UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

August 27, 2020

Laura Duchnak, Director
Base Realignment and Closure Program Management Office
U.S. Department of Navy
33000 Nixie Way
San Diego, California 92147

Subject: Support for a robust evaluation of the Navy's implementation of its Hunters Point Naval Shipyard Community Involvement Plan (CIP)

Dear Ms. Duchnak,

The Navy is the lead agency for the Hunters Point Naval Shipyard Superfund site and, therefore, is the lead for community outreach and involvement activities. Under federal environmental law, the United States Environmental Protection Agency (EPA) has a key oversight role at the site.

With an eye toward upcoming site work that will garner considerable community attention, such as the beginning of radiological retesting fieldwork, comprehensive community outreach and involvement – as called for in the CIP – constitute a necessary ingredient for success. Noting that the Navy's CIP is laudably robust and that the Navy has expended significant resources toward community outreach, an evaluation that can truly determine if such efforts are meeting community needs is a necessity. This letter details our observations:

- We are unsure the Navy is meeting the needs of the community with its current community outreach and involvement program, despite its recent evaluation;
- We believe a strong community outreach and involvement program is critically important to rebuild community trust, especially given the recent unprecedented fraud and the site's location in a historically underserved and overburdened community like Bayview Hunters Point; and
- We strongly recommend the Navy complete a comprehensive evaluation of its community outreach and involvement program before the end of the calendar year to inform its efforts next year in communicating results of the radiological retesting.

Having a strong community outreach and involvement program is critically important to rebuild community trust and contest misinformation. A great deal of public trust was lost by the

significant Tetra Tech EC Inc., radiological data reliability issues.[1] The diversity of the nearby community is showcased in the Navy's draft Community Involvement Review fact sheet. In addition, the Bayview Hunters Point community is faced with health inequities and has been subjected to historical racial segregation and environmental burdens. This situation is especially poignant in the middle of the global COVID pandemic where health disparities and air pollution are linked to increased COVID complications specifically in communities of color. In the past, we have noted the need to build trust in our December 14, 2016, letter where we provided five recommendations to enhance the Navy's community outreach and involvement program (see Attachment 1). Trust building begins with a robust CIP, as well as dedication of the right staff toward this effort. As such, the Navy should hire a skilled internal community involvement lead to support your evaluation efforts by providing the time and expertise to develop a more strategic approach. At a minimum, we advise the Navy to train its staff in cultural competency and cultural humility.[2]

EPA appreciates that the Navy has a robust CIP and has invested substantial resources in its community outreach and involvement program (see Attachment 2). We applaud the spirit of these efforts. However, we are unsure if the Navy's current community outreach and involvement program is meeting the needs of the Bayview Hunters Point community, especially in light of the surveying and evaluation process by which you decided to continue dissolution of the Restoration Advisory Board (RAB - see Attachment 3). It is important to periodically evaluate and adjust community involvement as site activities proceed and community interests change.[3] Specifically, the Navy's CIP clearly commits to survey the community every two years and evaluate its community outreach and involvement program in order to "...ensure that the actions that are implemented continue to meet the needs of the HPNS community."

Looking forward to a future opportunity for the Navy to evaluate its community outreach and involvement efforts under the CIP, EPA has questions about the Navy's reliance on relatively small-scale community surveying to justify continuing with the RAB's dissolution. We have additional questions about the Navy's consideration of a sizable community-based group petition (from September 2019) requesting that the RAB be reinstated. In the recent evaluation relied upon for the RAB decision, the Navy does not appear to have evaluated the outcomes or impacts of its community outreach and involvement program in a sufficiently robust manner. We have not seen a complete documentation of this evaluation process (again, see Attachment 3) and are thus unclear whether the Navy has adequately reflected on how its program is meeting the needs of the community. In a forthcoming evaluation of its community involvement work under the CIP, the Navy should address these questions and the related community involvement concerns.

---

[1] In the Navy's Victim Impact Statement in *The Matter of US v Hubburd*, the Navy noted: the community has a "total lack of confidence in the Navy's intentions and ability to conduct a proper cleanup."

[2] EPA's Superfund Community Involvement University, a training program for EPA staff, includes training courses on cultural competency: https://semspub.epa.gov/work/HQ/100002348.pdf. EPA's Contaminated Site Cleanup Information (CLU-IN), an information clearinghouse for waste remediation stakeholders, includes training courses on cultural competency: https://semspub.epa.gov/work/HQ/100002348.pdf.

