



California Regional Water Quality Control Board

San Diego Region



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Item 10
Supporting Document No. 1.D

Date: July 16, 2010

To: Designated Parties and Interested Persons

From: 
David A. King, Presiding Officer for Prehearing Proceedings
Tentative Cleanup and Abatement Order No. R9-2010-0002
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

Subject: Ruling on Cleanup Team's Motion to Extend Remaining Discovery Deadlines and Related Matters Addressed at Prehearing Conference

On June 16, 2010, the California Regional Water Quality Control Board, San Diego Region, (San Diego Water Board) Cleanup Team's filed a motion to extend the remaining deadlines in the Final Discovery Plan for tentative Cleanup and Abatement Order (CAO) No. R9-2010-0002 (Motion). I requested and received responses to the Motion from the Designated Parties on June 24, 2010. At the July 14, 2010, prehearing conference Designated Parties spoke in support of and in opposition to the Cleanup Team's motion and responded to questions by members of the San Diego Water Board. After considering the Motion, responses to the Motion and the comments of the Designated Parties, and for all the reasons stated at the prehearing conference, I, acting as presiding officer for prehearing proceedings for the above matter, denied the Cleanup Team's Motion. The Cleanup Team's Motion included an alternative request for reconsideration by the full San Diego Water Board as presiding officer. All other board members were present during the prehearing conference, expressed support for the ruling and therefore declined to overrule my decision to deny the Motion. The ruling to deny the Motion stands.

Therefore, in accordance with the Final Discovery Plan adopted February 18, 2010, the discovery period for tentative CAO and the draft Technical Report ends August 23, 2010. As indicated in the June 17, 2010, Request for Responses to the Motion, because the Motion was denied, the Designated Parties have an additional five days from July 14, 2010, to disclose expert and non-expert witnesses under the Final Discovery Schedule. I will timely rule on motions to quash unreasonable or oppressive discovery requests.

At the prehearing conference, I directed the Executive Officer to immediately submit a request to the State Water Resources Control Board for an emergency sole source allocation to authorize the hiring of the identified consultant to complete an

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Environmental Impact Report (EIR) for the cleanup project in the event the Designated Parties fail to timely agree to a cost-sharing arrangement to fully compensate the consultant.

Finally, I terminated the mediation to which the matter was formally referred in June 2008. The Designated Parties are welcome to continue mediation or engage in other settlement discussion under their own terms.

DAK:mch:ftm

Attachment: Designated Parties and Interested Persons mailing list

Order No.	R9-2010-0002
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