



EDMUND G. BROWN, JR.
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ENVIRONMENTAL AGENCIES

California Regional Water Quality Control Board, San Diego Region

In reply refer to / attn:
712610:VRodriguez

TO: James G. Smith, Assistant Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

FROM: David T. Barker, Supervising WRC Engineer
Shipyard Sediment Site Cleanup Team
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

2012 OCT 31 P 12:56
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

DATE: October 31, 2012

SUBJECT: STATUS REPORT ON REMEDIAL ACTION PLAN AND CEQA COMPLIANCE FOR THE SAN DIEGO BAY SHIPYARD SEDIMENT SITE

The Cleanup Team can report that consensus has been reached among the Designate Parties on all sections of the *Remedial Action Plan San Diego Shipyard Sediment Site* (RAP) with one exception. On October 30, 2012, San Diego Coastkeeper (Coastkeeper) requested additional revisions to the Community Relations Plan (Appendix E). National Steel and Shipbuilding Company (NASSCO), and BAE Systems San Diego Ship Repair, Inc. (BAE) provided edits to Coastkeeper's revisions on October 31, 2012. The Cleanup Team supports NASSCO's and BAE's edits. Coastkeeper's revisions, and NASSCO's and BAE's edits are enclosed.

The RAP in its up-to-date form is comprised of the following documents:

Document	Date uploaded to Geotracker
Remedial Action Plan Amended September 2012, Revised October 2012	October 26, 2012
Appendix A: Design Criteria Report Amended September 10, 2012	September 7, 2012
Appendix B: Quality Assurance Project Plan Amended September 10, 2012	September 7, 2012
Appendix C: Remediation Monitoring Plan Amended September 2012, Revised October 2012	October 26, 2012

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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Document	Date uploaded to Geotracker
Appendix D: Sampling and Analysis Plan Amended September 10, 2012	September 7, 2012
Appendix E: Community Relations Plan Amended September 2012, Revised October 2012	October 26, 2012
Appendix F: Health and Safety Plan Amended September 10, 2012	September 7, 2012

The Cleanup Team held a series of meetings, open to the Designated Parties, in accordance with the *Revised Notice of Availability and Opportunity to Comment on Remedial Action Plan, San Diego Bay Shipyard Sediment Site, Cleanup and Abatement Order No. R9-2012-0024* (Revised Notice). The Designated Parties who chose to participate in one or more meetings were San Diego Coastkeeper (Coastkeeper), the San Diego Unified Port District (Port District), National Steel and Shipbuilding Company (NASSCO), and BAE Systems San Diego Ship Repair, Inc. (BAE). NASSCO's and BAE's consultant, Anchor QEA, L.P (Anchor), also participated.

Comments on the RAP were submitted on or before October 1, 2012 from CoastKeeper, the Port District, and the Cleanup Team. The Port District did not request revisions to the RAP, but rather, limited its comments to the selection of the final sediment staging location. As previously mentioned, the Cleanup Team, Port District, and CoastKeeper met with NASSCO and BAE, and their consultant Anchor, to review the comments and discuss revisions to the RAP to address those comments. As a result of those meetings, and associated telephone and email communications, the RAP was revised via several iterations to the satisfaction of Coastkeeper and the Cleanup Team with the exception noted in the first paragraph.

With the requested revisions to the Community Relations Plan, the RAP will substantially comply with Cleanup and Abatement Order No. R9-2012-0024, Directive B.1 – Remedial Action Plan. Although the RAP identifies a preferred sediment staging location, the Dischargers have not yet secured approval to use the preferred location. According to the RAP, if approvals cannot be secured for the preferred location, one of the other options identified in the EIR will be pursued. The RAP's failure to identify a final sediment staging location is not a deficiency. The final staging location, however, must be identified in the Report of Waste Discharge (ROWD) to be filed in application for the dredging project Clean Water Act 401 Water Quality Certification and Waste Discharge Requirements (WDRs).

The Cleanup Team would also like to point out that the Remediation Schedule (RAP Figure 6, p. 32) is extremely ambitious, especially with respect to the time allotted to regulatory agencies to issue needed permits. For example, the San Diego Water Board will be very hard pressed to issue the 401 Certification and WDRs for the dredging project by April 22, 2012, as indicated in the schedule.

