality Investigation described in Paragraph 12 of the TENTATIVE ORDER.

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16 compilation of indexed electronic documents distributed by the CLEANUP TEAM on April 4,
17 2008 in the San Diego Bay Sediments Cleanup proceeding regarding Tentative Cleanup and
18 Abatement Order No. R9-2005-0126 (“TENTATIVE ORDER”), and any subsequent additions
19 thereto in connection with the TENTATIVE ORDER.

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21 described in the TENTATIVE ORDER and TECHNICAL REPORT.

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25 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
26 including but not limited to the prior drafts released publicly on August 24, 2007, and April 4,
27 2008.

28

1 **INTERROGATORY NO. 4:**

2 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
3 the economic feasibility analysis utilized in connection with proposed cleanup levels and
4 remediation of the SITE.

5 **INTERROGATORY NO. 5:**

6 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
7 the technological feasibility analysis utilized in connection with proposed cleanup levels and
8 remediation of the SITE.

9 **INTERROGATORY NO. 6:**

10 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
11 any cost analysis utilized in connection with proposed cleanup levels and remediation of the
12 SITE.

13 **INTERROGATORY NO. 7:**

14 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
15 any remedy selection alternatives analysis utilized in connection with proposed cleanup levels
16 and remediation of the SITE.

17 **INTERROGATORY NO. 8:**

18 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
19 any aquatic life impairment analysis utilized in connection with proposed cleanup levels and
20 remediation of the SITE.

21 **INTERROGATORY NO. 9:**

22 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
23 any aquatic-dependent wildlife impairment analysis utilized in connection with proposed cleanup
24 levels and remediation of the SITE.

25 **INTERROGATORY NO. 10:**

26 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
27 any bioavailability analysis utilized in connection with proposed cleanup levels and remediation
28 of the SITE.

1 **INTERROGATORY NO. 11:**

2 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
3 any alternative sediment cleanup levels analysis utilized in connection with proposed cleanup
4 levels and remediation of the SITE.

5 **INTERROGATORY NO. 12:**

6 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
7 any remedial monitoring analysis utilized in connection with proposed cleanup levels and
8 remediation of the SITE.

9 **INTERROGATORY NO. 13:**

10 IDENTIFY the CLEANUP TEAM staff primarily responsible for preparation of
11 the analysis regarding the contribution of stormwater to sediment contamination in the San
12 Diego Bay, utilized in connection with proposed cleanup levels and remediation of the SITE.

13 **INTERROGATORY NO. 14:**

14 IDENTIFY all site(s) in San Diego Bay where contaminated sediment has been
15 remediated, the remedy selected, and the starting and ending dates of such remediation, including
16 but not limited to the Campbell Shipyard Site, Paco Terminals, Commercial Basin and Convair
17 Lagoon.

18 **INTERROGATORY NO. 15:**

19 For any sites identified in response to the preceding Special Interrogatory,
20 IDENTIFY the constituents of concern that were remediated and the cleanup levels that were set
21 for those constituents.

22 **INTERROGATORY NO. 16:**

23 IDENTIFY all site(s) within the REGIONAL BOARD'S jurisdiction, other than
24 San Diego Bay, where sediment contamination has been remediated in rivers, bays, estuaries,
25 ocean, wetlands, or any other surface water body, and the starting and ending dates of such
26 remediation.

27

28

1 **INTERROGATORY NO. 17:**

2 For any sites identified in response to the preceding Special Interrogatory,
3 IDENTIFY the constituents of concern that were remediated and the cleanup levels that were
4 imposed for those constituents.

5 **INTERROGATORY NO. 18:**

6 IDENTIFY all site(s) within the State of California where sediment contamination
7 in rivers, bays, estuaries, ocean, wetlands, or any other surface water body has been remediated,
8 and the starting and ending dates of such remediation.

9 **INTERROGATORY NO. 19:**

10 For any sites identified in response to the preceding Special Interrogatory,
11 IDENTIFY the constituents of concern that were remediated and the cleanup levels that were
12 imposed for those constituents.

13 **INTERROGATORY NO. 20:**

14 IDENTIFY any alternative cleanup methodologies YOU considered in connection
15 with the remediation of the SITE.

16 **INTERROGATORY NO. 21:**

17 IDENTIFY all COMMUNICATIONS between YOU and ENVIRONMENTAL
18 GROUPS RELATING TO the TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 22:**

20 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
21 RELATING TO the TENTATIVE ORDER or TECHNICAL REPORT.

22 **INTERROGATORY NO. 23:**

23 IDENTIFY all COMMUNICATIONS between YOU and any local, state or
24 federal agency RELATING TO the TENTATIVE ORDER or TECHNICAL REPORT.

25 **INTERROGATORY NO. 24:**

26 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
27 RELATING TO YOUR dismissal of natural attenuation as a preferred remedy for the SITE.
28

1 **INTERROGATORY NO. 25:**

2 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
3 RELATING TO the results and findings of the June 2009 sediment quality testing performed by
4 Exponent at the SITE.

5 **INTERROGATORY NO. 26:**

6 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
7 RELATING TO any alternative cleanup methodologies YOU considered for the remediation of
8 the SITE, including but not limited to Lowest Apparent Effects Thresholds ("LAETs").

9 Dated: July 22, 2010

10 LATHAM & WATKINS LLP

11 
12 By _____
13 Kelly E. Richardson
14 Attorneys for Designated Party
15 National Steel and Shipbuilding Company

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S SECOND SET OF SPECIAL INTERROGATORIES TO SAN DIEGO**
6 **REGIONAL WATER QUALITY CONTROL BOARD CLEANUP TEAM**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

13 Michael McDonough
14 Counsel
15 Bingham McCutchen LLP
16 355 South Grand Avenue, Suite 4400
17 Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

1 Jill Tracy
Senior Environmental Counsel
2 Sempra Energy
101 Ash Street
3 San Diego, CA 92101
jtracy@sempra.com
4 (619) 699-5112
(619) 699-5189
5

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
Deputy Port Attorney
7 San Diego Unified Port District
PO Box 120488
8 San Diego, CA 92112
lfitzger@portofsandiego.org
9 (619) 686-7224
(619) 686-6444
10

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11
12 Laura Hunter
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
13 National City, CA 91950
laurah@environmentalhealth.org
14 (619) 474-0220
(619) 474-1210
15

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

16 Tom Stahl, AUSA
Chief, Civil Division
17 Office of the U.S. Attorney
880 Front Street, Room 6293
18 San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
19 (619) 557-7140
(619) 557-5004
20

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

21 Mike Tracy, Esq.
22 DLA Piper LLP US
401 B Street, Suite 1700
23 San Diego, California 92101-4297
mike.tracy@dlapiper.com
24 (619) 699-3620
(619) 764-6620
25
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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010, at San Diego, California.


Shelley R. Campbell

1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419
6

7 Attorneys for Designated Party,
National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10
11 IN THE MATTER OF:
12
13 TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002
14

**NASSCO'S FIRST SET OF SPECIAL
INTERROGATORIES TO SAN DIEGO
COASTKEEPER (FORMERLY SAN
DIEGO BAY-KEEPER)**

15
16
17 PROPOUNDING PARTY: National Steel and Shipbuilding Company ("NASSCO")
18 RESPONDING PARTY: San Diego Coastkeeper (formerly San Diego Bay-Keeper)
19 SET NUMBER: One
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1 PLEASE TAKE NOTICE THAT pursuant to the Second Amended Order of
2 Proceedings and the Presiding Officer's February 18, 2010 Discovery Scheduling Order,
3 National Steel and Shipbuilding Company ("NASSCO") hereby requests that the San Diego
4 Coastkeeper (hereinafter, "Coastkeeper") respond to the following First Set of Special
5 Interrogatories separately and fully in writing and under oath, within thirty (30) days from the
6 date of service of these Interrogatories.

7 **DEFINITIONS**

8 1. The term "ADVISORY TEAM" shall mean and refer to the Advisory
9 Team of the California Regional Water Quality Control Board, San Diego Region, specially
10 formed in response to and for purposes of the investigation of the Shipyard Sediment Site in San
11 Diego Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone
12 acting on its behalf.

13 2. The term "ANGLER SURVEY" shall mean and refer to the survey
14 discussed in Paragraph 1.5.3.3. of the TECHNICAL REPORT, and any and all other studies,
15 reports, questionnaires, surveys and similar work related to fishing in San Diego Bay.

16 3. The term "BENTHIC REPORT" shall mean and refer to the report entitled
17 "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates
18 and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" prepared for EHC
19 and/or Coastkeeper by MacDonald Environmental Services, Ltd. in October, 2009.

20 4. The term "CLEANUP TEAM" shall mean and refer to the Cleanup Team
21 of the California Regional Water Quality Control Board, San Diego Region, specially formed in
22 response to and for purposes of the investigation of the Shipyard Sediment Site in San Diego
23 Bay, and its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting
24 on its behalf.

25 5. The term "COMMUNICATIONS" shall mean and refer to the written or
26 verbal exchange of information by any means, including, without limitation, telephone, telecopy,
27 facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other
28 writing method, meeting, discussion, conversation or other form of verbal expression.

1 6. The term "DOCUMENT(S)" shall mean and refer to any and all written,
2 printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise),
3 however produced or reproduced, including data stored in a computer, data stored on removable
4 magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-
5 mail, and voice mail, which relate or pertain in any way to the subject matter to which the
6 Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary,
7 intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments,
8 and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect
9 to the process by which any DOCUMENT was created, generated, or reproduced, or with respect
10 to the medium in which the document is embodied. DOCUMENT(S) shall include all "writings"
11 and tangible forms of expression falling within the scope of California Evidence Code § 250,
12 within YOUR custody, possession or control.

13 7. The term "ENVIRONMENTAL GROUPS" shall mean and refer to any
14 and all non-profit and/or advocacy organizations focused on environmental causes and issues,
15 including but not limited to Designated Parties San Diego Coastkeeper (formerly San Diego
16 Bay-Keeper) and Environmental Health Coalition ("EHC").

17 8. The term "IDENTIFY," when used with respect to a DOCUMENT, means
18 to state: the Document ID number assigned to the document as it appears in the SHIPYARD
19 ADMINISTRATIVE RECORD; or, if the document is not included in the SHIPYARD
20 ADMINISTRATIVE RECORD, the names of the author(s) and recipient(s) of the document; the
21 date of the document; the form of the document (for example, "letter," "memorandum," or
22 "report"); and a description of the contents of the DOCUMENT. The term "IDENTIFY," when
23 used with respect to a PERSON who is an individual, means to state: the individual's name; the
24 individual's last known business and residence addresses; the individual's last known business
25 and residence phone numbers; the individual's last known business and personal e-mail
26 addresses; the individual's company affiliation; and the individual's professional position. The
27 term "IDENTIFY," when used with respect to a PERSON that is a business entity, means to

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1 state: the name of the entity; the location of the entity's trade or business; the nature of the
2 entity's trade or business; the entity's phone number; and the entity's web-site address.

3 9. The term "LEASEHOLD" shall mean and refer to NASSCO's leasehold
4 within the SITE.

5 10. The term "NASSCO" shall mean and refer to National Steel and
6 Shipbuilding Company, and its agents, employees, insurers, attorneys, investigators, parents,
7 subsidiaries, affiliates, or anyone acting on its behalf.

8 11. The term "PERSON(S)" shall mean and refer to any natural person,
9 proprietorship, public or private corporation, limited or general partnership, trust, joint venture,
10 firm, association, organization, board, authority, governmental entity, or any other entity,
11 including a representative of such PERSON(S).

12 12. The term "REGIONAL BOARD" shall mean and refer to the California
13 Regional Water Quality Control Board, San Diego Region, including but not limited to each and
14 every past and current member of that board.

15 13. The term "RELATING TO" shall mean and refer to relating to, pertaining
16 to, referring to, evidencing, in connection with, reflecting, respecting, concerning, based upon,
17 stating, showing, establishing, supporting, bolstering, contradicting, refuting, diminishing,
18 constituting, describing, recording, noting, embodying, memorializing, containing, mentioning,
19 studying, analyzing, discussing, specifying, identifying, or in any other way bearing on the
20 matter addressed in the request, in whole or in part.

21 14. The term "SITE" shall mean and refer to the Shipyard Sediment Site, as
22 described in the TENTATIVE ORDER and TECHNICAL REPORT.

23 15. The term "TECHNICAL REPORT" shall mean and refer to the Draft
24 Technical Report for the TENTATIVE ORDER, publicly released on December 22, 2009,
25 publicly released on December 22, 2009, including but not limited to the prior drafts released
26 publicly on August 24, 2007, and April 4, 2008.

27 16. The term "TENTATIVE ORDER" shall mean and refer to Tentative
28 Cleanup and Abatement Order R9-2010-0002, publicly released on December 22, 2009,

1 **INTERROGATORY NO. 7:**

2 IDENTIFY every ENVIRONMENTAL GROUP that was consulted in connection
3 with YOUR preparation of the ANGLER SURVEY.

4 **INTERROGATORY NO. 8:**

5 For every ENVIRONMENTAL GROUP identified in response to the preceding
6 Special Interrogatory, IDENTIFY the individual member(s) of that ENVIRONMENTAL
7 GROUP who was consulted in connection with YOUR preparation of the ANGLER SURVEY.

8 **INTERROGATORY NO. 9:**

9 For every member of an ENVIRONMENTAL GROUP identified in response to
10 the preceding Special Interrogatory, please specify to which section(s) in the ANGLER
11 SURVEY such consultation relates.

12 **INTERROGATORY NO. 10:**

13 IDENTIFY every REGIONAL BOARD staff member that was consulted in
14 connection with YOUR preparation of the ANGLER SURVEY.

15 **INTERROGATORY NO. 11:**

16 For every member of an ENVIRONMENTAL GROUP identified in response to
17 the preceding Special Interrogatory, please specify to which section(s) in the ANGLER
18 SURVEY such consultation relates.

19 **INTERROGATORY NO. 12:**

20 IDENTIFY the PERSON primarily responsible for developing the survey design
21 of the ANGLER SURVEY.

22 **INTERROGATORY NO. 13:**

23 IDENTIFY the PERSON primarily responsible for developing the survey
24 questions RELATING TO the ANGLER SURVEY.

25 **INTERROGATORY NO. 14:**

26 IDENTIFY the PERSON primarily responsible for pilot-testing the survey
27 questions RELATING TO the ANGLER SURVEY.

28 ///

1 **INTERROGATORY NO. 15:**

2 IDENTIFY each PERSON that conducted interviews RELATING TO the
3 ANGLER SURVEY.

4 **INTERROGATORY NO. 16:**

5 For every PERSON identified in response to the preceding Special Interrogatory,
6 please specify at which interview location(s) each PERSON conducted such interviews.

7 **INTERROGATORY NO. 17:**

8 IDENTIFY the PERSON primarily responsible for selecting the interview
9 locations RELATING TO the ANGLER SURVEY.

10 **INTERROGATORY NO. 18:**

11 IDENTIFY each PERSON used to translate the interview questions RELATING
12 TO the ANGLER SURVEY.

13 **INTERROGATORY NO. 19:**

14 If YOU considered alternatives to the methods specified in the ANGLER
15 SURVEY, IDENTIFY the PERSON primarily responsible for preparation of any analysis of
16 alternatives.

17 **INTERROGATORY NO. 20:**

18 IDENTIFY all DOCUMENTS RELATING TO any alternatives to the survey
19 methods specified in the ANGLER SURVEY that were evaluated by EHC or Coastkeeper.

20 **INTERROGATORY NO. 21:**

21 IDENTIFY the PERSON primarily responsible for calculating the results
22 contained in the ANGLER SURVEY.

23 **INTERROGATORY NO. 22:**

24 IDENTIFY all DOCUMENTS RELATING TO any calculations YOU conducted
25 RELATING TO the ANGLER SURVEY.

26 **INTERROGATORY NO. 23:**

27 IDENTIFY the PERSON primarily responsible for developing each conclusion
28 contained in the ANGLER SURVEY.

1 **INTERROGATORY NO. 24:**

2 IDENTIFY the PERSON primarily responsible for developing each
3 recommendation contained in the ANGLER SURVEY.

4 **INTERROGATORY NO. 25:**

5 If YOU considered alternatives to the recommendations specified in the
6 ANGLER SURVEY, IDENTIFY the PERSON primarily responsible for the preparation of any
7 analysis of alternatives.

8 **INTERROGATORY NO. 26:**

9 IDENTIFY all DOCUMENTS RELATING TO any analysis of alternative
10 recommendations YOU prepared RELATING TO the ANGLER SURVEY.

11 **INTERROGATORY NO. 27:**

12 IDENTIFY all peer-reviewed scientific journals in which the ANGLER SURVEY
13 has been published.

14 **INTERROGATORY NO. 28:**

15 IDENTIFY all peer reviewers of the ANGLER SURVEY.

16 **INTERROGATORY NO. 29:**

17 IDENTIFY every PERSON YOU consulted RELATING TO the SITE,
18 TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 30:**

20 For every group, organization, or agency identified in response to the preceding
21 Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or
22 agency who YOU consulted regarding the SITE, TENTATIVE ORDER or TECHNICAL
23 REPORT.

24 **INTERROGATORY NO. 31:**

25 For every employee identified in response to the preceding Special Interrogatory,
26 please specify to which section(s) in the TENTATIVE ORDER or TECHNICAL REPORT such
27 consultation relates.

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1 **INTERROGATORY NO. 32:**

2 IDENTIFY every PERSON YOU consulted RELATING TO the BENTHIC
3 REPORT.

4 **INTERROGATORY NO. 33:**

5 For every group, organization, or agency identified in response to the preceding
6 Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or
7 agency who was consulted in connection with YOUR preparation of the BENTHIC REPORT.

8 **INTERROGATORY NO. 34:**

9 For every employee identified in response to the preceding Special Interrogatory,
10 please specify to which section(s) in the BENTHIC REPORT such consultation relates.

11 **INTERROGATORY NO. 35:**

12 IDENTIFY the PERSON primarily responsible for drafting each section of the
13 BENTHIC REPORT.

14 **INTERROGATORY NO. 36:**

15 IDENTIFY the PERSON at Coastkeeper who is most knowledgeable concerning
16 the subject matter contained in each section of the BENTHIC REPORT.

17 **INTERROGATORY NO. 37:**

18 IDENTIFY all DOCUMENTS that YOU rely on to support each finding or
19 conclusion in the BENTHIC REPORT.

20 **INTERROGATORY NO. 38:**

21 IDENTIFY all DOCUMENTS RELATING TO YOUR proposed remediation
22 footprint described in Section 11 of the BENTHIC REPORT.

23 **INTERROGATORY NO. 39:**

24 IDENTIFY all DOCUMENTS RELATING TO any calculations YOU conducted
25 RELATING TO the BENTHIC REPORT.

26 **INTERROGATORY NO. 40:**

27 IDENTIFY all COMMUNICATIONS between YOU and Cynthia Gorham-Test
28 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

1 **INTERROGATORY NO. 41:**

2 IDENTIFY all COMMUNICATIONS between YOU and Peter Peuron
3 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **INTERROGATORY NO. 42:**

5 IDENTIFY all COMMUNICATIONS between YOU and Julie Chan RELATING
6 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **INTERROGATORY NO. 43:**

8 IDENTIFY all COMMUNICATIONS between YOU and Alan Monji
9 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

10 **INTERROGATORY NO. 44:**

11 IDENTIFY all COMMUNICATIONS between YOU and Benjamin Tobler
12 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

13 **INTERROGATORY NO. 45:**

14 IDENTIFY all COMMUNICATIONS between YOU and Laurie Walsh
15 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

16 **INTERROGATORY NO. 46:**

17 IDENTIFY all COMMUNICATIONS between YOU and David Barker
18 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 47:**

20 IDENTIFY all COMMUNICATIONS between YOU and Craig Carlisle
21 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

22 **INTERROGATORY NO. 48:**

23 IDENTIFY all COMMUNICATIONS between YOU and Tom Alo RELATING
24 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

25 **INTERROGATORY NO. 49:**

26 IDENTIFY all COMMUNICATIONS between YOU and Vicente Rodriguez
27 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

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1 **INTERROGATORY NO. 50:**

2 IDENTIFY all COMMUNICATIONS between YOU and John Robertus
3 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

4 **INTERROGATORY NO. 51:**

5 IDENTIFY all COMMUNICATIONS between YOU and David Gibson
6 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

7 **INTERROGATORY NO. 52:**

8 IDENTIFY all COMMUNICATIONS between YOU and the ADVISORY
9 TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

10 **INTERROGATORY NO. 53:**

11 IDENTIFY all COMMUNICATIONS between YOU and the CLEANUP TEAM
12 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

13 **INTERROGATORY NO. 54:**

14 IDENTIFY all COMMUNICATIONS between YOU and the REGIONAL
15 BOARD RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

16 **INTERROGATORY NO. 55:**

17 IDENTIFY all COMMUNICATIONS between YOU and any PERSON
18 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

19 **INTERROGATORY NO. 56:**

20 IDENTIFY all COMMUNICATIONS between YOU and Katie Zeeman
21 RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

22 **INTERROGATORY NO. 57:**

23 IDENTIFY all COMMUNICATIONS between YOU and Steve Bay RELATING
24 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

25 **INTERROGATORY NO. 58:**

26 IDENTIFY all COMMUNICATIONS between YOU and Ed Kimura RELATING
27 TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

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1 **INTERROGATORY NO. 59:**

2 IDENTIFY all PERSONS YOU have observed fishing at the LEASEHOLD.

3 **INTERROGATORY NO. 60:**

4 IDENTIFY all PERSONS YOU have observed lobstering at the LEASEHOLD.

5 **INTERROGATORY NO. 61:**

6 IDENTIFY all threatened or endangered species YOU have observed at the
7 LEASEHOLD.

8 **INTERROGATORY NO. 62:**

9 IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of
10 confined aquatic disposal at the SITE

11 **INTERROGATORY NO. 63:**

12 IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of
13 near-shore confined disposal at the SITE.

14 **INTERROGATORY NO. 64:**

15 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
16 within the LEASEHOLD poses a significant risk to aquatic wildlife.

