

EXECUTIVE OFFICER SUMMARY REPORT
(February 9, 2011)

ITEM: 8

SUBJECT: Shipyards Sediment Cleanup and Abatement Order Status Report: The San Diego Water Board will receive a status report on the Shipyard Sediment Site Cleanup and Abatement Order, Tentative Order R9-2011-0001. The Board will receive an update on: 1) the schedule for consideration of the Tentative Order and Draft Technical Report by October 2011; 2) the progress on preparing the Environmental Impact Report; and 3) the status of the Remedial Action Plan and the Waste Discharge Requirements that will be required to implement the cleanup of contaminated sediments in the shipyards, including a discussion of some key technical issues that must be surmounted to achieve the cleanup objectives in a timely manner. (David Gibson)

PURPOSE: To provide the Board with timely information on the status of the Shipyard Sediment Site cleanup project.

PUBLIC NOTICE: This item was publicly noticed in the agenda for the February 2011 Board Meeting.

DISCUSSION: *TENTATIVE SCHEDULE FOR CONSIDERATION OF THE TENTATIVE ORDER AND DRAFT TECHNICAL REPORT BY OCTOBER 2011*
A tentative schedule for bringing the Shipyard Sediment Site Tentative CAO and Draft Technical Report to the San Diego Water Board for consideration at the October 2011 meeting is shown on page 2. Most of the milestones in the schedule are based on achievement of Programmatic Environmental Impact Report (EIR) preparation tasks. Due to the delays caused by contracting issues, the tentative schedule does not allow for contingencies that might arise and should be viewed as optimistic.

The first major milestone in the schedule is the responsibility of the EIR Consultants who are expected to deliver a first, or "screen check" version of the Draft EIR to the Cleanup Team

on June 1, 2011. If only minor editing and formatting changes are needed to ready this document for public review, the Draft EIR could be released as early as June 17th. The Cleanup Team recommends to the Board that the public review period for the Tentative CAO and draft Technical Report coincide with the review period for the EIR.

Milestone	Weeks to Complete	Estimated Date
Consultant services contract signed.	--	Mid-December 2010
Consultant delivers first version of Draft EIR to Cleanup Team.	24 weeks	June 1, 2011
Cleanup Team prepares public review Draft EIR and opens public review period on Draft EIR, Tentative CAO, and Draft Technical Report.	2 weeks	June 17, 2011
Public review period.	6 weeks	July 29, 2011
Prepare Responses to Comments on the Draft EIR, Tentative CAO, and Draft Technical Report.	7 weeks	September 16, 2011
Prepare Final EIR, revise Tentative CAO and Draft Technical Report, and prepare agenda package.	2 weeks	September 28, 2011
EIR Certification and CAO Adoption.	--	October 12, 2011

A significant change to the EIR project since last October is that the EIR Consultants will not be preparing the public review Draft EIR, nor the response to comments, nor the Final EIR. These tasks now fall to the Cleanup Team and it is expected that these tasks will significantly increase its workload.

The greatest uncertainty in the tentative schedule relates to the time the Cleanup Team will need to prepare responses to comments on the Draft EIR, Tentative CAO, and Draft Technical Report. The time the Cleanup Team will need to respond to comments will depend on the number and complexity of the comments received. Based on past experience with this matter, and assuming the continuation of furloughs, responding to comments and producing revised final documents will be very difficult for the Cleanup Team to accomplish in the 9 weeks tentatively allotted. However, the Executive Officer remains resolute in his commitment to allocate the necessary staff resources to meet the tentative schedule.

The Cleanup Team will notify the Advisory Team when the Draft EIR is posted on the San Diego Water Board website

for public review, along with the already posted Tentative CAO and Draft Technical Report. On or about that time it is anticipated that the Advisory Team will release a public notice setting the deadlines for public comment submittals, Cleanup Team responses to comments, and the public hearing date for the Board's consideration of the Tentative CAO, the Draft Technical Report, and the Final EIR.

The time periods in the tentative schedule do not coincide with those in the First Amended Order of Proceedings (Order No. R9-2005-0126, pp. 4-6; Supporting Document 2). Thus, to meet the schedule, the Advisory Team will need to amend Order No. R9-2005-0126.

PROGRESS ON THE PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT

In January, the Cleanup Team assisted the EIR Consultants by identifying potential sediment staging and dewatering locations in the vicinity of the Shipyard Site, associated transportation modes and routes, potential disposal locations for the contaminated sediment, and disposal facility acceptance criteria. The Cleanup Team also responded to information requests on how the project might impact the Least Tern nesting season, as well as eel grass and other sensitive biological receptors. Estimates of additional vehicular traffic during cleanup activities, and predictions about other reasonably foreseeable maintenance and remedial dredging projects that might occur during the Shipyard dredging project were also provided to the EIR Consultants.

REMEDIAL ACTION PLAN AND WASTE DISCHARGE REQUIREMENTS

NASSCO has not yet submitted a Remedial Action Plan to the Cleanup Team. Nonetheless, to expedite the waste discharge requirements (WDRs) for the Shipyard Sediment Site dredging, the Cleanup Team is reviewing WDRs for other dredging projects in San Diego Bay, is setting up a template for the Shipyard dredging WDRs, and is drafting some of the standard, or "boiler plate" language for the WDRs so that the document is ready to use once relevant details become available.

KEY ISSUES:

1. The greatest uncertainty in the tentative schedule relates to the time the Cleanup Team will need to prepare responses to comments on the Draft EIR, Tentative CAO,

and Draft Technical Report. This must occur before the Board can consider the Tentative CAO.

2. The Cleanup Team has begun working on the WDRs for the dredging.

LEGAL CONCERNS: None

SUPPORTING DOCUMENTS:

1. Location and Diagram of the Shipyard Site
2. Order No. R9-2005-0126.

RECOMMENDATION(S): There is no recommendation as this is an information item and the Board will take no action.