

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ADVISORY TEAM SUMMARY REPORT

MARCH 11, 2026

ITEM NO. 8

SUBJECT

Consideration of Tentative Cleanup and Abatement Order No. R9-2026-0023, *Amendment No. 1 to Cleanup and Abatement Order No. R9-2022-0007, An Order Directing Lockheed Martin Corporation to Clean Up or Abate the Effects of Waste Discharged From the Former Tow Basin and Former Marine Terminal and Railway Facilities at 3380 North Harbor Drive and 1160 Harbor Island Drive to the East Basin of Harbor Island in San Diego Bay, San Diego, California.* (Adrian Hinkle)

STAFF RECOMMENDATION

The Advisory Staff recommend adoption of Tentative Order No. R9-2026-0023 (**Supporting Document 1**).

KEY ISSUES

Tentative Order R9-2026-0023 (Tentative Order), if adopted, will amend Order No. R9-2022-0007 (2022 CAO) to comply with *Lockheed Martin Corporation v. Regional Water Quality Control Board, San Diego Region*, San Diego County Superior Court, Case No. 37-2023-00001041- CU-WM-CTL.

Amending the order will allow long-planned cleanup work to proceed quickly and still remove and cover substantial amounts of sediments that are contaminated with PCBs and mercury.

Cleanup goals are expressed as specific cleanup levels directed by the Court, replacing Sediment Quality Objectives (SQO)-based targets in this amendment.

PRACTICAL VISION

The Tentative CAO is an enforcement action in a key area for aquatic life beneficial uses. The removal and capping of sediments with PCBs and mercury will lead to improved chemical and biological integrity (i.e., healthier waters) in a portion of San Diego Bay which has estuarine and marine wildlife habitats potentially used for

spawning, reproduction, and/or early development of finfish and for shellfish harvesting and commercial and sport fishing.

DISCUSSION

The cleanup Site is in the northern portion of San Diego Bay and contains sediment with PCBs and mercury. The San Diego Water Board issued an investigative order to Lockheed Martin Corporation (LMC) in 2011 based on a sediment sampling and analysis report from 2009. Ensuing work led to the adoption a CAO in 2017 that required LMC to achieve cleanup levels of 0.57 parts per million mercury and 84 parts per billion PCBs. These levels were derived from negotiated agreements at a separate cleanup site in the Bay and were not based on known background concentrations at the Site. The San Diego Water Board issued a new CAO in 2022, following State Water Board changes to the SQOs in 2018, that met new SQO requirements and required LMC to generate alternative cleanup levels to those from 2017.

On January 9, 2023, LMC filed a petition for writ of administrative mandate against the San Diego Water Board, challenging Order No. R9-2022-0007. LMC argued that R9-2022-0007 was not consistent with Resolution 92-49, under which a discharger may only be required to cleanup and abate waste attributable to that discharger. The Court issued a Minute Order on April 3, 2024, granting in part LMC's petition for writ of mandate. The Court found that "Respondent's factual findings setting the background concentration levels at the Site at 84 parts per billion for total PCBs and 0.57 parts per million for mercury is correct." On July 1, 2024, the Court issued a Judgment and Writ of Mandate commanding the San Diego Water Board to either revise R9-2022-0007 or rescind and issue a new CAO consistent with the Minute Order. The Tentative Order revises the CAO.

PUBLIC NOTICE

San Diego Water Board staff notified the Discharger and known interested parties of this action on January 30, 2026. San Diego Water Board staff posted Tentative Order No. R9-2026-0023 on its website on February 19, 2026. These actions satisfy the 10-day public notification period.

SUPPORTING DOCUMENTS

1. Tentative Order R9-2026-0023