Message

From: LEE, LILY [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D6085A744F9347E6836C54C0E85B97B2-LLEE06]
Sent: 8/16/2018 5:42:59 PM
To: Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Subject: FW: Any further changes? FW: Please review draft response to SF Examiner re Parcel G Workplan, etc.

Sorry I forgot to cc you on this

From: LEE, LILY
Sent: Thursday, August 16, 2018 10:36 AM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Chesnutt, John <Chesnutt.John@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: Any further changes? FW: Please review draft response to SF Examiner re Parcel G Workplan, etc.

Dear Enrique,

You mentioned yesterday that you wanted to ponder further #6. Kelly has no comments on this version. Would you like any further changes?

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 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.

From: LEE, LILY
Sent: Thursday, August 16, 2018 12:13 AM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>; Calvino, Maria Soledad <Calvino.Maria@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Subject: RE: Please review draft response to SF Examiner re Parcel G Workplan, etc.

Dear Enrique,

Thank you for your comments. I have incorporated your comments, explanation in red below.

1. "it is not standard to have a <u>formal</u> public comment period for a Superfund site SAMPLING AND cleanup?IS IT REALLY A CLEANUP PLAN AT THIS JUNCTURE? work plan."

You are right. The Feb version did include cleanup in addition to testing, and in March, EPA made written recommendations for beefing up that aspect. But the Navy chose to remove the cleanup aspect completely in the June version. I argued against it when I discovered that intention before the plan's release, but they did what they did. So I changed the term to "testing plan" because that is a broader term that includes sampling or scanning.

2. In response to this serious issue, EPA has assembled a DELETE NEW team of national experts

Ok, I deleted "new." Though most of the team members were indeed "new," (Lyndsey, David, Jana, Anita, Donna), one was also "old" (Karla). I understand we do not want to imply that we replaced anyone because we lacked confidence in them, because that is not true.

Revised version below:

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 August comments to the Navy reinforce previous comments recommending a scientifically based strategy to ensure protectiveness of the property for future use. EPA's comments, which we sent to the Navy on August 14, 2018, can be found here: https://semspub.epa.gov/src/document/09/100009276

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 testing 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 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 alleged failures to follow the cleanup work plan at Hunters Point Naval Shipyard.

EPA's assessment of the data was broader than the Navy's, including 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, in some areas of Parcel G, an EPA health physicist has conducted independent scans by hand, and if needed, the Navy conducted more cleanup.

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 closely 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?

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