Message

From: Chesnutt, John [Chesnutt.John@epa.gov]
Sent: 12/17/2020 9:19:43 PM
To: Sanchez, Yolanda [Sanchez.Yolanda@epa.gov]
Subject: FW: Hunters Point Buildings Radiological Rework

From: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Sent: Thursday, December 17, 2020 1:18 PM
To: Chesnutt, John <Chesnutt.John@epa.gov>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>; Praskins, Wayne <Praskins.Wayne@epa.gov>
Subject: RE: Hunters Point Buildings Radiological Rework

Thanks John.

I've read the transmittal below and the Navy's letter. On the transmittal to OLEM colleagues, I will add that we will share a draft of our letter to the Navy with them. Otherwise, it looks good.

But I look forward to our discussion later today.

Enrique

From: Chesnutt, John <Chesnutt.John@epa.gov>
Sent: Wednesday, December 16, 2020 6:22 PM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: Hunters Point Buildings Radiological Rework

Enrique, Here's a revised draft of an email for Greg Gervais and Dana Stalcup. If you want to talk about it before you send it, our team is scheduled to discuss overall strategy for our response to the Navy's letter tomorrow afternoon.

John
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Dana and Greg, I'm writing to update you on our efforts at the Hunters Point Naval Shipyard site (HPNS) to come to agreement with the Navy on the protectiveness of the radiological building remedial goals (RGs) included in the site RODs. Last year the Navy proposed to use RESRAD BUILD (RRB) in lieu of EPA's BPRG calculator to support their protectiveness determinations. That initiated our radiological consultation with EPA HQ. Following that consultation, in August 2020, Region 9 relayed EPA's concerns to the Navy regarding the use of RRB, emphasizing that through our review/consultation we were unable to concur with the Navy's conclusion that the Hunters Point radiological building remedial goals are protective under CERCLA. We proposed a path forward using the BPRG calculator which would greatly lower some of the remedial goals.

The Navy sent a written response to the Region on Friday (attached). The Navy continues to oppose the use of the BPRG calculator, claiming that EPA's proposed BPRG values for removable contamination (i.e., dust) are below background and too low to detect with state of the art equipment. The Navy again requested that EPA support the Navy's RRB analysis, describing RRB as "refined, complete, and appropriate" and the "most extensively tested, verified, and validated tool used for … radiological risk assessment."

We agree with the Navy that the BPRG calculator, when used with default inputs, generates conservative risk estimates and conservative remediation goals. For the radionuclides of concern at HPNS, the BPRG calculator estimates risks several orders of magnitude higher than RRB. We have worked with the Navy, unsuccessfully, to determine whether less conservative site-specific inputs are appropriate which would generate lower risk estimates and higher remedial goals. We have also worked with the Navy to try to resolve our concerns about their use of RRB at Hunters Point. Those efforts have also, to date, been unsuccessful.

We appear to be at an impasse. We are drafting a letter that will respond to the Navy's request that the Region reconsider its position, outlining our continued reservations about the Navy's reliance on RRB at HPNS. We anticipate the Navy, seeing our response, may invoke a formal dispute under the site Federal Facility Agreement (FFA) to resolve this issue, esp. since Laura Duchnak and I are already engaged, and we are key members of the FFA Dispute Resolution Committee, the first step in the formal dispute process. Therefore, we will carefully draft our response and are beginning to prepare for a dispute.

Here's where we need your assistance in helping us prepare for further discussions and/or a dispute with the Navy: Given the BPRG calculator is a national tool, we need to continue close coordination with your offices as we work to resolve our differences with the Navy to ensure your interests in the BPRG calculator are represented. There are two issues that we already know we need your support with, so are elevating them to you now:

1) It would be helpful to know of other Superfund cleanup examples where remediation goals have been set to address radiologically-contaminated buildings for residential use (whether using BPRG, RRB, or another risk model).

2) We do not have a clear sense of how many times the BPRG calculator has been used to provide cleanup values at NPL sites, and the circumstances in which it has been used (e.g., radionuclides, target risk, RGs, building use). We are especially interested in examples where the planned use was residential.

3) We expect that one of the primary topics of discussion in a dispute will be the level of conservatism designed into the RRB and BPRG calculators for removable radiological contamination (i.e., dust) and the much higher risks estimated by the BPRG calculator. The BPRG calculator estimates risk by multiplying a contaminant concentration by four exposure factors. We encourage you to be prepared to explain the basis for the default values for these four factors, the use of the product of the four factors to estimate risk, and examples where HQ has supported site-specific modifications to the calculator to estimate risk from radiologically contaminated dust.

Thanks for your support. We will keep you posted on our letter response and next steps with the Navy.