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Date: 09/23/2009 09:38 AM
Subject: Environmental Racism in Bayview Hunterspoint-San Francisco

Dear Lisa Jackson,

Your immediate attention is needed to help our community combat the horrific exposure from the Hunterspoint Naval Shipyard. Your immediate attention is desired by a community who has historically been exposed by Environmental Racism perpetrated by the United States Navy, SF Department of Health, The Mayors office of San Francisco, SF Redevelopment and the developer- Lennar. We are asking the Environmental Protection Agency, our Federal Government, to protect our community, to come to the aid of American citizens in this time where Children, elders and families have suffered from a Katrina like catastrophe. Resolution to this problem is not adequate or effective, while in the mean time the United States Navy continues to due business with out community oversight and input, and our community is exposed to countless radiological chemicals daily.

Below is just a brief summary of the what has happened to the Restoration Advisory Board. A board wherein community members raised questions re: environmental cleanup of a Superfund Site and its adverse health effects on the adjacent community. From questioning our government- the community of Bayview Hunterspoint of San Francisco was punished and dissolve.

The RAB should be reinstated immediately because it never should have been dissolved in the first place. The Navy claims the RAB was no longer fulfilling its' purpose, but nothing could be further from the truth. The RAB's purpose is to voice community concerns about the cleanup process. The people living in the proximity of the Shipyard consistently complained about dust and other potential harmful substances brought about by construction work in and around the Shipyard.

First, it was learned that the developer and the contractors they hired to protect the surrounding community from exposure to dust failed to keep batteries in the monitors during the most intense grading activities. To calm the community's fears, the San Francisco Department of Public Health added monitoring stations, and set limits for the amount of dust that could be detected before work had to stop for the day.

In the subsequent months, more complaints came pouring in insisting that dust from work at the shipyard was to blame for increased cases of

rashes, asthma, nose bleeds and other ailments. When the monitoring results were made public, one of the monitors, registered extreme exceedences much more frequently than any of the others. HV12 would regularly register readings higher than ten times the allowable limit. Yet, the work continued without interruption.

Eventually, it was discovered that, in the fine print of the data for HV12's readings, it stated that exceedences on HV12 would not trigger a shutdown because of an "agreement" made between Lennar, San Francisco Department of Public Health, and "community representatives." At first, when questioned by the Project Area Committee's Health and Environment Committee, about this "agreement", Ms. Brownell would not provide basic information such as the meeting date, location or participants. In the end, Saul Bloom, the executive director of Arc Ecology acknowledged that his organization was the one being referred to as "community representatives." It is frightening that a decision like this could be made by the developer, a paid consultant, and a municipal employee, all in the name of the community.

Everyday that work is stopped by exceedences costs the developer \$40,000.00. Adhering to the dust monitoring plan just got too expensive, so they rigged it. Without a single public meeting, or consultation with the community. These are circumstances that RAB members were forced to come to terms with. Our own public health department was more concerned about saving a developer money than protecting the public from being poisoned. The people who perpetrated this scandal were also supposedly protecting and representing the public as it regards to the clean up of the shipyard. The RAB was the place to address community concerns, and yet when community RAB members demanded inquiries and full disclosure, they were ignored. They informed Keith Forman that they could not go on approving and endorsing future plans for clean up until the issues of HV12 and dust monitoring oversight were addressed.

While the City and Lennar blamed the Navy, the Navy blamed Lennar's new construction activities on Parcel A. In the meantime, while they pointed fingers at each other, the community continued to suffer. Members of the RAB challenged both sides to justify their conclusions repeatedly to no avail. Members of the RAB insisted the issue be settled scientifically. However, the person who was supposed to be protecting the public, Amy Brownell of the San Francisco Department of Public Health would only say it was her opinion that the dust came from the Navy.

By failing to provide the public with data to back up her opinion, it was Amy Brownell and the San Francisco Department of Public Health that was not fulfilling their purpose of protecting the community. She was asked repeatedly to justify her opinion and provide the RAB members with the studies and/or investigation that indicated it was the Navy to blame, and not Lennar. She refused over and over again.