17 **INTERROGATORY NO. 65:**

18 IDENTIFY the PERSON most knowledgeable regarding aquatic wildlife.

19 **INTERROGATORY NO. 66:**

20 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
21 within the LEASEHOLD poses a significant risk to aquatic-dependent wildlife.

22 **INTERROGATORY NO. 67:**

23 IDENTIFY the PERSON most knowledgeable regarding aquatic-dependent
24 wildlife.

25 **INTERROGATORY NO. 68:**

26 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment
27 within the LEASEHOLD poses a significant risk to human health.

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1 **INTERROGATORY NO. 69:**

2 IDENTIFY the PERSON most knowledgeable regarding human health risks.

3 **INTERROGATORY NO. 70:**

4 IDENTIFY all DOCUMENTS RELATING TO any correlation between
5 concentrations of shipyard contaminants at the SITE and toxicity at the SITE.

6 **INTERROGATORY NO. 71:**

7 IDENTIFY all DOCUMENTS RELATING TO any correlation between pesticide
8 concentrations in sediment at the SITE and sediment toxicity at the SITE.

9 **INTERROGATORY NO. 72:**

10 IDENTIFY all DOCUMENTS RELATING TO the potential contribution of
11 discharges into Chollas Creek to sediment contamination at the SITE.

12 **INTERROGATORY NO. 73:**

13 IDENTIFY all DOCUMENTS RELATING TO sources of PCB discharges at the
14 SITE.

15 **INTERROGATORY NO. 74:**

16 IDENTIFY all DOCUMENTS RELATING TO the potential re-suspension of
17 contaminants that could be caused by sediment dredging at the SITE.

18 **INTERROGATORY NO. 75:**

19 IDENTIFY all DOCUMENTS RELATING TO the potential for sediment
20 dredging at the SITE to adversely affect the existing benthic community at the SITE.

21 **INTERROGATORY NO. 76:**

22 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
23 tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within
24 the meaning of State Water Board Resolution No. 92-49.

25 **INTERROGATORY NO. 77:**

26 IDENTIFY the PERSON most knowledgeable concerning economic feasibility of
27 the tentative cleanup levels described in the TENTATIVE ORDER.

28 ///

1 **INTERROGATORY NO. 78:**

2 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
3 tentative cleanup levels described in the BENTHIC REPORT are economically feasible within
4 the meaning of State Water Board Resolution No. 92-49.

5 **INTERROGATORY NO. 79:**

6 IDENTIFY the PERSON most knowledgeable concerning economic feasibility of
7 the tentative cleanup levels described in the BENTHIC REPORT.

8 **INTERROGATORY NO. 80:**

9 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
10 tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible
11 within the meaning of State Water Board Resolution No. 92-49.

12 **INTERROGATORY NO. 81:**

13 IDENTIFY the PERSON most knowledgeable concerning technological
14 feasibility of the tentative cleanup levels described in the TENTATIVE ORDER.

15 **INTERROGATORY NO. 82:**

16 IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the
17 tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within
18 the meaning of State Water Board Resolution No. 92-49.

19 **INTERROGATORY NO. 83:**

20 IDENTIFY the PERSON most knowledgeable concerning technological
21 feasibility of the tentative cleanup levels described in the BENTHIC REPORT.

22 **INTERROGATORY NO. 84:**

23 IDENTIFY all DOCUMENTS YOU have prepared RELATING TO the SITE,
24 TENTATIVE ORDER, or TECHNICAL REPORT.

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1 **INTERROGATORY NO. 85:**

2 IDENTIFY all DOCUMENTS YOU have reviewed RELATING TO the SITE,
3 TENTATIVE ORDER, or TECHNICAL REPORT.

4
5 Dated: July 22, 2010

6 LATHAM & WATKINS LLP

7
8 By 
9 Kelly E. Richardson
10 Attorneys for Designated Party
11 National Steel and Shipbuilding Company
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Latham & Watkins, 600 West Broadway,
4 Suite 1800, San Diego, California 92101. On July 22, 2010, I served the within document(s):

5 **NASSCO'S FIRST SET OF SPECIAL INTERROGATORIES TO SAN DIEGO**
6 **COASTKEEPER (FORMERLY SAN DIEGO BAY-KEEPER)**

7 **BY E-MAIL:** I caused the above-referenced documents to be converted in digital
8 format (.pdf) and served by electronic mail to the addresses listed below.

9 Sandi Nichols, Esq.
10 Allen Matkins
11 Three Embarcadero Center, 12th Floor
12 San Francisco, CA 94111
snichols@allenmatkins.com
(415) 837-1515
(415) 837-1516

Raymond Parra
Senior Counsel
BAE Systems Ship Repair Inc.
PO Box 13308
San Diego, CA 92170-3308
raymond.parra@baesystems.com
(619) 238-1000+2030
(619) 239-1751

13 Michael McDonough
14 Counsel
15 Bingham McCutchen LLP
16 355 South Grand Avenue, Suite 4400
17 Los Angeles, CA 90071-3106
michael.mcdonough@bingham.com
(213) 680-6600
(213) 680-6499

Christopher McNevin
Attorney at Law
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
chrismcnevin@pillsburylaw.com
(213) 488-7507
(213) 629-1033

18 Brian Ledger
19 Attorney at Law
20 Gordon & Rees LLP
21 101 West Broadway, Suite 1600
22 San Diego, CA 92101
bledger@gordonrees.com
(619) 230-7729
(619) 696-7124

Christian Carrigan
Senior Staff Counsel
Office of Enforcement, State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100
ccarrigan@waterboards.ca.gov
(916) 322-3626
(916) 341-5896

23 Marco Gonzalez
24 Attorney at Law
25 Coast Law Group LLP
26 1140 South Coast Highway 101
27 Encinitas, CA 92024
marco@coastlawgroup.com
(760) 942-8505
(760) 942-8515

James Handmacher
Attorney at Law
Morton McGoldrick, P.S.
PO Box 1533
Tacoma, WA 98401
jvhandmacher@bvmm.com
(253) 627-8131
(253) 272-4338

1 Jill Tracy
Senior Environmental Counsel
2 Sempra Energy
101 Ash Street
3 San Diego, CA 92101
jtracy@sempra.com
4 (619) 699-5112
(619) 699-5189
5

Sharon Cloward
Executive Director
San Diego Port Tenants Association
2390 Shelter Island Drive, Suite 210
San Diego, CA 92106
sharon@sdpta.com
(619) 226-6546
(619) 226-6557

6 Leslie FitzGerald
Deputy Port Attorney
7 San Diego Unified Port District
PO Box 120488
8 San Diego, CA 92112
lfitzger@portofsandiego.org
9 (619) 686-7224
(619) 686-6444
10

Nate Cushman
Associate Counsel
U.S. Navy
SW Div, Naval Facilities Engineering Command
1220 Pacific Hwy
San Diego, CA 92132-5189
nate.cushman@navy.mil
(619) 532-2511
(619) 532-1663

11 Laura Hunter
12 Environmental Health Coalition
401 Mile of Cars Way, Suite 310
13 National City, CA 91950
laurah@environmentalhealth.org
14 (619) 474-0220
(619) 474-1210
15

Gabe Solmer
Legal Director
San Diego Coastkeeper
2820 Roosevelt Street, Suite 200A
San Diego, CA 92106-6146
gabe@sdcoastkeeper.org
(619) 758-7743, ext. 109
(619) 223-3676

16 Tom Stahl, AUSA
Chief, Civil Division
17 Office of the U.S. Attorney
880 Front Street, Room 6293
18 San Diego, CA 92101-8893
thomas.stahl@usdoj.gov
19 (619) 557-7140
(619) 557-5004
20

William D. Brown, Esq.
Brown & Winters
120 Birmingham Drive, #110
Cardiff By The Sea, CA 92007
bbrown@brownandwinters.com
(760) 633-4485
(760) 633-4427

21 Mike Tracy, Esq.
22 DLA Piper LLP US
401 B Street, Suite 1700
23 San Diego, California 92101-4297
mike.tracy@dlapiper.com
24 (619) 699-3620
(619) 764-6620
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I declare under penalty of perjury according to the laws of the State of California
that the above is true and correct. Executed on July 22, 2010 at San Diego, California.


Shelley R. Campbell

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**SAN DIEGO COASTKEEPER'S RESPONSE TO
NASSCO'S FIRST SET OF REQUESTS FOR ADMISSION
INCORPORATING ANSWERS TO FORM INTERROGATORY 17.1**

Responding Party: San Diego Coastkeeper (~~Coastkeeper~~)

Requesting Party: National Steel and Shipbuilding Company (~~NASSCO~~)

Set: One

In an August 6, 2010 letter to San Diego Coastkeeper and Environmental Health Coalition, NASSCO withdrew *inter alia* Requests for Admission to Coastkeeper nos. 2, 5, 9, 17-18 and Form Interrogatory 17.1 with respect to those requests for admission. Further, in a joint letter to EHC and San Diego Coastkeeper dated August 19, 2010, NASSCO reconfirmed the withdrawal of the aforementioned Requests for Admission. Responses are not provided to the Requests for Admission that have been withdrawn by NASSCO.

General Objections

San Diego Coastkeeper makes the following objections to all of NASSCO's requests for admission on the following grounds and incorporates these general objections into its specific responses to each request:

1. San Diego Coastkeeper objects to NASSCO's requests for admission to the extent that they are ambiguous, vague, overbroad, unduly burdensome, and/or call for information that is neither relevant to the claims or defenses in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
2. San Diego Coastkeeper objects to NASSCO's requests for admission to the extent that they seek information outside of Coastkeeper's knowledge.
3. San Diego Coastkeeper objects to NASSCO's requests for admission to the extent that they seek to confirm knowledge of a large group of individuals affiliated with San Diego Coastkeeper.

4. San Diego Coastkeeper objects to NASSCO's requests for admission to the extent that they ask Coastkeeper to predict what will happen in the future.

5. San Diego Coastkeeper objects to NASSCO's requests for admission to the extent that they seek information protected by the attorney-client privilege, mediation privilege, attorney work product doctrine, or any other privilege.

San Diego Coastkeeper preserves its right to change or supplement any answer provided herein based on new information or information previously unknown to Coastkeeper.

Response to Request for Admission No. 1.

San Diego Coastkeeper objects to Request for Admission No. 1 because the term "expert scientific credentials" is vague and ambiguous. To the extent that San Diego Coastkeeper is able to respond to the request despite the request's ambiguity, Coastkeeper denies the request. One author of the angler survey has scientific credentials.

Persons who have knowledge of these facts are:

Joy Williams
Environmental Health Coalition
2727 Hoover Ave., Suite 202
National City, CA 91950
Phone: 619-474-0220

Documents that support this response:

Joy Williams' resume, already provided in response to NASSCO's Request for Production No. 9.

Response to Request for Admission No. 3.

San Diego Coastkeeper objects to Request for Admission No. 3 as vague and ambiguous because NASSCO has failed to define the term "mature." Further, a reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter.

Response to Request for Admission No. 4

San Diego Coastkeeper objects to Request for Admission No. 4 as vague and ambiguous because NASSCO has failed to define the term "thriving." Further, a reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter.

Response to Request for Admission No. 6

San Diego Coastkeeper objects to Request for Admission No. 6 as vague and ambiguous because NASSCO has failed to define the term "reference data."

To the extent that San Diego Coastkeeper is able to provide a response despite the request's ambiguity, Coastkeeper provides the following response. San Diego Coastkeeper admits the Benthic Report does not establish a separate pool of sites in San Diego Bay that are considered to be unaffected by contaminants—which can be referred to as a ~~reference~~ pool.”

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

Benthic Report, already produced in response to NASSCO's Request for Production No. 13.

Response to Request for Admission No. 7

San Diego Coastkeeper objects to Request for Admission No. 7 as vague and ambiguous because NASSCO has failed to define the term ~~reference~~ data.”

To the extent that San Diego Coastkeeper is able to provide a response despite the request's ambiguity, Coastkeeper provides the following response. San Diego Coastkeeper admits that there are sites in San Diego Bay that are likely to meet the criteria for a reference site. However, San Diego Coastkeeper acknowledges that there is disagreement as to which sites constitute a reference pool that most accurately reflects reference conditions in San Diego Bay.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

2009 Draft Technical Report, Table 17-2 pg 17-4, V1

This document is already in NASSCO's possession.

Response to Request for Admission No. 8

San Diego Coastkeeper objects to Request for Admission No. 8 as vague and ambiguous because NASSCO has not defined the term ~~the~~ organisms that the California Toxics Rule is designed to protect.”

To the extent that San Diego Coastkeeper is able to provide a response despite the request's ambiguity, Coastkeeper provides the following response. San Diego Coastkeeper denies that the organisms that the California Toxics Rule is designed to protect are not exposed to pore water. The California Toxics Rule is designed to protect ~~–aquatic life,~~ ~~–aquatic organisms,~~ or ~~–aquatic communities,~~ which include benthic communities exposed to surface water and/or pore water. Further, other aquatic organisms may be exposed to pore water when sediments are disturbed, including when dredging occurs.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 10

San Diego Coastkeeper objects to Request for Admission No. 10 as vague and ambiguous because NASSCO has failed to define the term ~~–open water column.~~

To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper denies the request. The California Toxics Rule criteria were developed ~~–based on the [Environmental Protection Agency] Administrator's~~ determination that numeric criteria are necessary in the State of California to protect human health and the environment.” 65 Fed. Reg. 31,682 (May 18, 2000).

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 11

San Diego Coastkeeper objects to Request for Admission No. 11 as vague and ambiguous because the term ~~–not applicable~~ is ambiguous.

To the extent that San Diego Coastkeeper can respond to the request notwithstanding its ambiguity, Coastkeeper can neither admit nor deny Request for Admission No. 11. San Diego Coastkeeper acknowledges that the California Toxics Rule may not directly address pore water. The California Toxics Rule sets “ambient water quality criteria for priority toxic pollutants in the State of California.” 65 Fed. Reg. 31,682 (May 18, 2000). However, Coastkeeper asserts that, to the extent that pore water constitutes “ambient water” for benthic organisms, the California Toxics Rule criteria apply to pore water.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 12

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 12. The request seeks admission that “YOU have never observed any fishing taking place at the LEASEHOLD.” The request defines “YOU” as “the San Diego Coastkeeper (former San Diego Bay-Keeper), its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time “observed any fishing taking place at the LEASEHOLD.”

Response to Request for Admission No. 13

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 13. The request seeks admission that “YOU have never observed any lobstering taking place at the LEASEHOLD.” The request defines “YOU” as “the San Diego Coastkeeper (former San Diego Bay-Keeper), its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants,

affiliates, or anyone acting on its behalf has ever at any time observed any lobstering taking place at the LEASEHOLD.”

Response to Request for Admission No. 14

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 14. The request seeks admission that —YOU have never observed any shellfishing taking place at the LEASEHOLD.” The request defines —YOU” as —the San Diego Coastkeeper (former San Diego Bay-Keeper), its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any shellfishing taking place at the LEASEHOLD.”

Response to Request for Admission No. 15

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 15. The request seeks admission that —YOU have never observed any endangered species within the LEASEHOLD.” The request defines —YOU” as —the San Diego Coastkeeper (former San Diego Bay-Keeper), its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any endangered species within the LEASEHOLD.”

Response to Request for Admission No. 16

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 16. The request seeks admission that —YOU have never observed any threatened species within the LEASEHOLD.” The request defines —YOU” as —the San Diego Coastkeeper (former San Diego Bay-Keeper), its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any threatened species within the LEASEHOLD.”

Response to Request for Admission No. 19

San Diego Coastkeeper has insufficient knowledge to either admit or deny Request for Admission No. 19. A reasonable inquiry concerning the matter in the request has been made,

and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper has no specific knowledge of whether or not NASSCO has ever used pesticides or discharged pesticides into San Diego Bay. However, it is possible that NASSCO has used pesticides in the past to address an infestation at the SITE or may have worked on a ship carrying pesticides as part of its load.

Response to Request for Admission No. 20

San Diego Coastkeeper objects to Request for Admission No. 20 as vague and ambiguous because NASSCO has failed to define the term “uncontrolled.” To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper denies the request. Sources of pesticides are controlled to different degrees – some current-use pesticides are controlled by education and outreach programs to reduce the inappropriate use of the substances. Some are discouraged through the implementation of Integrated Pest Management programs. More importantly, some are banned outright. Chlorpyrifos and diazinon are banned, as is DDT and chlordane. There is also a Total Maximum Daily Load in place to regulate diazinon in the Chollas Creek watershed.

Documents that support the response:

<http://www.sandiego.gov/thinkblue/public-education/info-for-businesses.shtml>

<http://www.sandiego.gov/thinkblue/public-education/info-for-residents.shtml>

http://findarticles.com/p/articles/mi_m1145/is_6_39/ai_n6142049/

http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/docs/chollascreek/diazinon/2002_0123atta081402.pdf

Response to Request for Admission No. 21

San Diego Coastkeeper objects to Request for Admission No. 21 as vague and ambiguous because NASSCO has failed to define the terms “high toxicity” and “near,” which are ambiguous.

To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper denies the request. This answer assumes that “high toxicity” means “high likelihood of toxicity” (as in the Exponent Report 2003) and “near locations where municipal stormwater is discharged” means immediately proximate to the storm drain outfall. San Diego Coastkeeper has not performed any independent study of sediment toxicity near municipal storm drains. However, other studies characterize sediment toxicity near municipal stormwater discharges as either low or medium toxicity.

Documents that support the response:

2003 Exponent Report

2009 Draft Technical Report

These documents are already in NASSCO’s possession.

Response to Request for Admission No. 22

San Diego Coastkeeper objects to Request for Admission No. 22 as vague and ambiguous because NASSCO has failed to define the terms “adversely affected” and “sources of pollution,” which are ambiguous.

To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper can neither admit nor deny the request. A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper acknowledges that there are pollutant sources to San Diego Bay unrelated to NASSCO or its operations. San Diego Coastkeeper has no specific knowledge regarding the impacts to the sediment within the LEASEHOLD from each pollutant source.

Response to Request for Admission No. 23

San Diego Coastkeeper objects to Request for Admission No. 23 as vague and ambiguous because NASSCO has failed to define the ambiguous terms “mediation goals” and “in the future.” Further, San Diego Coastkeeper objects to the request to the extent that it asks Coastkeeper to predict with certainty what will happen in the future.

To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper denies the request. The remediation goals themselves will not be affected by re-contamination from other sources.

Response to Request for Admission No. 24

San Diego Coastkeeper objects to Request for Admission No. 24 as vague and ambiguous because the terms “discharges at Chollas Creek,” “impact,” and “sediment quality” are ambiguous. Further, a reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper has no specific knowledge of current impacts of Chollas Creek discharges on sediment quality within the LEASEHOLD.

San Diego Coastkeeper acknowledges that past discharges from Chollas Creek likely affected sediment quality conditions at the mouth of Chollas Creek. A U.S. Navy study concluded that the majority of the contaminants of concern are “trapped” at the mouth of Chollas Creek and do not disperse.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

Estuary Modeling Analysis Mouths of Chollas, Paleta and Switzer Creeks Bart
Chadwick, PF Wang, Wo Hee Choi and Ernie Arias. US Navy – SPAWAR Systems
Center San Diego, available at:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/stakeholder_outreach.shtml

Response to Request for Admission No. 25

San Diego Coastkeeper objects to Request for Admission No. 25 as vague and ambiguous because the terms “adversely affect” and “mature” are ambiguous. Further, San Diego Coastkeeper objects to the request to the extent that it asks Coastkeeper to predict with certainty what will happen in the future.