[3] Chapter 2 of EPA's Community Involvement Handbook discusses the process of evaluating community involvement activities.

We strongly recommend that the Navy complete a more comprehensive evaluation of its community outreach and involvement program before the end of the calendar year. Information from this evaluation is critical to inform an effective approach to communicate the results of the radiological rework, which the Navy will likely be communicating early next year. We believe this effort should transparently assess outcomes and impacts of the Navy's current activities, address deficiencies in its CIP implementation and reflect on the current Navy staff and contractor team performance. We recommend the Navy to work with a third-party program evaluation team, involve EPA and our state regulatory partners in the planning efforts, fully document its efforts, and provide the public an opportunity to comment on the draft evaluation. Therefore, the Navy should start on this work promptly and publicly communicate a timeline for this new evaluation process. The EPA site team remains available to provide guidance and perspectives on that evaluation process. Please contact me if you would like to discuss further.

Sincerely,

ENRIQUE MANZANILLA

Digitally signed by ENRIQUE MANZANILLA
Date: 2020.08.27 23:40:12 -07'00'

Enrique Manzanilla
Director, Superfund and Emergency Management Division

Attachments

Cc: Grant Cope, California Department of Toxic Substances Control
Terry Seward, California Regional Water Quality Control Board
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

ED_006787_00001518-00003

Attachment 1 – December 14, 2016, Letter to the Navy

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

December 14, 2016

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

Dear Ms. Duchnak:

We write to provide our recommendations on actions the Navy should take to rebuild confidence in the cleanup process at the Hunters Point Naval Shipyard Superfund site, San Francisco, California, as questions have been raised about the radiological cleanup work by Tetra Tech EC, Inc. As you know, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the site's Federal Facility Agreement establishes the Navy as the lead agency on cleaning up Hunters Point, with the EPA and the State of California in oversight roles. Ultimately, we need to demonstrate that "all remedial action necessary to protect human health and the environment … has been taken before the date of [any] transfer" of property, as required by Section 120(h)(3) of CERCLA. Therefore, the Navy's technical review needs to be comprehensive and holistic to scientifically address protectiveness questions.

In addition, proactive and transparent community involvement will be key to address public confidence in the scientific review and its conclusions. The Navy's latest *Community Involvement Plan* affirms that it "is committed to keeping the community engaged in the environmental cleanup program" at the site and states: "Public involvement in the cleanup process results in a better outcome and a more robust cleanup." EPA strongly supports these principles.

We appreciate you moving forward with the Navy efforts to hire a third party independent contractor to review radiological work conducted by Tetra Tech EC, Inc., at the Shipyard. I understand that this scientific review will determine what aspects of that work require additional assessment, such as extra sampling. The additional assessment will begin after regulatory approval of the work plan. As you requested, EPA is providing recommendations for the scope of work for the technical evaluation and community involvement. As we have discussed, we want to create an efficient and technically sound process to enable a thorough and timely resolution of outstanding issues identified. Below and attached are key elements of EPA recommendations to date.

Technical evaluation recommendations include the following:

- Review records for the entire history of Tetra Tech EC, Inc., radiological work at the Shipyard basewide, including areas already transferred. Re-sample in priority areas of uncertainty, especially in areas of greatest concern based on health risk.
- Where allegations have been made regarding specific locations on the site, research site records and, where potential health risk is uncertain, sampling and/or scanning should be conducted in those areas.
- Evaluate inconsistencies in prior data in soil and buildings
- Estimate potential health risks to the public from prior misrepresentation of radiological data.

Community involvement recommendations include the following:

- Conduct targeted outreach to key stakeholders that reaches full breadth of community organizations and stakeholder groups.
- Develop routine site update materials to keep community members and key stakeholders informed, and maintain web presence accessible by lay audience from the public.
- Ensure community members have technical capacity to engage with agency representatives on technical issues pertaining to the cleanup.

The attached summary of technical recommendations includes highlights that are appropriate for public disclosure. Under separate cover we will send you the full recommendations that include the enforcement confidential aspects of the scope of evaluation. As circumstances evolve and more information is shared with us, more recommendations may be forthcoming.

