



California Regional Water Quality Control I

San Francisco Bay Region

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 ~ FAX (510) 622-2460

N00217.000158
HUNTERS POINT
SSIC NO. 5090.3
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Commanding Officer
Department of the Navy
Naval Facilities Engineering Command
Southwest Division
1220 Pacific Highway
San Diego, Ca 92132-5190
Attention: Mr. Richard Mach

August 22, 2000
File 2169.6032 (LBJ)

Subject: Comments on Proposal for Bioaccumulation Line of Evidence, Hunters Point Shipyard Parcel F Validation Study.

Dear Mr. Mach:

Regional Board staff have reviewed the document titled *Proposal for Bioaccumulation Line of Evidence, Hunters Point Shipyard Parcel F Validation Study* dated August 7, 2000.

Regional Board staff is very concerned regarding the Navy's recent position that insufficient funding exists to implement the validation study this year. We believe failure to implement at least the sediment dynamics portion of the study during this year's wet season will either seriously impair the utility of the study or will result in yet another unacceptable delay of at least one year in developing a plan of action for Parcel F. While we share the desire of all parties to remediate the upland portion of the site for beneficial reuse and appreciate the need to prioritize resources, we believe that protection of the environment and the health of those who consume fish from the Bay demands at least the same priority as redevelopment concerns. To this end, we cannot concur with the scope of work proposed in the plan unless there is an acceptable schedule for its implementation.

Regardless of the Navy's failure to provide an acceptable schedule, we are providing the following comments in the interest of reaching agreement on some of the details in the plan.

Step 1: Comparison to Reference

The hypothesis test proposed by the Navy is not sufficiently rigorous. Rather than using a comparison to ambient reference values as the initial screen, it is more appropriate to first determine if risk to upper trophic levels is elevated and then compare to ambient. If bioaccumulation from site sediments indicates that upper trophic levels are exposed to excessive risk, then it will have been established that the area should proceed to the feasibility study. A comparison to ambient could then guide selection of a remedy.

The logical conclusion of the process proposed by the Navy would merely be a finding that HPS sediments are "no worse" than some reference site rather than a more conclusive finding that HPS sediments do or do not pose unacceptable risk. We can identify no basis in the CERCLA process where a comparison to risks posed by other sites justifies a no further action determination. Rather, relative risk concerns should be addressed by the nine criteria. The issue

of whether or not this risk can be feasibly ameliorated is important, but it should be a topic of the feasibility study rather than the remedial investigation and for this reason, comparisons to ambient should be reserved until the pertinent ecological risk questions have been answered.

Step 3: Ancillary Evaluations for Bioaccumulation Line of Evidence

Regional Board staff will not concur with the Navy's assertion that harbor seals are not pertinent receptors at Hunters Point. Regional Board staff has observed a significant population of harbor seals hauled-out at Hunters Point. More importantly, regardless of the locations where the seals actually forage, no evidence has been presented that seal prey items have not foraged at HPS, thus exposing the seals to site contaminants.

Conversely, we concur that significant uncertainty may be associated with exposure calculations given the poor understanding of fish foraging behavior and migration; however, this does not diminish our concerns about the health of sea lion populations in the Bay. If HPS was the only site in the Bay with significant sediment deposits containing bioaccumulative chemicals, our level of concern might be diminished. Unfortunately, there are numerous sites where similar releases have occurred. For this reason, the Navy must accept that HPS sediment must be evaluated in the context of its contribution to cumulative impacts from all sites in the Bay.

Moreover, when the Navy finally determines a cleanup plan for HPS, the results of this study will likely set many precedents and be relied upon heavily by other sites. If Regional Board staff allows the Navy to neglect risk to such obviously important ecological receptors, then any future work based on this analysis is unlikely to adequately consider cumulative impacts and result in unprotective cleanup plans. Finally as noted by DTSC, the studies cited regarding dermal contact are pertinent only to inorganic chemicals and we are unwilling to extrapolate the conclusions to organic compounds.

We appreciate the efforts of the individuals involved in developing this plan and look forward to resolution of the above concerns. Should you have any questions regarding this matter, please contact me via email at lbj@rb2.swrcb.ca.gov or at (510)-622-2400.

Sincerely,



Brad Job, P.E.
Assoc. Water Resources Control Engineer

cc:
Ms. Claire Trombadore (SFD-8-2)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Ms. Sheryl Lauth (SFD-8-2)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Mr. Chein Kao
Department of Toxic Substances Control
Northern California Region
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Mr. John Chester
San Francisco Department of Public Health
1390 Market Street, Suite 910
San Francisco, CA 94102

Mr. Michael Pound
Department of the Navy, Southwest Division
1220 Pacific Highway
San Diego, CA 92132-5190

Baykeeper
P.O. Box 29921
San Francisco, CA 94129