The Revised Notice also directed the Cleanup Team to consider and address California Environmental Quality Act compliance in this report. The RAP is an integral part of the Shipyard Sediment Site cleanup project. As such, the potential environmental impacts from

activities proposed in the RAP must be disclosed, and mitigation proposed for significant impacts. With respect to the RAP, compliance with CEQA requires a review of the Project EIR dated March 14, 2012 to determine if it addresses potential impacts and mitigation for all of the activities indicated in the RAP. If so, no additional CEQA documents need to be prepared at this time. If not, an additional CEQA document will need to be prepared before the San Diego Water Board can approve the RAP. The EIR will need to be reviewed again following submittal of the 401 Certification application/ROWD for the dredging project before the San Diego Water Board takes action on the 401 Certification and WDRs. The latter CEQA compliance review will require, among other potential issues, an evaluation of whether the EIR adequately disclosed the project specific environmental impacts at the selected staging location where the dredge materials will be temporarily placed onshore prior to transportation to a disposal facility. If not adequately disclosed, a subsequent CEQA document must be prepared by the San Diego Water Board before it takes action on the 401 Certification and WDRs.

CEQA compliance reviews and additional analysis, if necessary, for the RAP and for the 401 Certification application/ROWD, would be most efficiently performed by LSA Consultants, the contractor who prepared the Project EIR. The Cleanup Team is actively working with the Dischargers to secure funding for LSA Consultants to complete the additional CEQA work, and is optimistic that an agreement will be reached. However, if agreements with the Dischargers can't be reached in a timely fashion, the San Diego Water Board has two other options. They are 1) the San Diego Water Board secures State funding and a competitively bid contract to hire a consultant to perform the work; or 2) the San Diego Water Board staff perform the work.

In the subject line of any response, please include the reference number 712610:VRodriguez. For questions or comments, please contact Vicente Rodriguez by phone at 858-627-3940, or by email at vrodriguez@waterboards.ca.gov.

cc via email:

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Mr. James G. Smith

- 4 -

October 31, 2012

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Chan, Julie@Waterboards

From: Jill Witkowski <jill@sdcoastkeeper.org>
Sent: Tuesday, October 30, 2012 4:57 PM
To: Chan, Julie@Waterboards
Subject: FW: Coastkeeper Comments on the Shipyard RAP

Hi Julie

One more thing: on proposed Section 3.2 for identifying the audience (see below), I would like to see a hard deadline identified in the CRP, but was not sure what is reasonable. December 14th?

Thanks!

Jill

From: Jill Witkowski [mailto:jill@sdcoastkeeper.org]
Sent: Tuesday, October 30, 2012 4:53 PM
To: 'Chan, Julie@Waterboards'
Subject: RE: Coastkeeper Comments on the Shipyard RAP

Hi Julie,

Here are my comments/suggestions:

- Page 1: "This CRP will be implemented by the Project Team in consultation with the Cleanup Team (CUT), which will include communication specialists (Figure 2)." This leaves San Diego Coastkeeper out of the loop on any future work (much of which should have already been completed). Further it fails to require that communication/public relations specialists be hired by the project manager to create the website and other communications tools. There is nowhere on Figure 2 where communications specialists are indicated.
 - Suggested fix: "This CRP will be implemented by the Project Team in consultation with the Cleanup Team (CUT) and San Diego Coastkeeper. The Project Team will include communication specialists with skills in identifying the target community, developing online communications materials, using social media, and working with Spanish-speaking communities." Figure 2 should then be redrawn to add a box under the Project Team for "Communications" with the person, company or team to later be identified.
- Figure 1: the Figure still contains "Year 1" etc. This is confusing as to whether the years reflect calendar years or 365 days following the adoption of the RAP.
 - Suggested fix: Insert 2012, 2013, 2014, 2015, 2016, 2017, based on the assumption that the RAP will be approved November 1.
- Figure 2: "Coast Keeper" is an improper spelling. Plus, it is not clear why Coastkeeper and EHC are listed on this chart under "local community" (we are community advocacy organizations, but not the only ones the Dischargers should engage), particularly when the language of the document fails to include us in further discussions. If we are identified, then the Cleanup Team should also be included. Also, this chart fails to identify a single point of contact for the community.
 - Suggested fix: Add "Communications" box to the project team and in the box include a "Primary Point of Contact for Community." Change "local community" to "Community Advocacy Organizations" and spell Coastkeeper's name as one word. Add the Cleanup Team, as appropriate, to reflect ongoing coordination with Cleanup team and community advocacy organizations.
- Page 6: references "See Section 3.3". The Community Relations Plan has no Section 3.3.
 - Suggested fix: This reference should be removed.
- Page 7: references "See Section 3." This reference does not make sense.
 - Suggested fix: This reference should be removed.