I have asked my staff to commit to make ourselves available for regular coordination calls during the evaluation process. These can help ensure mutual understanding of the evaluation and decisions along the way so that our review will be well-informed and focused. We look forward to working with the Navy, California State Department of Toxic Substances Control (DTSC), and other state agencies to ensure protectiveness, transparency, accountability, and substantive public involvement. Please contact me at 415-972-3843 or manzanilla.enrique@epa.gov if you would like to discuss these issues further.

Sincerely,

Enrique Manzanilla
Director, Superfund Division

cc. Mayor Edwin Lee, City and County of San Francisco
Supervisor Malia Cohen, City and County of San Francisco
Tiffany Bohee, San Francisco Office of Community Infrastructure and Investment
Barbara Garcia, San Francisco Department of Public Health
Mohsen Nazemi, State of California Department of Toxic Substances Control
Grant Cope, State of California Environmental Protection Agency

Attachment 1

Summary of USEPA Comments on Technical Evaluation of Tetra Tech EC, Inc., concerns

The Navy has hired a third party consultant to draft a technical memorandum that will propose a workplan for future Navy work needed to address concerns regarding the integrity of Tetra Tech's radiological cleanup work at the Hunters Point Naval Shipyard. EPA has provided the Navy with a detailed write-up of our comments on the proposed list of topics to be addressed by the workplan under development. Addressing the recommendations below and any other issues that may emerge will be important steps to address the credibility of the cleanup. In addition, documenting all areas of inquiry will help us organize the team's analysis, ensure transparency, and ensure public confidence. These areas of inquiry should include (1) anomalous findings in statistical analysis and decisions about next steps on those and (2) regulatory agency recommendations and resolution. Below is a summary of USEPA recommendations. We have also discussed these with our regulatory partner the State of California Department of Toxic Substances Control (DTSC).

1. **Sample basewide, especially in areas of highest potential risk** – Review records for the entire history of Tetra Tech EC, Inc., radiological work at the Shipyard basewide, including areas already transferred. Some records show Tetra Tech EC, Inc., collecting radiological samples as early at 1990, including 1999 Cesium 137 samples significantly above release criteria and removal work before 2006 at a radium dial disposal area and metal debris reef. Due to the uncertainty about locations of potential Tetra Tech misrepresentation, EPA supports sampling at any base-wide that present a concern to assess the credibility of all of Tetra Tech's work on radiological issues. EPA recommends using a health-risk based approach to prioritize areas of concern based on factors that should include, but not be limited to, historical records of activities, current or future exposure based on land uses, sampling results already collected, and combination of highest risk radionuclides. EPA recommends new, independent soil sampling to help clarify the actual human health and environmental risk.

2. **Sample in specific locations of allegations** - Where allegations have been made regarding specific locations on the site, soil samples should be collected and analyzed in those areas. Collect at least ten samples in each of the specific locations. Discuss the work plan with regulatory agencies before proceeding. Inform regulatory agencies of the date and time for resampling so that regulatory staff may conduct site visits to observe and potentially collect split or duplicate samples for independent analysis.

3. **Analyze inconsistencies** - Evaluate all of the sampling data provided by Tetra Tech on radiological issues to assess whether the data are internally consistent. For example, EPA found in the NIRIS database that in Parcel B-2, Parcel G, and other areas, Tetra Tech reported in at least 2006, 2007, and 2008 some areas where concentrations of Lead (Pb) 214 are shown to be higher than Radium (Ra) 226. In some cases, reported concentrations of Bismuth (Bi) 214 are also higher than Ra-226. Because Pb-214 and Bi-214 are decay products of Ra-226, this result would not be expected. Evaluate this inconsistency as well as similar potential inconsistencies in other decay chains. Consider the potential need for new sampling to clarify health risk.

4. **Evaluate Building Scans** – Due to uncertainties regarding previous work done at buildings, e.g. scan speeds faster than workplan specified, address known exceedances of release criteria in Buildings 271 and 406 and the potential for unknown exceedances elsewhere. Review uncertainties about prior scans already performed and perform additional scans where uncertainties cannot be otherwise resolved.

