Message

From: LEE, LILY [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D6085A744F9347E6836C54C0E85B97B2-LLEE06]
Sent: 2/15/2017 8:04:59 PM
To: Kintz, Roger@DTSC [Roger.Kintz@dtsc.ca.gov]
Subject: More detail on clarification of facts 12/20/16 Draft Summary Notes of Meeting with Greenaction, Community Representatives, CalEPA, DTSC and EPA
Attachments: Greenaction meeting request to USEPA, DTSC, Cal EPA.pdf; EPA Recommendations to Navy re Tetra Tech ECI summary 12-14-2016.pdf; Parcel A of the former Hunters Point Naval Shipyard and Radiation_10-18-16.docx; Rad risk Artist Studios Bldg 606_10-18-16.docx; Hunters Pt radiation cleanup standards desk statement 8-25-2016.docx

Importance: High

Dear Roger,

Here are more clarification of facts that Jackie sent out. We will bring hard copy printouts of this to today's meeting in case it seems useful.

From: Lane, Jackie
Sent: Friday, January 6, 2017 10:57 AM
To: bradley@greenaction.org; 'Marie Harrison, Greenaction' <marieH@greenaction.org>; 'Steve Castleman, GGULS' <scastleman@ggu.edu>; 'Dr. Raymond' <Thompkins'rtomp@sbcglobal.net>; 'Michelle Pierce, Bayview Advocates' <jmichellepierce@gmail.com>; 'Tony Kelly' <tonykelly@astound.net>; 'Eric Brooks, Green & Out City' <brookse@igc.org>; 'Dan Hirsch, UCSC' <dohirsch@ucsc.edu>
Cc: 'grant.cope@calepa.ca.gov' <grant.cope@calepa.ca.gov>; 'moshen.nazemi@dtsc.ca.gov' <moshen.nazemi@dtsc.ca.gov>; 'jerilyn.lopezmendoza@dtsc.ca.gov' <jerilyn.lopezmendoza@dtsc.ca.gov>; 'janet.naito@dtsc.ca.gov' <janet.naito@dtsc.ca.gov>; juanita.bacey@dtsc.ca.gov; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>; Yogi, David <Yogi.David@epa.gov>; Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>; LEE, LILY <LEE.LILY@EPA.GOV>; Lane, Jackie <Lane.Jackie@epa.gov>
Subject: 12/20/16 Draft Summary Notes of Meeting with Greenaction, Community Representatives, CalEPA, DTSC and EPA
Importance: High

Hello All:

I appreciate you coming to EPA's Office and joining us by phone to share your concerns about the Hunters Point Naval Shipyard cleanup and the Tera Tech ECI investigation. We drafted summary notes below and wanted to share them with the attendees. I have also attached the handouts distributed at the December 20, 2016 meeting.

FYI, Jackie Lane (415) 972-3236

Summary of Concerns Raised at the December 20, 2016

Community stakeholders said it is necessary to conduct a comprehensive site sampling and assessment of the whole base because Tetra Tech's actions have put into question the integrity of all cleanups conducted on the base and any transfers. An overall large issue is that no one can rely on the past data collected to make decisions. They charged EPA and DTSC to be more diligent in this present process. Community stakeholders requested that this investigation should be done thoroughly and not be influenced by political pressures. Greenaction pointed out the importance of sampling first in locations most likely to find underreported contamination.

That is why the Navy is hiring a third party independent contractor to analyze the history of Tetra Tech work and prioritize areas for sampling. The workplan is under development. The Navy is taking action and should have more to share soon. EPA agreed that sampling should be prioritized first based on areas most likely to find underreported contamination.

EPA's and DTSC's September 13, 2016, letter that stated "the Navy will not propose any further transfers of Navy property at HPNS without results of these investigations and/or any other Navy action necessary to clarify the actual potential public exposure." In addition, the EPA gave out copies of its December 14, 2016, letter to the Navy affirming the importance of conducting a thorough and scientifically based investigation and summarizing technical and community involvement recommendations.

Community stakeholders asked that Tetra Tech be fired by the Navy. They request EPA send a letter to the Navy asking them to issue a Stop Work Order to Tetra Tech. The Navy, DTSC and EPA should not use tax payer dollars for this comprehensive investigation, but it should be paid for by Tetra Tech. Community stakeholders requested to see the full initial written report of the violations at the Shipyard by whistle blowers.