- Page 7: The section “Understanding the Community” includes both identifying the message and identifying the community. These are two separate, distinct issues that need their own section.
 - Suggested fix: Section 3.1 should be “Identifying Key Issues for Messaging and Communication”. The section should read:
 - “Key issues for messaging and communication must be described clearly and early. These issues include both community consideration already identified and outlined in the PEIR, along with information that will be shared with the community as the work progresses. Three primary issues identified in the PEIR that will affect neighboring residents and businesses are traffic, noise and air quality impacts. These impacts have been analyzed, and their mitigation measures identified, in the following sections of the PEIR:
 - Traffic: PEIR Section 4.1
 - Noise: PEIR Section 4.4
 - Air Quality: PEIR Section 4.6

The Project Team will develop, in consultation with the Cleanup Team and San Diego Coastkeeper, a document entitled “key issues for messaging and communication.” This document will include a concise and understandable summary (relying heavily on the PEIR) for traffic, noise, air quality of the potential impacts, what mitigation measures will be employed and how questions and concerns related to these and other impacts (such as water quality or hazardous materials) will be addressed.

The document will also include a plan setting forth what type of information will be relayed to the public at the public meetings to occur prior to each construction season, along with the scope of information to be included in regular newsletters. This summary will be completed no later than November 30.”

- Suggested fix: Section 3.2 should be “Identifying the Target Audiences”. This section should read:
 - “The communication specialists from the Project Team will, immediately upon approval of the RAP, research to identify key audiences for the communication related to the cleanup. The audiences will likely include:
 - Those who are directly involved because of their proximity to a facility, site, or project (such as neighbors).
 - Those who have an interest in the issue because of the positions they hold (such as elected and appointed officials and community groups).
 - Those who have already participated in public hearings related to the cleanup.
 - Specific communications strategies will be developed tailored for each group identified, as necessary and appropriate.
- Page 10: Newsletters. It is not clear if these are intended to be sent by mail or email or both.
 - Suggested fix: Add the following language to the end of the section: “Newsletters will be sent by both mail and e-mail. The project website will contain a form allowing individuals to sign up to receive the newsletter by either e-mail or mail. Members of the target audiences identified through the research completed according to Section 3.2 will receive newsletters via mail, unless they specifically request to receive an electronic version of the newsletter.”
- Page 11: The Emergency Notifications section has not been updated to reflect the use of the website and social media contemplated in Section 4.1. Further, there is no indication of how those within 1,000 feet will be notified.
 - Suggested fix: Section 4.6, the first sentence should be amended to include: “notification will be promptly provided to surrounding property owners and residents within a 1,000 foot radius (or other distance as determined necessary by Water Board staff, public safety officials, or other emergency responders) via door-to-door notification and notices (printed in both English and Spanish) left at each resident and business. The release or spill will also be reported on the project website and Water Board website, through social media, and on the project hotline.”

Thanks!
Jill

From: Chan, Julie@Waterboards [<mailto:Julie.Chan@waterboards.ca.gov>]
Sent: Tuesday, October 30, 2012 12:02 PM
To: jill@sdcoastkeeper.org
Subject: Coastkeeper Comments on the Shipyard RAP

Hi Jill,

The Cleanup Team report on the RAP is due to the Advisory Team by 5:00pm tomorrow, Oct. 31. Please confirm that Coastkeeper's comments on the RAP have been addressed to your satisfaction in the revised documents.

Thanks,

Julie Chan, Chief
Cleanup and Land Discharge Branch
858 627-3926

CoastKeeper Comments
October 30 2012

• Page 1: "This CRP will be implemented by the Project Team in consultation with the Cleanup Team (CUT), which will include communication specialists (Figure 2)." This leaves San Diego Coastkeeper out of the loop on any future work (much of which should have already been completed). Further it fails to require that communication/public relations specialists be hired by the project manager to create the website and other communications tools. There is nowhere on Figure 2 where communications specialists are indicated

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- Figure 2 should then be redrawn to add a box under the Project Team for "Communications" with the person, company or team to later be identified.
- We will make these modifications as noted above

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• Figure 1: the Figure still contains "Year 1" etc. This is confusing as to whether the years reflect calendar years or 365 days following the adoption of the RAP.

- ~~Suggested fix: Insert 2012, 2013, 2014, 2015, 2016, 2017, based on the assumption that the RAP will be approved November 1.~~
- ~~We will not make this modification for the CRP but note that RAP has a more detailed schedule and schedules will be clarified on web site and within other communications when steps forward are confirmed.~~

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• Figure 2: "Coast Keeper" is an improper spelling. Plus, it is not clear why Coastkeeper and EHC are listed on this chart under "local community" (we are community advocacy organizations, but not the only ones the Dischargers should engage), particularly when the language of the document fails to include us in further discussions. If we are identified, then the Cleanup Team should also be included. Also, this chart fails to identify a single point of contact for the community

- o Suggested fix: Add "Communications" box to the project team and in the box include a "Primary Point of Contact for Community." Change "local community" to "Community Advocacy Organizations" and spell Coastkeeper's name as one word. Add the Cleanup Team, as appropriate, to reflect ongoing coordination with Cleanup team and community advocacy organizations
- The appropriate point of contact or contacts will be determined during the research phase
- Figure 2 - we will modify the Local Community box to add "Other community contacts TBD) The box title represents the broader community that we targeting (and will further define during research) and is inclusive of Coastkeeper and EHC
- We will add a "Communication Specialists" box to Figure 2
- We will correct misspellings of Coastkeeper

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- ~~Suggested fix: This reference should be removed~~

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- We will make this correction
- Page 7: references "See Section 3." This reference does not make sense.
 - ~~Suggested fix: This reference should be removed.~~
 - Will make this correction
- Page 7: The section "Understanding the Community" includes both identifying the message and identifying the community. These are two separate, distinct issues that need their own section.
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 - "Key issues for messaging and communication must be described clearly and early. These issues include both community consideration already identified and outlined in the PEIR, along with information that will be shared with the community as the work progresses. Three primary issues identified in the PEIR that will affect neighboring residents and businesses are traffic, noise and air quality impacts. These impacts have been analyzed, and their mitigation measures identified, in the following sections of the PEIR:
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~~The document will also include a plan setting forth what type of information will be relayed to the public at the public meetings to occur prior to each construction season, along with the scope of information to be included in regular newsletters. This summary will be completed no later than November 30."~~

- This information will be developed as part of the PEIR distillation to the community and the research step. We don't agree to set a separate deliverable step.

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- Suggested fix: Section 3.2 should be "Identifying the Target Audiences". This section should read:
 - "The communication specialists from the Project Team will, immediately upon approval of the RAP, research to identify key audiences for the communication related to the cleanup. The audiences will likely include:
 - Those who are directly involved because of their proximity to a facility, site, or project (such as neighbors).
 - Those who have an interest in the issue as identified during the research phase because of the positions they hold (such as elected and appointed officials and community groups).
 - Those who have already participated in public hearings related to the cleanup.

- Specific communications strategies will be developed tailored for each group identified, as necessary and appropriate

- We will make these modifications as modified above.

- Target audiences will be established not later than April 30, 2013.

- Page 10: Newsletters It is not clear if these are intended to be sent by mail or email or both.

- Suggested fix: Add the following language to the end of the section:

"Newsletters will be sent by both mail and e-mail. The project website will contain a form allowing individuals to sign up to receive the newsletter by either e-mail or mail. Members of the target audiences identified through the research completed according to Section 3.2 will receive newsletters via email, unless they specifically request to receive an electronic version of the newsletter."

- The newsletters will be mailed out and made available via the Board's website and the Group's website

- Page 11 The Emergency Notifications section has not been updated to reflect the use of the website and social media contemplated in Section 4.1. Further, there is no indication of how those within 1,000 feet will be notified.

- Suggested fix: Section 4.6, the first sentence should be amended to include: "notification will be promptly provided to surrounding property owners and residents within a 1,000 foot radius (or other distance as determined necessary by Water Board staff, public safety officials, or other emergency responders) via door-to-door notification and notices (printed in both English and Spanish) left at each resident and business. The release or spill will also be reported on the project website and Water Board website, through social media, and on the project hotline."

- Based on the research step, the potential use of social media and how to reach any resident with 1000 feet will be assessed.

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