To the extent that San Diego Coastkeeper is capable of responding to the request in light of the ambiguous nature of the request, Coastkeeper can neither admit nor deny the request. San Diego Coastkeeper acknowledges that dredging has the potential to disturb benthic communities—mature or otherwise—in the short term. However, San Diego Coastkeeper notes that dredging often has long-term benefits leading to more stable and robust benthic communities over time.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Response to Request for Admission No. 26

San Diego Coastkeeper objects to Request for Admission No. 27 as vague and ambiguous because the term “technologically infeasible” is not defined in State Board Resolution 92-49.

To the extent that San Diego Coastkeeper can answer the request despite its ambiguity, San Diego Coastkeeper denies Request for Admission No. 26. It is not technically infeasible to require remediation to background sediment quality levels within the SITE.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

2009 Draft Technical Report, which is already in NASSCO’s possession.

Response to Request for Admission No. 27

San Diego Coastkeeper objects to Request for Admission No. 27 as vague and ambiguous because the term “economically infeasible” is not defined in State Water Board Resolution 92-49. Given the request’s ambiguity, San Diego Coastkeeper is unable to either admit or deny the request.

Response to Request for Admission No. 28

A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable Coastkeeper to admit the matter. San Diego Coastkeeper has insufficient knowledge to either admit or deny that NASSCO has not discharged PCBs to the Bay. However, given the nature and uses of PCBs, it is highly likely that NASSCO has discharged PCBs into the Bay

Due to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications including electrical, heat transfer, and hydraulic equipment; as plasticizers in paints, plastics, and rubber products; in pigments, dyes, and carbonless copy paper; and many other industrial applications. Although no longer commercially produced in the United States, PCBs may be present in products and materials produced before the 1979 PCB ban. Products that may contain PCBs include: transformers and capacitors; other electrical equipment including voltage regulators, switches, reclosers, bushings, and electromagnets; oil used in motors and hydraulic systems; old electrical devices or appliances containing PCB capacitors; fluorescent light ballasts; cable insulation; thermal insulation material including fiberglass, felt, foam, and cork; adhesives and tapes; oil-based paint; caulking; plastics; carbonless copy paper; and floor finish. It is thus not unreasonable to link activities on NASSCO property to the potential for discharges of PCBs.

Documents that support the response:

EPA’s website, <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/about.htm>

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

San Diego Coastkeeper



Bruce Reznik
Executive Director

Respectfully submitted on September 27, 2010

A handwritten signature in black ink, appearing to read 'Jill', with a long, sweeping horizontal stroke extending to the right.

Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of San Diego Coastkeeper

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**SAN DIEGO COASTKEEPER'S RESPONSE TO
NASSCO'S FIRST SET OF SPECIAL INTERROGATORIES**

Responding Party: San Diego Coastkeeper ("Coastkeeper")

Propounding Party: National Steel and Shipbuilding Company ("NASSCO")

Set: One

In an August 6, 2010 letter to San Diego Coastkeeper and Environmental Health Coalition, NASSCO withdrew *inter alia* special interrogatories to Coastkeeper nos. 35-39, 65, 67, 69, 77, 79, 81, 83, and 85. Further, in a joint letter to EHC and San Diego Coastkeeper dated August 19, 2010, NASSCO agreed to withdraw special interrogatories to Coastkeeper nos. 1-28 and to limit its requests regarding "communications" for special interrogatories to Coastkeeper nos. 40-58 to the time-period between 2001 and the present. No responses are provided to special interrogatories that have been withdrawn by NASSCO.

General Objections

1. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks documents protected by the attorney-client privilege, mediation privilege, work product doctrine, or any other applicable privilege or immunity.
2. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks information not relevant to the subject matter of this action and to the extent that it seeks information which does not bear significantly on this action and which are not reasonably calculated to lead to the discovery of admissible, relevant evidence.
3. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that they seek information beyond that allowed by the California Code of Civil Procedure. An interrogatory may relate to whether another party is making a certain contention, or to the facts, witnesses, and writings on which a contention is based.

4. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that they are overbroad, ambiguous and/or would impose unreasonable or undue burden and expense on San Diego Coastkeeper.

5. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks to require San Diego Coastkeeper to identify documents and communications pertaining to an unrestricted and/or open-ended period of time.

6. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks the identification of documents and communications predicated on the meaning of certain terms used in the Special Interrogatories, which NASSCO has failed to adequately define.

7. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that it seeks identification of documentation which is already in NASSCO's possession, custody or control or which NASSCO may obtain from a source other than San Diego Coastkeeper (including those documents that are publicly available or included in the record of this matter) and the production by such source would be less burdensome and/or costly to NASSCO than the production would be to San Diego Coastkeeper.

8. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO makes specific and/or general requests for the identification of documents or communications which are duplicative and/or encompassing of other requests in the Special Interrogatories or Requests for Production of Documents.

9. San Diego Coastkeeper objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks to have San Diego Coastkeeper create inventories or lists that do not already exist.

10. San Diego Coastkeeper hereby reserves its right to supplement its responses and objections to NASSCO's Special Interrogatories and each and every part thereof.

11. San Diego Coastkeeper does not waive or intend to waive, but rather intends to preserve and hereby preserves (i) all rights to object on any ground to the use of any of these objections, responses, and/or documents produced in response to NASSCO's Special Interrogatories, in any subsequent proceedings in this or any other case, action or proceeding; and (ii) all rights to object on any ground to any request for further responses to NASSCO's Special Interrogatories or any other request.

INTERROGATORY NO. 29: IDENTIFY every PERSON YOU consulted RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 29:

San Diego Coastkeeper objects to Interrogatory No. 29 because it seeks information beyond that required to be disclosed under California law. San Diego Coastkeeper has already identified Donald MacDonald of MacDonald Environmental Services as its expert witness who will be testifying at the hearing of this matter. To the extent that San Diego Coastkeeper consulted experts or other individuals regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT, the identity of those individuals is protected under the attorney work product privilege.

INTERROGATORY NO. 30: For every group, organization, or agency identified in response to the preceding Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or agency who YOU consulted regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 30:

See response to Interrogatory No. 29.

INTERROGATORY NO. 31: For every employee identified in response to the preceding Special Interrogatory, please specify to which section(s) in the TENTATIVE ORDER or TECHNICAL REPORT such consultation relates.

RESPONSE TO INTERROGATORY NO. 31:

Donald MacDonald consulted on various aspects of the proceeding related to the reference pool, tentative cleanup levels, remediation footprint, impacts on benthic invertebrates and other wildlife using the site, and the remediation plan.

INTERROGATORY NO. 32: IDENTIFY every PERSON YOU consulted RELATING TO the BENTHIC REPORT.

RESPONSE TO INTERROGATORY NO. 32:

Donald MacDonald prepared the Benthic Report on Coastkeeper's and EHC's behalf:

Don MacDonald
Owner, MacDonald Environmental Sciences Ltd
4800 Island Highway North #24, Nanaimo, British Columbia, V9T 1W6
Telephone: (250) 729-9625
Fax: (250) 729-9628
Email: mesl@shaw.ca

Don MacDonald used data and other information on sediment quality conditions at the Site and/or elsewhere in San Diego Bay provided by:

Steve Bay
Southern California Coastal Water Research Project

3535 Harbor Blvd., Suite 110
Costa Mesa, CA 92626
Telephone: (714) 755-3204
Email: steveb@sccwrp.org

Donald MacDonald
National Oceanic and Atmospheric Administration
1305 East-West Hwy, 9th FL, N/MB7
Silver Spring, MD 20910
Email: donald.macdonald@noaa.gov

Elaine Carlin
CEO, Carlin, Young and Associates
4436 Carlin Place, La Mesa, CA 91941
Telephone: (202) 607-4715
Email: ecarlin@post.harvard.edu

Technical reviews of drafts of the Benthic Report were provided by:

Steve Bay
Southern California Coastal Water Research Project
3535 Harbor Blvd., Suite 110
Costa Mesa, CA 92626
Telephone: (714) 755-3204
Email: steveb@sccwrp.org

Russell Fairey
Marine Pollution Studies Lab Director
Moss Landing Laboratories
7544 Sandholdt Rd
Moss Landing, CA 95039
Telephone: (831) 771-4161
Email: fairey@mlml.calstate.edu

Jay Field
National Oceanic and Atmospheric Administration, CPRD
7600 Sand Point Way NE
Bldg 4, Room 2127
Seattle, WA 98115
Telephone: (206)526-6404
Email: jay.field@noaa.gov

INTERROGATORY NO. 33: For every group, organization, or agency identified in response to the preceding Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or agency who was consulted in connection with YOUR preparation of the BENTHIC REPORT.

RESPONSE TO INTERROGATORY NO. 33:

The response to Interrogatory 33 does not identify any group, organization, or agency apart from its affiliation with individuals already identified.

INTERROGATORY NO. 34: For every employee identified in response to the preceding Special Interrogatory, please specify to which section(s) in the BENTHIC REPORT such consultation relates.

RESPONSE TO INTERROGATORY NO. 34:

No employees were identified in response to the preceding Special Interrogatory.

INTERROGATORY NO. 40: IDENTIFY all COMMUNICATIONS between YOU and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 40:

San Diego Coastkeeper objects to Interrogatory No. 40 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 40. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 41: IDENTIFY all COMMUNICATIONS between YOU and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 41:

San Diego Coastkeeper objects to Interrogatory No. 41 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 41. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 42: IDENTIFY all COMMUNICATIONS between YOU and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 42:

San Diego Coastkeeper objects to Interrogatory No. 42 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 42. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 43: IDENTIFY all COMMUNICATIONS between YOU and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 43:

San Diego Coastkeeper objects to Interrogatory No. 43 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 43. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 44: IDENTIFY all COMMUNICATIONS between YOU and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 44:

San Diego Coastkeeper objects to Interrogatory No. 44 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 44. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine,

audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 45: IDENTIFY all COMMUNICATIONS between YOU and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 45:

San Diego Coastkeeper objects to Interrogatory No. 45 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 45. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 46: IDENTIFY all COMMUNICATIONS between YOU and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 46:

San Diego Coastkeeper objects to Interrogatory No. 46 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 46. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 47: IDENTIFY all COMMUNICATIONS between YOU and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 47:

San Diego Coastkeeper objects to Interrogatory No. 47 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 47. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information

requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 48: IDENTIFY all COMMUNICATIONS between YOU and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 48:

San Diego Coastkeeper objects to Interrogatory No. 48 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 48. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 49: IDENTIFY all COMMUNICATIONS between YOU and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 49:

San Diego Coastkeeper objects to Interrogatory No. 49 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 49. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 50: IDENTIFY all COMMUNICATIONS between YOU and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 50:

San Diego Coastkeeper objects to Interrogatory No. 50 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Further, all San Diego Coastkeeper communications to Mr. Robertus while he was part of the Advisory Team were already provided to NASSCO at the time those communications were provided to Mr. Robertus.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 50. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 51: IDENTIFY all COMMUNICATIONS between YOU and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 51:

San Diego Coastkeeper objects to Interrogatory No. 51 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 51. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 52: IDENTIFY all COMMUNICATIONS between YOU and the ADVISORY TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 52:

San Diego Coastkeeper objects to Interrogatory No. 52 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all San Diego Coastkeeper communications with the Advisory Team were already provided to NASSCO at the time those communications were provided to the Advisory Team.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 52. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 53: IDENTIFY all COMMUNICATIONS between YOU and the CLEANUP TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 53:

San Diego Coastkeeper objects to Interrogatory No. 53 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Interrogatory No. 53 is duplicative of Interrogatories 40-49 and 51.

INTERROGATORY NO. 54: IDENTIFY all COMMUNICATIONS between YOU and the REGIONAL BOARD RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 54:

San Diego Coastkeeper objects to Interrogatory No. 54 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all communications between San Diego Coastkeeper and any member of the Regional Water Quality Control Board occurred at a public hearing.

INTERROGATORY NO. 55: IDENTIFY all COMMUNICATIONS between YOU and any PERSON RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 55:

San Diego Coastkeeper objects to Interrogatory No. 55 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 56: IDENTIFY all COMMUNICATIONS between YOU and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 56:

San Diego Coastkeeper objects to Interrogatory No. 56 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 56. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 57: IDENTIFY all COMMUNICATIONS between YOU and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 57:

San Diego Coastkeeper objects to Interrogatory No. 57 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 57. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 58: IDENTIFY all COMMUNICATIONS between YOU and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 58:

San Diego Coastkeeper objects to Interrogatory No. 58 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper objects to Interrogatory No. 58 to the extent that it seeks communications protected by the attorney-client privilege. Counsel for San Diego Coastkeeper has served to advise Sierra Club through its membership in the Bay Council, a coalition of environmental organizations involved in this proceeding. Communications between counsel for San Diego Coastkeeper and Ed Kimura as an agent of Sierra Club are thus protected by the attorney-client privilege.

San Diego Coastkeeper objects to Interrogatory No. 58 to the extent that it seeks communications protected by the attorney work product privilege. To the extent that Ed Kimura served as an expert consulted by counsel for San Diego Coastkeeper to help evaluate the merits of the proceeding, communications and derivative material between San Diego Coastkeeper and Ed Kimura is privileged.

To the extent that Interrogatory No. 58 seeks non-privileged information, San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 58. The responsive documents will be available for review at San Diego Coastkeeper's offices. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 59: IDENTIFY all PERSONS YOU have observed fishing at the LEASEHOLD.

RESPONSE TO INTERROGATORY NO. 59:

After a reasonable inquiry, San Diego Coastkeeper has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any persons “fishing at the LEASEHOLD.” If persons have been observed fishing at the LEASEHOLD, San Diego Coastkeeper would not have indentifying information for such individuals.

INTERROGATORY NO. 60: IDENTIFY all PERSONS YOU have observed lobstering at the LEASEHOLD.

RESPONSE TO INTERROGATORY NO. 60:

After a reasonable inquiry, San Diego Coastkeeper has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any persons “lobstering at the LEASEHOLD.” If persons have been observed lobstering at the LEASEHOLD, San Diego Coastkeeper would not have indentifying information for such individual.

INTERROGATORY NO. 61: IDENTIFY all threatened or endangered species YOU have observed at the LEASEHOLD.

San Diego Coastkeeper has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any “threatened or endangered species at the LEASEHOLD.”

INTERROGATORY NO. 62: IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of confined aquatic disposal at the SITE.

RESPONSE TO INTERROGATORY NO. 62:

San Diego Coastkeeper objects to Interrogatory No. 62 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper’s possession, including those already in NASSCO’s possession.

San Diego Coastkeeper identifies the following documents relating to the technological feasibility of confined aquatic disposal at the site:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. 2009.

Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1. December 2009.

INTERROGATORY NO. 63: IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of near-shore confined disposal at the SITE.

RESPONSE TO INTERROGATORY NO. 63:

San Diego Coastkeeper objects to Interrogatory No. 63 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to the technological feasibility of near-shore confined disposal at the site:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. 2009. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1. December 2009.

INTERROGATORY NO. 64: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to aquatic wildlife.

RESPONSE TO INTERROGATORY NO. 64:

San Diego Coastkeeper objects to Interrogatory No. 64 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to its contention that sediment within the leasehold poses a significant risk to aquatic wildlife:

MacDonald, D.D. 2009. Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California. Prepared for Clean Bay Campaign, Environmental Health Coalition. October 2009.

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003.

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Zeeman, Catherine Q.T., Ecological Risk-Based Screening Levels for Contaminants in Sediments of San Diego Bay, Technical Memorandum CFWO-EC-TM-04-01, U.S. Fish and Wildlife Service, Carlsbad, California, December 8, 2004.

INTERROGATORY NO. 66: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to aquatic-dependent wildlife.

RESPONSE TO INTERROGATORY NO. 66:

San Diego Coastkeeper objects to Interrogatory No. 66 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to its contention that sediment within the leasehold poses a significant risk to aquatic-dependent wildlife:

Donald MacDonald, "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" October 2009.

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003.

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

INTERROGATORY NO. 68: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to human health.

RESPONSE TO INTERROGATORY NO. 68:

San Diego Coastkeeper objects to Interrogatory No. 68 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to its contention that sediment within the leasehold poses a significant risk to human health:

Donald MacDonald, "Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California" October 2009.

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California, 2003

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

INTERROGATORY NO. 70: IDENTIFY all DOCUMENTS RELATING TO any correlation between concentrations of shipyard contaminants at the SITE and toxicity at the SITE.

RESPONSE TO INTERROGATORY NO. 70:

San Diego Coastkeeper objects to Interrogatory No. 70 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper notes that the Draft Technical Report does not rely on correlating sediment contaminant concentrations and toxicity; instead, it uses a weight of evidence approach.

Relating to its use of this approach, San Diego Coastkeeper identifies the following documents:

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003

INTERROGATORY NO. 71: IDENTIFY all DOCUMENTS RELATING TO any correlation between pesticide concentrations in sediment at the SITE and sediment toxicity at the SITE.

RESPONSE TO INTERROGATORY NO. 71:

San Diego Coastkeeper objects to Interrogatory No. 71 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to any correlation between pesticide concentrations in sediment at the site and sediment toxicity at the site:

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003

INTERROGATORY NO. 72: IDENTIFY all DOCUMENTS RELATING TO the potential contribution of discharges into Chollas Creek to sediment contamination at the SITE.

RESPONSE TO INTERROGATORY NO. 72:

San Diego Coastkeeper objects to Interrogatory No. 72 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to the potential contribution of discharges into Chollas Creek to sediment contamination at the site:

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

California Regional Water Quality Control Board San Diego Region. *Total Maximum Daily Loads for Dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay.* Chollas Creek Watershed Technical Report. May 30, 2007.

Estuary Modeling Analysis Mouths of Chollas, Paleta and Switzer Creeks Bart Chadwick, PF Wang, Wo Hee Choi and Ernie Arias. US Navy – SPAWAR Systems Center San Diego.

INTERROGATORY NO. 73: IDENTIFY all DOCUMENTS RELATING TO sources of PCB discharges at the SITE.

RESPONSE TO INTERROGATORY NO. 73:

San Diego Coastkeeper objects to Interrogatory No. 73 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper’s possession, including those already in NASSCO’s possession.

San Diego Coastkeeper identifies the following documents relating to sources of PCB discharges at the site:

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

INTERROGATORY NO. 74: IDENTIFY all DOCUMENTS RELATING TO the potential re-suspension of contaminants that could be caused by sediment dredging at the SITE.

RESPONSE TO INTERROGATORY NO. 74:

San Diego Coastkeeper objects to Interrogatory No. 74 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper’s possession, including those already in NASSCO’s possession.

San Diego Coastkeeper identifies the following documents relating to the potential re-suspension of contaminants that could be caused by sediment dredging at the site:

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003

INTERROGATORY NO. 75: IDENTIFY all DOCUMENTS RELATING TO the potential for sediment dredging at the SITE to adversely affect the existing benthic community at the SITE.

RESPONSE TO INTERROGATORY NO. 75:

San Diego Coastkeeper objects to Interrogatory No. 75 because the interrogatory is vague, overbroad, and seeks documents beyond those in San Diego Coastkeeper's possession, including those already in NASSCO's possession.

San Diego Coastkeeper identifies the following documents relating to the potential for sediment dredging at the site to adversely affect the existing benthic community at the site:

California Regional Water Quality Control Board San Diego Region. Draft technical report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003.

INTERROGATORY NO. 76: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 76:

San Diego Coastkeeper objects to Interrogatory No. 76 as ambiguous because State Water Board Resolution 92-49 does not define the term "economically feasible." Coastkeeper also objects to Interrogatory No. 76 because it presumes that Coastkeeper contends that "tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within the meaning of State Water Board Resolution No. 92-49." Coastkeeper has not asserted that the cleanup levels proposed in the 2009 tentative order are either economically feasible or infeasible. Any assertions regarding economic feasibility of cleanup levels proposed before the 2009 tentative order are irrelevant.

INTERROGATORY NO. 78: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the BENTHIC REPORT are economically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 78:

San Diego Coastkeeper objects to Interrogatory No. 78 as ambiguous because State Water Board Resolution 92-49 does not define the term "economically feasible." San Diego Coastkeeper

objects to Interrogatory No. 78 because it presumes that San Diego Coastkeeper contends that “tentative cleanup levels described in the BENTHIC REPORT are economically feasible within the meaning of State Water Board Resolution No. 92-49.” The Benthic Report does not propose specific cleanup levels. Further, San Diego Coastkeeper does not make any contentions about economic feasibility in the Benthic Report and therefore has no documents relating to such contentions.

INTERROGATORY NO. 80: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 80:

San Diego Coastkeeper objects to Interrogatory No. 80 as ambiguous because State Water Board Resolution 92-49 does not define the term “technologically feasible.” San Diego Coastkeeper objects to Interrogatory No. 80 because it presumes that San Diego Coastkeeper contends that “tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible within the meaning of State Water Board Resolution No. 92-49.” San Diego Coastkeeper has not asserted that the cleanup levels in the TENTATIVE ORDER are either technologically feasible or infeasible.

