



California Regional Water Quality Control Board

San Diego Region




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TO: John Robertus, Executive Officer
Shipyard Sediment Site Advisory Team

FROM: Craig L. Carlisle, Senior Engineering Geologist 
Shipyard Sediment Site Cleanup Team
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: February 29, 2008

SUBJECT: AVAILABILITY OF SHIPYARD SEDIMENT SITE DOCUMENTS

This memorandum responds to David A. King, Presiding Officer's memorandum dated February 29, 2008. We apologize if our February 28 response to the February 26 memorandum was not satisfactory. It is apparent that communication via memoranda on such a complex topic is not very useful and may only serve to further frustrate all parties. We suggest that, to facilitate better communication while adhering to the ex parte rules, a teleconference or hearing is scheduled and that the contractor D-M participates. This will enable a full exploration of the issues associated with the administrative record so that the Presiding Officer can make an informed decision on how to proceed. We believe that releasing a partial record, or a partially indexed record, will not expedite the process nor serve the primary goal identified in the First Amended Order of Proceedings to "ensure that the future hearing(s) ... proceed in an orderly manner."

Assuming the Presiding Officer wishes to continue to communicate via memorandum, please note that it is difficult to prepare satisfactory responses in less than 48 hours or, in this case, less than 7 hours. We received the February 29 memorandum today at 10:17 am and a response was requested by close of business February 29.

Regardless of the above considerations, here are our responses to the three points in Mr. King's memorandum of this morning.

(1) Please report on whether it is feasible to make available in the Regional Board offices a record for the Tentative Cleanup and Abatement Order (CAO) that is "partially in an indexed electronic form and partially on paper" such that Phase III of the First Amended Order of Proceedings can be commenced.

No it is not feasible. Given more time, and preferably a face-to-face meeting or teleconference, we can explain and perhaps help the Presiding Officer and Advisory

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Team understand our answer. For example, the reference to a “partially in an indexed electronic form and partially on paper” is confusing. Again, we apologize if our February 28 Memorandum was unclear. As indicated in the first sentence of the third paragraph of our February 28 Memorandum: “The administrative record currently exists as approximately 7300 electronic files contained on 39 disks (CDs and DVDs) that were prepared by D-M plus an unknown number of [electronic] files that are on the 129 original disks (CDs, DVDs, floppy disks)...” In other words the record consists of D-M disks (i.e. electronic media prepared by D-M) plus other original disks (i.e. electronic media from the Regional Board’s files) we recently sent back to D-M to review, identify, and incorporate missing electronic documents into the record. All of the paper records have been scanned and are on the 39 disks prepared by D-M.

(2) If a partially electronic and partially paper record can be made available, by what date can this be accomplished?

See response to request (1).

(3) Finally, is all of the directly relevant technical information related to the Tentative CAO contained within the 39 disks prepared by D-M which have already been released?

No, there are documents on the 129 original disks mentioned above that are not contained within the 39 disks prepared by D-M.

cc Shipyard Sediment Distribution List