Message

**From**: Praskins, Wayne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F47BC0A2C2E42A98347D59CD1A98B19-WPRASKIN]
**Sent**: 4/2/2021 4:52:44 PM
**To**: Sanchez, Yolanda [Sanchez.Yolanda@epa.gov]
**Subject**: RE: EPA review of NAVY Building Remediation Goals - draft response

Yolanda – Do you want me to wait to put the signed version of Enrique's letter on our webpage or should I just send the letter (signed) as an attachment?

Wayne Praskins | Superfund Project Manager
**U.S. Environmental Protection Agency Region 9**
75 Hawthorne St. (SFD-7-3)
San Francisco, CA 94105
415-972-3181

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**From:** Praskins, Wayne
**Sent:** Thursday, April 1, 2021 12:11 PM
**To:** Chesnutt, John <Chesnutt.John@epa.gov>
**Cc:** Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>
**Subject:** RE: EPA review of NAVY Building Remediation Goals - draft response

John – See attached.

Yolanda – Should I just send the letter (signed) as an attachment?

Wayne Praskins | Superfund Project Manager
**U.S. Environmental Protection Agency Region 9**
75 Hawthorne St. (SFD-7-3)
San Francisco, CA 94105
415-972-3181

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**From:** Chesnutt, John <Chesnutt.John@epa.gov>
**Sent:** Thursday, April 1, 2021 12:05 PM
**To:** Praskins, Wayne <Praskins.Wayne@epa.gov>; Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>
**Subject:** RE: EPA review of NAVY Building Remediation Goals - draft response

Wayne, I think this generally looks good, but can you send me the attached file to take a quick peek at.

Also, the embedded link shows the unsigned letter from Enrique. Please post the signed letter.

Thanks, John

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**From:** Praskins, Wayne <Praskins.Wayne@epa.gov>
**Sent:** Wednesday, March 31, 2021 3:49 PM
**To:** Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>
**Subject:** RE: EPA review of NAVY Building Remediation Goals - draft response

John -

# Ex. 5 Deliberative Process (DP)

**From:** Praskins, Wayne
**Sent:** Monday, February 22, 2021 6:46 PM
**To:** Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>
**Subject:** RE: EPA review of NAVY Building Remediation Goals - draft response

Yolanda/John –

Please see proposed responses to Dan Hirsh's January email. I propose to send him the Army Corps report I shared with you earlier today and our December letter to the Navy on the building RGs.

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Dan – See responses below in red to your request for reports and to some of your quick points.

Wayne Praskins | Superfund Project Manager
**U.S. Environmental Protection Agency Region 9**
75 Hawthorne St. (SFD-7-3)
San Francisco, CA 94105
415-972-3181

**From:** Daniel Hirsch <Ex. 6 Personal Privacy (PP)>
**Sent:** Monday, January 4, 2021 4:13 PM
**To:** Praskins, Wayne <Praskins.Wayne@epa.gov>
**Cc:** Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Stuart Walker <stuartwalker@verizon.net>
**Subject:** Re: EPA review of NAVY Building Remediation Goals

Hi Wayne,

I hope you had a peaceful holiday season.

As the new year begins, I want to reiterate my request, one more time, to be provided with the written BPRG assessment/review/report that must have formed the basis for your letter of August 20, 2020, to the Navy entitled "EPA Review of Navy Draft Evaluation of Radiological Remediation Goals for Onsite Buildings-Hunters Point Naval Shipyard Superfund Site." In that letter you state, "We completed our review of the Navy evaluation of radiological building RGs

in consultation with EPA Headquarters and with assistance from the U. S. Army Corps of Engineers Radiation Safety Support Team and the Department of Energy's Oak Ridge National Laboratory (ORNL)." Elsewhere you refer to calculations involving EPA's National Superfund Expert and ORNL with a modified version of the BPRG calculator. We would like to see the document(s) containing these analyses/calculations upon which you based your August 20 letter.

Secondly, we would appreciate receiving copies of any response you may have received from the Navy to your August 20 letter and any associated correspondence between EPA and the Navy on the subject.

Third, as to your responses below, a few quick points:

a. I had previously told you that the values we get from the running the BPRG calculator are about two times more protective than the values you cite for the situation that uses the default assumption of contamination above 6 feet. (Compare your table below with ours at page 19 of our report, "Hunters Point Shipyard Cleanup Used Outdated and Grossly Non-Protective Cleanup Standards.") Our table is based on 10^-6 risk, but you will see that at 10^-4 the values are still about twice as protective as the ones you are using. I believe that is because you didn't follow the decision made by the EPA in 2018 that calculations should be based on assuming exposure to hard surfaces alone and the exposure time for hard surfaces must be changed accordingly. (Letter, September 21, 2018, from Lily Lee to Derek Robinson, "EPA Comments on the Draft Fourth Five-Year Review, Hunters Point Naval Shipyard, San Francisco, California, Dated July 9, 2018," pp. 4-5.) And yes, of course, we converted to dpm/ 100 cm^2.