INTERROGATORY NO. 82: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 82:

San Diego Coastkeeper objects to Interrogatory No. 82 as ambiguous because State Water Board Resolution 92-49 does not define the term “technologically feasible.” San Diego Coastkeeper objects to Interrogatory No. 82 because it presumes that San Diego Coastkeeper contends that “tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within the meaning of State Water Board Resolution No. 92-49.” The Benthic Report does not propose specific cleanup levels, nor does the BENTHIC REPORT make contentions with respect to technological feasibility.

INTERROGATORY NO. 84: IDENTIFY all DOCUMENTS YOU have prepared RELATING TO the SITE, TENTATIVE ORDER, or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 84:

San Diego Coastkeeper objects to Interrogatory No. 84 because it is overbroad, seeks attorney work product and attorney-client privileged material that is protected, and seeks information already provided to NASSCO.

To the extent Interrogatory No. 84 seeks information that is neither privileged nor already provided to NASSCO, San Diego Coastkeeper elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 84.

Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

San Diego Coastkeeper

A handwritten signature in black ink, appearing to read 'Bruce Reznik', with a long horizontal flourish extending to the right.

Bruce Reznik
Executive Director

Respectfully submitted on September 27, 2010

A handwritten signature in black ink, appearing to read 'Jill Witkowski', with a large, stylized flourish above the name.

Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of San Diego Coastkeeper

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**SAN DIEGO COASTKEEPER'S RESPONSE TO
NASSCO'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Responding Party: San Diego Coastkeeper ("Coastkeeper")

Propounding Party: National Steel and Shipbuilding Company ("NASSCO")

Set: One

Pursuant to a joint letter to San Diego Coastkeeper and Environmental Health Coalition dated August 6, 2010, NASSCO agreed to withdraw *inter alia* its requests for production nos. 19 and 29 to Coastkeeper. Further, pursuant to a joint letter to EHC and Coastkeeper dated August 19, 2010, NASSCO agreed to withdraw its requests for production nos. 4-6 and 8-12 and to limit its requests for production regarding "communications" for nos. 3, 20, 21, 22, 24-27, 30-45 to the time-period between 2001 and the present. No responses are provided for requests for production that have been withdrawn by NASSCO.

General Objections

1. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks documents protected by the attorney-client privilege, mediation privilege, work product doctrine, or any other applicable privilege or immunity.

2. By providing any document in response to NASSCO's Request for Production of Documents, San Diego Coastkeeper is not and shall not be deemed or construed to have waived any right, privilege or objection with respect to any such document. In the event that a privileged document is inadvertently produced by San Diego Coastkeeper, such production shall not be deemed or construed as a waiver of any privilege, right or objection, and San Diego Coastkeeper reserves the right to demand from NASSCO the return of any such document.

3. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks information not relevant to the subject matter of this action and to the extent that it seeks information which does not bear significantly on this action and which is not reasonably calculated to lead to the discovery of admissible, relevant evidence.

4. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that they are overbroad, ambiguous and/or would impose unreasonable or undue burden and expense on San Diego Coastkeeper.

5. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks to require San Diego Coastkeeper to identify documents and communications pertaining to an unrestricted and/or open-ended period of time.

6. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks the identification of documents and communications predicated on the meaning of certain terms used in the Special Interrogatories, which NASSCO has failed to adequately define.

7. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks production of documentation which is already in NASSCO's possession, custody or control or which NASSCO may obtain from a source other than San Diego Coastkeeper (including those documents that are publicly available or included in the record of this matter) and the production by such source would be less burdensome and/or costly to NASSCO than the production would be to San Diego Coastkeeper.

8. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO makes specific and/or general requests for the production of documents which are duplicative and/or encompassing of other requests in the Special Interrogatories or Requests for Production of Documents.

9. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks the production of documentation not within San Diego Coastkeeper's possession, custody or control.

10. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO's request goes beyond that allowed by the California Rules of Civil Procedure. The rules allow NASSCO to make a request "to inspect and to copy a document that is in the possession, custody, or control of the party on whom the demand is made." Cal. Rules of Civ. Pro. § 2031.010(b).

11. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks production of documents in a manner other than as San Diego Coastkeeper keeps them in the ordinary course of business.

12. San Diego Coastkeeper objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks to have San Diego Coastkeeper create documents or summaries that do not already exist.

13. San Diego Coastkeeper hereby reserves its right to supplement its responses and objections to NASSCO's Request for Production of Documents if San Diego Coastkeeper identifies additional responsive documentation.

14. San Diego Coastkeeper does not waive or intend to waive, but rather intends to preserve and hereby preserves (i) all rights to object on any ground to the use of any of these objections, responses, and/or documents produced in response to NASSCO's Request for Production of Documents, in any subsequent proceedings in this or any other case, action or proceeding; and (ii) all rights to object on any ground to any request for further responses to NASSCO's Request for Production of Documents or any other request.

REQUEST NO. 1: All DOCUMENTS identified in YOUR responses to NASSCO's First Set of Special Interrogatories.

RESPONSE TO REQUEST NO. 1:

San Diego Coastkeeper objects to Request No. 1 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 2: All of YOUR DOCUMENTS RELATING TO the TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 2:

San Diego Coastkeeper objects to Request No. 2 to the extent that it is overbroad, unduly burdensome, and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 2 to the extent that NASSCO makes a request for the production of documents which is duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 3: All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and any PERSON RELATED TO the TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 3:

San Diego Coastkeeper objects to Request No. 3 to the extent that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 3 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests, including Requests No. 1, 24-27, and 30-44.

REQUEST NO. 7: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON RELATING TO the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 7:

San Diego Coastkeeper objects to Request No. 7 to the extent that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 7 to the extent that NASSCO makes a request for the production of documents which is duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 13: All DOCUMENTS RELATING TO YOUR development of the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 13:

San Diego Coastkeeper objects to Request No. 13 to the extent that it seeks information that is protected by the attorney-client and/or attorney work product privileges. San Diego Coastkeeper further objects to Request No. 13 to the extent that NASSCO makes a

request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 14: All DOCUMENTS RELATING TO the professional qualifications of each author of the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 14:

San Diego Coastkeeper states that a copy of Donald MacDonald's CV will be available for NASSCO's review at San Diego Coastkeeper's offices, located at 2825 Dewey Rd, Suite 200, San Diego, CA 92106. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect this document and to make copies or summaries of it at a date and time agreed upon by counsel.

REQUEST NO. 15: All DOCUMENTS RELATING TO the professional qualifications of each contributor to the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 15:

San Diego Coastkeeper objects to Request No. 15 to the extent that it seeks production of documents already in NASSCO's possession, documents that are equally available to NASSCO and Coastkeeper, or documents that are unavailable to Coastkeeper.

San Diego Coastkeeper states that responsive documents Coastkeeper was able to obtain after a reasonable effort will be available for NASSCO's review at San Diego Coastkeeper's offices, located at 2825 Dewey Rd, Suite 200, San Diego, CA 92106. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them at a date and time agreed upon by counsel.

REQUEST NO. 16: All DOCUMENTS RELATING TO the professional qualifications of each peer-reviewer of the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 16:

San Diego Coastkeeper objects to Request No. 16 to the extent that it seeks production of documents already in NASSCO's possession, documents that are equally available to NASSCO and Coastkeeper, or documents that are unavailable to Coastkeeper.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 17: All DOCUMENTS RELATING TO the establishment of sediment cleanup levels and remediation footprint proposed in the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 17:

San Diego Coastkeeper objects to Request No. 17 to the extent that it assumes that the Benthic Report proposes cleanup levels, which it does not. San Diego Coastkeeper also objects to Request No. 17 because it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

San Diego Coastkeeper objects to Request No. 17 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests and to the extent it requests documents protected by the attorney-client and/or attorney work product privileges.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 18: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON RELATING TO the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 18:

San Diego Coastkeeper objects to Request No. 18 because it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 18 to the extent that it seeks information protected by the attorney work product and/or attorney-client privileges.

San Diego Coastkeeper further objects to Request No. 18 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 20: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any REGIONAL BOARD or STATE BOARD staff or Board member regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 20:

San Diego Coastkeeper objects to Request No. 20 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 20 because it is duplicative of information requested in Request No. 26. San Diego Coastkeeper objects to Request No. 20 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and Coastkeeper.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 21: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any staff member of any local, state or federal agency regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 21:

San Diego Coastkeeper objects to Request No. 21 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 21 because it is duplicative of information requested in Request No. 1. San Diego Coastkeeper objects to Request No. 21 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and Coastkeeper.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 22: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 22:

San Diego Coastkeeper objects to Request No. 22 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper further objects to Request No. 22 because it is duplicative of information requested in Requests No. 1, 20, and 21. San Diego Coastkeeper objects to Request No. 22 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and Coastkeeper.

REQUEST NO. 23: All DOCUMENTS RELATING TO any presentation materials YOU prepared for the REGIONAL BOARD RELATING TO the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 23:

San Diego Coastkeeper objects to Request No. 23 to the extent it seeks documents protected by the attorney work product privilege.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 24: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and the ADVISORY TEAM regarding the SITE, TENTATIVE ORDER or the TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 24:

San Diego Coastkeeper objects to Request No. 24 because this question is identical to Special Interrogatory No. 52, and these documents were already requested in Request No. 1. San Diego Coastkeeper also objects to Request No. 24 to the extent that NASSCO has already sought the information in other requests, including Request No. 40.

REQUEST NO. 25: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and the CLEANUP TEAM regarding the SITE, TENTATIVE ORDER or the TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 25:

San Diego Coastkeeper objects to Request No. 25 because this question is identical to Special Interrogatory No. 53, and these documents were already requested in Request No. 1. San Diego Coastkeeper also objects to Request No. 25 to the extent that NASSCO has already sought the information in other Requests, including Requests No. 30-39 and 41.

REQUEST NO. 26: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any REGIONAL BOARD staff regarding the SITE, TENTATIVE ORDER or the TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 26:

San Diego Coastkeeper objects to Request No. 26 because this question is identical to Special Interrogatory No. 54, and these documents were already requested in Request No. 1.

REQUEST NO. 27: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the SITE, TENTATIVE ORDER or the TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 27:

San Diego Coastkeeper objects to Request No. 27 because it is identical to Request No. 3 and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 27 because this question is identical to Special Interrogatory No. 55, and these documents were already requested in Request No. 1.

REQUEST NO. 28: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 28:

San Diego Coastkeeper objects to Request No. 28 because it is identical to Request No. 7 and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 30: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 30:

San Diego Coastkeeper objects to Request No. 30 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 30 because this question is identical to Special Interrogatory No. 40, and these documents were already requested in Request No. 1.

REQUEST NO. 31: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 31:

San Diego Coastkeeper objects to Request No. 31 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 31 because this question is identical to Special Interrogatory No. 41, and these documents were already requested in Request No. 1.

REQUEST NO. 32: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 32:

San Diego Coastkeeper objects to Request No. 32 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 32 because this question is identical to Special Interrogatory No. 42, and these documents were already requested in Request No. 1.

REQUEST NO. 33: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 33:

San Diego Coastkeeper objects to Request No. 33 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 33 because this question is identical to Special Interrogatory No. 43, and these documents were already requested in Request No. 1.

REQUEST NO. 34: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 34:

San Diego Coastkeeper objects to Request No. 34 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 34 because this question is identical to Special Interrogatory No. 44, and these documents were already requested in Request No. 1.

REQUEST NO. 35: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 35:

San Diego Coastkeeper objects to Request No. 35 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 35 because this question is identical to Special Interrogatory No. 45, and these documents were already requested in Request No. 1.

REQUEST NO. 36: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 36:

San Diego Coastkeeper objects to Request No. 36 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 36 because this question is identical to Special Interrogatory No. 46, and these documents were already requested in Request No. 1.

REQUEST NO. 37: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 37:

San Diego Coastkeeper objects to Request No. 37 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 37 because this question is

identical to Special Interrogatory No. 47, and these documents were already requested in Request No. 1.

REQUEST NO. 38: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 38:

San Diego Coastkeeper objects to Request No. 38 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 38 because this question is identical to Special Interrogatory No. 48, and these documents were already requested in Request No. 1.

REQUEST NO. 39: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 39:

San Diego Coastkeeper objects to Request No. 39 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 39 because this question is identical to Special Interrogatory No. 49, and these documents were already requested in Request No. 1.

REQUEST NO. 40: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 40:

San Diego Coastkeeper objects to Request No. 40 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 40 because this question is identical to Special Interrogatory No. 50, and these documents were already requested in Request No. 1.

REQUEST NO. 41: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 41:

San Diego Coastkeeper objects to Request No. 41 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 41 because this question is identical to Special Interrogatory No. 51, and these documents were already requested in Request No. 1.

REQUEST NO. 42: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 42:

San Diego Coastkeeper objects to Request No. 42 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC objects to Request No. 42 to the extent that it seeks communications protected by the attorney-client privilege. Counsel for EHC has served to advise Sierra Club through its membership in the Bay Council, a coalition of environmental organizations, in matters regarding this proceeding. Communications between counsel for EHC and Ed Kimura as an agent of Sierra Club are thus protected by the attorney-client privilege.

EHC objects to Request No. 42 to the extent that it seeks communications protected by the attorney work product privilege. To the extent that Ed Kimura served as an expert consulted by counsel for EHC to help evaluate the merits of the proceeding, communications and derivative material between EHC and Ed Kimura are privileged.

San Diego Coastkeeper also objects to Request No. 42 because this question is identical to Special Interrogatory No. 58, and these documents were already requested in Request No. 1.

REQUEST NO. 43: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 43:

San Diego Coastkeeper objects to Request No. 43 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 43 because this question is identical to Special Interrogatory No. 56, and these documents were already requested in Request No. 1.

REQUEST NO. 44: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 44:

San Diego Coastkeeper objects to Request No. 44 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. San Diego Coastkeeper also objects to Request No. 44 because this question is identical to Special Interrogatory No. 57, and these documents were already requested in Request No. 1.

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

San Diego Coastkeeper

A handwritten signature in black ink, appearing to read 'Bruce Reznik', with a long horizontal flourish extending to the right.

Bruce Reznik
Executive Director

Respectfully submitted on September 27, 2010

A handwritten signature in black ink, appearing to read 'Jill Witkowski', with a long horizontal flourish extending to the right.

Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of San Diego Coastkeeper

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**ENVIRONMENTAL HEALTH COALITION'S RESPONSE TO
NASSCO'S FIRST SET OF REQUESTS FOR ADMISSION
INCORPORATING ANSWERS TO FORM INTERROGATORY 17.1**

Responding Party: Environmental Health Coalition ("EHC")

Requesting Party: National Steel and Shipbuilding Company ("NASSCO")

Set: One

In an August 6, 2010 letter to San Diego Coastkeeper and Environmental Health Coalition (EHC), NASSCO withdrew *inter alia* Requests for Admission to EHC nos. 2, 5, 9, 17-18 and Form Interrogatory 17.1 with respect to those requests for admission. Further, in a joint letter to EHC and San Diego Coastkeeper dated August 19, 2010, NASSCO reconfirmed the withdrawal of the aforementioned Requests for Admission. Responses are not provided to the Requests for Admission that have been withdrawn by NASSCO.

General Objections

Environmental Health Coalition makes the following objection to all of NASSCO's requests for admission on the following grounds and incorporates these general objections into its specific responses to each request:

1. EHC objects to NASSCO's requests for admission to the extent that they are ambiguous, vague, overbroad, unduly burdensome, and/or call for information that is neither relevant to the claims or defenses in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
2. EHC objects to NASSCO's requests for admission to the extent that they seek information outside of EHC's knowledge.
3. EHC objects to NASSCO's requests for admission to the extent that they seek to confirm knowledge of a large group of individuals affiliated with EHC.

4. EHC objects to NASSCO's requests for admission to the extent that they ask EHC to predict what will happen in the future.

5. EHC objects to NASSCO's requests for admission to the extent that they seek information protected by the attorney-client privilege, mediation privilege, attorney work product doctrine, or any other privilege.

Environmental Health Coalition preserves its right to change or supplement any answer provided herein based on new information or information previously unknown to EHC.

Response to Request for Admission No. 1.

EHC objects to Request for Admission No. 1 because the term "expert scientific credentials" is vague and ambiguous. To the extent that EHC is able to respond to the request despite the request's ambiguity, EHC denies the request. One author of the angler survey has scientific credentials.

Persons who have knowledge of these facts are:

Joy Williams
Environmental Health Coalition
2727 Hoover Ave., Suite 202
National City, CA 91950
Phone: 619-474-0220

Documents that support this response:

Joy Williams' resume, already provided in response to NASSCO's Request for Production No. 9.

Response to Request for Admission No. 3.

EHC objects to Request for Admission No. 3 as vague and ambiguous because NASSCO has failed to define the term "mature." Further, a reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter.

Response to Request for Admission No. 4

EHC objects to Request for Admission No. 4 as vague and ambiguous because NASSCO has failed to define the term "thriving." Further, a reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter.

Response to Request for Admission No. 6

EHC objects to Request for Admission No. 6 as vague and ambiguous because NASSCO has failed to define the term “reference data.”

To the extent that EHC is able to provide a response despite the request’s ambiguity, EHC provides the following response. EHC admits the Benthic Report does not establish a separate pool of sites in San Diego Bay that are considered to be unaffected by contaminants—which can be referred to as a “reference pool.”

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

Benthic Report, already produced in response to NASSCO’s Request for Production No. 13.

Response to Request for Admission No. 7

EHC objects to Request for Admission No. 7 as vague and ambiguous because NASSCO has failed to define the term “reference data.”

To the extent that EHC is able to provide a response despite the request’s ambiguity, EHC provides the following response. EHC admits that there are sites in San Diego Bay that are likely to meet the criteria for a reference site. However, EHC acknowledges that there is disagreement as to which sites constitute a reference pool that most accurately reflects reference conditions in San Diego Bay.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

2009 Draft Technical Report, already in NASSCO’s possession.

Response to Request for Admission No. 8

EHC objects to Request for Admission No. 8 as vague and ambiguous because NASSCO has not defined the term “the organisms that the California Toxics Rule is designed to protect.”

To the extent that EHC is able to provide a response despite the request's ambiguity, EHC provides the following response. EHC denies that the organisms that the California Toxics Rule is designed to protect are not exposed to pore water.

The California Toxics Rule is designed to protect ~~–aquatic life,~~ ~~–aquatic organisms,~~ or ~~–aquatic communities,~~ which include benthic communities exposed to surface water and/or pore water. Further, other aquatic organisms may be exposed to pore water when sediments are disturbed, including when dredging occurs.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 10

EHC objects to Request for Admission No. 10 as vague and ambiguous because NASSCO has failed to define the term ~~–open water column.~~

To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC denies the request. The California Toxics Rule criteria were developed ~~–based on the [Environmental Protection Agency] Administrator's determination that numeric criteria are necessary in the State of California to protect human health and the environment.~~ 65 Fed. Reg. 31,682 (May 18, 2000).

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 11

EHC objects to Request for Admission No. 11 as vague and ambiguous because the term ~~–not applicable~~ is ambiguous.

To the extent that EHC can respond to the request notwithstanding its ambiguity, EHC can neither admit nor deny Request for Admission No. 11. EHC acknowledges that the California Toxics Rule may not directly address pore water. The California Toxics Rule sets ~~ambient~~ water quality criteria for priority toxic pollutants in the State of California.” 65 Fed. Reg. 31,682 (May 18, 2000). However, EHC asserts that, to the extent that pore water constitutes ~~ambient water~~” for benthic organisms, the California Toxics Rule criteria apply to pore water.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

California Toxics Rule
Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California, 65 Fed. Reg. 31,682 (May 18, 2000).

These documents are publicly available on the internet.

Response to Request for Admission No. 12

EHC has insufficient knowledge to either admit or deny Request for Admission No. 12. The request seeks admission that ~~YOU~~ have never observed any fishing taking place at the LEASEHOLD.” The request defines ~~YOU~~” as ~~he~~ EHC its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time ~~observed~~ any fishing taking place at the LEASEHOLD.”

Response to Request for Admission No. 13

EHC has insufficient knowledge to either admit or deny Request for Admission No. 13. The request seeks admission that ~~YOU~~ have never observed any lobstering taking place at the LEASEHOLD.” The request defines ~~YOU~~” as ~~he~~ Environmental Health Coalition, its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.” A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time ~~observed~~ any lobstering taking place at the LEASEHOLD.”

