



# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

**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 28, 2008

**SUBJECT: REPORT ON THE FEASIBILITY OF MAKING SHIPYARD SEDIMENT  
SITE DOCUMENTS AVAILABLE**

This memorandum responds to David A. King's directive dated February 26, 2008 requesting a report on the feasibility of "making available to the designated parties in an interim format all remaining documents that currently comprise the record..."

As detailed in the February 15, 2008 and previous status reports, D-M Information Systems Inc. (D-M) has been working on two critical aspects of the administrative record: addressing inconsistencies in the page numbering and indexing of the documents; and identifying, capturing, and indexing documents that were lost from their storage device during a power failure. The latest update from D-M for completion and delivery of the entire indexed electronic administrative record is April 4, 2008.

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 files that are on the 129 original disks (CDs, DVDs, floppy disks) the Cleanup Team recently returned to D-M. The 129 original disks were shipped back to D-M in ten boxes containing the disks along with the hard copy documents associated with those disks to ensure that their location within the files and the indexing parameters were not lost.

It is important to note that the final deliverable will be an external computer hard drive with a complete searchable index to all the documents. Such an index does not currently exist. The purpose of preparing a complete indexed electronic record in accordance with the First Amended Order of Proceedings dated January 30, 2006 is to facilitate the entire process by allowing the Designated Parties to easily access, review, and reference all of the over 7200 documents in the record.

*California Environmental Protection Agency*

Two options regarding making the administrative record available are discussed below.

**Option 1: "Release" the 39 disks prepared by D-M (Interim Release).**

The 39 disks<sup>1</sup> prepared by D-M have already been released and have been available since early January 2008. Several parties have already acquired copies of these disks. They can be purchased directly from D-M. Review copies are also available in the Regional Board's office. We estimate that over 90 percent of the administrative record is on these 39 disks. Each disk has its own index and these indices have been posted on the Regional Board's website<sup>2</sup> along with information on how to acquire or review the disks.

Advantages: Allows immediate review of most of the administrative record.

Disadvantages: An unknown number of documents are not included. These are documents contained on the 129 disks returned to D-M. It is impractical to make these disks available for duplication because they are currently in 10 boxes of material returned to D-M that they are using to find and index the missing documents.

In addition, the current index on each disk is not the same as the planned final comprehensive index. For example, the current index does not uniquely cite each document. That is one of the problems D-M has been fixing, as detailed in our previous status reports. Therefore commenters using these 39 disks would cite references inconsistent with those of other commenters and with those that will appear in the final comprehensive index. Also, it is impractical to search and find documents on the 39 disks without the comprehensive index being prepared by D-M. Therefore, since Option 1 will not include all of the records and will not include a final comprehensive index, this option will likely result in the Parties requesting additional review and comment time, and therefore may not expedite the overall hearing process.

**Option 2: Release complete indexed administrative record (Current Approach).**

This option is to continue on the current course of action to prepare and make available the complete indexed record as directed in the First Amended Order of Proceedings.

Advantages: Provides a complete set of all documents with searchable comprehensive index on one external hard drive to all Designated Parties. This will allow the hearing process to proceed more efficiently than if the Parties had to rely on multiple disks without a comprehensive index.

---

<sup>1</sup> The disks prepared by D-M are labeled RWQCB\_001 through RWQCB\_037. There are three disks labeled with RWQCB\_006, namely RWQCB\_006\_1, RWQCB\_006\_2, and RWQCB\_006\_3.

<sup>2</sup> <http://www.waterboards.ca.gov/sandiego/programs/shipyards/Shipyard%20Sediment%20Cleanup/r9-2005-0126%20CUT.html>

Disadvantages: Potentially additional delay in hearing date. Because requests for additional review time would be expected under Option 1, however, any additional delay for Option 2 could be negligible.

**Recommendation:**

The Cleanup Team believes that continuing on the current approach (Option 2) will ultimately result in the most efficient overall hearing process. The delays in record preparation to date have been disappointing, but the Cleanup Team does not believe that prematurely releasing the electronic record in its presently semi-usable state will appreciably expedite the hearing process.

We will keep the Advisory Team apprised of the status of the electronic record preparation and its expected delivery date. D-M estimates that the final hard drives and comprehensive index will be available by April 4, 2008. Based on multiple conversations with D-M, we feel that barring any further extraordinary events, this deadline should be met.

Please contact us with further instructions. In the meantime, we will take all reasonable steps to ensure D-M completes the electronic record and has it ready for distribution in the shortest possible time.

cc Shipyard Sediment Distribution List