

June 10, 2013

VIA EMAIL

David Gibson
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Re: Request For Stakeholder Workshop Regarding San Diego Regional Water Quality Control Board Tentative Resolution No. R9-2013-0003

Dear Mr. Gibson:

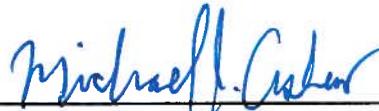
This letter is submitted in regard to the San Diego Regional Water Quality Control Board's ("Regional Board") April 29, 2013 Revised Public Hearing Notice for Tentative Resolution No. R9-2013-0003, which scheduled a June 19, 2013 hearing to consider the proposed Total Maximum Daily Loads for the mouths of Chollas, Paleta, and Switzer Creeks in San Diego Bay ("TMDLs"). As you know, the TMDLs raise significant legal, technical, economic, and practical considerations that will affect many stakeholders throughout the region. During the public comment period, a number of diverse stakeholders, including Caltrans, the City of La Mesa, the City of San Diego, the Port of San Diego, the State Lands Commission, the United States Navy, Solar Turbines, and National Steel and Shipbuilding Company (collectively, the "Stakeholders"), raised serious concerns regarding the technical approach used to develop the TMDLs, and the short time-period provided to review the proposed methodology. Given the significant costs that will be borne by local taxpayers to comply with the proposed TMDLs, and because it appears that staff intends to apply the methodology underlying these TMDLs to other areas of the bay, it is essential that the proposed approach be both technically and legally sound, as well as transparent to the public.

While certain Stakeholders have met informally with Regional Board staff to discuss their concerns, no public workshops have been held since staff released the Technical Report and supporting data and calculations in late February 2013, which, for the first time, provided specific information about the methodology, calculations, and data used to develop the TMDLs. As a result, many of the Stakeholders still have unanswered questions and concerns regarding the proposed process and method of calculating numeric targets, and would like to work cooperatively with Regional Board staff to better understand the proposed methodology. A public workshop would therefore be valuable in order to facilitate a better understanding of staff's technical approach, and, hopefully, to resolve the issues raised during the public comment period without any unnecessary delays or disputes.

To that end, we respectfully request that the Regional Board briefly continue the hearing on the TMDLs, in order to allow time to schedule a stakeholder workshop that would afford all interested persons a reasonable opportunity to understand staff's approach—and engage in an open discussion of the technical merits of the same—with the collective goal of producing an improved TMDL that is technically and legally sound.

Thank you in advance for your consideration of this request.

Respectfully,



Michael Askew, Vice President & General Counsel
National Steel and Shipbuilding Company

cc: Tomas Morales, Chair
Gary Strawn, Vice Chair
Henry Abarbanel
Eric Anderson
Sharon Kalemkiarian
Lisa Honma
Cynthia Gorham
Jeremy Haas
Constantine Kontaxis, CalTrans
Joe Kuhn, City of La Mesa

Ruth Kolb, City of San Diego
Kris McFadden, City of San Diego
Frederick Ortlieb, City of San Diego
Heather Stroud, City of San Diego
Randa Coniglio, San Diego Unified Port District
Stephanie Bauer, San Diego Unified Port District
Scott Patterson, Brown & Winters
Mike Tracy, DLA Piper
Cy Oggins, State Lands Commission
Len Sinfeld, U.S. Navy