Response to Request for Admission No. 14

EHC has insufficient knowledge to either admit or deny Request for Admission No. 14. The request seeks admission that ~~“YOU have never observed any shellfishing taking place at the LEASEHOLD.”~~ The request defines ~~“YOU” as “the Environmental Health Coalition, its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.”~~ A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time ~~“observed any shellfishing taking place at the LEASEHOLD.”~~

Response to Request for Admission No. 15

EHC has insufficient knowledge to either admit or deny Request for Admission No. 15. The request seeks admission that ~~“YOU have never observed any endangered species within the LEASEHOLD.”~~ The request defines ~~“YOU” as “the Environmental Health Coalition, its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.”~~ A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time ~~“observed any endangered species within the LEASEHOLD.”~~

Response to Request for Admission No. 16

EHC has insufficient knowledge to either admit or deny Request for Admission No. 16. The request seeks admission that ~~“YOU have never observed any threatened species within the LEASEHOLD.”~~ The request defines ~~“YOU” as “the Environmental Health Coalition, its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf.”~~ A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC can neither confirm nor deny that any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time ~~“observed any threatened species within the LEASEHOLD.”~~

Response to Request for Admission No. 19

EHC has insufficient knowledge to either admit or deny Request for Admission No. 19. A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC has no knowledge of whether or not NASSCO has ever used pesticides or discharged pesticides into San Diego Bay. However, it is possible that NASSCO has used pesticides in the past to address an infestation at the SITE or may have worked on a ship carrying pesticides as part of its load.

Response to Request for Admission No. 20

EHC objects to Request for Admission No. 20 as vague and ambiguous because NASSCO has failed to define the term “uncontrolled.” To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC denies the request. Sources of pesticides are controlled to different degrees – some current-use pesticides are controlled by education and outreach programs to reduce the inappropriate use of the substances. Some are discouraged through the implementation of Integrated Pest Management programs. More importantly, some are banned outright. Chlorpyrifos and diazinon are banned, as is DDT and chlordane. There is also a Total Maximum Daily Load in place to regulate diazinon in the Chollas Creek watershed.

Documents that support the response:

<http://www.sandiego.gov/thinkblue/public-education/info-for-businesses.shtml>
<http://www.sandiego.gov/thinkblue/public-education/info-for-residents.shtml>
http://findarticles.com/p/articles/mi_m1145/is_6_39/ai_n6142049/
http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/docs/chollascreek/diazinon/2002_0123atta081402.pdf

Response to Request for Admission No. 21

EHC objects to Request for Admission No. 21 as vague and ambiguous because NASSCO has failed to define the terms “high toxicity” and “near,” which are ambiguous.

To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC denies the request. This answer assumes that “high toxicity” means “high likelihood of toxicity” (as in the Exponent Report 2003) and “near locations where municipal stormwater is discharged” means immediately proximate to the storm drain outfall. EHC has not performed any independent study of sediment toxicity near municipal storm drains. However, other studies characterize sediment toxicity near municipal stormwater discharges as either low or medium toxicity.

Documents that support the response:

2003 Exponent Report
2009 Draft Technical Report

These documents are already in NASSCO’s possession.

Response to Request for Admission No. 22

EHC objects to Request for Admission No. 22 as vague and ambiguous because NASSCO has failed to define the terms “adversely affected” and “sources of pollution,” which are ambiguous.

To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC can neither admit nor deny the request. A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC acknowledges that there are pollutant

sources to San Diego Bay unrelated to NASSCO or its operations. EHC has no knowledge regarding the impacts to the sediment within the LEASEHOLD from each pollutant source.

Response to Request for Admission No. 23

EHC objects to Request for Admission No. 23 as vague and ambiguous because NASSCO has failed to define the ambiguous terms “remediation goals” and “in the future.” Further, EHC objects to the request to the extent that it asks EHC to predict with certainty what will happen in the future.

To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC denies the request. The remediation goals themselves will not be affected by re-contamination from other sources.

Response to Request for Admission No. 24

EHC objects to Request for Admission No. 24 as vague and ambiguous because the terms “discharges at Chollas Creek,” “impact,” and “sediment quality” are ambiguous. Further, a reasonable inquiry concerning the matter in the request has been made, and that the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC has no specific knowledge of current impacts of Chollas Creek discharges on sediment quality within the LEASEHOLD.

EHC acknowledges that past discharges from Chollas Creek likely affected sediment quality conditions at the mouth of Chollas Creek. A U.S. Navy study concluded that the majority of the contaminants of concern are “trapped” at the mouth of Chollas Creek and do not disperse.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

Estuary Modeling Analysis Mouths of Chollas, Paleta and Switzer Creeks Bart
Chadwick, PF Wang, Wo Hee Choi and Ernie Arias. US Navy – SPAWAR Systems
Center San Diego; available at:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/stakeholder_outreach.shtml

Response to Request for Admission No. 25

EHC objects to Request for Admission No. 25 as vague and ambiguous because the terms “adversely affect” and “mature” are ambiguous. Further, EHC objects to the request to the extent that it asks EHC to predict with certainty what will happen in the future.

To the extent that EHC is capable of responding to the request in light of the ambiguous nature of the request, EHC can neither admit nor deny the request. EHC acknowledges that dredging has the potential to disturb benthic communities—mature or otherwise—in the short term. However, EHC notes that dredging often has long-term benefits leading to more stable and robust benthic communities over time.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Response to Request for Admission No. 26

EHC objects to Request for Admission No. 26 as vague and ambiguous because the term “technologically infeasible” is not defined in State Board Resolution 92-49.

To the extent that EHC can answer the request despite the ambiguity, EHC denies Request for Admission No. 26. It is not technically infeasible to require remediation to background sediment quality levels within the SITE.

Persons who have knowledge of these facts are:

Donald MacDonald
MacDonald Environmental Sciences Ltd.
#24-4800 Island Highway N
Nanaimo, BC V9T 1W6
(250) 729-9623

Documents that support the response:

2009 Draft Technical Report, which is already in NASSCO’s possession.

Response to Request for Admission No. 27

EHC objects to Request for Admission No. 27 as vague and ambiguous because the term “economically infeasible” is not defined in State Board Resolution 92-49. Given the request’s ambiguity, EHC is unable to either admit or deny the request.

Response to Request for Admission No. 28

A reasonable inquiry concerning the matter in the request has been made, and the information known or readily obtainable is insufficient to enable EHC to admit the matter. EHC has insufficient knowledge to either admit or deny that NASSCO has not discharged PCBs to the Bay. However, given the nature and uses of PCBs, it is highly likely that NASSCO has discharged PCBs into the Bay.

Due to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications including electrical, heat transfer, and hydraulic equipment; as plasticizers in paints, plastics, and rubber products; in pigments, dyes, and carbonless copy paper; and many other industrial applications. Although no longer commercially produced in the United States, PCBs may be present in products and materials produced before the 1979 PCB ban. Products that may contain PCBs include: transformers and capacitors; other electrical equipment including voltage regulators, switches, reclosers, bushings, and electromagnets; oil used in motors and hydraulic systems; old electrical devices or appliances containing PCB capacitors; fluorescent light ballasts; cable insulation; thermal insulation material including fiberglass, felt, foam, and cork; adhesives and tapes; oil-based paint; caulking; plastics; carbonless copy paper; and floor finish. It is thus not unreasonable to link activities on NASSCO property to the potential for discharges of PCBs.

Documents that support the response:

EPA's website, <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/about.htm>

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

Environmental Health Coalition



Laura Hunter
Associate Program Director

Respectfully submitted on September 27, 2010 by:



Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of Environmental Health Coalition

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**ENVIRONMENTAL HEALTH COALITION'S RESPONSE TO NASSCO'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Responding Party: Environmental Health Coalition ("EHC")

Propounding Party: National Steel and Shipbuilding Company ("NASSCO")

Set: One

Pursuant to a joint letter to Environmental Health Coalition (EHC) and San Diego Coastkeeper dated August 6, 2010, NASSCO agreed to withdraw *inter alia* its requests for production nos. 18 and 29 to EHC. Further, pursuant to a joint letter to EHC and Coastkeeper dated August 19, 2010, NASSCO agreed to limit its requests for production to EHC regarding "communications" for nos. 3, 20, 21, 22, 24-27, and 30-45 to the time-period between 2001 and the present. No responses have been provided for requests for production that have been withdrawn by NASSCO.

General Objections

1. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks documents protected by the attorney-client privilege, mediation privilege, work product doctrine, or any other applicable privilege or immunity.

2. By providing any document in response to NASSCO's Request for Production of Documents, EHC is not and shall not be deemed or construed to have waived any right, privilege or objection with respect to any such document. In the event that a privileged document is inadvertently produced by EHC, such production shall not be deemed or construed as a waiver of any privilege, right or objection, and EHC reserves the right to demand from NASSCO the return of any such document.

3. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks information not relevant to the subject matter of this action and to the extent that it seeks information which does not bear significantly on this action and which is not reasonably calculated to lead to the discovery of admissible, relevant evidence.

4. EHC objects to NASSCO's Request for Production of Documents to the extent that they are overbroad, ambiguous and/or would impose unreasonable or undue burden and expense on EHC.

5. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks to require EHC to identify documents and communications pertaining to an unrestricted and/or open-ended period of time.

6. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks the identification of documents and communications predicated on the meaning of certain terms used in the Special Interrogatories, which NASSCO has failed to adequately define.

7. EHC objects to NASSCO's Request for Production of Documents to the extent that it seeks production of documentation which is already in NASSCO's possession, custody or control or which NASSCO may obtain from a source other than EHC (including those documents that are publicly available or included in the record of this matter) and the production by such source would be less burdensome and/or costly to NASSCO than the production would be to EHC.

8. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO makes specific and/or general requests for the production of documents which are duplicative and/or encompassing of other requests in the Special Interrogatories or Requests for Production of Documents.

9. EHC objects to NASSCO's Request for Production of Documents to the extent that it seeks the production of documentation not within EHC's possession, custody or control.

10. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO's request goes beyond that allowed by the California Rules of Civil Procedure. The rules allow NASSCO to make a request "to inspect and to copy a document that is in the possession, custody, or control of the party on whom the demand is made." Cal. Rules of Civ. Pro. § 2031.010(b).

11. EHC objects to NASSCO's Request for Production of Documents to the extent that it seeks to have EHC create documents or summaries that do not already exist.

12. EHC objects to NASSCO's Request for Production of Documents to the extent that NASSCO seeks production of documents in a manner other than as EHC keeps them in the ordinary course of business.

13. EHC hereby reserves its right to supplement its responses and objections to NASSCO's Request for Production of Documents if EHC identifies additional responsive documentation.

14. EHC does not waive or intend to waive, but rather intends to preserve and hereby preserves (i) all rights to object on any ground to the use of any of these objections, responses, and/or documents produced in response to NASSCO's Request for Production of Documents, in any subsequent proceedings in this or any other case, action or proceeding; and (ii) all rights to object on any ground to any request for further responses to NASSCO's Request for Production of Documents or any other request.

REQUEST NO. 1: All DOCUMENTS identified in YOUR responses to NASSCO's First Set of Special Interrogatories.

RESPONSE TO REQUEST NO. 1:

EHC objects to Request No. 1 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests. EHC hereby incorporates all general and specific objections included in EHC's responses to NASSCO's First Set of Special Interrogatories, to which this request refers.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 2: All of YOUR DOCUMENTS RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 2:

EHC objects to Request No. 2 to the extent that it is overbroad, unduly burdensome, and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 2 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San

Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 3: All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and any PERSON RELATED TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 3:

EHC objects to Request No. 3 to the extent that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 3 to the extent that NASSCO makes a request for the production of documents which is duplicative and encompassing of other discovery requests, including Requests No. 1, 24-27, and 30-45.

REQUEST NO. 4: All DOCUMENTS RELATING TO YOUR development of the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 4:

EHC objects to Request No. 4 to the extent that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 4 because it is duplicative of information requested in Special Interrogatories No. 2 and 3, which were requested to be produced in Request No. 1.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 5: All DOCUMENTS RELATING TO the survey questions YOU used to produce the ANGLER SURVEY, including the survey questions themselves.

RESPONSE TO REQUEST NO. 5:

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 6: All DOCUMENTS RELATING TO survey participants' responses to interview questions for the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 6:

EHC objects to Request No. 6 to the extent it seeks identifying information regarding individuals who participated in the Pier Fisher Survey. Such a request seeks information that would suppress the free flow of ideas and violates survey participants' constitutionally protected privacy interests. The U.S. Supreme Court has recognized an individual's privacy interest in "avoiding disclosure of personal matters" under the First Amendment. *Nixon v. Administrator of General Services*, 433 U.S. 425, 457 (1977) (citing *Whalen v. Roe*, 429 U.S. 589, 599 (1977)). The Pier Fisher Survey asked individuals to answer questions confidentially. Disclosure of the identity of persons who provided confidential answers to the Pier Fisher Survey constitutes a breach their reasonable expectation of privacy. Moreover, disclosure restricts the free flow of ideas protected under the First Amendment. To the extent that Request No. 6 seeks disclosure of confidential consultants and sources, it hinders a researcher's ability to conduct future research and chills the exercise of First Amendment rights. See *Grosjean v. American Press Co.*, 297 U.S. 233, 250 (1936) (finding unconstitutional a limitation on "the circulation of information to which the public is entitled").

EHC further objects to Request No. 6 to the extent it seeks identifying information regarding individuals who participated in the Pier Fisher Survey because associational information is protected under the First Amendment. In *NAACP v. Alabama ex rel. Patterson*, the U.S. Supreme Court held that a production order that "compelled disclosure of affiliation with groups engaged in advocacy" created an impermissible restraint on the freedom of association. *NAACP*, 357 U.S. 449, 462 (1958); see also *Familias Unidas v. Briscoe*, 544 F.2d 182, 192 (5th Cir. 1976) (finding "no interest...that could outweigh the private rights of association and expression upheld in *N.A.A.C.P. v. Alabama*").

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 7: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON RELATING TO the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 7:

EHC objects to Request No. 7 to the extent that it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 8: All DOCUMENTS RELATING TO any peer review reports regarding the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 8:

EHC has no peer review reports regarding the Pier Fisher Survey.

REQUEST NO. 9: All DOCUMENTS RELATING TO the professional qualifications of each author of the ANGLER SURVEY, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 9:

EHC objects to Request No. 9 to the extent that it seeks documents that are not in EHC's possession or are not obtainable by EHC upon reasonable effort.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 10: All DOCUMENTS RELATING TO the professional qualifications of each contributor to the ANGLER SURVEY, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 10:

EHC objects to Request No. 10 because it seeks the same information as Request No. 9. There are no additional "contributors" to the Pier Fisher Survey that were not already identified as authors of the survey.

REQUEST NO. 11: All DOCUMENTS RELATING TO the professional qualifications of each peer-reviewer of the ANGLER SURVEY, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 11:

The Pier Fisher Survey was not peer-reviewed.

REQUEST NO. 12: All DOCUMENTS cited in the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 12:

EHC objects to Request NO. 12 to the extent it seeks documents that have already been provided to NASSCO or are equally obtainable by EHC and NASSCO.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 13: All DOCUMENTS RELATING TO YOUR development of the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 13:

EHC objects to Request No. 13 to the extent that it seeks information that is protected by the attorney-client and/or attorney work product privileges. EHC further objects to Request No. 13 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 14: All DOCUMENTS RELATING TO the professional qualifications of each author of the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 14:

EHC states that a copy of Donald MacDonald's curriculum vitae will be available for NASSCO's review at San Diego Coastkeeper's offices, located at 2825 Dewey Rd, Suite 200, San Diego, CA 92106. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect this document and to make copies, compilations, abstracts, or summaries of them at a date and time agreed upon by counsel.

REQUEST NO. 15: All DOCUMENTS RELATING TO the professional qualifications of each contributor to the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 15:

EHC objects to Request No. 15 to the extent that it seeks production of documents already in NASSCO's possession, documents that are equally available to NASSCO and EHC, or documents that are unavailable to EHC.

EHC states that responsive documents EHC was able to obtain after a reasonable effort will be available for NASSCO's review at San Diego Coastkeeper's offices, located at 2825 Dewey Rd, Suite 200, San Diego, CA 92106. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 16: All DOCUMENTS RELATING TO the professional qualifications of each peer-reviewer of the BENTHIC REPORT, including but not limited to the curriculum vitae of each such individual.

RESPONSE TO REQUEST NO. 16:

EHC objects to Request No. 16 to the extent that it seeks production of documents already in NASSCO's possession, documents that are equally available to NASSCO and EHC, or documents that are unavailable to EHC.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 17: All DOCUMENTS RELATING TO the establishment of sediment cleanup levels and remediation footprint proposed in the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 17:

EHC objects to Request No. 17 to the extent that it assumes that the Benthic Report proposes cleanup levels, which it does not. EHC also objects to Request No. 17 because it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 17 to the extent it seeks information protected by the attorney-client and/or attorney work product privileges.

EHC objects to Request No. 17 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 19: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON RELATING TO the BENTHIC REPORT.

RESPONSE TO REQUEST NO. 19:

EHC objects to Request No. 19 because it is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 19 to the extent that it seeks information protected by the attorney work product and/or attorney-client privileges.

EHC further objects to Request No. 19 to the extent that NASSCO makes a request for the production of documents which are duplicative and encompassing of other discovery requests.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 20: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any REGIONAL BOARD or STATE BOARD staff or Board member regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 20:

EHC objects to Request No. 20 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 20 because it is duplicative of information requested in Request No. 26. EHC objects to Request No. 20 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and EHC.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a

reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 21: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any staff member of any local, state or federal agency regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 21:

EHC objects to Request No. 21 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 21 because it is duplicative of information requested in Request No. 1. EHC objects to Request No. 21 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and EHC.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 22: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 22:

EHC objects to Request No. 22 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC further objects to Request No. 22 because it is duplicative of information requested in Requests No. 1, 20, and 21. EHC objects to Request No. 22 to the extent that it seeks production of documents already in NASSCO's possession or documents that are equally available to NASSCO and EHC.

REQUEST NO. 23: All DOCUMENTS RELATING TO any presentation materials YOU prepared for the REGIONAL BOARD RELATING TO the SEDIMENT INVESTIGATION.

RESPONSE TO REQUEST NO. 23:

EHC objects to Request No. 23 to the extent it seeks documents protected by the attorney work product privilege.

To the extent that non-privileged, responsive documents were identified after a reasonable search, the documents will be made available for NASSCO's review at San

Diego Coastkeeper's offices, at 2825 Dewey Rd, Suite 200, San Diego CA 92106, in the manner they are kept in the ordinary course of business. NASSCO will be provided a reasonable opportunity to inspect these documents and to make copies at NASSCO's own cost at a date and time agreed upon by counsel.

REQUEST NO. 24: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and the ADVISORY TEAM regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 24:

EHC objects to Request No. 24 because this question is identical to Special Interrogatory No. 52, and these documents were already requested in Request No. 1. EHC also objects to Request No. 24 to the extent that NASSCO has already sought the information in other requests, including Request No. 40.

REQUEST NO. 25: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and the CLEANUP TEAM regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 25:

EHC objects to Request No. 25 because this question is identical to Special Interrogatory No. 53, and these documents were already requested in Request No. 1. EHC also objects to Request No. 25 to the extent that NASSCO has already sought the information in other Requests, including Requests No. 30-39 and 41.

REQUEST NO. 26: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any REGIONAL BOARD staff regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 26:

EHC objects to Request No. 26 because this question is identical to Special Interrogatory No. 54, and these documents were already requested in Request No. 1.

REQUEST NO. 27: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 27:

EHC objects to Request No. 27 because it is identical to Request No. 3 and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 27 because this question is identical to

Special Interrogatory No. 55, and these documents were already requested in Request No. 1.

REQUEST NO. 28: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the ANGLER SURVEY.

RESPONSE TO REQUEST NO. 28:

EHC objects to Request No. 28 because it is identical to Request No. 7 and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 30: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 30:

EHC objects to Request No. 30 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 30 because this question is identical to Special Interrogatory No. 40, and these documents were already requested in Request No. 1.

REQUEST NO. 31: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 31:

EHC objects to Request No. 31 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 31 because this question is identical to Special Interrogatory No. 41, and these documents were already requested in Request No. 1.

REQUEST NO. 32: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 32:

EHC objects to Request No. 32 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 32 because this question is identical to Special Interrogatory No. 42, and these documents were already requested in Request No. 1.

REQUEST NO. 33: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 33:

EHC objects to Request No. 33 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 33 because this question is identical to Special Interrogatory No. 43, and these documents were already requested in Request No. 1.

REQUEST NO. 34: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 34:

EHC objects to Request No. 34 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 34 because this question is identical to Special Interrogatory No. 44, and these documents were already requested in Request No. 1.

REQUEST NO. 35: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 35:

EHC objects to Request No. 35 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 35 because this question is identical to Special Interrogatory No. 45, and these documents were already requested in Request No. 1.

REQUEST NO. 36: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 36:

EHC objects to Request No. 36 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 36 because this question is identical to Special Interrogatory No. 46, and these documents were already requested in Request No. 1.

REQUEST NO. 37: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 37:

EHC objects to Request No. 37 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 37 because this question is identical to Special Interrogatory No. 47, and these documents were already requested in Request No. 1.

REQUEST NO. 38: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 38:

EHC objects to Request No. 38 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 38 because this question is identical to Special Interrogatory No. 48, and these documents were already requested in Request No. 1.

