GOLDEN GATE UNIVERSITY | School of Law

Environmental Law and Justice Clinic

November 20, 2018

Enrique Manzanilla, Director
Superfund Division
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Hunters Point Naval Shipyard (HPNS) *Draft Final Parcel G Removal Site Evaluation Work Plan*

Dear Director Manzanilla:

As you know, the Navy has released its *Draft Final Parcel G Removal Site Evaluation Work Plan.* Although we need to study the draft final plan in greater detail, even a cursory review reveals the Navy continues to refuse to do what EPA has asked of it since March 2018; assess risk using the EPA's current Preliminary Remediation Goal (PRG) Calculators for soil and buildings. This was stated explicitly in the EPA's August 14, 2018, comments to the *Draft Parcel G Work Plan.* For example, in Comment 9, EPA wrote:

> **Section 3.3 and 4.3, Remediation Goals for soil and buildings, respectively:** These sections list the current ROD RGs. The HPNS's Five-Year Review occurring in 2018 is evaluating whether the current selected remedies, including these ROD RGs, are still protective and whether any changes are necessary to ensure continued protectiveness. Based on national practices directed by EPA headquarters, EPA expects this process to use the most current version of the EPA Preliminary Remediation Goal (PRG) Calculator and Building PRG Calculator to assess the ROD radiological RGs. The Work Plan should use only those cleanup goals confirmed through this analysis to be protective. (Emphasis added.)

Similarly, comment 18a directs: "Please revise the Work Plan to state that only areas that demonstrate compliance with the Parcel G ROD requirements and are within the CERCLA risk range using the most recent version of the EPA PRG Calculator for radionuclides will be eligible for Regulatory Approval for release." (Emphasis added.)

Rather than accede to EPA's requests, however, the Navy defers the PRG calculations to the Five-Year Review: "RGs are not proposed to be changed as part of this work plan. Future protectiveness will be evaluated in the Five-Year Review," and "The PRG calculator documentation will be provided as part of the Five-Year Review process." (Navy response to EPA comment 9, *Draft Final Parcel G Removal Site Evaluation Work Plan,* Appendix A, *Comments and Responses to Comments*, pp. 4-5.)

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We urge EPA to remain committed to including PRG calculations in the Parcel G work plan. Accordingly, we respectfully request that EPA communicate to the Navy that the *Draft Final Parcel G Removal Site Evaluation Work Plan* must include the PRG calculations as the foundation for proving the protectiveness of the plan. Should the Navy not include the PRG calculators in the Parcel G work plan, we further urge EPA to invoke the dispute resolution provisions of the Federal Facilities Agreement to resolve the dispute.

Finally, we request a meeting with you to discuss these urgent matters.

Sincerely,

Steven J Castleman

David Anton

cc: Lily Lee, EPA
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