UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, California 94105

April 10, 2019

Laura Duchnak, Director
Base Realignment and Closure Program Management Office
U.S. Department of Navy
33000 Nixie Way, Bldg 50 Suite 207
San Diego CA 92147

Dear Ms. Duchnak:

Thank you, again, for your March 15, 2019, letter. In my March 27, 2019, response, I requested a meeting on April 15, 2019, to further discuss your letter and our proposed approach to moving forward. We appreciate your stated commitment to restoring public confidence and a transparent process. EPA has been reviewing and preparing comments on the Navy's draft final *Parcel G Removal Site Evaluation Work Plan, Former Hunters Point Naval Shipyard* (Site), dated November 2, 2018 (*Work Plan*), and the Navy's draft *Five-Year Review*[1] for this Site, dated July 9, 2018. The *Five-Year Review* should inform the Parcel G *Work Plan*. This letter and enclosure outline a proposed path forward to simultaneously: 1) complete the long-term protectiveness evaluation in the *Five-Year Review* and 2) finalize the *Five-Year Review* and the *Work Plan* in phases to move strategically forward with the field rework, while allowing for further analysis and discussion among the regulatory agencies in a publicly transparent manner.

Your March 15, 2019, letter proposed to use RESRAD in lieu of EPA's Preliminary Remedial Goal (PRG) Calculator to evaluate the protectiveness of the remedies in the *Five-Year Review*. Although we typically recommend use of the PRG Calculator, we can consider other tools through consultation with our headquarters office, in accordance with EPA Guidance.[2] This consultation must include full disclosure of your proposed RESRAD assumptions to facilitate efficient, thorough analysis to ensure the use complies with Superfund regulations and guidance. Introducing RESRAD now will likely delay near-term field rework. In addition, the use of RESRAD would need to be integrated into the protectiveness evaluation of the *Five-Year Review*, which would further delay that report. EPA therefore recommends the most efficient

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1 Five-Year Reviews are required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at all Superfund sites, public and private, where hazardous waste is left in place. They are an important, routine process to assess whether current remedies still protect human health and the environment. Five-Year Reviews evaluate whether exposure assumptions, toxicity data, remedial goals (or cleanup levels) and remedial action objectives used at the time of remedy selection are still factually accurate and scientifically valid. EPA reports annually to Congress on the status of each Five-Year Review.

2 For guidance on this approach, see Q10 and Q16 in the guidance document "Radiation Risk Assessment at CERCLA Sites: Q & A," June 2014. Also see the Federal Facilities Agreement (FFA) sections 6.1 and 7.7b, which includes the Navy's commitment to follow EPA guidance.

approach to finalize the evaluation is for the Navy to resume technical discussions with us about appropriate site-specific parameters to use in the PRG Calculator for soil and buildings.

Since March 2018, EPA has requested multiple times that the Navy's *Five-Year Review* include updated PRG Calculator assessments for different aspects of the Site: A) onsite soil (trenches and building sites), B) current, onsite buildings with a possible future commercial reuse (demolition, industrial, or commercial scenario), and C) current, onsite buildings with a possible future mixed-use, including residential (residential scenario). EPA believes we are close to agreement with the Navy about its conclusions on its draft PRG Calculator assessments for A and B above. However, for C above, the assessment is more complex regarding whether the current remedies would still be protective of human health for future residential use. EPA has not yet received from the Navy a revised draft version of its PRG Calculator assessment for C that incorporates our September 21, 2018, comments. To move forward with the *Five-Year Review*, we recommend segregating this buildings issue for further analysis and discussion.

The *Five-Year Review* relates to the Parcel G *Work Plan* in important ways. Your letter proposed finalizing the *Work Plan* without considering the initial *Five-Year Review* long-term protectiveness evaluation. This evaluation may show that some current remedial goals in the Records of Decision (RODs) no longer protect public health. In that scenario, the Navy would need to go back into the field to re-test and re-cleanup the soil and buildings to a level that protects public health. This approach could potentially waste valuable time and resources.

EPA believes we have identified a path forward to begin the field rework at Parcel G. This path forward effectively balances the stakeholders' collective interests in public transparency, scientific integrity, and an efficient process, while allowing the Navy to begin rework as soon as possible. To expedite soil field rework, EPA recommends the Navy implement these activities:

- For an expedited EPA approval of soil reference background testing, described in Appendix C and other sections of the November 2, 2018, draft final *Work Plan*, we recommend the following steps:
    - Address the relevant portions of EPA's December 13, 2018, comments on technical details. While you are doing this, we will send additional comments on technical details by April 25, 2019.
    - Issue for regulatory agency and public review the relevant portions of Responses to Comments on regulator comments, a responsiveness summary of public comments, and change pages with redline and strikeout revisions.
- For an expedited EPA approval of soil trench and building sites testing, described in Chapter 3 and other sections of the November 2, 2018, draft final *Work Plan,* we recommend the following steps:
    - Address the relevant portions of EPA's above comments on technical details described above. Issue for regulatory agency and public review the relevant portions of Responses to Comments on regulatory agency comments, a responsiveness summary of public comments, and change pages with redline and strikeout revisions.

- Issue for regulatory agency and public comment a Radiological Rework Work Plan Addendum for soil, address all comments, and finalize.

- Simultaneously, develop a technical memorandum as soon as possible to supplement the July 9, 2018, draft *Five-Year Review* that includes a revised version of the Navy's draft PRG Calculator assessments for A and B above, onsite soil (trenches and building sites) and buildings (commercial scenario). This draft technical memorandum should address forthcoming EPA comments on these two draft assessments, to be sent by April 25, 2019. We recommend issuing this technical memorandum for regulatory and public review and comment as soon as possible. The final *Five-Year Review* should address substantive comments received from the public and regulatory agencies on this technical memorandum.

After the Navy has completed these activities and begun field work on the soil reference background testing, the agencies can work in parallel to resolve any remaining issues related to the soil and buildings rework in the *Work Plan*, including potential consultation about the use of RESRAD. Please see the enclosure for the full path forward.

EPA has committed to the public, including members of Congress and other elected officials, that the rework must proceed with full transparency. Therefore, we invite the Navy to join us in this commitment and provide ample opportunities for public comment on these documents. See the path forward enclosure for detailed information on public comment recommendations.

I look forward to our meeting on April 15, 2019, to discuss your letter and this proposal.

Sincerely,

Enrique Manzanilla
Director, Superfund Division

Enclosure

cc: Grant Cope, California Environmental Protection Agency and
California Department of Toxic Substances Control
Anthony Chu, California Department of Public Health
Dr. Grant Colfax, San Francisco Department of Public Health
Nadia Sesay, San Francisco Office of Community Investment and Infrastructure
Terry Seward, Regional Water Quality Control Board