



California Regional Water Quality Control Board San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Arnold Schwarzenegger
Governor

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<http://www.waterboards.ca.gov/sandiego>

SUPPLEMENTAL NOTICE OF PRE-HEARING CONFERENCE FOR Tentative Cleanup and Abatement Order No. R9-2005-0126

**September 26, 2005, Monday
At 9:00 AM**

**Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California**

The purpose of this Notice is to supplement the August 29, 2005 Notice for the Pre-hearing Conference scheduled for September 26, 2005. The August 29 Notice, distributed to interested persons and the recommended designated parties, contains the recommendation of the Advisory Team of the Regional Board to the Presiding Officer to name ten entities as designated parties. This supplemental notice recommends that the Shipyard Sediment Site Cleanup Team of the Regional Board be added to the list of designated parties.

BACKGROUND

The staff of the San Diego Regional Water Quality Control Board (Regional Water Board) has issued Tentative Cleanup and Abatement Order No. R9-2005-0126, which establishes proposed cleanup requirements for San Diego Bay marine sediments located within and adjacent to the NASSCO and BAE Systems San Diego Ship Repair (formerly Southwest Marine) shipyard leaseholds.

DESIGNATED PARTIES FOR THE HEARING

Participants at a hearing are either “designated parties” or “interested persons.” Parties to the hearing may present evidentiary testimony and are subject to cross-examination. Parties may also cross-examine other parties’ witnesses. Interested persons may present non-evidentiary policy statements, but may not present evidentiary testimony. Interested persons are not subject to cross-examination and may not cross-examine parties.

The Advisory Team is recommending to the Presiding Officer that the following entities be designated as parties to the Tentative Cleanup and Abatement Order hearing(s):

California Environmental Protection Agency

1. National Steel and Shipbuilding Company (NASSCO)
2. BAE Systems San Diego Ship Repair Inc. (formerly Southwest Marine, Inc.)
3. San Diego Port District
4. United States Navy
5. City of San Diego
6. San Diego Gas and Electric Company, Subsidiary of Sempra Energy Co.
7. Marine Construction and Design Co. and Campbell Industries, Inc.
8. Chevron USA, Inc, a Subsidiary of Chevron Texaco
9. BP West Coast Products LLC (BP)
10. San Diego Bay Council *
11. Shipyard Sediment Site Cleanup Team, San Diego Regional Water Quality Control Board

*The San Diego Bay Council is a coalition of environmental organizations comprised of the San Diego Bay Keeper, the Environmental Health Coalition, San Diego County Surfrider Foundation, San Diego Audubon Society, and the San Diego Chapter of the Sierra Club.

Any other persons who wish to participate in the hearing as designated parties must request party status in writing. The written request must be submitted to Frank Melbourn at the above address and **must be received no later than close of business on September 20, 2005.** The request must explain the basis for party status, a general description of the evidence that will be presented, and the reason why the proposed designated parties to this hearing do not adequately represent the person's interests. Persons with similar interests are encouraged to request party status as a group.

SERVICE OF DOCUMENTS

Until further notice, all proposed designated parties and persons seeking party status submitting documents to the Regional Water Board related to this proceeding shall simultaneously serve copies of the documents on the following persons:

1. Mr. Michael Chee
National Steel and Shipbuilding Company
P.O. Box 85278
San Diego, California 92186-5278
2. Mr. Sandor Halvax
BAE Systems San Diego Ship Repair Inc.
P.O. Box 13308
San Diego, California 92170-3308

3. Mr. David Merk
Director of Environmental Services
Port of San Diego
P.O. Box 120488
San Diego, California 92112

4. Mr. Brian Gordon
Department of the Navy
Environmental Department N45
Commander Navy Region Southwest
33000 Nixie Way, Building 50, Suite 326
San Diego, California 92147-5110

5. Mr. Scott Tulloch
City of San Diego
Metropolitan Wastewater Department
9192 Topaz Way
San Diego, California 92123

6. Mr. Vincent Gonzales
SDG&E Sempra Energy
555 West Fifth Street, Suite 1400
Los Angeles, California 90013-1011

7. Mr. H. Allen Fernstrom
Marine Construction and Design Company
2300 West Commodore Way
Seattle, Washington 98199

8. Mr. Christopher J. McNevin
Attorney for Chevron USA Inc.
Pillsbury Winthrop Shaw Pittman, LLC
10250 Constellation Blvd., 21st Floor
Los Angeles, California 90067-6221

9. Mr. Roy Thun
BP West Coast Products LLC
6 Centerpointe Drive
La Palma, California 90623-1066

10. Ms. Laura Hunter
San Diego Bay Council

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c/o Environmental Health Coalition
1717 Kettner Blvd. #100
San Diego, California 92101

11. Mr. David Barker
Shipyard Sediment Site Cleanup Team
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

IF YOU HAVE ANY QUESTIONS

Questions concerning the pre-hearing conference may be addressed to Frank Melbourn at the Regional Board's mailing address; email Fmelbourn@waterboards.ca.gov and telephone number (858)467-2973.

John H. Robertus
Executive Officer

Dated: _____