REQUEST NO. 39: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 39:

EHC objects to Request No. 39 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 39 because this question is identical to Special Interrogatory No. 49, and these documents were already requested in Request No. 1.

REQUEST NO. 40: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 40:

EHC objects to Request No. 40 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 40 because this question is identical to Special Interrogatory No. 50, and these documents were already requested in Request No. 1.

REQUEST NO. 41: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 41:

EHC objects to Request No. 41 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 41 because this question is identical to Special Interrogatory No. 51, and these documents were already requested in Request No. 1.

REQUEST NO. 42: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 42:

EHC objects to Request No. 42 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC objects to Request No. 42 to the extent that it seeks communications protected by the attorney-client privilege. Counsel for EHC has served to advise Sierra Club through its membership in the Bay Council, a coalition of environmental organizations, in matters regarding this proceeding. Communications between counsel for EHC and Ed Kimura as an agent of Sierra Club are thus protected by the attorney-client privilege.

EHC objects to Request No. 42 to the extent that it seeks communications protected by the attorney work product privilege. To the extent that Ed Kimura served as an expert consulted by counsel for EHC to help evaluate the merits of the proceeding, communications and derivative material between EHC and Ed Kimura are privileged.

EHC also objects to Request No. 42 because this question is identical to Special Interrogatory No. 58, and these documents were already requested in Request No. 1.

REQUEST NO. 43: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 43:

EHC objects to Request No. 43 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 43 because this question is identical to Special Interrogatory No. 56, and these documents were already requested in Request No. 1.

REQUEST NO. 44: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and David King RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 44:

EHC objects to Interrogatory No. 44 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all non-privileged communications between EHC and David King have already been provided to NASSCO when they were provided to Mr. King, pursuant to the rules of service in this proceeding.

REQUEST NO. 45: All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO REQUEST NO. 45:

EHC objects to Request No. 45 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. EHC also objects to Request No. 45 because this question is identical to Special Interrogatory No. 57, and these documents were already requested in Request No. 1.

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

Environmental Health Coalition



Laura Hunter
Associate Program Director

Respectfully submitted on September 27, 2010 by:



Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of Environmental Health Coalition

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**In re: Tentative Cleanup and
Abatement Order No. R9-2010-0002
(Shipyard Sediment Cleanup)**

Presiding Officer King

**ENVIRONMENTAL HEALTH COALITION'S RESPONSE TO
NASSCO'S FIRST SET OF SPECIAL INTERROGATORIES**

Responding Party: Environmental Health Coalition ("EHC")

Propounding Party: National Steel and Shipbuilding Company ("NASSCO")

Set: One

Pursuant to a joint letter to EHC and San Diego Coastkeeper Coastkeeper dated August 6, 2010, NASSCO agreed to withdraw *inter alia* special interrogatories to EHC nos. 35-39, 65, 67, 69, 77, 79, 81, 83, and 85. Further, pursuant to a joint letter to EHC and Coastkeeper dated August 19, 2010, NASSCO agreed to limit its requests regarding "communications" for special interrogatories to EHC nos. 40-58 to the time-period between 2001 and the present. No responses special interrogatories that have been withdrawn by NASSCO are provided.

General Objections

1. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks documents protected by the attorney-client privilege, mediation privilege, work product doctrine, or any other applicable privilege or immunity.

2. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks information not relevant to the subject matter of this action and to the extent that it seeks information which does not bear significantly on this action and which are not reasonably calculated to lead to the discovery of admissible, relevant evidence.

3. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that they seek information beyond that allowed by the California Code of Civil Procedure. An interrogatory may relate to whether another party is making a certain contention, or to the facts, witnesses, and writings on which a contention is based.

4. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that they are overbroad, ambiguous and/or would impose unreasonable or undue burden and expense on Environmental Health Coalition.

5. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that it seeks to require Environmental Health Coalition to identify documents and communications pertaining to an unrestricted and/or open-ended period of time.

6. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks the identification of documents and communications predicated on the meaning of certain terms used in the Special Interrogatories, which NASSCO has failed to adequately define.

7. Environmental Health Coalition objects to the Special Interrogatories to the extent that it seeks identification of documentation which is already in NASSCO's possession, custody or control or which NASSCO may obtain from a source other than Environmental Health Coalition and the production by such source would be less burdensome and/or costly to NASSCO than the production would be to Environmental Health Coalition.

8. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that NASSCO makes specific and/or general requests for the identification of documents or communications which are duplicative and/or encompassing of other requests in the Special Interrogatories or Requests for Production of Documents.

9. Environmental Health Coalition objects to NASSCO's Special Interrogatories to the extent that NASSCO seeks to have Environmental Health Coalition create inventories or lists that do not already exist.

10. Environmental Health Coalition hereby reserves its right to supplement its responses and objections to NASSCO's Special Interrogatories and each and every part thereof.

11. Environmental Health Coalition does not waive or intend to waive, but rather intends to preserve and hereby preserves (i) all rights to object on any ground to the use of any of these objections, responses, and/or documents produced in response to NASSCO's Special Interrogatories, in any subsequent proceedings in this or any other case, action or proceeding; and (ii) all rights to object on any ground to any request for further responses to NASSCO's Special Interrogatories or any other request.

INTERROGATORY NO. 1: IDENTIFY each author of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 1:

The survey in question is entitled the "Pier Fishers Survey." There were many authors and contributors; the known authors are as follows:

Joy Williams
Research Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: JoyW@environmentalhealth.org

Laura Hunter
Associate Program Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: laurah@environmentalhealth.org

Diane Takvorian
Executive Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: dianet@environmentalhealth.org

Dan McKirnan
Secretary/Treasurer, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business Telephone: (619) 474-0220
Last known business Email:

Sonia Rodriguez
Former Staff, EHC
Last Known Business address: 1717 Kettner Ave, Ste. 100, San Diego, CA 92101
Last known business telephone: (619) 474-0220
Last known business email: soniar@environmentalhealth.org

Georgette Gomez
Toxic Free Neighborhoods Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: georgetteg@environmentalhealth.org

Ed Kimura
Sierra Club member
8304 Clairemont Mesa Blvd #101, San Diego, CA 92111
Telephone: (858) 569-2025
Email: emkimura@earthlink.net

Gabriel Fabila
Former Staff, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220

Melanie McCutchan
Former Researcher, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220

INTERROGATORY NO. 2: IDENTIFY all DOCUMENTS YOU reviewed to develop the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 2:
EHC reviewed the following to develop the Pier Fishers Survey:

San Diego Bay Health Risk Study, County of San Diego, June 12, 1990;

Fish Consumption And Environmental Justice. National Environmental Justice Advisory Council Meeting of December 3-6, 2001, November 2002.

INTERROGATORY NO. 3: IDENTIFY all DOCUMENTS YOU relied on to develop the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 3:

EHC relied upon the following to develop the Pier Fishers Survey:

1990 San Diego Bay Health Risk Study

Fish Consumption And Environmental Justice. National Environmental Justice Advisory Council Meeting of December 3-6, 2001, November 2002.

INTERROGATORY NO. 4: IDENTIFY each PERSON that was consulted by YOU in connection with YOUR preparation of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 4:

EHC objects to Interrogatory No.4 to the extent that it is ambiguous because the term “consulted” is not defined.

In addition to the individuals already identified in response to Interrogatory No. 1, EHC identifies the following persons who were consulted in connection with the preparation of the Pier Fishers Survey:

Jim Peugh
Conservation Committee Chair, San Diego Audubon Society
4010 Morena Blvd, San Diego, California 92117
Telephone: (858) 273-7800
Email: peugh@cox.net

To the extent that EHC consulted additional individuals in preparing the Pier Fisher Survey, EHC objects to identifying those additional individuals in response to Interrogatory No. 4. NASSCO's request seeks information that would suppress the free flow of ideas and violates survey participants' constitutionally protected privacy interests.

The U.S. Supreme Court has recognized an individual's privacy interest in "avoiding disclosure of personal matters" under the First Amendment. *Nixon v. Administrator of General Services*, 433 U.S. 425, 457 (1977) (citing *Whalen v. Roe*, 429 U.S. 589, 599 (1977)). The Pier Fisher Survey asked individuals to answer questions confidentially. Disclosure of the identity of persons who provided confidential answers to the Pier Fisher Survey constitutes a breach their reasonable expectation of privacy. Moreover, disclosure restricts the free flow of ideas protected under the First Amendment. To the extent that Interrogatory No. 4 seeks disclosure of confidential consultants and sources, it hinders a researcher's ability to conduct future research and chills the exercise of First Amendment rights. *See Grosjean v. American Press Co.*, 297 U.S. 233, 250 (1936) (finding unconstitutional a limitation on "the circulation of information to which the public is entitled").

INTERROGATORY NO. 5: For every group, organization, or agency identified in response to the preceding Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or agency who was consulted in connection with YOUR preparation of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 5:

See response to Interrogatory No. 4. EHC further objects to Interrogatory No. 5 because it seeks associational information protected under the First Amendment. In *NAACP v. Alabama ex rel. Patterson*, the U.S. Supreme Court held that a production order that "compelled disclosure of affiliation with groups engaged in advocacy" created an impermissible restraint on the freedom of association. *NAACP*, 357 U.S. 449, 462 (1958); *see also Familias Unidas v. Briscoe*, 544 F.2d 182, 192 (5th Cir. 1976) (finding "no interest...that could outweigh the private rights of association and expression upheld in *N.A.A.C.P. v. Alabama*").

INTERROGATORY NO. 6: For every employee identified in response to the preceding Special Interrogatory, please specify to which section(s) in the ANGLER SURVEY such employee consultation relates.

RESPONSE TO INTERROGATORY NO. 6:

Please see responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 7: IDENTIFY every ENVIRONMENTAL GROUP that was consulted in connection with YOUR preparation of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 7:

EHC identifies the following environmental groups:

San Diego Sierra Club
8304 Clairemont Mesa Blvd, #101, San Diego, CA 92111
Telephone: (858) 569-6005

San Diego Audubon Society
4010 Morena Blvd, San Diego, California 92117
Telephone: (858) 273-7800

INTERROGATORY NO. 8: For every ENVIRONMENTAL GROUP identified in response to the preceding Special Interrogatory, IDENTIFY the individual member(s) of that ENVIRONMENTAL GROUP who was consulted in connection with YOUR preparation of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 8:

See response to Interrogatories No. 1 and 5. EHC objects to responding to Interrogatory No. 8 by providing any information beyond that provided in response to Interrogatories No. 1 and 5 because NASSCO seeks associational information protected under the First Amendment. In *NAACP v. Alabama ex rel. Patterson*, the U.S. Supreme Court held that a production order that “compelled disclosure of affiliation with groups engaged in advocacy” created an impermissible restraint on the freedom of association. *NAACP*, 357 U.S. 449, 462 (1958); *see also Familias Unidas v. Briscoe*, 544 F.2d 182, 192 (5th Cir. 1976) (finding “no interest...that could outweigh the private rights of association and expression upheld in *N.A.A.C.P. v. Alabama*”).

INTERROGATORY NO. 9: For every member of an ENVIRONMENTAL GROUP identified in response to the preceding Special Interrogatory, please specify to which section(s) in the ANGLER SURVEY such consultation relates.

RESPONSE TO INTERROGATORY NO. 9:

See response to Interrogatory No. 8. EHC notes that a member(s) of the environmental group identified in Interrogatory No. 7 reviewed the entire Pier Fishers Survey.

INTERROGATORY NO. 10: IDENTIFY every REGIONAL BOARD staff member that was consulted in connection with YOUR preparation of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 10:

No Regional Board staff member was consulted in connection with EHC’s preparation of the Pier Fishers Survey.

INTERROGATORY NO. 11: For every member of the REGIONAL BOARD identified in response to the preceding Special Interrogatory, please specify to which section(s) in the ANGLER SURVEY such consultation relates.

RESPONSE TO INTERROGATORY NO. 11:

Please see the response to Interrogatory No. 10.

INTERROGATORY NO. 12: IDENTIFY the PERSON primarily responsible for developing the survey design of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 12:

Laura Hunter was primarily responsible for developing the survey design of the Pier Fishers Survey.

Laura Hunter
Associate Program Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: laurah@environmentalhealth.org

INTERROGATORY NO. 13: IDENTIFY the PERSON primarily responsible for developing the survey questions RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 13:

Laura Hunter was primarily responsible for developing the survey questions relating to the Pier Fishers Survey.

Laura Hunter
Associate Program Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: laurah@environmentalhealth.org

INTERROGATORY NO. 14: IDENTIFY the PERSON primarily responsible for pilot-testing the survey questions RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 14:

Sonia Rodriguez was primarily responsible for pilot-testing the survey questions relating to the Pier Fishers Survey.

Sonia Rodriguez
Former Staff, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220
Last known Email: soniar@environmentalhealth.org

INTERROGATORY NO. 15: IDENTIFY each PERSON that conducted interviews RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 15:

EHC did not keep a record of the full names of all of the interviewers involved in the Pier Fishers Survey, nor does it have contact information for those individuals not otherwise affiliated with EHC. The names of the interviewers known to EHC, as it knows them, are as follows:

Sonia Rodriguez
Former Staff, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220
Last known Email: soniar@environmentalhealth.org

Nohelia Ramos

Karina

Fernando (youth)

Laisa

Steven (youth)

Mary Ann

INTERROGATORY NO. 16: For every PERSON identified in response to the preceding Special Interrogatory, please specify at which interview location(s) each PERSON conducted such interviews.

RESPONSE TO INTERROGATORY NO. 16:

EHC no longer has information as to the specific locations at which individuals conducted interviews.

INTERROGATORY NO. 17: IDENTIFY the PERSON primarily responsible for selecting the interview locations RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 17:

Laura Hunter was primarily responsible for selecting the interview locations relating to the Pier Fishers Survey.

Laura Hunter
Associate Program Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: laurah@environmentalhealth.org

INTERROGATORY NO. 18: IDENTIFY each PERSON used to translate the interview questions RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 18:

EHC no longer has any records identifying the persons used to translate the interview questions relating to the angler survey.

INTERROGATORY NO. 19: If YOU considered alternatives to the methods specified in the ANGLER SURVEY, IDENTIFY the PERSON primarily responsible for preparation of any analysis of alternatives.

RESPONSE TO INTERROGATORY NO. 19:

EHC did not consider methods alternative to those specified in the Pier Fishers Survey.

INTERROGATORY NO. 20: IDENTIFY all DOCUMENTS RELATING TO any alternatives to the survey methods specified in the ANGLER SURVEY that were evaluated by EHC.

RESPONSE TO INTERROGATORY NO. 20:

Please see response to Interrogatory No. 19.

INTERROGATORY NO. 21: IDENTIFY the PERSON primarily responsible for calculating the results contained in the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 21:

Joy Williams was primarily responsible for calculating the results contained in the Pier Fisher Survey.

Joy Williams
Research Director, EHC
2727 Hoover Ave, Suite 202, National City, CA 91950
Telephone: (619) 474-0220
Fax: (619) 474-1210
Email: JoyW@environmentalhealth.org

INTERROGATORY NO. 22: IDENTIFY all DOCUMENTS RELATING TO any calculations YOU conducted RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 22:

EHC identifies the document “piersurveyresults.spo” as relating to calculations conducted in the Pier Fisher Survey. The calculations were created in an .spo file, a Statistical Package for the Social Sciences Statistical Data Output File, which is the file’s original format.

INTERROGATORY NO. 23: IDENTIFY the PERSON primarily responsible for developing each conclusion contained in the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 23:

Joy Williams was the person primarily responsible for developing conclusions contained in the Pier Fisher Survey.

Joy Williams
Research Director, EHC
2727 Hoover Ave, Suite 202, National City, CA 91950
Telephone: (619) 474-0220
Fax: (619) 474-1210
Email: JoyW@environmentalhealth.org

INTERROGATORY NO. 24: IDENTIFY the PERSON primarily responsible for developing each recommendation contained in the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 24:

Recommendations contained in the Pier Fisher Survey were developed collaboratively by the following persons:

Joy Williams
Research Director, EHC
2727 Hoover Ave, Suite 202, National City, CA 91950
Telephone: (619) 474-0220
Fax: (619) 474-1210
Email: JoyW@environmentalhealth.org

Laura Hunter
Associate Program Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: laurah@environmentalhealth.org

Diane Takvorian
Executive Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950

Telephone: (619) 474-0220
Email: dianet@environmentalhealth.org

Sonia Rodriguez
Former Staff, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220
Last known Email: soniar@environmentalhealth.org

Georgette Gomez
Toxic Free Neighborhoods Director, EHC
2727 Hoover Ave, Ste. 202, National City, CA 91950
Telephone: (619) 474-0220
Email: georgetteg@environmentalhealth.org

Melanie McCutchan
Former Researcher, EHC
Last known business address: 2727 Hoover Ave, Ste. 202, National City, CA 91950
Last known business telephone: (619) 474-0220

INTERROGATORY NO. 25: If YOU considered alternatives to the recommendations specified in the ANGLER SURVEY, IDENTIFY the PERSON primarily responsible for the preparation of any analysis of alternatives.

RESPONSE TO INTERROGATORY NO. 25:

EHC collaboratively developed the recommendations contained in the Pier Fisher Survey. No person prepared an analysis of alternatives to the recommendations specified in the Pier Fisher Survey.

INTERROGATORY NO. 26: IDENTIFY all DOCUMENTS RELATING TO any analysis of alternative recommendations YOU prepared RELATING TO the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 26:

See response to Interrogatory No. 25. EHC identifies no documents relating to an analysis of alternative recommendations relating to the Pier Fisher Survey.

INTERROGATORY NO. 27: IDENTIFY all peer-reviewed scientific journals in which the ANGLER SURVEY has been published.

RESPONSE TO INTERROGATORY NO. 27:

The Pier Fisher Survey has never been published in a peer-reviewed scientific journal as it was not meant as a scientifically-reviewed study; rather, it was conducted as a survey.

INTERROGATORY NO. 28: IDENTIFY all peer reviewers of the ANGLER SURVEY.

RESPONSE TO INTERROGATORY NO. 28:

Please see response to Interrogatory No. 27.

INTERROGATORY NO. 29: IDENTIFY every PERSON YOU consulted RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 29:

EHC has already identified its expert witness for this proceeding:

Don MacDonald
Owner, MacDonald Environmental Sciences Ltd
4800 Island Highway North #24, Nanaimo, British Columbia, V9T 1W6
Telephone: (250) 729-9625
Email: mesl@shaw.ca

EHC objects to identifying other individuals EHC and its attorneys consulted in preparation for this proceeding because the identity of such individuals and the substance of the consultation is protected under the attorney work product privilege.

INTERROGATORY NO. 30: For every group, organization, or agency identified in response to the preceding Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or agency who YOU consulted regarding the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 30:

Please see the response to Interrogatory No. 29.

INTERROGATORY NO. 31: For every employee identified in response to the preceding Special Interrogatory, please specify to which section(s) in the SITE, TENTATIVE ORDER or TECHNICAL REPORT such consultation relates.

RESPONSE TO INTERROGATORY NO. 31:

Donald MacDonald consulted on various aspects of the proceeding related to the reference pool, tentative cleanup levels, remediation footprint, impacts on benthic invertebrates and other wildlife using the site, and the remediation plan.

INTERROGATORY NO. 32: IDENTIFY every PERSON YOU consulted RELATING TO the BENTHIC REPORT.

RESPONSE TO INTERROGATORY NO. 32:

Donald MacDonald prepared the Benthic Report on EHC's and Coastkeeper's behalf:

Don MacDonald
Owner, MacDonald Environmental Sciences Ltd
4800 Island Highway North #24, Nanaimo, British Columbia, V9T 1W6
Telephone: (250) 729-9625
Fax: (250) 729-9628
Email: mesl@shaw.ca

Don MacDonald used data and other information on sediment quality conditions at the Site and/or elsewhere in San Diego Bay provided by:

Steve Bay
Southern California Coastal Water Research Project
3535 Harbor Blvd., Suite 110
Costa Mesa, CA 92626
Telephone: (714) 755-3204
Email: steveb@sccwrp.org

Donald MacDonald
National Oceanic and Atmospheric Administration
1305 East-West Hwy, 9th FL, N/MB7
Silver Spring, MD 20910
Email: donald.macdonald@noaa.gov

Elaine Carlin
CEO, Carlin, Young and Associates
4436 Carlin Place, La Mesa, CA 91941
Telephone: (202) 607-4715
Email: ecarlin@post.harvard.edu

Technical reviews of drafts of the Benthic Report were provided by:

Steve Bay
Southern California Coastal Water Research Project
3535 Harbor Blvd., Suite 110
Costa Mesa, CA 92626
Telephone: (714) 755-3204
Email: steveb@sccwrp.org

Russell Fairey
Marine Pollution Studies Lab Director
Moss Landing Laboratories
7544 Sandholdt Rd
Moss Landing, CA 95039
Telephone: (831) 771-4161

Email: fairey@mlml.calstate.edu

Jay Field
National Oceanic and Atmospheric Administration, CPRD
7600 Sand Point Way NE
Bldg 4, Room 2127
Seattle, WA 98115
Telephone: (206)526-6404
Email: jay.field@noaa.gov

INTERROGATORY NO. 33: For every group, organization, or agency identified in response to the preceding Special Interrogatory, IDENTIFY the individual employee(s) of that group, organization, or agency who was consulted in connection with YOUR preparation of the BENTHIC REPORT.