b. The use of 10^-4 levels is inappropriate. We are not in a situation where buildings have all been remediated and a 5-Year review is being conducted thereafter to see if they are still protective. We are in a situation where remediation is to occur and a decision needs to be made as to the cleanup standard to be applied. The standard needs, according to CERCLA, to be as close to 10^-6, the point of departure, as possible, and only fall back the minimum necessary from that and only if the 9 balancing and other criteria have been weighed, in a public process with public input. None of that has occurred here. EPA really needs to be insisting on 10^-6 cleanup levels, in part to provide a margin of safety for future discoveries, given the troubled history to date regarding the botched cleanup at HPNS. .

c. There is no basis for EPA doing its BPRG calculations on the basis of weakened inputs to the calculator that *assume* there is no contamination above 6 feet, when there is no evidence that is the case. A protectiveness review must be based on evidence if one is to weaken the inputs.

d. The claim that the Navy will carefully measure above 6 feet to determine if there is contamination is not borne out by the passages of the Navy plan you cite. The Navy is classifying all surfaces above 6 feet as either MARSSIM Class 2, requiring far less rigorous measurements, or as purportedly non-impacted, which will receive no measurements at all. There are simply *assuming* it is unlikely there is contamination above 6 feet and then doing such minimal measurements it is unlikely they would be able to find it if it is there. Further, the Navy plan is using as its background a potentially impacted building in the middle of the Superfund site, a few feet from structures it concedes are impacted and surrounded by soil that is potentially contaminated and can have been tracked in for years, violating fundamental principles of MARRSIM requiring background be from places that cannot possibly be contaminated. Additionally, it appears that all or the great majority of the measurements are just scans, rather than actual sampling of removable contamination and sending it to a lab for careful measurement with good detection limits. Simply arbitrarily assuming 20% of contamination is removable and then only doing scans, plus the highly questionable background location, and the designation of most of the structures as Class 2 with woefully weak survey coverage, are just a few more signs that the Navy is repeating the kind of troubling steps that led to the Tetra Tech scandal and the need for retesting in the first place.

e. I see no sign that EPA, either in its own calculations or in what it is requiring of the Navy, is summing the risks from the external exposures and the internal exposures. You indicate that for at least four radionuclides, the Navy's Remediation Goals exceed the 1 10^-4 risk level, which the Region has repeatedly in the past insisted on as the upper limit of the risk range. In your email you indicate a risk from fixed contamination alone more than double the 1 x 10^-4 level, even assuming zero contamination above 6 feet. So, if the removable contamination were allowed at 1 x 10^-4, or

more than that, the combined risk could readily exceed 3 x 10^-4, about which there is no question of exceeding the acceptable risk range.

I look forward to receiving the documents on which your August 20 letter to the Navy was based, and any subsequent correspondence from and to the Navy about it.

Thanks,

Dan

On Nov 10, 2020, at 10:53 AM, Praskins, Wayne <Praskins.Wayne@epa.gov> wrote:

Dan – Sorry for the delayed response. Please see my additional responses in blue. If you want to discuss further perhaps we should set up a time to talk.

Wayne Praskins | Superfund Project Manager
**U.S. Environmental Protection Agency Region 9**
75 Hawthorne St. (SFD-7-3)
San Francisco, CA 94105
415-972-3181

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**From:** Daniel Hirsch <Ex. 6 Personal Privacy (PP)>
**Sent:** Thursday, October 8, 2020 4:43 PM
**To:** Praskins, Wayne <Praskins.Wayne@epa.gov>
**Cc:** Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Walker, Stuart <Walker.Stuart@epa.gov>
**Subject:** Re: EPA review of NAVY Building Remediation Goals

Wayne,

Your response creates more questions than answers. See below (in green font).

Dan

On Oct 8, 2020, at 2:04 PM, Praskins, Wayne <Praskins.Wayne@epa.gov> wrote:

Dan -

Please see responses below (in red font).

Wayne Praskins | Superfund Project Manager
U.S. Environmental Protection Agency Region 9
75 Hawthorne St. (SFD-7-3)
San Francisco, CA 94105
415-972-3181

-----Original Message-----
From: Daniel Hirsch Ex. 6 Personal Privacy (PP)
Sent: Tuesday, October 6, 2020 10:57 AM
To: Praskins, Wayne <Praskins.Wayne@epa.gov>
Cc: Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Walker, Stuart <Walker.Stuart@epa.gov>
Subject: EPA review of NAVY Building Remediation Goals

Dear Wayne,

We read with interest your letter of August 20, 2020, to the Navy "EPA Review of Navy Draft Evaluation of Radiological Remediation Goals for Onsite Buildings-Hunters Point Naval Shipyard Superfund Site."