EPA explained that right now Tetra Tech ECI is not doing any radiological field work. The EPA Superfund office's role is to ensure the site is cleaned up properly. Other parts of the federal government may be involved in investigations that are more relevant to Tetra Tech's contracts and ability to continue working. EPA had explained at several EJ Task Force Meetings that the Superfund program office is not privy to enforcement confidential information that any other parts of the Federal Government may or may not be collecting. If anyone has any questions, tips, or complaints related to enforcement, at the October EJ Task Force meeting EPA gave out the phone number of Jay Green, Director of the EPA Criminal Investigation Division: 415-947-4650.

The EPA Superfund Program's oversight role is to ensure protectiveness of the Navy's cleanup. Tetra Tech is the Navy's contractor; EPA's Superfund Program does not have any authority to enforce the terms of Tetra Tech's contract. That is why the focus of this office is on the need for accurate data as a basis for cleanup decisions.

Community stakeholders requested full disclosure and transparency in the hiring of contractors and workplans developed in the investigations of the base. They are concerned about the association of Battelle with Tetra Tech on Treasure Island.

EPA stated that Battelle is not doing the independent third party review and that the Navy's contract personnel will not include any previous Tetra Tech ECI employees. EPA pointed to the section of its December 14, 2016, letter stating, "To ensure the credibility and independence of the work of the Navy's review team, it is important that staff and managers involved in this effort do not include former employees of Tetra Tech EC, Inc."

Community stakeholders requested a Technical Assistance Grant (TAG) to hire a technical advisor to assist with them understanding documents to have access to take split or duplicate samples at the Shipyard.

EPA reminded the group that they had already explained at the November EJ Task Force meeting that the EPA no longer has resources for TAG grants at Federal Facilities nationwide.
EPA pointed to the section of its letter recommending the hiring of a technical advisor. The Navy and the regulatory agencies will need to determine what administrative and funding mechanisms may exist to facilitate this recommendation, and this process will take some time.
EPA and State regulators will do onsite monitoring of resampling and will request split samples for rework for independent analysis. EPA is not the lead agency on the cleanup and cannot grant property access to community groups for oversight of the work. Only the Navy can grant access.

Community stakeholders requested the Navy use the appropriate cleanup standards and follow EPA guidance in this process.

EPA again gave out its August 2016 handout describing the EPA's review process for radiological cleanups to ensure they are protective based on the latest version of its Preliminary Remediation Goal Calculator. EPA had already handed this out and discussed the issues at numerous monthly EJ Task Force meetings and at a two-hour meeting in June 2016 at Greenaction's office with two Health Physicists who are national experts from EPA's Environmental Response Team.

Community stakeholders want improved transparency and information sharing throughout this process thus far. Community stakeholders asked that the Navy communicate more with the public.

EPA explained that Navy is devoting new significant resources to hire a consultant to develop a communications plan with input from EPA and the State. The plan is still under development. The Navy should have more to share soon. More fact sheets and meetings are forthcoming. Greenaction and the EJ Task Force will be invited along with all other community stakeholders in future community involvement activities. Stay tuned for the upcoming increased engagement. A community meeting is tentatively scheduled for February 8, 2016. Please attend that meeting.

Greenaction stated that they did not get the EPA/DTSC September 13, 2016 letter until a month later and got it from the press instead of from the agencies.

In fact, John Chesnutt of EPA emailed the letter to Bradley on September 14, 2016, and Greenaction issued this press release about the letter dated September 16, 2016: http://greenaction.org/wp-content/uploads/2016/09/Press-release-USEPA-DTSC-Navy-Halt-New-Transfers-of-Land-from-Shipyard-due-to-Tetra-Tech-Scandal.pdf

Community stakeholders were concerned about a secret "agreement about the Tetra Tech situation reached between EPA and Navy and Mayor Lee and Supervisor Cohen," and they asked "why none of our groups were ever informed about it. We had to find out about that from someone else who got a hold of Congresswoman Pelosi's letter to EPA and the Navy confirming the agreement (although it provided no details)."

EPA outlined at two EJ Task Force meetings the Navy's plan to hire a third party independent contractor to review all of Tetra Tech's radiological work at the site. These are the same plans that were also discussed at the Mayor's meeting. The details are still being worked out, and, as noted in our letter to the Navy on December 14, 2016, we have advocated a transparent, public process for this comprehensive assessment of Tetra Tech's radiological work at the site. So there was nothing hidden about any agreement, and Congresswoman Pelosi's letter merely refers to the agreement among the agencies to conduct an independent review.

