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650 Poydras Street, Suite 2523 • New Orleans, LA 70130
Phone 504-799-3060 • Fax 504-799-3061
www.ehumanrights.org

August 24, 2010

Mr. Mathy Stanislaus, Assistant Administrator
Office of Solid Waste & Emergency Response
U.S. Environmental Protection Agency
Washington, DC 20460
Via Electronic Mail: stanislaus.mathy@epamail.epa.gov

Dear Mr. Stanislaus:

Thank you for your letter in response to the concerns that Wilma Subra and I brought to your attention regarding Mr. Mark Ripperda, EPA Region 9 Project Manager of the US Naval Shipyard Superfund Site in the Bayview Hunters Point neighborhood. In regards to the assurances that you provide, I have the following suggestions.

Assurance No. 1: EPA will notify the San Francisco Board of Supervisors by letter that the agency takes no position on the proposal by the Lennar Corp. to redevelop the US Naval Shipyard Superfund Site.

I respectfully suggest that, in addition to sending a letter to the Board of Supervisors to clarify that EPA has taken no position on the redevelopment plans of the Naval Shipyard Superfund Site, you should post the letter on the EPA Region 9 website and send it to local residents who receive notices from EPA Region 9. Distribution of the letter to the public is warranted given the public perception that EPA is in support of the redevelopment proposal based on Mr. Ripperda's confirmation that EPA told local officials there is no reason to wait for remediation before proceeding with redevelopment¹

¹ Excerpt of video record of the San Francisco Board of Supervisors Hearing on the Appeals Challenging the City of San Francisco Environmental Impact Report, July 13, 2010:

6:58:50 – Supervisor Campos: “One question that arises, irrespective of the differences, is why not just wait along the lines of what was said during the presentation by appellant. What is your response to this question of

Headquarters:
650 Poydras Street, Suite 2523
New Orleans, LA 70130 USA
Tel. 504-799-3060
Fax 504-799-3061
www.ehumanrights.org

Campaign & Policy Office:
1730 M Street, NW, Suite 412
Washington, DC 20036 USA
Tel. 202-775-0055
Fax 202-293-7110
www.ehumanrights.org

as well as other statements he has made in the past regarding the Naval Shipyard Superfund Site. Beyond the letter, you should also consider steps that EPA Region 9 can take to better maintain the integrity of the agency's position of neutrality in the future and provide clear communications to the public.

Assurance No. 2: EPA will provide direct oversight of the cleanup of the Naval Shipyard Superfund Site and will approve an "early transfer" of the land for redevelopment after the agency it would be safe to do so.

Given the significant environmental justice issues involved, please provide information as to the protocols/criteria/regulations regarding an "early transfer." Also, please include information as to how EPA will ensure environmental justice in its decision-making regarding early transfers.

I appreciate your attention to this matter, and look forward to your response.

Sincerely,



Monique Harden
Co-Director & Attorney

cc: Wilma Subra

why not just wait until the CERCLA process is completed and then proceed with the project at that time. I'm just trying to get your perspective on that."

6:59:23 – Michael Cohen, City of San Francisco Director of Economic & Workforce Development: "The fundamental answer to that question is that EPA and all the other regulatory agencies have told us that there is no reason to wait. . . . Over and over again the regulators have told us that there is no reason to wait and that it is safe based on an extraordinary amount of data."

7:00:08 – Supervisor Campos: "If I may follow-up on that. . . . I ask the representative from the EPA to come back up. I don't know if he is still here. Because to me that issue in many respects goes to the heart of this question. From listening to both sides of this appeal, you know, you hear very different stories and very different assertions about what is correct and what isn't. The federal government has a very important role to play here. Putting on my partisan hat on, you know, I'm pleased that it's President Obama's EPA that we're dealing with and not President Bush's EPA. And so I look to an Obama EPA for guidance on this question. Is what Mr. Cohen saying about there is no reason to wait is that an accurate description of where you are or where the EPA is on this?"

7:01:21 – Mark Ripperda: "I'd like to say that I'm glad too about President Obama and yes. . . ."

At the conclusion of the hearing, Supervisor Campos explained that his vote in favor of approving the Environmental Impact Report was based on Mr. Ripperda's statement.