Whether or not, or to what degree the Navy's cleanup activities were to blame for endangering the health of the community around the shipyard was a matter of the utmost importance to the RAB. It became clear that Amy Brownell's participation and purpose with the RAB was not to protect the public. Her efforts to undermine the monitoring program,

along with her refusal to justify her claims by sharing the scientific basis for her opinions made it obvious that she was hindering more than helping the RAB to understand the role the clean up activities played in HV12's exceedences.

Her role was supposed to be as a resource and protector for the community. She was not fulfilling either purpose, so they rightfully voted to replace her. From the beginning it was obvious that she was not the only one trying to ignore the issue entirely. Keith Forman, as the RAB's co-chair representing the Navy refused to put the issue on meeting agendas, insisting that since they Navy didn't cause the dust, the entire issue was not clean up related, and therefore, was not under the jurisdiction of the RAB.

The RAB is responsible for voicing the community's concerns about the cleanup program, and this was the issue that concerned the public most.

Keith Forman refused to address the issue, so he was not fulfilling his purpose as the co-chair of the RAB. So, the community members of the RAB rightfully voted to remove him, as well. The RAB members, realized quickly they were not comfortable with allowing these massive exceedences to continue endangering the community as Lennar insisted it was the Navy, and the Navy insisted it was Lennar.

Apparently, Mr. Forman, Ms. Brownell, Saul Bloom and the rest did not believe the public should have any say about what information they were given, and how they should feel about it. Regular people whose health was deteriorating made it clear to their representatives on the RAB that concerns like the HV12 exceedences were of the highest priority. Community RAB members continued to do what they were supposed to do, stressing the importance of addressing whatever issues of concern the public had with the Navy's cleanup program.

They also continued to stress the importance of the Navy fulfilling their promises to local businesses and contractors that they would get their fair share of the economic benefits deriving from the cleanup effort. They also continued to stress the community's opposition to "capping," They voiced the community's desire for the Navy to remove the dangerous elements from the land once and for all. They believed the Navy should do whatever they could not to leave contaminants in the ground, even if they were thought to be contained. They stressed the need to fully evaluate the dangers posed by building on contaminated landfill where earthquakes could cause liquefaction. They continued to stress the importance of understanding the full implications and changes that would come with the new, experimental option of early transfer.

Again, Forman and the Navy created meeting agendas ignoring the issues most important to the community, and only addressing what he decided the public should hear. Keith Forman always controlled the agenda, restricting the topics allowed for discussion. When the community RAB members expressed views that contradicted or questioned the Navy's point of view, he accused them of being uncooperative and failing to fulfill their purpose. So, disagreeing with the Navy somehow became grounds for dissolving the RAB.

It may be that the Navy and the impacted community will often disagree

on the best way to clean the shipyard. Airing these differences should be the focus of the RAB, not the excuse to dissolve it. Just for comparison sake, imagine if the Redevelopment Agency dissolved the PAC because PAC members were discussing issues the Agency refused to address.

The idea of allowing for the possible dissolution of a RAB is based on a total lack of interest on the part of the community. The only reason why a military superfund site shouldn't have a RAB, is if the community determines it is not necessary. The Navy says EPA, and even several RAB members concur with the decision to dissolve. But the RAB's primary function is for the public to participate. Therefore, RABs should only go away when they are no longer needed or desired by the community. So, in a case like this, where the community is clamoring for the RAB, there is no excuse to refuse to provide this minimal concession. There will always be differences of opinion, and potential for mistrust, but these conditions only magnify the need for the RAB process.

If the Navy is allowed to get away with this, it will set a dangerous precedent, relegating the community to a submissive role in the decisions that impact their lives most.

The Navy announced their intent to dissolve the RAB in a letter dated May 22, 2009, and said the following:

"The Navy fully supports the need for open, meaningful dialogue with the diverse Bayview / Hunters Point community regarding our environmental cleanup actions and decisions. However, the RAB is not fulfilling this objective. Therefore, we will be exploring other means to accomplish this important goal."

