



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

FEB 8 2010

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Leon Muhammad  
195 Kiska Road  
San Francisco, CA 94124

Re: Letter dated January 15, 2010 to Administrator Lisa Jackson

Dear Mr. Muhammad:

This letter responds to your letter sent to EPA Administrator Lisa Jackson on January 15, 2010. EPA's San Francisco Regional Office has been asked to respond on behalf of the Administrator because of our immediate involvement with the issues and concerns at the Hunters Point Naval Shipyard.

Region 9 is dedicated to the cleanup of the Hunters Point Naval Shipyard Superfund Site and has been working with the community since 1989. We are committed to transparency and are taking affirmative steps towards ensuring that the Bayview Hunters Point community has meaningful opportunities to engage in cleanup decisions at the site. EPA will continue to provide independent technical assistance for the community through our community support contract and through the assistance grant. These actions allow the community to participate in a deliberate dialogue and are affirmative steps in soliciting the view of those who are affected by our decisions.

Your letter contained some specific requests for EPA. Please find the response to these requests below:

**EPA should impose a moratorium on all Navy cleanup and City development work:**

EPA met with you and other members of the community initially in April 2009 to discuss your concerns related to asbestos monitoring and mitigation programs for Navy cleanup work and Parcel A. To respond to these concerns, EPA evaluated dust mitigation measures for both Parcel A and Navy cleanup sites. We also evaluated the existing data from air monitors in and around Parcel A and re-analyzed air filters with an EPA method. EPA released a draft summary report to the community in December and has provided TASC support for the community to hire a technical expert to provide comments prior to finalizing the report.

EPA's preliminary conclusions are that the dust and asbestos mitigation measures currently being implemented are appropriate. We would consider a possible moratorium or other regulatory action if the Navy or Lennar fails to comply with the monitoring and mitigation plans and procedures.

We emphasize that our conclusions are preliminary and should not be relied upon as a final determination. Unfortunately, a recent article cited this draft report without contacting us regarding its status and limitations. This report will only be revised and made final once you and other community members have had an opportunity to review and comment on the report.

**EPA should provide a grant to the community for technical assistance:**

As stated above, EPA is providing technical assistance through both the TASC and TAG vehicles to support the community to better understand the technical aspects of work being done and to also participate more fully in decision-making at the site.

**EPA should conduct a community impact report identifying past, present, and an analysis of potential future effects to the residents of Bayview Hunters Point (BVHP) community residents:**

EPA Region 9 staff is working with the community and the support contractor to identify the needs which the community would like addressed in a community impact report. We will continue to explore this option with you and involve other agencies that may provide expertise to the process including the Agency for Toxic Substances and Disease Registry (ATSDR).

**EPA should test community members. The testing of BVHP community members including children, the elderly, families and workers to identify the adverse health affects due to exposure:**

As my staff discussed with you at a meeting held on January 15, 2010, we believe a community impact report would need to precede any potential testing of the community.

**EPA should sue Lennar Corp. in Hunters Point, similar to how EPA sued Lennar in Tempe:**

We have committed to meet with the community to discuss the complexities of the enforcement cases discussed in your letter. We understand that you believe enforcement actions against Lennar in Arizona and Hunters Point are not consistent.

Regarding the Tempe, Arizona case, the Maricopa County Air District issued 25 Notices of Violation (NOVs) against Lennar for actions at five construction sites. EPA stepped in because Lennar had failed to correct its actions and continued to receive NOVs without penalty from the Maricopa Air District. EPA stepped in and assessed a fine and supplemental environmental project totaling \$182,519.

BAAQMD issued 2 NOVs, not 300 as stated in your letter, against Lennar and assessed a large fine of \$515,000. Lennar was forced to correct the violations, and the Air District continues to provide oversight of Lennar's construction.

**The reinstatement of the RAB with the present members with the requirement that the U.S. Navy follow their handbook in resolving matters between them and the RAB:**

EPA requires that the Navy provide for meaningful community involvement, but our regulations do not specifically require a RAB. In order to meet our requirements we have directed the Navy to develop a revised Community Involvement Plan, which includes facilitated meetings with the former RAB members along with interviews with other groups and individuals. In addition, the Navy will conduct technical meetings and other informational meetings while it is developing the revised Community Involvement Plan.

EPA will continue to meet with the community because we value your input and are committed to transparency in our decision-making process. We will also continue to evaluate technology for monitoring and mitigation of dust and coordinate with the Air District to ensure that the best available tools are used to protect public health and the environment in the Bayview Hunters Point community.

Please feel free to contact Dana Barton of my office at 415-972-3087 or e-mail at [barton.dana@epa.gov](mailto:barton.dana@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jared Blumenfeld  
Regional Administrator