



Sempra Energy®

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

Vincent M. Gonzales  
Attorney

555 W. Fifth Street, Suite 1400  
Los Angeles, CA 90013-1011

Tel: 213.244.2948  
Fax: 213.629.9620  
vgonzales@sempra.com

2005 SEP 20 P 9:42

September 19, 2005

**VIA OVERNIGHT MAIL**

John H. Robertus  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340

**PRE-HEARING CONFERENCE  
SEPTEMBER 26, 2005**

**RE: Tentative Cleanup & Abatement Order No. R9-2005-0126 Issued by the San Diego Regional Water Quality Control Board ("RWQCB"), ("Tentative Order")**

Dear Mr. Robertus:

Reference is made herein to (1) the above-captioned Tentative Order; and (2) the RWQCB's Notice of Pre-Hearing Conference for the above-captioned Tentative Order, set for September 26, 2005 (the "Notice"). This letter constitutes San Diego Gas & Electric Company's ("SDG&E") written comments on the Notice.

SDG&E appreciates the opportunity to comment on the pre-hearing conference issues listed on page 3 of the Notice (collectively, the "Pre-Hearing Conference Issues"). In general, SDG&E believes that the RWQCB's decision to hold a pre-hearing conference and to list, in advance, the issues to be addressed at such a conference is a step towards ensuring that this process is fair as well as expeditiously conducted. Nonetheless, SDG&E has some comments regarding the Pre-Hearing Conference issues.

First, SDG&E hereby incorporates by reference all of the comments and criticisms made by the attorneys representing the National Steel and Shipbuilding Company ("NASSCO"), in their Comments Regarding Pre-Hearing Conference Issues, submitted to the Regional Board contemporaneously with this letter. SDG&E agrees with and endorses all of the comments and criticisms set forth by NASSCO therein. In particular, SDG&E fully agrees with NASSCO's comments regarding the RWQCB's proposal to name the San Diego Bay Council as a designated party in this matter.

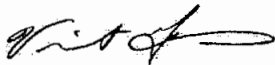
John H. Robertus  
September 19, 2005  
Page 2

Secondly, SDG&E believes that the legally questionable, if not highly insupportable, manner in which the RWQCB is proposing to name the San Diego Bay Council a designated party -- because of its "intense" interest in this matter -- will likely render the RWQCB's subsequent actions and decisions with respect to the Tentative Order, highly vulnerable to legal challenge. Indeed, naming the San Diego Bay Council a designated party will inevitably result in an even greater delay in these proceedings. SDG&E does not believe that it is the RWQCB's intent to slow down this process more than necessary. Consequently, SDG&E urges the RWQCB to rethink its proposal to name the San Diego Bay Council as a designated party in this matter.

Finally, SDG&E wishes to clarify that its comments regarding the Notice and the Pre-Hearing Conference Issues do not constitute an acceptance of or an agreement with the findings in the Tentative Order, especially the designation therein of SDG&E as a discharger. SDG&E's objections to and comments on the Tentative Order which are set forth in its prior submittals to the RWQCB and the Regional Board -- and which were recently resubmitted -- still stand and are not being withdrawn or modified in light of SDG&E's comments herein.

SDG&E reserves its right to supplement or modify this letter and the information contained therein, to the extent it deems necessary. Thank you very much for your consideration.

Very truly yours,



Vincent M. Gonzales

Service List Attached

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
TENTATIVE CLEANUP & ABATEMENT ORDER NO. R9-2005-0126  
PRE-HEARING CONFERENCE  
SEPTEMBER 26, 2005  
SERVICE LIST

Mr. Michael Chee  
National Steel and Shipbuilding Company  
P.O. Box 85278  
San Diego, CA 92186-5278

Ms. Laura Hunter  
San Diego Bay Council  
c/o Environmental Health Coalition  
1717 Kettner Blvd. #100  
San Diego, CA 92101

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

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

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

Mr. Christopher J. McNevin  
Attorney for Chevron USA Inc.  
Pillsbury Winthrop Shaw Pittman, LLC  
10250 Constellation Blvd., 21<sup>st</sup> Floor  
Los Angeles, CA 90067-6221

Mr. Sandor Halvas  
BAE Systems San Diego Ship Repair Inc  
P.O. Box 13308  
San Diego, CA 92170-3308

Mr. Brian Gordon  
Department of the Navy  
Environmental Department N45  
Commander Navy Region Southwest  
33000 Nixie Way, Bldg 50, Suite 326  
San Diego, CA 92147-511

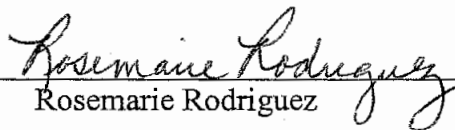
Mr. H. Allen Fernstrom  
Marine Construction and Design Co.  
2300 West Commodore Way  
Seattle, Washington 98199

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

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing comments of SDG&E with respect to the Tentative Cleanup and Abatement Order No. R9-2005-0126 ("Order") on all known designated parties of record with respect to the Order via first-class mail to those listed on the official service list.

Dated at Los Angeles, California, this 19th day of September 2005.

  
\_\_\_\_\_  
Rosemarie Rodriguez