5. **Estimate potential health risks** - To evaluate the potential harm resulting from any and all of the allegations made regarding Tetra Tech's work, discuss and estimate the potential health risk to current and future residents, the public, and construction or other workers that could result from the allegations. Please use the current version of the EPA's Preliminary Remediation Goal (PRG) Calculator to estimate the potential health risk from Tetra Tech EC, Inc., failures to follow workplans. EPA is available to provide technical support regarding the use of the PRG Calculator.

More details regarding specific allegations and EPA's recommendations to evaluate the impacts of those allegations have been provided to the Navy's staff under separate cover. These comments include recommendations aimed at ensuring that public health and the environment are protected and that the public can have confidence in the final assessment. They also include enforcement confidential information.

Finally, we have come to understand that the number of individuals who work on radiological clean-ups and are licensed as radiological technicians is relatively small in the United States, and many of these individuals have long-standing personal and professional relationships with one another. 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., (or close relatives of those employees) who could have been involved with previous work at the Hunters Point Naval Shipyard.

Attachment 2

Summary of Community Involvement Recommendations to the Navy from the US EPA Hunters Point Naval Shipyard Tetra Tech EC, Inc., Concerns

The overall objective of the following recommendations is to maximize public confidence in the Tetra Tech investigation process by establishing a consistent flow and transparent exchange of information with the public as the Navy's workplan unfolds. Consistently throughout the process, not just at project milestones, the community is expected to be "brought along" for input and participation with regulators as investigatory processes are established and decisions are made.

EPA appreciates your commitment to develop a "Radiological Community Engagement Communication Plan" for this process. The following elements should be incorporated into that plan, which should be flexible in scope to adjust to dynamic communication needs. We have also discussed these with our regulatory partner the State of California Department of Toxic Substances Control (DTSC).

Recommendation #1: **Ensure community members have technical capacity to engage with agency representatives on technical issues pertaining to the cleanup.**

- A third-party technical advisor should be made available to the community to explain and advise community members about ongoing and forthcoming work.
- The community should be allowed the opportunity to be part of the selection process for the technical advisor, and EPA can share past experiences implementing similar processes elsewhere.

Recommendation #2: **Establish routine community meetings (outside regularly planned community meetings), leverage pre-existing meetings, and provide additional forums for agency representatives to share information and for residents to speak with agency representatives and provide feedback.**

Meeting venues may include, but are not limited to, the following:

- Community meetings hosted by local groups listed in Appendix H of the 2014 *Community Involvement Plan* (CIP)
- The establishment of a HPNS Environmental Cleanup Center staffed for office hours allowing the public to speak with Navy representatives on the Tetra Tech investigation.
- The Mayor's Hunters Point Shipyard Citizen's Advisory Committee
- Routine public meetings co-hosted with DTSC and EPA with presentation and Q&A period.

Recommendation #3: **Develop routine site-update materials, maintain a web presence accessible for a lay audience, and provide "in-language" translations and interpretation services (for in-person meetings) as needed.**

As part of this recommendation, it is requested the following process and planning steps also be implemented to: (1) keep regulatory agencies informed; and (2) aid in ensuring consistent messaging.

- Publication material slated for distribution is expected to be reviewed by participating agencies in advance of distribution. Enough review time should be given to participating agencies for the Navy to incorporate changes and recommendations made by participating agencies.

- Community presentations are expected to be reviewed and practiced with participating agencies in advance of delivery to the community. Enough review time should be given to participating agencies for the Navy to incorporate changes and recommendations made by participating agencies.

- A routine monthly communication schedule for development and dissemination of written material and presentations is expected to be developed to ensure efficient, strategic information-sharing.

Recommendation #4: **Conduct targeted outreach to key stakeholders that reaches full breadth of community organizations and stakeholder groups.**

To ensure consistency and clarity of messages, thorough information dissemination, and inclusive and comprehensive community participation, it is requested the Navy:

- Obtain a third-party risk communicator to develop messages with the team.

- Obtain a third-party public participation practitioner to operationalize messages around key items related to the cleanup and to reach the diverse residents that surround the Shipyard to encourage their involvement in the process.

- Obtain a community liaison from the Bayview/Hunter's Point neighborhood to gather community concerns and both identify and reach local stakeholder organizations

Accepting formal public comment on key documents (*e.g.*, milestone workplans) should also be factored into the Navy's workflow.