RESPONSE TO INTERROGATORY NO. 33:

The response to Interrogatory 32 does not identify any group, organization, or agency apart from its affiliation with individuals already identified.

INTERROGATORY NO. 34: For every employee identified in response to the preceding Special Interrogatory, please specify to which section(s) in the BENTHIC REPORT such consultation relates.

RESPONSE TO INTERROGATORY NO. 34:

No employees were identified in response to the preceding Special Interrogatory.

INTERROGATORY NO. 40: IDENTIFY all COMMUNICATIONS between YOU and Cynthia Gorham-Test RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 40:

EHC objects to Interrogatory No. 40 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Cynthia Gorham-Test relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Cynthia Gorham-Test have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 40. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 41: IDENTIFY all COMMUNICATIONS between YOU and Peter Peuron RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 41:

EHC objects to Interrogatory No. 41 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Peter Peuron relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Peter Peuron have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 41. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 42: IDENTIFY all COMMUNICATIONS between YOU and Julie Chan RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 42:

EHC objects to Interrogatory No. 42 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Julie Chan relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Julie Chan have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 42. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 43: IDENTIFY all COMMUNICATIONS between YOU and Alan Monji RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 43:

EHC objects to Interrogatory No. 43 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Alan Monji relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Alan Monji have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 43. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 44: IDENTIFY all COMMUNICATIONS between YOU and Benjamin Tobler RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 44:

EHC objects to Interrogatory No. 44 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Benjamin Tobler relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Benjamin Tobler have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 44. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 45: IDENTIFY all COMMUNICATIONS between YOU and Laurie Walsh RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 45:

EHC objects to Interrogatory No. 45 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC is not aware of communications between itself and Laurie Walsh relating to the site, tentative order, or technical report. However, to the extent that communications between EHC and Laurie Walsh have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 45. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 46: IDENTIFY all COMMUNICATIONS between YOU and David Barker RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 46:

EHC objects to Interrogatory No. 46 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent communications between EHC and David Barker have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 46. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 47: IDENTIFY all COMMUNICATIONS between YOU and Craig Carlisle RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 47:

EHC objects to Interrogatory No. 47 because it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent communications between EHC and Craig Carlisle have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 47. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 48: IDENTIFY all COMMUNICATIONS between YOU and Tom Alo RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 48:

EHC objects to Interrogatory No. 48 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent communications between EHC and Tom Alo have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 48. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San

Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 49: IDENTIFY all COMMUNICATIONS between YOU and Vicente Rodriguez RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 49:

EHC objects to Interrogatory No. 49 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent communications between EHC and Vicente Rodriguez have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 49. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 50: IDENTIFY all COMMUNICATIONS between YOU and John Robertus RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 50:

EHC objects to Interrogatory No. 50 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all EHC communications to Mr. Robertus while he was part of the Advisory Team were already provided to NASSCO at the time those communications were provided to Mr. Robertus.

To the extent communications between EHC and Mr. Robertus have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 50. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 51: IDENTIFY all COMMUNICATIONS between YOU and David Gibson RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 51:

EHC objects to Interrogatory No. 51 because it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent communications between EHC and Mr. Gibson have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 51. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 52: IDENTIFY all COMMUNICATIONS between YOU and the ADVISORY TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 52:

EHC objects to Interrogatory No. 52 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all EHC communications with the Advisory Team were already provided to NASSCO at the time those communications were provided to the Advisory Team, pursuant to the proceeding's service rules.

To the extent communications between EHC and the Advisory Team have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 52. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 53: IDENTIFY all COMMUNICATIONS between YOU and the CLEANUP TEAM RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 53:

EHC objects to Interrogatory No. 53 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Interrogatory No. 53 is duplicative of Interrogatories 40-49 and 51.

INTERROGATORY NO. 54: IDENTIFY all COMMUNICATIONS between YOU and the REGIONAL BOARD RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 54:

EHC objects to Interrogatory No. 54 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, all communications between EHC and any member of the Regional Water Quality Control Board occurred at a public hearing.

To the extent communications between EHC and the Regional Board consist of Power Point presentations and copies of the presentations exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 54. Any responsive documents will be available for review at San Diego Coastkeeper's offices. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 55: IDENTIFY all COMMUNICATIONS between YOU and any PERSON RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 55:

EHC objects to Interrogatory No. 55 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 56: IDENTIFY all COMMUNICATIONS between YOU and Katie Zeeman RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 56:

EHC objects to Interrogatory No. 56 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent that communications between EHC and Katie Zeeman have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 56. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 57: IDENTIFY all COMMUNICATIONS between YOU and Steve Bay RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 57:

EHC objects to Interrogatory No. 57 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent that communications between EHC and Steve Bay have occurred and exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 57. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 58: IDENTIFY all COMMUNICATIONS between YOU and Ed Kimura RELATING TO the SITE, TENTATIVE ORDER or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 58:

EHC objects to Interrogatory No. 58 because it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

EHC objects to Interrogatory No. 58 to the extent that it seeks communications protected by the attorney-client privilege. Counsel for EHC has served to advise Sierra Club through its membership in the Bay Council, a coalition of environmental organizations, in matters regarding this proceeding. Communications between counsel for EHC and Ed Kimura as an agent of Sierra Club are thus protected by the attorney-client privilege.

EHC objects to Interrogatory No. 58 to the extent that it seeks communications protected by the attorney work product privilege. To the extent that Ed Kimura served as an expert consulted by counsel for EHC to help evaluate the merits of the proceeding, communications and derivative material between EHC and Ed Kimura are privileged.

To the extent that Interrogatory No. 58 seeks non-privileged communications and those communications exist in EHC's archived files, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 58. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper's offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

INTERROGATORY NO. 59: IDENTIFY all PERSONS YOU have observed fishing at the LEASEHOLD.

RESPONSE TO INTERROGATORY NO. 59:

After a reasonable inquiry, EHC has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any persons “fishing at the LEASEHOLD.” If persons have been observed fishing at the LEASEHOLD, EHC would not have indentifying information for such individuals.

INTERROGATORY NO. 60: IDENTIFY all PERSONS YOU have observed lobstering at the LEASEHOLD.

RESPONSE TO INTERROGATORY NO. 60:

After a reasonable inquiry, EHC has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any persons “lobstering at the LEASEHOLD.” If persons have been observed lobstering at the LEASEHOLD, EHC would not have indentifying information for such individual.

INTERROGATORY NO. 61: IDENTIFY all threatened or endangered species YOU have observed at the LEASEHOLD.

RESPONSE TO INTERROGATORY NO. 61:

After a reasonable inquiry, EHC has insufficient knowledge to determine whether any of its staff, its agents, employees, attorneys, investigators, consultants, affiliates, or anyone acting on its behalf has ever at any time observed any “threatened or endangered species at the LEASEHOLD.”

INTERROGATORY NO. 62: IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of confined aquatic disposal at the SITE.

RESPONSE TO INTERROGATORY NO. 62:

EHC objects to Interrogatory No. 62 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC’s possession, including those already in NASSCO’s possession.

EHC identifies the following documents related to the technological feasibility of confined aquatic disposal at the site:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. 2009. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1. December 2009.

INTERROGATORY NO. 63: IDENTIFY all DOCUMENTS RELATING TO the technological feasibility of near-shore confined disposal at the SITE.

RESPONSE TO INTERROGATORY NO. 63:

EHC objects to Interrogatory No. 63 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to the technological feasibility of near-shore confined disposal at the site:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. 2009. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1. December 2009.

INTERROGATORY NO. 64: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to aquatic wildlife.

RESPONSE TO INTERROGATORY NO. 64:

EHC objects to Interrogatory No. 64 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

MacDonald, D.D. 2009. Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California. Prepared for Clean Bay Campaign, Environmental Health Coalition. October 2009.

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Zeeman, Catherine Q.T., Ecological Risk-Based Screening Levels for Contaminants in Sediments of San Diego Bay, Technical Memorandum CFWO-EC-TM-04-01, U.S. Fish and Wildlife Service, Carlsbad, California, December 8, 2004.

INTERROGATORY NO. 66: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to aquatic-dependent wildlife.

RESPONSE TO INTERROGATORY NO. 66:

EHC objects to Interrogatory No. 66 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to its contention that sediment within the leasehold poses a significant risk to aquatic-dependent wildlife:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

California Regional Water Quality Control Board San Diego Region. 2009. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

MacDonald, D.D. 2009. Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California. Prepared for Clean Bay Campaign, Environmental Health Coalition. October 2009.

INTERROGATORY NO. 68: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that sediment within the LEASEHOLD poses a significant risk to human health.

RESPONSE TO INTERROGATORY NO. 68:

EHC objects to Interrogatory No. 68 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to its contention that sediment within the leasehold poses a significant risk to human health:

Exponent Report. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California. 2003.

California Regional Water Quality Control Board San Diego Region. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

MacDonald, D.D. 2009. Development of a Sediment Remediation Footprint to Address Risks to Benthic Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California. Prepared for Clean Bay Campaign, Environmental Health Coalition. October 2009.

INTERROGATORY NO. 70: IDENTIFY all DOCUMENTS RELATING TO any correlation between concentrations of shipyard contaminants at the SITE and toxicity at the SITE.

RESPONSE TO INTERROGATORY NO. 70:

EHC objects to Interrogatory No. 70 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC notes that the Draft Technical Report does not rely on correlating sediment contaminant concentrations and toxicity; instead, it uses a weight of evidence approach. Relating to its use of this approach, EHC identifies the following document:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

INTERROGATORY NO. 71: IDENTIFY all DOCUMENTS RELATING TO any correlation between pesticide concentrations in sediment at the SITE and sediment toxicity at the SITE.

RESPONSE TO INTERROGATORY NO. 71:

EHC objects to Interrogatory No. 71 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following document as relating to any correlation between pesticide concentrations in sediment at the site and toxicity at the site:

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

INTERROGATORY NO. 72: IDENTIFY all DOCUMENTS RELATING TO the potential contribution of discharges into Chollas Creek to sediment contamination at the SITE.

RESPONSE TO INTERROGATORY NO. 72:

EHC objects to Interrogatory No. 72 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to the potential contribution of discharges into Chollas Creek to sediment contamination at the site:

California Regional Water Quality Control Board San Diego Region. Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

California Regional Water Quality Control Board San Diego Region. *Total Maximum Daily Loads for Dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay.* Chollas Creek Watershed Technical Report. May 30, 2007.

Estuary Modeling Analysis Mouths of Chollas, Paleta and Switzer Creeks Bart Chadwick, PF Wang, Wo Hee Choi and Ernie Arias. US Navy – SPAWAR Systems Center San Diego.

INTERROGATORY NO. 73: IDENTIFY all DOCUMENTS RELATING TO sources of PCB discharges at the SITE.

RESPONSE TO INTERROGATORY NO. 73:

EHC objects to Interrogatory No. 73 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following document relating to sources of PCB discharge at the site:

California Regional Water Quality Control Board San Diego Region. 2009.
Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1. December 2009.

INTERROGATORY NO. 74: IDENTIFY all DOCUMENTS RELATING TO the potential re-suspension of contaminants that could be caused by sediment dredging at the SITE.

RESPONSE TO INTERROGATORY NO. 74:

EHC objects to Interrogatory No. 74 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to the potential re-suspension of contaminants that could be caused by sediment dredging at the site:

California Regional Water Quality Control Board San Diego Region. 2009.
Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

INTERROGATORY NO. 75: IDENTIFY all DOCUMENTS RELATING TO the potential for sediment dredging at the SITE to adversely affect the existing benthic community at the SITE.

RESPONSE TO INTERROGATORY NO. 75:

EHC objects to Interrogatory No. 75 because the interrogatory is vague, overbroad, and seeks documents beyond those in EHC's possession, including those already in NASSCO's possession.

EHC identifies the following documents relating to the potential for sediment dredging at the site to adversely affect the existing benthic community at the site:

California Regional Water Quality Control Board San Diego Region. 2009.
Draft Technical Report for Tentative Cleanup and Abatement Order no. R9-2010-0002 For the shipyard sediment site San Diego Bay, San Diego, CA Volume 1 & 2. December 2009.

Exponent Report. 2003. NASSCO and Southwest Marine Detailed Sediment Investigation Volume 1 Prepared for NASSCO and Southwest Marine San Diego California.

INTERROGATORY NO. 76: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 76:

EHC objects to Interrogatory No. 76 as ambiguous because State Water Board Resolution 92-49 does not define the term “economically feasible.” EHC also objects to Interrogatory No. 76 because it presumes that EHC contends that “tentative cleanup levels described in the TENTATIVE ORDER are economically feasible within the meaning of State Water Board Resolution No. 92-49.” EHC has not asserted that the cleanup levels proposed in the 2009 tentative order are either economically feasible or infeasible. Any assertions regarding economic feasibility of cleanup levels proposed before the 2009 tentative order are irrelevant.

INTERROGATORY NO. 78: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the BENTHIC REPORT are economically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 78:

EHC objects to Interrogatory No. 78 as ambiguous because State Water Board Resolution 92-49 does not define the term “economically feasible.” EHC objects to Interrogatory No. 78 because it presumes that EHC contends that “tentative cleanup levels described in the BENTHIC REPORT are economically feasible within the meaning of State Water Board Resolution No. 92-49.” The Benthic Report does not propose specific cleanup levels. Further, EHC does not make any contentions about economic feasibility in the Benthic Report and therefore has no documents relating to such contentions.

INTERROGATORY NO. 80: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 80:

EHC objects to Interrogatory No. 80 as ambiguous because State Water Board Resolution 92-49 does not define the term “technologically feasible.” EHC objects to Interrogatory No. 80 because it presumes that EHC contends that “tentative cleanup levels described in the TENTATIVE ORDER are technologically feasible within the meaning of State Water Board Resolution No. 92-49.” EHC has not asserted that the cleanup levels in the TENTATIVE ORDER are either technologically feasible or infeasible.

INTERROGATORY NO. 82: IDENTIFY all DOCUMENTS RELATING TO YOUR contention that the tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within the meaning of State Water Board Resolution No. 92-49.

RESPONSE TO INTERROGATORY NO. 82:

EHC objects to Interrogatory No. 82 as ambiguous because State Water Board Resolution 92-49 does not define the term “technologically feasible.” EHC objects to Interrogatory No. 82 because it presumes that EHC contends that “tentative cleanup levels described in the BENTHIC REPORT are technologically feasible within the meaning of State Water Board Resolution No. 92-49.” The Benthic Report does not propose specific cleanup levels nor does it assert any technological feasibility arguments.

INTERROGATORY NO. 84: IDENTIFY all DOCUMENTS YOU have prepared RELATING TO the SITE, TENTATIVE ORDER, or TECHNICAL REPORT.

RESPONSE TO INTERROGATORY NO. 84:

EHC objects to Interrogatory No. 84 because it is overbroad, unduly burdensome, seeks attorney work product and attorney-client privileged material that is protected, and seeks information already provided to NASSCO.

To the extent Interrogatory No. 84 seeks information that is neither privileged nor already provided to NASSCO, EHC elects to exercise its option under California Code of Civil Procedure 2030.210(a)(2) to produce documents in response to Interrogatory No. 84. Pursuant to Sections 2030.230 and 2030.210(a)(2) of the California Code of Civil Procedure, the information requested will be found in responsive documents, which will be available for review at San Diego Coastkeeper’s offices. NASSCO will be provided a reasonable opportunity to examine, audit, or inspect these documents and to make copies, compilations, abstracts, or summaries of them.

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge. Signed this 27th day of September in San Diego, California.

Environmental Health Coalition



Laura Hunter
Associate Program Director

Respectfully submitted on September 27, 2010 by:

A handwritten signature in black ink, appearing to read 'Jill', with a stylized flourish extending to the right.

Jill Witkowski, Cal. Bar No. 270281
Staff Attorney
San Diego Coastkeeper
2825 Dewey Rd, Suite 200
San Diego, CA 92107
(619) 758-7743 ext. 119
jill@sdcoastkeeper.org

On behalf of Environmental Health Coalition

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

In the matter of Tentative Cleanup
and Abatement Order No. R9-2011-
0001 (Formerly R9-2010-0002)
Shipyard Sediment Cleanup

Regional Board Cleanup Team's
Responses & Objections to
Designated Party NASSCO's
Second Set of Requests for
Admissions

Propounding Party: National Steel and Shipbuilding Company
("NASSCO")

Responding Party: California Regional Water Quality Control
Board, San Diego Region Cleanup Team

Set Number: Two (2)

Pursuant to the Presiding Officer's February 18, 2010 Order Issuing Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report, the Parties' August 9, 2010 Stipulation Regarding Discovery Extension and all applicable law, Designated Party the San Diego Water Board Cleanup Team ("Cleanup Team"), hereby responds and objects to NASSCO's Second Set of Requests for Admissions (the "Requests") as follows:

GENERAL STATEMENT OF OBJECTIONS

The Cleanup Team makes the following general objections, whether or not separately set forth in response to each Request, to each and every Request propounded by NASSCO, all as set forth herein and incorporated specifically into each of the responses below:

1. Privilege Objection. The Cleanup Team objects to each Request to the extent it requests information protected by the attorney-client privilege, joint prosecution privilege, common interest privilege, settlement communication privilege, mediation privilege or deliberative process privilege, and to the extent it requests information subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all information exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to identifying information subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.
2. Scope of Discovery Objection. The Cleanup Team objects to each Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

3. Irrelevant Information Objection. The Cleanup Team objects to each Request to the extent it is overbroad and/or seeks information that is not relevant to the claims or defenses asserted in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.
4. Vague and Ambiguous Objection. The Cleanup Team objects to each Request to the extent that it contains terms that are vague and ambiguous and, and to the extent that it is framed in a manner that prevents any reasonable ability to respond in the context of this proceeding. Such Requests create an unreasonable risk of inadvertent noncompliance as framed.
5. Cleanup and Abatement Order Proceeding is Ongoing. The instant Cleanup and Abatement Order proceeding is ongoing, and the Cleanup Team expects that additional evidence will be provided by the Designated Parties hereto in accordance with governing statutes, regulations and applicable hearing procedures. While the Cleanup Team's response to each of these Requests is based on a reasonable investigation and the state of its knowledge at this time, additional information may be made available to the Cleanup Team subsequent to the date of this response which could qualify or change the Cleanup Team's responses. These responses are provided without prejudice to the Cleanup Team's right to supplement the Responses set forth herein, or to use in this proceeding any testimonial, documentary, or other form of evidence or facts yet to be discovered, unintentionally omitted, or within the scope of the objections set forth herein.

OBJECTIONS TO DEFINITIONS

1. The Cleanup Team objects to the defined term “DOCUMENTS” on the ground and to the extent that it seeks information protected by settlement confidentiality rules, the attorney-client privilege, the joint prosecution privilege, the work product doctrine, the mediation privilege, the common interest privilege, the deliberative process privilege, and/or any other privilege or confidentiality protection.
2. The Cleanup Team objects to the defined terms “YOU” and “YOUR” on the grounds that they are overbroad, and that they are vague, ambiguous and unintelligible. For purposes of this Response, the Cleanup Team shall use the term REGIONAL BOARD as if it means all persons employed by the California Regional Water Quality Control Board, San Diego Region, other than the ADVISORY TEAM.
3. The Cleanup Team objects to the defined term COMMUNICATIONS” on the ground and to the extent that it seeks information protected by the attorney-client privilege, the joint prosecution privilege, the work product doctrine, the common interest privilege, the mediation privilege, the deliberative process privilege, and/or any other privilege or confidentiality protection.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that the SITE is exempt from the Water Quality Control Plan for Enclosed Bays and Estuaries of California – Part 1 Sediment Quality (“Phase I Sediment Quality Objectives”).

RESPONSE TO REQUEST NO. 1.

The Cleanup Team admits that Cleanup and Abatement Order R9-2011-0001 is exempt from the Phase I Sediment Quality Objectives, but denies that the SITE is so exempt.

REQUEST FOR ADMISSION NO. 2:

Admit that uncontrolled stormwater discharges to the San Diego Bay adversely affect the benthic community within the LEASEHOLD.

RESPONSE TO REQUEST NO. 2.

Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that NASSCO does not discharge stormwater to the San Diego Bay.

RESPONSE TO REQUEST NO. 3.

