
California Regional Water Quality Control Board, San Diego Region

December 20, 2012

Shipyards Sediment Cleanup Distribution List
(See attached distribution list)

In reply refer to: **FMelbourn:712610**

San Diego Bay Shipyards Sediment Cleanup CAO R9-2012-0024 RAP Acceptance and CEQA Compliance

On September 10, 2012, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received the amended Remedial Action Plan (RAP) as required by Directive B.1. of Cleanup and Abatement Order No. R9-2012-0024 (CAO).¹ Following the public comment period and discussions among the Designated Parties, including the San Diego Water Board Cleanup Team and San Diego Coastkeeper, additional revisions were made to the RAP on October 26 and October 31, 2012, as identified in an October 31, 2012, letter from the Cleanup Team to me. I reviewed the RAP, as amended, and find that it satisfies the requirements of CAO Directive B.1. and proposes acceptable remedial measures for the San Diego Bay Shipyards Sediment Site. I further find that the Post Remedial Monitoring Plan dated September 7, 2012, satisfies the requirements of CAO Directive D.1. Finally, I find that the activities contained in the submitted RAP have been considered and addressed in the Final Environmental Impact Report (EIR); therefore no additional California Environmental Quality Act (CEQA) analysis is necessary at this time.

Submitted RAP satisfies CAO Directive B.1.

During the RAP comment period, the San Diego Water Board received comments from the San Diego Coastkeeper, the San Diego Unified Port District (Port District), and the Cleanup Team. The Port District's comments were not relevant to the issue of whether the RAP satisfied the CAO requirements because the comments were limited to the selection of the sediment staging location. Determination of the sediment staging location will occur during implementation of the RAP, likely when a Report of Waste Discharge (ROWD) for the dredging project is submitted. The amended version of the RAP addresses all received comments except for a select few made on Appendix E, Community Relations Plan, by the San Diego Coastkeeper. While CAO Directive F. states that the Assistant Executive Officer shall schedule items for the San Diego Water Board that cannot be informally resolved, I find that the San Diego Coastkeeper's unaddressed concerns are not of the type that must be resolved

¹ The Dischargers named in the CAO submitted a RAP on June 12, 2012, but requested an extension of time until September 10, 2012, to prepare and submit an amended RAP. By letter dated August 6, 2012, I approved the extension of time in part because the new schedule included time for the Dischargers to meet with the Cleanup Team and additional time for public comment and written responses from the Cleanup Team. While the formal public comment period closed October 1, 2012, as reported in the Cleanup Team's October 31, 2012, letter, discussions among BAE, NASSCO and San Diego Coastkeeper continued through October 31, 2012, when additional revisions to the RAP were made.

**Designated Parties
and Interested Persons
San Diego Bay Shipyard Sediment Cleanup**

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in order to proceed with RAP implementation. Furthermore, the San Diego Coastkeeper's comments can be addressed in future public reviews. Implementation of the RAP will necessitate additional public review when the Designated Parties submit a ROWD and/or a Clean Water Act section 401 Water Quality Certification application. To ensure full public participation, the San Diego Water Board will issue public notices in both English and Spanish. Issuance of waste discharge requirements and/or a Clean Water Act section 401 Water Quality Certification will also require compliance with CEQA.

At this point, I strongly urge the Designated Parties to begin RAP implementation (i.e., obtaining agency authorizations and permissions to undertake the cleanup project).

In the subject line of any response, please include the "In reply refer to" name and number. For questions or comments, please contact Frank Melbourn by phone at 858-467-2973 or by email at fmelbourn@waterboards.ca.gov.

Respectfully,


JAMES G. SMITH
Assistant Executive Officer

JGS:cmh:ftm

Enclosure: Distribution List

Tech Staff Info & Use	
Order No.	R9-2012-0024
Reg. Measure ID	340860
Place ID	712610

**San Diego Bay Sediment Cleanup
CAO R9-2012-0024
Main Designated Party List
December 20, 2012**

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**San Diego Bay Sediment Cleanup
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Interested Contact List
December 20, 2012**

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