Community stakeholders expressed concerns about exposures to residents of Parcel A due to unreliable Tetra Tech results.

EPA gave the participants an October 2016 a handout explaining conditions at Parcel A. This had already been distributed at two EJ Task Force meetings. The handout states, "In 2002, EPA conducted a radiological scanner van survey of Parcel A and navigable roads on other parts of the Shipyard. All of the anomalies detected during the scan were attributable to natural occurring sources at levels consistent with what would normally be found in the environment." Lily Lee gave hard copies of the full report to both Marie Harrison (April 12, 2016) and Dr. Raymond Tompkins (October 19, 2016). Tetra Tech, ECI, did not do any radiological work at Parcel A except at Building 322, which was demolished and removed many years ago.

Community stakeholders stated that the Bay Area Air Quality Management District does not have standards for radionuclides in dust.

Lily Lee reminded Dr. Tompkins that the Navy does have standards for radionuclides in dust and monitors for dust upwind and downwind. Two years ago, she gave him hard copies and CD's with radionuclide monitoring results. She also posted them online and routinely updates EPA's website with air monitoring results.

Community stakeholders noted that Navy cleanup documents are not accessible to the public at the site repositories, Navy webpage, EPA webpage or on DTSC Envirostor web page.

After the meeting, EPA followed up by contacting DTSC and the Navy to discuss whether the administrative record for the site was complete and accessible to the public. The Navy is responsible under the Federal Facilities Agreement at Hunters Point for maintaining a complete record of the documents related to the cleanup at a record center located near the site and accessible to the public (See list of locations below). The Navy also maintains a record center at its office in San Diego with a complete administrative record for the site. Websites maintained by the EPA, DTSC, and the Navy are considered supplementary to these repositories; while the agencies try to ensure that relevant documents are uploaded to those websites, they may not contain the complete administrative record. The Navy and DTSC are currently responding to specific requests for documents, and are working to ensure that the record is complete and accessible.

Community stakeholders requested radiation scanning of areas in Mariners Village and Jerrold Street released by the Navy prior to the start of the CERCLA process at the base. They also requested background radiation data and health risk comparisons between this neighborhood and Russian Hill.

EPA noted that DTSC staff has been working to address these concerns with members of the public. Please contact Juanita Bacey at DTSC if you have further questions about this issue.

Action Items from Meeting:

-EPA will follow up on information given in Lennar's sales office including disclosures given to prospective home buyers.
-Community stakeholders will review EPA's December 14, 2016, letter to the Navy on recommendations concerning the Tetra Tech investigation and community involvement and will send comments.

Documents Distributed at the Meeting:

-December 14, 2016: EPA Letter to Navy management with recommendations on the Tetra Tech technical review and evaluation and community involvement.
-October 2 and 12, 2016: Summaries of conditions at Parcel A, Building 606, and Artist Studios. EPA already handed these out at the October and November EJ Task Force meetings.
-August 25, 2016: Summary about EPA's evaluation of cleanup and radiological standards. EPA already handed these out at multiple EJ Task Force meetings.

Local Information Repository Locations:

U.S. EPA Superfund Record Center
75 Hawthorne Street, Room 3110
San Francisco, CA 94105
U.S. EPA Region 9 Regional Records Center
75 Hawthorne Street, 3rd Floor
San Francisco, CA 94105
Hours of Operation: Monday-Friday, 8am-5pm To request or submit records, please contact r9records@epa.gov or call (415) 947-8717. This office is open Monday-Friday from 8am-5pm.

CITY OF SAN FRANCISCO MAIN PUBLIC LIBRARY
100 Larkin Street, 5th Floor
Government Information Ctr.
San Francisco, CA 94102
(415) 557-4400
Hours of Operation:
Monday: 10:00 a.m. to 6:00 p.m.
Tuesday through Thursday: 9:00 a.m. to 8:00 p.m.
Friday: 12:00 p.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 6:00 p.m.
Sunday: 12:00 p.m. to 5:00 p.m.

HUNTERS POINT NAVAL SHIPYARD SITE TRAILER (Near Shipyard security entrance)
690 Hudson Avenue
San Francisco, CA 94124
Hours of Operation:
Monday - Friday: 8:00 a.m. to 5:00 p.m.