Here, the Navy committed to utilize alternate vehicles to ensure that public participation would continue if they decided to dissolve the RAB. The RAB provided a monthly forum for community members to review important documents, have access to regulators and other decision-makers, as well as comment "on the record" about all aspects of the cleanup effort.

For the last six months, the community has been without this vital resource and forum. When you look at the number of critical and controversial documents and decisions that have come through during these same six months, you see that the RAB was taken away just when it was needed most.

The problem is not that many important actions have occurred in the last six months. The problem is that the Navy did not fulfill their commitment to create any alternative forms of the public participation.

In the last six months, numerous "Records of Decision" and "Proposed Plans", which are the final official steps outlining how the Navy will address each parcel, have come through without a single public meeting.

The most critical decisions of the last 15 years are being made without any public input or participation. Without the RAB, or other public meetings, the community has been denied the opportunity to weigh in on, or even understand these vital decisions.

Now, they have come forward with their official proposal to dissolve the RAB. In this document, dated September 1, 2009, the Navy attempts to address some of these issues. In the section labeled "5. Community Involvement During the Dissolution Process, they claim to have made good on their commitment to public involvement despite taking away the community's best and only vehicle to participate (the RAB).

They claim that, "Recent progress reports and technical fact sheets have been posted on the BRAC PMO website. In fact, over the last few years, when the RAB was still in existence, the Navy had produced and posted official progress reports every single month. However, the very same month the RAB was dissolved, the Navy did not produce this progress report for the first time. In fact, for the same crucial six months when there were no RAB meetings, the Navy again did not produce or post this progress report. The last progress report the Navy did was in December of 2008.

The next six months were skipped, until they posted a new type of document called the, "June Monthly Snapshot." In this document, several of the numerous crucial decisions and documents were given all of a paragraph each. This document was not posted until July, after all of the public comments periods for these crucial decisions had closed or were closing. So, again during this all-important six-months, the RAB was dissolved, and even the monthly progress reports were discontinued. They claimed, "recent fact sheets were also posted on their website, however, the most recent fact sheet is from 2004.

The Navy also claimed, "In the past several months, the Navy has hosted two large Community Environmental Forums to discuss the HPS clean-up program. Let's examine these supposed, "large Community Environmental Forums." The first, which they held on April, 27, 2009 actually had a few of the critical issues on the agenda for the meeting. However, these agenda items, where they said they would give updates about several of the key parcels where "Records of Decisions" and "Proposed Plans" had recently been brought forward, were given either 5 or 10 minutes each. The agenda did not mention that the decisions had been released, and the discussion for each parcel was limited to 5 or 10 minutes.

Each one of these decisions and documents deserves significant time to explain and address questions and concerns. These are complex, technical and dense documents that are not easily understood by anyone who does not possess a great deal of background knowledge and expertise. The few parcels that were on the agenda were limited to 5 or 10 minutes. Yes, the Navy held this "Environmental Forum," but the meeting was woefully inadequate.

The second meeting they refer to occurred on August 25, 2009. Instead of at least allowing 5 or 10 minutes for each of the critical documents and decisions, this second event did not have any agenda, and the Navy did not even speak to the group that showed up to this, "meeting." Instead, they put some maps on "poster boards" and proceeded to have small, private conversations with people they chose. People just wandered around the room, sometimes pausing to have conversations with

various people, much like cocktail hour at a bar. Not a single word of the entire meeting was recorded or stated publicly. None of these all-important crucial documents or decisions were provided or disclosed to the public. They say they were there to answer any clean-up related questions, but the public couldn't ask questions about things they did not know about. And even if they did find out that these issues existed, there would be no record of their comments, questions or the Navy's response to them. Of the 20 or so people that did show up to this "meeting." only 5 or 6 were actual community members, the rest were affiliated with the Navy or clean-up team. Here, it is important to note that their meager attempts at community relations are undertaken by an environmental remediation firm from Alaska (Sealaska), with no ties to the community. They have no experience that would qualify them to conduct effective community relations in Bayview / Hunters Point. Not only is this reflected in the meager turnout, but is also emblematic of a larger disconnect. These public participation efforts are woefully inadequate, and it starts with the decision to have a firm that is not trusted and has no credibility within the community they are supposed to serve. Members of the general public who take the time and effort to get involved will do so because a local firm with credibility is involved in the effort. This way they are confident someone understands their needs and priorities, and will ensure accuracy and provide substance instead of "lip service."

