

June 14, 2023

San Diego Air Pollution Control District  
Mohsen Nazemi  
(858) 586-2732  
10124 Old Grove Road  
San Diego, CA 92131

Re: Nickel Reduction Plan  
BAE Systems San Diego Ship Repair Inc.  
Source 478

Dear Mr. Nazemi:

This responds to your May 25 letter regarding proposed permitting requirements for BAE Systems San Diego Ship Repair welding operations. The proposed permitting requirements based on nickel emissions still improperly rely on incorrect data. As a result, your letter ignores the Rule 11 welding exemptions that applies because nickel emissions from operations at the BAE Systems SDSR Shipyard are not at an elevated risk level.

District Rule 11(d)(7)(iv) expressly exempts “Brazing and welding equipment, including arc welding equipment and laser welding,” from Rule 10 permitting requirements. This extends to welding operations—like BAE Systems’—that do not exceed the standards specified in Rule 1200(d)(1)(i), (d)(2), or (d)(3).

In the recently published Annual Hot Spots report on May 11, 2023, the District acknowledged that in assessing BAE Systems’ operations, the “evaluation will utilize the emissions data from the calendar year 2021 to determine the level of health risks in compliance with District Rule 1210 health risk thresholds.” This is particularly appropriate here where, as detailed in our previous correspondence, the 2017 data the District relies on is demonstrably incorrect.

We understand your position that Rule 1210 requires risk reduction measures to be enforceable by permitting. But this requirement only applies to facilities whose welding emissions data shows “health risks at or above the significant risk threshold(s).” Rule 1210(e)(1); Cal. Health & Safety Code § 44360 et seq. The 2021 data inarguably demonstrate that BAE Systems’ welding does not create elevated health risks under Rule 1200.

Finally, and most significantly, we remind the District that BAE Systems is a defense contractor supporting fleet readiness for ship deployments for the U.S. Navy. Inappropriate and unnecessary restrictions on welding would require close involvement with the U.S. Navy and Department of Defense, as this would impact BAE Systems’ ability to meet contractual deadlines and redeliver ships to the U.S. Navy. This would also increase the cost and schedule to perform ship repair and support missions required for national defense.

BAE Systems  
San Diego Ship Repair  
2205 East Belt Street  
San Diego, California 92113  
619-651-3416



We reiterate our commitment to compliance and collaboration with the District in meeting health and safety requirements. To achieve these goals, as well as our commitments to the U.S. Navy, neither a permit nor permit conditions are necessary or required under the District's own rules.

Best regards,

Kimberly Hyde  
Senior Counsel  
BAE SYSTEMS SAN DIEGO SHIP REPAIR INC.