

From: SubraCom
Sent: 11/10/2010 10:59 AM EST

To: Mathy Stanislaus; Nelida Torres; Shawna Bergman; Lisa Garcia; leonmuhammad@gmail.com; mharden@ehumanrights.org

Subject: No Subject

To: Mathy Stanislaus
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From: Wilma Subra

Subject: Hunters Point Naval Shipyard Superfund Site
Remediation and Redevelopment

Areas of Bayview Hunters Point Community Concerns where EPA has the Authority over Remediation

In your letter of August 19, 2010, concerning the Hunters Point Naval Shipyard Superfund Site and the development plan, you indicated that EPA does not have a position on the proposed development plans (Environmental Impact Report - EIR) for the Hunters Point Naval Shipyard site. You also stated that "EPA Region 9 participated in the July 13 San Francisco Board of Supervisors meeting by invitation to answer questions directly related to the Superfund remediation and how that remediation might affect development." At the July 13, 2010 meeting of the San Francisco Board of Supervisors, or prior to that date, during the public comment period, there was no response from EPA that indicated there were specific items in the development plan that were not in compliance with EPA's regulations and policies. Silence was taken as EPA approval of the terms and conditions presented in the redevelopment plan by the San Francisco Board of Supervisors.

Below are a few examples of the areas and issues of concern to the Bayview Hunters Point community in regarding the Hunters Point Naval Shipyard Development Plan (EIR) and EPA's authority.

Redevelopment During Remediation - Early Transfer

According to the Development Plan (EIR), the Navy is proposing to transfer ownership and control of the Hunters Point Naval Shipyard property parcels to the San Francisco Redevelopment Agency on an early transfer basis before remedial activities are complete. Prior to early transfer, the Navy is required to complete all radiological cleanup activities on each

parcel and obtain an EPA approved Record of Decision for each parcel. After early transfer, the San Francisco Redevelopment Agency (or assigned) will be responsible for the development of the Remedial Design document, review and approval of the Remedial Design document and conducting required remedial actions.

When the community objected to the early transfer of unremediated parcels, **Region 9 of EPA verbally indicated that all excavation of waste must be completed on each parcel prior to early transfer.** To our knowledge, this requirement, all excavation of waste must be completed on each parcel prior to early transfer, has not been put in writing, has not been required to be specified in the development plan, and the terms of the development plan have not been altered to require the Navy and not the San Francisco Redevelopment Agency to conduct all excavation of waste activities prior to Early Transfer.

Occupancy During Remediation

The development plan (EIR) states “development and occupancy of some portions of the project would occur at the same time as demolition and construction would occur on other portions of the project site.: “During later periods of construction ...and increasingly greater number of people could be affected by construction activities involving the disturbance of contaminated soils or ground water.”

EPA Region 9 has verbally stated that occupancy of redeveloped areas/parcels will not occur until remedial activities are complete. Once again, to our knowledge, this requirement has not been put in writing, has not been required to be specified in the development plan, and the terms of the development plan have not been altered to specify no occupancy of redeveloped areas/parcels until remedial activities are complete.

Exposure to Redevelopment Construction Workers

According to the Development Plan (EIR), redevelopment will occur on parcels while remedial activities will be in progress. Redevelopment contractors will be working in close proximity to remedial activities and the potential exist for exposure and contamination of redevelopment construction workers.

The EPA has oversight authority over exposure and should have required specific measures be included or referenced in the Development Plan.

Exposure of School Students, Staff, Teachers and Visitors to Bret Harte Elementary School and Muhammad University of Islam Elementary School During Remedial Activities

The Development Plan (EIR) states that demolition or renovation of existing structures at Hunters Point Naval Shipyard, could result in the potential exposure of students, teachers, staff and visitors at Bret Harte Elementary School and Muhammad University of Islam to hazardous building materials during construction. The Development Plan lacked mechanisms to

adequately notification school staff when contractors fail to comply with regulations and measures that could be taken to protect the health of students, teachers, staff and visitors.

The EPA has oversight authority over exposure and should have required specific mechanisms and measure be included or referenced in the Development Plan.

Institutional Controls

The Development Plan (EIR) lacks adequate mechanisms to notify and educate residents, workers, and visitors to the restrictions and conditions of the institutional control requirements

The Development Plan (EIR) lacks requirements for adequate enforcement of institutional controls.

The EPA has authority over implementing adequate institutional controls and enforcing the institutional controls. Appropriate measures should have been specified in the Development Plan to insure the adequacy and enforcement of institutional controls.

These are just a few of the issues and concerns that the Bayview Hunters Point community feels were not adequately addressed by Region 9 of EPA which could lead to human health exposure as the Development Plan is implemented.

A face to face meeting to discuss these and other issues and concerns dealing with EPA's authority over the Hunters Point Naval Shipyard Superfund site remediation and redevelopment aspects would be greatly appreciated.