Of course, when the RAB was in existence, the community had these monthly opportunities to review the documents, and have access to discuss the issues with the decision-makers. And unlike the Navy's supposed substitute to RAB meetings, all the community's comments, questions, as well as the Navy and regulators responses were, "on the record." The only two public meetings that were held during this crucial six-month time period were woefully inadequate. Compared to monthly RAB meetings, these "environmental forums" lowered the level of public participation from minimal to non-existent. Next, they claimed to have hosted, "numerous small focus group meetings to discuss the clean-up program. Apparently, the Navy hand-picked people to have private meetings with. I can't comment on the content or even existence of these meetings because the meetings were private. The public does not know who these meetings were with, or what was discussed. This is not how effective public participation is realized.

Lastly, the Navy claims to have fulfilled their obligation to public participation, because, "a technical meeting was also held to discuss current documents under public review in order to explain the Navy's process and recommendations and to illicit public comment on the recommendation. Of course, this is exactly what was, and is, so desperately needed. Namely, public meetings being held to discuss vital and recent decisions and documents during the timeframe when the public's comments and questions might actually be considered. However, this one, single meeting which was held August 12, 2009, was restricted to a single document, a Feasibility Study for Parcel E. So, after six months, they finally decide to have a public meeting focussing on a single document, but they chose to skip numerous, vital and controversial "Records of Decision" and "Proposed Plans," and instead just tackle a single, relatively insignificant document.

Again, it is most important to understand these numerous crucial, vital documents and decisions, were never addressed publicly. In the last six months, the Navy had one, single meeting to discuss a decision / document. They passed over more than 10 documents and decisions of the highest importance and significance, and chose to have one, single meeting about a feasibility study on Parcel E. What about all the "Records of Decision," "Proposed Plans" and "Radiological Addendum," that went through without any opportunity for public input or participation? What was the rationale for selecting that one, single relatively insignificant action, while staying silent on the most important and timely decisions and documents of the past 15 years, allowing them to slip by during this crucial six-month period.

The only explanation or analysis of any of the documents or decisions of the last six-months that was posted publicly was a powerpoint presentation about a feasibility study regarding E-2. This presentation was never presented at any public meeting, and to make matters worse, it was posted on the BRAC PMO website on June 1, 2009, just 4 days before the public comment period closed. The public comment period for the information included in that presentation closed on June 5, 2009. So the one single document they make public regarding any of the numerous crucial documents and decisions made in the last six months was done in a way that gave the public exactly 4 days to find the document, analyze it and submit comments. The one, single attempt to explain at least one of the decisions and documents that came through during the last six months, was done so in such a way that made it all-but impossible for the public to participate in a meaningful way. The other, numerous more significant decisions and actions were not even given this. They were ignored completely. To this day, these all-important decisions and documents have not been explained or discussed in any sort of public venue.

Having pointed out the gross inadequacies of these supposed substitutes for the RAB, the most troublesome thing, is that, in the proposal's final sentence, the Navy says they this is the approach they intend to stick with. They took away the RAB, and this is what they are saying the public will get instead, as a substitute. When examined, it is blatantly clear that the Navy dissolved the RAB, and then failed to honor their own commitment to replace it with alternate opportunities for public participation. In the end, the RAB was dissolved at the very time it was needed the most. Then to make matters worse, the Navy replaced it with few woefully inadequate efforts that took the public's opportunity for participation from minimal to non-existent.

Director Jackson, we await your response and the possibility to meet when you visit San Francisco to address: The EPA and you and a Greener Future. As of right now, Bayview Hunterspoint future seems to be determined-increase asthma, cancer, infant mortality and death. How green is this.