Further, as part of outreach, it is also expected that a "feedback loop" process is provided as soon as possible to community members to reflect how feedback from the public (during formal public comment period and other public forums) will be incorporated in the decision-making process.

Recommendation #5: **Develop a pro-active media communications strategy to be incorporated with, but separate from the community engagement facet of, the "Radiological Community Engagement Communication Plan."**

- Media Communication Strategy to be one facet of "Radiological Community Engagement Communication Plan," and will focus exclusively on consistent outreach to media organizations on project progress.

- Said Media Communications Strategy will be implemented concurrently with community engagement plan.

Attachment 2 – Review of the Navy's Community Involvement Plan

The Navy prepared the 2014 Community Involvement Plan (CIP) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), known as the Superfund law, and its implementing regulations, the National Contingency Plan, 40 CFR300.430(c)(2)(ii). Issues with implementation of the Navy's CIP fall under the United States Environmental Protection Agency's (EPA's) oversight role under section 12.2(b) of the Federal Facilities Agreement (FFA). The Navy's site work continues to receive incredible scrutiny, and an effective community outreach and involvement program is an important tool in rebuilding trust and confidence.

For the Hunters Point Navy Shipyard site (HPNS), the Navy's robust CIP outlines a number of community involvement program activities "designed to meet the communication needs, concerns, and preferences of the various HPNS stakeholders in the HPNS community." The Navy strategically identified these activities based on themes from community interviews and feedback from a community survey.

In implementing the CIP, the Navy has invested substantial resources. The Navy has co-hosted events with local community members, such as open house events with the onsite artists and site tours with the Hunters Point Shipyard Citizens Advisory Committee (HPS CAC), as well as held ongoing discussions with a small group of The Shipyard residents. The Navy has also provided the public with opportunities for in-person site updates, such as bus tours and presentations to the Environmental and Reuse Subcommittee of the HPS CAC. In addition, the Navy has contracted with Dr. Kathryn Higley to serve as a community technical liaison to answer questions from the community through presentations, office hours, and via phone or email. The Navy also publishes written materials to communicate updates for the site, in addition to providing information via e-newsletters and via "Timely Topics" on the Navy's site website and creating informational videos.

Since late 2019, we have requested the Navy provide more information on its community outreach and involvement program, so we can better understand the Navy's evaluation of it. In May 2020, the Navy provided some information, including a summary of outreach events, activities, and materials. We are unclear whether the Navy has adequately reflected on its community outreach and involvement program, specifically with respect to its commitments in the CIP.

The Navy's CIP clearly identifies the need to evaluate its community outreach and involvement program. In the CIP, the Navy notes:

> "The Navy will continue the practice of surveying the community and evaluating this (community involvement) program every two years per CFR Title 32, Section 202.10. If the results of the evaluation indicate substantial revisions to the program are necessary, then the Navy will update the CIP; however, minor revisions to the actions and activities due to funding resources or lack of community interest may not require a revised CIP."

Deficiencies in CIP Implementation

EPA has noted the Navy is not meeting some of its CIP commitments outlined in *Chapter 3 – Actions and Activities* (pages 33-38). The most notable deficiency is not employing an *external* community involvement manager for the site. From the CIP: "The Navy will continue to provide a Community Involvement Manager to *assist* the Base Realignment and Closure (BRAC) Environmental Coordinator with the implementation of this CIP update (emphasis added)." The document describes the responsibilities of this individual are "...to facilitate community meetings and bus tours and respond to

community questions…" and "…assist the Navy and regulatory agencies in gathering feedback to assess the success of this community involvement program." As noted in our December 14, 2016 letter (see Attachment 1), we have already expressed the need to for the Navy to build trust and enhance its community outreach and involvement program. Finally, the CIP notes this individual should not be a Navy staff member, but rather a Navy representative. Fulfilling this CIP activity would likely substantially improve the Navy's community outreach and involvement program and meet the requirements of its CIP.

Other examples of CIP commitments not being met include:

- Developing and distributing an outreach events calendar via email, at community meetings, in neighborhood locations, and prominently displaying it on its website;
- Working with local community groups to do grassroots outreach to the public;
- Holding regularly scheduled community meetings with an opportunity for regulatory agency updates, discussion of action items from previous meetings, and a public question-and-answer period;
- Preparing and distributing topic-specific fact sheets to include health information; and
- Holding regularly scheduled community meetings for presentations by professional health organizations when such presentations are deemed necessary and relevant to current cleanup activities or action.

