



Department of Toxic Substances Control

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HUNTERS POINT
SSIC NO. 5090.3



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Gray Davis
Governor

November 17, 2000

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

FINAL SAMPLING AND ANALYSIS PLAN, PARCEL D SOIL SITE DELINEATION, HUNTERS POINT SHIPYARD, SAN FRANCISCO, CALIFORNIA

Dear Mr. Mach:

The Department of Toxic Substances Control (DTSC) received the above-mentioned document on November 13, 2000. The transmittal letter dated November 9, 2000 states the report "... is provided for your review and concurrence regarding the proposed soil sampling, Parcel D..." It is our understanding that the Navy issued this document as a secondary document and is conducting this sampling event under a "time-critical removal action" (TCRA). The Navy had stated in several meetings that the Navy is not seeking regulatory approval for the removal action.

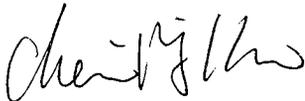
The letter further states that "the Navy has addressed and incorporated all comments into this final sampling plan. The Navy plans to begin implementing this plan on about November 28, 2000. If there are any comments that you feel were not adequately addressed, please provide those to the undersigned by November 20, 2000." This statement is confusing to us. It is not clear if the Navy reversed its decision and is issuing this document as a primary document and seeking final approval. In accordance with Hunters Point Shipyard Federal Facility Agreement (FFA), for a secondary document, the Navy only needs to issue responses to comments within 45 days of the close of comment period. For a primary document, the Navy is to issue a draft final document with responses to comments within 45 days of the close of comment period. The regulatory agency would then have a 30-day review period to make sure all our comments are adequately addressed or invoke dispute

resolution process. In this case, it appears the Navy is asking the regulatory agency to provide concurrence within 7 days of the issuance of a final document.

DTSC provided comments for the draft version of this document in a letter dated September 26, 2000. At this point, DTSC does not plan to review this final sampling plan. DTSC reserves its right to dispute the adequacy of the sampling plan and the results of the removal action at the next primary document which we believe to be the draft final Feasibility Study. If this is not the case, please advise us immediately.

If you have any questions, Please contact me at (510) 540-3822.

Sincerely,



Chein Ping Kao, P.E.
Senior Hazardous Substance Engineer
Office of Military Facilities

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