Denied. NASSCO's NPDES permits do not contain a storm water discharge prohibition, and it is permitted to discharge storm water to the San Diego Bay with limitations. NASSCO built a berm around its property line in or about 1999. Prior to that time, NASSCO had a permit to discharge storm water to San Diego Bay. Now, NASSCO collects the run-off and then discharges it to the City of San Diego sanitary sewer. NASSCO had one documented storm water discharge after it built the berm, which occurred in 2006. NASSCO likely discharges storm water during every rain event from its parking lots, which are not part of the bermed collection area. It is also reasonable to assume NASSCO does not collect all the storm water that hits and runs off the piers, bulkheads, and ships that are outside the bermed areas, as well as the outer surfaces of the berm itself.

REQUEST FOR ADMISSION NO. 4:

Admit that physical disturbances within the San Diego Bay adversely affect the benthic community within the LEASEHOLD.

RESPONSE TO REQUEST NO. 4

Admitted.

REQUEST FOR ADMISSION NO. 5:

Admit that “July 2009 Confirmatory Benthic Triad Study” demonstrates that natural attenuation is occurring within the LEASEHOLD.

RESPONSE TO REQUEST NO. 5.

The Cleanup Team lacks sufficient information to form a belief as to the truth of this Request and based thereon, it is denied. First, the Cleanup Team does not have sufficient information about the July 2009 Study to respond because it does not have a Work Plan or a Report containing text, interpretations or conclusions about the results of the Study. Second, as stated in the DTR, the purpose of the Study was not to demonstrate natural attenuation, but, rather, to “[c]onfirm that the SS-MEQ/60%LAET approach was protective of the health of the benthic community in polygons with only sediment chemistry data[.]” To the Cleanup Team’s knowledge, the Study was not designed to measure natural attenuation. Finally, because each sediment sample is unique, it would appear to be methodologically flawed to do a single sample to single sample comparison of sediment chemistry results and draw conclusions about whether or not natural processes are responsible for any differences in the results.

REQUEST FOR ADMISSION NO. 6:

Admit that concentrations of PCBs in fish are higher in reference areas outside of the LEASEHOLD than in reference areas within the LEASEHOLD.

RESPONSE TO REQUEST NO. 6.

The Cleanup Team objects to this Request as vague and ambiguous because there are no reference area(s) outside the leasehold, just a single reference area, and because there are no “reference areas within the leasehold.” (See DTR and Exponent Report, Volume II. Table E-6.) Subject to and without waiving these objections, the Cleanup Team admits that the concentrations of PCBs in fish in the reference area are higher than one of the four areas sampled within the Leasehold.

REQUEST FOR ADMISSION NO. 7:

Admit that concentrations of PCBs in lobsters are higher in reference areas outside of the LEASEHOLD than in reference areas within the LEASEHOLD.

RESPONSE TO REQUEST NO. 7.

The Cleanup Team objects to this Request as vague and ambiguous because there are no reference area(s) outside the leasehold, just a single reference area, and because there are no “reference areas within the leasehold.” (See DTR and Exponent Report, Volume II. Table E-6.) Subject to and without waiving these objections, the Cleanup Team admits that, as documented

in the Exponent Report, the concentrations of PCBs in whole body lobsters and in lobster edible tissue are lower in reference lobsters than in Leasehold lobsters.

REQUEST FOR ADMISSION NO. 8:

Admit that NASSCO's land-side and bay-side security measures do not allow fishing and lobstering within the LEASEHOLD.

RESPONSE TO REQUEST NO. 8.

The Cleanup Team admits that NASSCO's land side and bay side security measures are designed to prevent fishing and lobstering within the LEASEHOLD. But, the Cleanup Team lacks information sufficient to form a belief as to whether these measures do not allow fishing and lobstering within the LEASEHOLD and, based thereon, the Request is denied.

REQUEST FOR ADMISSION NO. 9:

Admit that YOU have never observed any fishing or lobstering taking place within the LEASEHOLD.

RESPONSE TO REQUEST NO. 9.

Admitted.

REQUEST FOR ADMISSION NO. 10:

Admit that correlations have been observed between pesticide concentrations in sediment and sediment toxicity at the SITE.

RESPONSE TO REQUEST NO. 10.

Denied. The Exponent Report did not sample for pesticides at the SITE and, while the SFEI Study observed correlations between pesticide concentrations in sediment and sediment toxicity in San Diego Bay, there is insufficient data to draw the conclusion that the correlations observed in the broader San Diego Bay held true at the SITE. The Cleanup Team has not otherwise observed the proffered correlations.

REQUEST FOR ADMISSION NO. 11:

Admit that pesticides are discharged into the San Diego Bay.

RESPONSE TO REQUEST NO. 11.

Admitted.

REQUEST FOR ADMISSION NO. 12:

Admit that NASSCO is not responsible for the discharge of pesticides into the San Diego Bay.

RESPONSE TO REQUEST NO. 12.

The Cleanup Team lacks information sufficient to form a belief as to the truth of this Request and, based thereon, it is denied. The Cleanup Team has no knowledge of NASSCO's pesticide use at the SITE and the Exponent Report did not test for nor analyze pesticides.

REQUEST FOR ADMISSION NO. 13:

Admit that sources of pesticide discharges into the San Diego Bay are uncontrolled.

RESPONSE TO REQUEST NO. 13.

Admitted.

REQUEST FOR ADMISSION NO. 14:

Admit that locations where higher toxicity in sediment has been found within the SITE are near locations where municipal stormwater is discharged.

RESPONSE TO REQUEST NO. 14.

Denied. The 18 current and former stormwater outfalls identified at the SITE (Exponent Figures 1-4 and 1-5) extend from one end of the SITE to the other. Therefore because stormwater is being or has historically been discharged throughout the SITE, the Cleanup Team does not conclude that the stations with higher toxicity in sediment are found near where stormwater is discharged. Moreover, comparing the stormwater outfalls (Exponent Figures 1-4 and 1-5) with the toxicity line of evidence results in DTR Table 18-9 indicating Moderate toxicity (the highest category) does not reveal any apparent positive correlation between the location of outfalls and sediment toxicity.

REQUEST FOR ADMISSION NO. 15:

Admit that sediment within the LEASEHOLD is adversely affected by sources of pollution unrelated to NASSCO or its operations.

RESPONSE TO REQUEST NO. 15.

Admitted.

REQUEST FOR ADMISSION NO. 16:

Admit that remediation goals for the SITE will in the future be adversely affected by re-contamination from other sources.

RESPONSE TO REQUEST NO. 16.

The Cleanup Team objects that the term "other sources" is vague and ambiguous. Subject to and without waiving this objection, the Cleanup Team denies this Request. The Cleanup Team believes directives in the CAO and other controls instituted by the Regional Board throughout the Region should prevent remedy failure.

REQUEST FOR ADMISSION NO. 17:

Admit that discharges at Chollas Creek impact sediment quality within the LEASEHOLD.

RESPONSE TO REQUEST NO. 17.

Admitted.

REQUEST FOR ADMISSION NO. 18:

Admit that it is technologically infeasible to require remediation to background sediment quality levels (as defined by State Board Resolution 92-49) within the SITE.

RESPONSE TO REQUEST NO. 18.

Admitted.

REQUEST FOR ADMISSION NO. 19:

Admit that it is economically infeasible to require remediation to background sediment quality levels (as defined by State Board Resolution 92-49) within the SITE.

REPONSE TO REQUEST NO. 19.

Admitted.

REQUEST FOR ADMISSION NO. 20:

Admit that the REGIONAL BOARD has never required remediation to background sediment quality levels for any other site within the San Diego Bay.

RESPONSE TO REQUEST NO. 20.

Admitted.

REQUEST FOR ADMISSION NO. 21:

Admit that the REGIONAL BOARD has approved sediment cleanup levels at other sites less stringent than the TENTATIVE CLEANUP LEVELS.

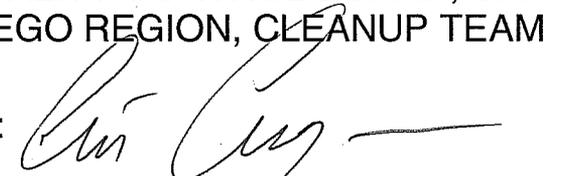
RESPONSE TO REQUEST NO. 21

Admitted.

Dated: October 4, 2010

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN
DIEGO REGION, CLEANUP TEAM

By:



Christian Carrigan

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

In the matter of Tentative Cleanup
and Abatement Order No. R9-2011-
0001 (Formerly R9-2010-0002)
Shipyard Sediment Cleanup

Regional Board Cleanup Team's
Responses & Objections to
Designated Party NASSCO's
Second Set of Requests for
Production of Documents

Propounding Party: National Steel and Shipbuilding Company
("NASSCO")

Responding Party: California Regional Water Quality Control
Board, San Diego Region Cleanup Team

Set Number: Two (2)

Pursuant to the Presiding Officer's February 18, 2010 Order Issuing Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report, the Parties' August 9, 2010 Stipulation Regarding Discovery Extension and all applicable law, Designated Party the San Diego Water Board Cleanup Team ("Cleanup Team"), hereby responds and objects to NASSCO's Second Set of Requests for Production of Documents (the "Requests") as follows:

GENERAL STATEMENT OF OBJECTIONS

The Cleanup Team makes the following general objections, whether or not separately set forth in response to each Request, to each and every Request by NASSCO, all as set forth herein and incorporated specifically into each of the responses below:

1. Privilege Objection. The Cleanup Team objects to each Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.
2. Scope of Discovery Objection. The Cleanup Team objects to each Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.
3. Irrelevant Information Objection. The Cleanup Team objects to the Requests to the extent they are overbroad and/or seek the production

of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Burdensome and Oppressive Objection. The Cleanup Team objects to each Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are otherwise already in NASSCO's possession, custody or control.
5. Overbroad Objection. The Cleanup Team objects that certain Requests are overbroad, and are framed in a manner that prevents any reasonable ability to search for and locate all responsive documents. Such Requests create an unreasonable risk of inadvertent noncompliance as framed.
6. Cleanup and Abatement Order Proceeding is Ongoing. The instant Cleanup and Abatement Order proceeding is ongoing, and the Cleanup Team expects that additional evidence will be provided by the Designated Parties hereto in accordance with governing statutes, regulations and applicable hearing procedures. While the Cleanup

Team's response to each of these Requests is based on a reasonable investigation and search for the documents requested as of this date, additional responsive documents may be made available to the Cleanup Team subsequent to the date of this response. These responses are provided without prejudice to the Cleanup Team's right to supplement these responses, or to use in this proceeding any testimonial, documentary, or other form of evidence or facts yet to be discovered, unintentionally omitted, or within the scope of the objections set forth herein.

OBJECTIONS TO DEFINITIONS

1. The Cleanup Team objects to the defined term "DOCUMENTS" on the ground and to the extent that it seeks information protected by settlement confidentiality rules, the attorney-client privilege, the joint prosecution privilege, the work product doctrine, the mediation privilege, the common interest privilege, the deliberative process privilege, and/or any other privilege or confidentiality protection.
2. The Cleanup Team objects to the defined terms "YOU" and "YOUR" on the grounds that they are overbroad, and that they are vague, ambiguous and unintelligible. For purposes of this Response, the Cleanup Team shall use the term REGIONAL BOARD as if it means all persons employed by the California Regional Water Quality Control Board, San Diego Region, other than the ADVISORY TEAM.
3. The Cleanup Team objects to the defined term "COMMUNICATIONS" on the ground and to the extent that it seeks information protected by the attorney-client privilege, the joint prosecution privilege, the work product doctrine, the common interest

privilege, the mediation privilege, the deliberative process privilege, and/or any other privilege or confidentiality protection.

RESPONSES TO REQUESTS FOR PRODUCTION

Request for Production No. 1:

All DOCUMENTS reflecting any COMMUNICATIONS IDENTIFIED in response to NASSCO'S Second Set of Special Interrogatories.

Response to Request No. 1.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the

deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search

for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 2.

All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and the ADVISORY TEAM or REGIONAL BOARD staff regarding the TENTATIVE ORDER or the TECHNICAL REPORT.

Response to Request No. 2.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing

documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which

are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: The Cleanup Team is unable to locate any responsive, non-privileged documents that have not already been provided to NASSCO.

Request for Production No. 3.

All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and ENVIRONMENTAL GROUPS regarding the TENTATIVE ORDER or TECHNICAL REPORT.

Response to Request No. 3.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of

this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team

will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: The Cleanup Team is unable to locate any responsive, non-privileged documents that have not already been provided to NASSCO.

Request for Production No. 4.

All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU and any PERSON regarding the TENTATIVE ORDER or TECHNICAL REPORT.

Response to Request No. 4.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of

investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on

NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 5.

All DOCUMENTS RELATING TO the impact of Chollas Creek on the water quality of the San Diego Bay, including but not limited to, Chollas Creek water quality, flow into the San Diego Bay, stormwater data, and discharge monitoring reports.

Response to Request No. 5.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all

communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome

and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 6.

All DOCUMENTS RELATING TO the establishment of sediment cleanup levels and approved remedies for other sites within San Diego Bay where sediment contamination was remediated, including but not limited to the Campbell Shipyard Site, Paco Terminals, Commercial Basin, America's Cup Harbor, and Convair Lagoon.

Response to Request No. 6.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of

attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are

not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 7.

All DOCUMENTS RELATING TO sediment cleanup levels and approved remedies established by the REGIONAL BOARD for any other sites within the REGIONAL BOARD'S jurisdiction where sediment contamination was remediated.

Response to Request No. 7.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et

seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO

will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 8.

All DOCUMENTS RELATING TO sediment cleanup levels and approved remedies established for all other sites throughout California where sediment contamination was remediated (or allowed to naturally attenuate) in rivers, bays, estuaries, ocean, wetlands, or any other surface water body at the direction of the STATE BOARD or another regional water quality control board.

Response to Request No. 8.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege,

the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: The Cleanup Team is not in possession, custody or control of any documents responsive to this Request.

Request for Production No. 9.

All DOCUMENTS RELATING TO any cost analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 9.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but

not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 10.

All DOCUMENTS RELATING TO confined aquatic disposal facilities as they may relate to the SITE, including but not limited to the technological or economic feasibility of such facilities at the SITE.

Response to Request No. 10.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the

direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing

documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record.

Request for Production No. 11.

All DOCUMENTS RELATING TO YOUR dismissal of natural attenuation as a preferred remedy for the SITE.

Response to Request No. 11.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all

products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for

this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record, the CAO, the supporting DTR and/or its appendices.

Request for Production No. 12

All DOCUMENTS RELATING TO the economic or technological feasibility of proposed cleanup levels at the SITE, within the meaning of State Water Board Resolution No. 92-49.

Response to Request No. 12

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged.

The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO

with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained in the administrative record, the CAO, its supporting DTR and/or the appendices.

Request for Production No. 13.

All DOCUMENTS RELATING TO the results and findings of the June 2009 sediment quality testing performed by Exponent, Inc. at the SITE.

Response to Request No. 13.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all

communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome

and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained in the CAO, the supporting DTR and/or its appendices.

Request for Production No. 14.

All DOCUMENTS RELATING TO any human health risk assessment(s) utilized in connection with proposed cleanup levels and remediation of the SITE, including the assumptions used in any such assessment(s).

Response to Request No. 14.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents

subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or

that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record, the CAO, the supporting DTR and/or its appendices.

Request for Production No. 15.

All DOCUMENTS RELATING TO any remedy selection alternatives analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 15.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged

documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained in the administrative record, the CAO, the supporting DTR and/or its appendices.

Request for Production No. 16.

All DOCUMENTS RELATING TO any aquatic life impairment analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 16.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of

attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are

not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record, the CAO, the supporting DTR and/or the appendices.

Request for Production No. 17.

All DOCUMENTS RELATING TO any aquatic-dependent wildlife impairment analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 17.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained in the administrative record, the CAO, the supporting DTR and/or the appendices.

Request for Production No. 18.

All DOCUMENTS RELATING TO any bioavailability analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 18.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et

seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents

have already been produced and are contained in the administrative record, the CAO, the supporting DTR and/or the appendices.

Request for Production No. 19.

All DOCUMENTS RELATING TO any alternative cleanup level analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 19.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record, the CAO, the supporting DTR and/or the appendices.

Request for Production No. 20.

All DOCUMENTS RELATING TO any remedial monitoring analysis used in connection with proposed cleanup levels and remediation of the SITE.

Response to Request No. 20.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the "privilege" or "privileged." The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the

deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search

for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents have already been produced and are contained within the administrative record, the CAO, the supporting DTR and/or the appendices.

Request for Production No. 21.

All DOCUMENTS RELATING TO the current and historical discharges to the San Diego Bay from the municipal separate storm sewer systems located within the SITE.

Response to Request No. 21.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege,

the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: All responsive, non-privileged documents that have not already been produced or otherwise provided to NASSCO will be made available as they are kept and organized in the ordinary course of business at the San Diego Water Board offices for inspection and copying between the hours of 8 a.m. and 5 p.m. on October 11 through 14, 2010.

Request for Production No. 22.

All DOCUMENTS RELATING TO the impact of Chollas Creek on the water quality of San Diego Bay.

Response to Request No. 22.

The Cleanup Team incorporates each and every general objections set forth above into this Response as if set forth in full. The Cleanup Team objects to this Request to the extent it requests the production of attorney-client privileged, joint prosecution privileged, common interest privileged, mediation privileged or deliberative process privileged documents, and to the extent it requests the production of documents subject to the work-product exemption, collectively referred to herein as the “privilege” or “privileged.” The Cleanup Team contends that all communications exchanged between it and its counsel are privileged. The Cleanup Team objects to identifying or producing any and all products of investigations or inquiry conducted by, or pursuant to the direction of counsel, including, but not limited to, all products of

investigation or inquiry prepared by the Cleanup Team in anticipation of this proceeding, based on the attorney-client privilege and/or the work-product doctrine. The Cleanup Team further objects to producing documents subject to or protected by any other privilege, including, but not limited to, settlement communications, the joint prosecution privilege, the common interest privilege, the mediation privilege and/or the deliberative process privilege. Inadvertent production of privileged documents shall not constitute a waiver of said privileges.

The Cleanup Team further objects to this Request to the extent it purports to impose any requirement or discovery obligation other than as set forth in Title 23 of the California Code of Regulations, sections 648 et seq., the California Government Code, sections 11400 et seq. and/or applicable stipulations, agreements and/or orders governing this proceeding.

The Cleanup Team further objects to this Request to the extent it is overbroad and/or seeks the production of documents that are not relevant to the claims or defenses asserted in this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence.

The Cleanup Team further objects to this Request to the extent that it seeks the production of documents that have already been produced, or that otherwise are equally available to NASSCO, or are already in NASSCO's possession, which renders the Request unduly burdensome and oppressive. The Cleanup Team has already provided NASSCO with a copy of the electronic, text searchable administrative record for this matter. Therefore, the burden of identifying and producing documents that are equally accessible to NASSCO is no greater on

NASSCO than it would be on the Cleanup Team, and the Cleanup Team will not produce again the documents it has already produced and which are contained in the electronic, text searchable administrative record, or that are already in NASSCO's possession, custody or control.

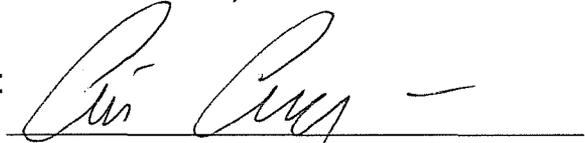
The Cleanup Team further objects that this Request is overbroad, and is framed in a manner that prevents any reasonable ability to search for and locate all responsive documents, which creates an unreasonable risk of inadvertent noncompliance as framed.

Subject to and without waiving the preceding objections, the Cleanup Team responds as follows: The Request is identical to Request No. 5 and is, accordingly, duplicative, burdensome and harassing. All responsive, non-privileged documents will be produced in accordance with the Cleanup Team's response to Request No. 5.

Dated: October 4, 2010

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN
DIEGO REGION, CLEANUP TEAM

By:



Christian Carrigan

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

In the matter of Tentative Cleanup
and Abatement Order No. R9-2011-
0001 (Formerly R9-2010-0002)
Shipyard Sediment Cleanup

Regional Board Cleanup Team's
Responses & Objections to
Designated Party NASSCO's
Second Set of Special
Interrogatories

Propounding Party: National Steel and Shipbuilding Company
("NASSCO")

Responding Party: California Regional Water Quality Control
Board, San Diego Region Cleanup Team

Set Number: Two (2)

Pursuant to the Presiding Officer's February 18, 2010 Order Issuing Final Discovery Plan for Tentative Cleanup and Abatement Order No. R9-2010-0002 and Associated Draft Technical Report, the Parties' August 9, 2010 Stipulation Regarding Discovery Extension and all applicable law, Designated Party the San Diego Water Board Cleanup Team ("Cleanup Team"), hereby responds and objects to NASSCO's Second Set of Special Interrogatories (the "Interrogatories") as follows:

GENERAL STATEMENT OF OBJECTIONS

The Cleanup Team makes the following general objections, whether or not separately set forth in response to each Interrogatory, to each and every Interrogatory propounded by NASSCO, all as set forth herein and incorporated specifically into each of the responses below: