Regional Board Denies Polluters' Request for Deadline Extension in the Planning Process for the San Diego Bay Cleanup Order

Decision signals the governing body's commitment to an expeditious process

SAN DIEGO, June 11, 2012 – Late last week, San Diego Regional Water Quality Control Board (Regional Board) denied a request by NASSCO, BAE and other responsible parties to push back deadlines for submitting the San Diego Bay cleanup blueprint and monitoring plan. According to San Diego Coastkeeper and Environmental Health Coalition, this decision by the Regional Board signals that it’s in the public interest to ensure the board’s March 14 bay cleanup order continue moving forward expeditiously.

"The Regional Board knows that a San Diego Bay cleanup is necessary to protect those residents who feed fish to their families and those companies that rely on tourism for business," said Jill Witkowski, legal clinic director at San Diego Coastkeeper. "It has taken more than 20 years to reach this cleanup order, and we applaud the Regional Board's decision to push forward despite more delay tactics from the polluters."

Shortly after the Regional Board’s March 14 order to cleanup 143,400 cubic yards of toxic sediments from the bottom of San Diego Bay, the responsible parties appealed the decision to the State Water Resources Control Board (State Board). According to state law, the responsible parties must continue their work on the cleanup order unless the State Board "stays" the cleanup order with specific allowances for the responsible parties to stop work during the appeal process. NASSCO, BAE and the City of San Diego asked the state for permission to stop the cleanup planning process while the appeals are pending, but the state has not yet responded to that request.

And, despite the fact that the planning timelines had been proposed since December 2009 without objections, the responsible parties also asked the Regional Board for more time to meet their obligations with planning the cleanup details. The Regional Board denied the responsible parties’ request for more time, noting that the responsible parties did not provide reasonable explanation for needing the delay and that public interest in the monitoring plan does not justify a delay.

"We are not surprised by the polluters’ most recent delay tactics—they've been doing this for more than 20 years," said Environmental Health Coalition's Laura Hunter. "We're thankful the Regional Board followed its historic cleanup order with another strong decision to push the process forward because our communities deserve to finally get a clean San Diego Bay."

San Diego Bay is listed under the federal Clean Water Act for 20 separate pollutants including sediment toxicity, copper, mercury, PAHs, PCBs, zinc, chlordane and benthic community effects. Due to the fish contamination from the pollutants, the
Port of San Diego posted all piers along San Diego Bay with fish consumption advisories. However, because residents still catch and eat fish from the bay, they continue to be exposed to serious human health risks. The bay also plays a major role in San Diego County’s tourism economy, which depends on clean and safe coastal waters to attract visitors.

Coastkeeper and EHC will continue to monitor the process to ensure that the bay is cleaned and the cleanup plan is executed in a manner that reduces impacts to communities. Both organizations suggested steps to the Regional Board that it can enact to protect the community during the cleanup process while it achieves safe cleanup levels.

To find out more about San Diego Bay, Coastkeeper and EHC’s work on the cleanup, visit Coastkeeper’s website www.sdcoastkeeper.org.

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