The other notable deficiency in the Navy's implementation of the CIP is the lack of documentation for the robust evaluation of its program every two years.

For more information, see Table 1 - Implementation of Community Involvement Plan Activities January 2019 – March 2020.

Review of Written Material

Additionally, the Navy issues several written materials to communicate site updates. The Navy has provided regular "Progress Reports" to communicate ongoing site activities and has dedicated a webpage called "Timely Topics" to communicate timely information. The Navy has also issued a few fact sheets. These publications are nicely laid out and provide great visuals. However, at times the publications are not written in an "easy to read" format as committed to in the CIP (and pursuant to all federal agencies under the Plain Language Act[1]). We recommend the Navy provide plain language training to its staff or employ a plain language aspect to its contractors to provide this service.

There have been occasions these written materials have conveyed information to the public we do not support or agree on. Or, the Navy has miscommunicated EPA's role in the federal facility process. For the near future, EPA requests the Navy provide fact sheets, Timely Topics, and quarterly/annual reports to the regulatory agencies for an "over the shoulder" review. Under section 26.4 of the Federal Facilities Agreement (FFA), the Navy is obliged to provide regulatory agency review of "press release," which our site attorney has interpreted to include public notices and Timely Topics posts, not just media-focused

[1] *See*, www.plainlanguage.gov

news announcements. As such, we expect the Navy provide materials for review at least 48 hours in advance of publication.

Dissemination of Written Material

We have received insufficient information on the dissemination strategy of publications. We request the Navy clarify which publications are mailed and which addresses are included in the mailing list. In addition, please clarify which local community organizations are included in the hardcopy distribution of which hardcopy publications. Also, please provide an explanation of the email listservs for the site. In sum, we wish to understand the dissemination strategy of the publications.

In conclusion, we look forward to engaging with the Navy on a more robust and effective conversation on its community outreach and involvement program.

ED_006787_00001518-00013

Table 1 - Implementation of Community Involvement Plan Activities January 2019 – March 2020

Theme 1: Navy's communication with HPNS community about the environmental cleanup program has not been effective

Community Involvement Plan activity	Implementation in 2019 – March 2020
Prepare and distribute a calendar of outreach events designed to show forethought and commitment to activities and help the public plan involvement into their schedules - Prominently displayed on website - Wide distribution by email at community meetings, in neighborhood locations	This activity has not been implemented. The Navy prepares a community outreach calendar and regularly shares it with regulatory agencies and other partners as part of the BRAC Cleanup Team (BCT)
Prepare and distribute topic-specific fact sheets	The Navy prepared 3 factsheets and distributed them on the website. - Parcel E, Phase 1 - Parcel E, Phase 2 - Dust Control and Truck Management We are unclear if these factsheets were distributed in another way except online.
Provide a community information telephone line	It's unclear how often this line has been updated over the past 1.5 years or what level/type of information the Navy conveys in the telephone line. The Navy has a hotline in English, Cantonese, and Spanish and regularly checks the messages.
Use a Community Involvement Manager to assist the BRAC Environmental Coordinator with the implementation of the CIP (help facilitate community meetings and bus tours; respond to community questions; assist with gathering feedback to assess the community involvement program, including community survey every two years.)	This activity has not been implemented. This role is not currently being filled. The BRAC Environmental Coordinator seems to be handling much of the community outreach and involvement work, with some support by the press officer.

ED_006787_00001518-00014

Theme 2: General information about the Navy's environmental cleanup program at HPNS is lacking

