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GOVERNOR

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SECRETARY FOR
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California Regional Water Quality Control Board, San Diego Region

6 August 2012

Via Email and US Mail

In reply refer to / attn:
R9-2012-0024jsmith

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Subject: Order no. R9-2012-0024, Approval of Discharger Requests for Extension of Time to Submit Remedial Action Plan and Notice and Comment Period

Cleanup and Abatement Order No. R9-2012-0024 (Order) for the San Diego Shipyard Sediment Site required the named Responsible Parties to submit a Remedial Action Plan (RAP) and a Post-Remedial Monitoring Plan within 90 days of adoption of the Order, or not later than June 12, 2012 (Order, ¶¶ B.1 and D.1). The Responsible Parties did submit a proposed RAP on June 12, 2012. By letter dated July 31, 2012, the Responsible Parties requested an extension of time until September 10, 2012, to submit an amended RAP. Under the new timelines requested by the Responsible Parties, prior to September 10, 2012, the Responsible Parties would meet with the Cleanup Team, and modify the June 12, 2012 RAP based on the Cleanup Team's comments and input. From September 10, 2012 to October 1, 2012, the amended RAP would be available to the public for notice and comment. No later than October 31, 2012, the Cleanup Team would report consensus among the interested persons on the amended RAP or submit to the California Water Quality Control Board, San Diego Region (San Diego Water Board) the amended RAP along with the Cleanup Team's recommended revisions.

The Cleanup Team supports the Discharger's proposed timeline and the Discharger's request to modify the Notice of Availability and Opportunity to Comment on the Remedial Action Plan. The Environmental Parties agree that the Responsible Parties must supplement the RAP submitted on June 12, 2012, but do not believe that all of the requested feedback between the Responsible Parties and the Cleanup Team on the amended RAP is necessary.

The San Diego Water Board recognizes that the RAP the Responsible Parties submitted on June 12, 2012, is incomplete, and an amended RAP is necessary to have meaningful public comment. I am disappointed that the Responsible Parties did not submit a complete RAP by the June 12, 2012 deadline. Due to amendments necessary to the RAP to correct the deficiencies in the June 12, 2012 RAP and to allow for meaningful public comment, however, the San Diego Water Board finds that good cause exists to grant the requested extension. The San Diego Water Board is issuing a Revised Notice of Availability and Opportunity to Comment on the Remedial Action Plan that extends the public comment period until October 1, 2012. I want to make it clear that, due to the extension to submit the RAP I am very concerned about future requests for extensions, and I will not be receptive to future requests for modifications of the deadlines in the RAP or delays in implementation of the Order. Submission of incomplete documents in the future may result in the San Diego Water Board finding that the Responsible Parties are not complying with the Order and enforcement is necessary. The San Diego Water Board expects nothing less from the Responsible Parties than full and timely compliance with the requirements of the Order.

If you have any questions, please contact Frank Melbourn at fmelbourn@waterboards.ca.gov or 858-467-2973.

Respectfully,



James G. Smith
Assistance Executive Officer

JGS:jj

Enclosure: Revised Notice of Availability and Opportunity to Comment on the Remedial Action Plan.

cc:
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