Message

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Sent: 8/15/2018 8:29:58 PM
To: Fairbanks, Brianna [Fairbanks.Brianna@epa.gov]
CC: Lane, Jackie [Lane.Jackie@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]; Yogi, David [Yogi.David@epa.gov]; Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Subject: Legal review - revised SF Examiner responses, due 8/15
Attachments: 2001-4-27 Bldg 364 Peanut Spill Sandblast Grit.pdf

Thank you for comments from Brianna and John. Below are yellow highlights on the parts I changed in response:

SF Examiner Responses

Q1: Has the US EPA fully reviewed the Parcel G work plan and if so, what improvements are needed, if any?

A1: Yes, EPA evaluated the Navy's Parcel G work plan based on our independent review of Parcel G soil sample data. EPA's subsequent feedback to the Navy reinforces previous comments recommending a scientifically based strategy to ensure protectiveness of the property for future use. EPA's review comments, which we sent to the Navy on August 14, 2018, can be found
here: https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0902722&doc=Y&colid=37700&region=09&type=SC

Q2: Is it standard for the EPA comment period on plans like these to occur at the same time as the public's?

While the public is always welcome to comment on any Navy document related to site cleanup, it is not standard to have a formal public comment period for a Superfund site cleanup work plan. Due to the highly unusual and serious situation caused by data falsification, as well as a high degree of public interest in the topic, the Navy has agreed to incorporate a formal public comment period into the review process.

In cases of a formal public comment period, it is typical for EPA and other regulatory agencies to submit comments on a draft document before it is circulated for public comment. This allows the lead agency and regulatory agencies to resolve any issues identified initially prior to presenting the draft document to the public. All agencies would then consider public comments before finalizing the document. However, in the interests of transparency and expediency, the Navy chose to have the comment periods occur simultaneously in this case.

Q3: What led to the EPA's independent review of Parcels G and D that found data inaccuracies of up to 97 percent in Tetra Tech's work last last year? What flaws were discovered?

EPA conducted an independent review of soil sample data from several parcels as part of our assessment of the impacts of Tetra Tech EC Inc.'s failure to follow the cleanup work plan at Hunters Point Naval Shipyard.

EPA's assessment of the data included looking more closely for signs of potential data quality problems in addition to signs of potential falsification. For example, EPA recommended resampling when data were missing or when different data collection methods did not produce consistent results.

You can find EPA's report of our findings here: https://semspub.epa.gov/work/09/100006302.pdf

Q4: What previous assessment/testing has the U.S. EPA conducted at Parcel G?

The Navy is the lead on cleanup at Parcel G. EPA, in its oversight role, conducts site visits and reviews documents related to Navy plans, testing, cleanup work, reports, and other Navy site work. In addition, an EPA health physicist conducted independent scans in Parcel G. For example, he scanned by hand inside and outside Building 364 and

required additional cleanup, which the Navy then performed. He also scanned a spill behind that building. Attached is a report with details.

Q5: What authority does the EPA have over the Navy to assure that the procedures are followed in a way that doesn't lead to more retesting? Does the EPA feel that public trust in that process needs to be restored and, if so, how?

The Navy is the lead agency responsible for the investigation and cleanup of the Hunters Point Naval Shipyard. EPA and its state regulatory agency partners oversee and enforce Navy compliance with the Comprehensive Environmental Response Compensation and Liability Act (commonly called the Superfund law) and other requirements to ensure the cleanup at HPNS protects human health and the environment.

As for retesting of Parcel G, EPA and state regulating agencies will be overseeing this process and taking split samples for independent analysis.

Q6: Community members have expressed that they want different people to oversee Hunters Point from now on. Has anyone been reassigned in the EPA, and does the EPA have any authority to see that regulators at other involved agencies step aside?

In response to this serious issue, EPA has assembled a new team of national experts —in radiation, statistics, geology and other areas—from throughout the agency, and for the past three years they have made the Hunters Point Naval Shipyard cleanup a top priority. As additional areas of expertise are needed, they are brought in through agency or contract staff.

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