Community Involvement Plan activity	Implementation in 2019 – March 2020
Annually prepare and distribute a general factsheet to include HPNS history, basic overview of cleanup activities and timeline, agency roles and responsibilities, etc. to be widely distributed and translate to Cantonese and Spanish, if necessary	Navy published 3 quarterly reports and 1 annual report. However, the Navy has not issued its first report for 2020 (as of May 13, 2020). However, only the 2019 annual report was available in Cantonese or Spanish.
Hold regularly scheduled community meetings with an agenda on Navy technical presentations, regulatory agency updates, discussion of action items from previous meetings, and a public question-and-answer period. Meetings should be an opportunity for two-way communication between the Navy, regulatory agencies, and the community	This activity has not been consistently implemented. On July 23, 2020, the Navy hosted a virtual community meeting. In 2019, the Navy had tentatively scheduled a community open house meeting. However, the Navy decided not to move forward with that meeting. In October 2018, the Navy hosted a community open house event. Either way, these two Navy hosted meetings in the past three years did not include updates from other regulatory agencies or action items from previous meetings. The 2020 virtual meeting did not adequately have a question-and-answer period, due to a technology glitch.
Solicit community input for future agenda items during meetings and through request to the email list.	It's unclear if the Navy solicits community input for agenda items.
Prepare quarterly progress updates to be widely distributed (email, website, at select neighborhood locations) and translate to Cantonese and Spanish, if necessary.	It's unclear if these progress reports are distributed to neighborhood locations, beyond the OCII building and the SF Shipyard HOA building. Navy published 3 quarterly reports and 1 annual report in 2019. However, the Navy has not issued its first report for 2020 (as of May 27, 2020). In addition, none of these have been available in Cantonese or Spanish.

ED_006787_00001518-00015

Theme 3: The HPNS Community is diverse, resulting in varied concerns, communication preferences, and needs

Community Involvement Plan activity	Implementation in 2019 – April 2020
Participate in local radio shows (multi-lingual) to present and answer questions	This activity has not been implemented.
Provide a community information telephone line to provide updates on activities, meetings, and cleanup actions in English, Spanish, and Cantonese, with the ability to leave a message.	The Navy has a hotline in English, Cantonese, and Spanish and regularly checks the messages. We are unclear how often this line has been updated over the past 1.5 years. We are unclear on the type of information the Navy conveys in the telephone line.
Update USPS and Email mailing lists and evaluate the need to update the USPS mailing list every 5 years.	It's unclear if this activity has been implemented.
Use Grassroots Outreach to involve HPNS community in flyer distribution, posting meeting notices, share community feedback. Specialize with Spanish and Chinese communities.	It's unclear if this activity has been implemented.
Attend local community events to provide information, answer questions, and encourage participation. Evaluate event opportunities annually. Examples: Sunday Streets, Earth Day, Visitacion Valley Festival.	It's unclear if the Navy will increase participate in these events as the radiological rework fieldwork begins. In May and October 2019, the Navy hosted an informational booth at the SF Shipyard Artists "Open Studios" event. In August 2019, the Navy hosted an informational booth at the Visitacion Valley Greenway Celebration.

ED_006787_00001518-00016

Theme 4: The difference between the Navy's HPNS Environmental Cleanup Program and the City's Redevelopment made clear

Community Involvement Plan activity	Implementation in 2019 – April 2020
Hold bus tours four times a year to show participants cleanup progress, identify what belongs to the City's agency, and provide an opportunity for dialogue. Widely distribute announcements of tours (email, website, at select neighborhood locations, newspapers, and outreach to community leaders)	Navy hosted a bus tour in May and August 2019 The early 2020 bus tour had to be cancelled, due to COVID-19
Prepare and distribute topic-specific fact sheets to distribute at community meetings, post on website, send via email	The Navy prepared 3 factsheets and distributed them on the website. - Parcel E, Phase 1 - Parcel E, Phase 2 - Dust Control and Truck Management

ED_006787_00001518-00017

Theme 5: Health is a primary concern for most segments of the community

Community Involvement Plan activity	Implementation in 2019 – April 2020
Provide health contact information in this CIP update and include relevant health information to summarize how health is addressed during a cleanup (see Appendix A – Health-Related Information, Resources, and Contacts)	This information could use updating, especially with the ongoing discussions on the urine screening in the community.
Use website to include health information in the frequently asked question fact sheet	This activity has not been implemented. The Navy does have FAQs on the website and one is on health and safety, but these have not been updated. There are opportunities to have more FAQs on additional health-related topics.
Hold regularly scheduled community meetings for presentations by professional health organizations when such presentations are deemed necessary and relevant to current cleanup activities or action	This activity has not been implemented, and it would be useful with the ongoing discussions on the urine screening in the community.
Prepare and distribute topic-specific fact sheets to include health information	This activity has not been implemented. None of the Navy's three topic-specific fact sheets in 2019 included health information.