We would appreciate it if you would provide us with the documents providing the basis for:

1. The claims that no contamination could possibly exist on surfaces inside any building higher than 6 feet on walls and none on ceilings.

**Ex. 5 Deliberative Process (DP)**

That there can't be contamination on the ceilings or on walls higher than 6 feet at HPNS is indeed what your letter says. I quote: "Our proposal uses a modified version of the BPRG calculator. We determined that one of the assumptions built into the BPRG calculator may be overly conservative and inappropriate at HPNS. That is the assumption that fixed contamination is present on all six interior building surfaces (four walls, ceiling, and the floor). To better represent conditions at HPNS, we worked with EPA's National Superfund Radiation Expert and ORNL to make use of a modified version of the BPRG calculator that assumes that any fixed contamination remaining in the buildings is limited to the floor and lower six feet of the interior walls. Our preliminary calculations using the modified version of the BPRG calculator indicate that the majority of the radiological building RGs remain protective for fixed contamination."

You assert in the letter that you have "determined" that the assumption in the BPRG of fixed contamination present on all six building surfaces may be "overly conservative and inappropriate at HPNS" and that it "better represents conditions at HPNS" to modify the BPRG calculator to assume "that any fixed contamination remaining in the buildings is limited to the floor and lower six feet of the interior walls." I have asked for the basis of your determination that there can't be contamination above six feet. I gather that you have no such evidence at present, but if that is not the case, I would repeat our request that you provide the evidence if it exists.

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2. The statement: "Our preliminary calculations using the modified version of the BPRG calculator indicate that the majority of the radiological building RGs remain protective for fixed contamination." We would appreciate if you would also provide the identification of the Remediation Goals (RGs) that are not protective and the

comparison of those values with the values the Navy has been using, as well as the comparison of your modified BRPGs against the RGs that you now assert are protective.

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| | RGs for Fixed Contamination - Residential Exposure | |
|---|---|---|
| | HPNS RGs (*dpm/ 100 cm2*) | Modified PRGs at 1 x 10-4 cancer ris (*dpm/ 100 cm2*) |
| **Cs-137** | 5000 | 3650 |
| **Co-60** | 5000 | 2500 |
| **Eu-152** | 5000 | 2350 |
| **Eu-154** | 5000 | 2900 |

As indicated above, your letter says that you have modified EPA's own BPRG calculator to assume no contamination above 6 feet. Based on that assumption, for which we requested the evidence on which it was based, your letter says "the **majority** of the radiological building RGs remain protective." (emphasis added) The term "majority" indicates that for a minority of the radionuclides, the statement is not true. You have provided Modified BPRGs, at 10^-4 risk levels, for only four radionuclides. Our question was for the results for the "minority" of radionuclides assessed that, even with your modifications to the input assumptions, showed the Navy's RGs to be outside the protective range.

[As a side matter, we note that the values you report above are far lower than what would be produced by the BPRG calculator using its defaults with only the wall and ceiling inputs changed. We again request the documentation upon which these assertions are made.]

Ex. 5 Deliberative Process (DP)

3. The statement: "We propose that BPRGs be used as limits on the removable fraction of the radioactivity (i.e.,dust). Our preliminary calculations using default exposure assumptions result in BPRGs substantially lower than 20% of the RGs." In addition to providing the documentation for this conclusion, we would appreciate it if you would provide the BPRGs you are proposing for removable radioactivity and the comparison to the RGs the Navy has been using.

Ex. 5 Deliberative Process (DP)

previously, the use of default values may provide inappropriately-high risk estimates, and I do not expect BPRGs based on default inputs to be adopted for use at Hunters Point. PRGs associated with a 1 x 10-4 cancer risk based on *default* exposure assumptions are:

| | **Limits for Removable Contamination - Residential Exposure** | |
|---|---|---|
| | **20% of RGs** *(dpm/ 100 cm2)* | **BPRGs using default inpu x 10-4 cancer risk** *(dpm/ 100 cm2)* |
| **Am-241** | 20 | 4.4 |
| **Cs-137** | 1000 | 149 |
| **Co-60** | 1000 | 126 |
| **Eu-152** | 1000 | 101 |
| **Eu-154** | 1000 | 204 |
| **H-3** | 1000 | 77,256 |
| **Pu-239** | 20 | 4.1 |
| **Ra-226** | 20 | 1.2 |
| **Sr-90** | 200 | 51 |
| **Th-232** | 7.3 | 2.4 |
| **U-235** | 97.6 | 4.7 |

These should be the same values you get from the online BPRG calculator.

These values are about double what we got from the online BPRG calculator. We would again ask to be provided the basis for the conclusions.

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We also note that while you assert that the default values may be "'inappropriately high" for HPNS and you don't expect them to be used, there are numerous factors that would suggest the defaults are inappropriately low for application to HPNS.

Wayne, we reiterate our request for the documentation that underlies the assertions made in your letter to the Navy.

Thanks,

Dan

Thank you.

Dan Hirsch