ED_006787_00001518-00018

Theme 6: Coordinating with established community members to conduct community involvement

Community Involvement Plan activity	Implementation in 2019 – April 2020
Use Grassroots Outreach to involve HPNS community in flyer distribution, posting meeting notices, share community feedback. Specialize with Spanish and Chinese communities.	This activity has not been implemented.
Navy presentations at established community organized meetings to reach specific audiences in order to provide general information on cleanup activities and answer questions. Examples include parent-teacher associations, homeowner or tenant associations, Board of Supervisors, and business associations, and HPS CAC	Navy presentations at the E&R HPS CAC meetings in January, April, and August 2019, as well as the January 2020. The Navy did not present at any other community organized meeting during this timeframe. In 2018, the Navy presented twice at the SF Shipyard HOA meeting and once to the SF Board of Supervisors.
Attend local community events to provide information, answer questions, and encourage participation. Evaluate event opportunities annually. Examples: Sunday Streets, Earth Day, Visitacion Valley Festival.	It's unclear if the Navy will increase participate in these events as the radiological rework fieldwork begins. In May and October 2019, the Navy hosted an informational booth at the SF Shipyard Artists "Open Studios" event. In August 2019, the Navy hosted an informational booth at the Visitacion Valley Greenway Celebration.

Attachment 3 – Navy's Restoration Advisory Board (RAB) Dissolution Evaluation

The United States Environmental Protection Agency (EPA) does not have an oversight role in the Navy's Restoration Advisory Board (RAB) process, because the RAB regulations are under the Department of Defense. However, it is difficult for EPA to fully understand the Navy's basis for its recent decision to make no changes to its current community outreach and involvement program at the Hunters Point Naval Shipyard site and continue with the dissolution of the RAB, because the Navy has not provided us with complete information on the evaluation of its program. In addition, it's unclear how the Navy reflected on the September 2019 petition from four community-based groups requesting the Navy reinstate the RAB, which was signed by over 200 members of the public. Finally, the Navy seems to base its conclusions on a survey of only 40 respondents.

We have also encouraged the Navy to better communicate the conclusions of the evaluation of its community outreach and involvement program, which were drawn upon to justify the RAB dissolution. In May, we recommended the Navy have a plan to communicate the decision with the petitioners and survey participants who wished to be involved in the RAB. (The most recent community survey identified 12 individuals who expressed desire to be involved in a RAB and left their contact information.) We are encouraged the Navy is carrying out this recommendation.

Additionally, we recommended the Navy better document its evaluation process in the site's Administrative Record, as required by RAB regulations.[1] In its recent Quarterly Report, the Navy communicated it relied on data from its program outreach, survey results, and questions and comments received from the public. We continue to encourage the Navy to completely present this information which it used as part of the evaluation. This should include a more complete explanation of its decision to continue with the dissolution of the RAB including how the Navy considered the community petition to reinstate the RAB.

Background

In 2009, the Navy issued a decision memo to dissolve the Hunters Point Naval Shipyard (HPNS) RAB. In the memo, the Acting Deputy Assistant Secretary of the Navy (Environment) encouraged the Base Realignment and Closure program to "continue to provide information to the public, seek their input on the environmental restoration program implementation, and continue to explore other opportunities for meaningful dialogue with the local community." Additionally, the Navy also underscored the Department of Defense RAB regulations which require the Navy to evaluate and document this decision to dissolve the RAB every two years. The Department of Defense RAB regulations provide guidance on how to conduct the two-year RAB dissolution evaluation. For example, the evaluation should include an assessment of community correspondence and media coverage, as well as consultation with relevant government officials.[2]

In September 2019, the Navy received a petition from four community-based groups requesting the Navy reinstate the HPNS RAB. This petition contained over 200 signatures. The RAB Rule Handbook

---

[1] *See* 32 C.F.R. § 202.1(b) and § 202.2; Department of Defense Restoration Advisory Boards, 71 Fed. Reg. 27612 (2006).

[2] *See* 32 C.F.R. § 202.1(b) and § 202.2; Department of Defense Restoration Advisory Boards, 71 Fed. Reg. 27612 (2006).

states an "installation will form a RAB when there is sufficient and sustained community interest and...at least 50 local citizens have petitioned for a RAB."[3]

[3] See Restoration Advisory Board Rule Handbook, Office of the Secretary of Defense (March 2007).