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Hazardous Waste Program

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HUNTERS POINT
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September 11, 2009

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Draft Final Record of Decision for Parcel UC-2, Hunters Point Shipyard, dated August 12, 2009.

This letter contains comments from the City and Lennar.

1. Why have the references to a Risk Management Plan been removed from the draft final ROD? The Risk Management Plan is a part of the remedy and it was referenced in the draft ROD.
2. **Section 2.9.2 Description of Selected Remedy.** Previous City comment 6 was not revised as stated in the Navy's Response to Comments on the Draft Parcel UC-2 ROD.

Our Comment 6 on the Draft ROD stated: Please remove the second sentence of the first paragraph "Future landowners will need approval from the regulatory agencies to modify the covers" and replace with the following "Modification of covers will be governed by the Risk Management Plan discussed below and its terms will be enforced by the regulatory agencies." Please consider inserting the following sentence prior to the previous sentence, "The RD will include plans for inspection and maintenance to ensure the covers remain intact".

The RTCs state that the first paragraph "has been revised as suggested" and lists the revision as:

- a. *Inspection and maintenance requirements for the durable covers will be specified in the remedial design (RD). Modification of the covers will be governed by the LUC RD report and Risk Management Plan discussed below and its terms will be enforced by the regulatory agencies."*

However, the text of this paragraph in the Draft Final UC-2 ROD is missing the "and Risk Management Plan" clause and instead states just:

- b. *"Inspection and maintenance requirements for the durable covers will be specified in the remedial design. Modification of the covers will be governed by the LUC RD report discussed below and its terms will be enforced by the regulatory agencies."*

No mention of the RMP is included in this paragraph or in text below it in Section 2.9.2 of the Draft Final UC-2 ROD. Additionally, the paragraph at top of page 38 in the DRAFT Parcel UC-2 ROD states:

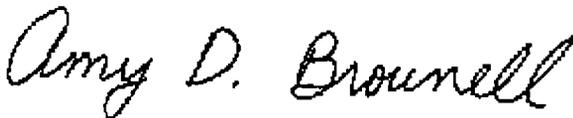
c. "The activity restrictions in the "Covenant(s) to Restrict Use of Property" and Quitclaim Deed(s) shall be addressed in the Parcel UC-2 Risk Management Plan ("Parcel UC-2 RMP") that may be prepared by the City and County of San Francisco and approved by the Navy and FFA signatories and/or the land use control remedial design (LUC RD) report that would be reviewed and approved by the FFA signatories. The Parcel UC-2 RMP and/or LUC RD shall be referenced in the applicable "Covenant(s) to Restrict Use of Property" and Quitclaim Deed(s). The Parcel UC-2 RMP and/or LUC RD shall specify soil and groundwater management procedures for compliance with the remedy selected in the Parcel UC-2 ROD. The Parcel UC-2 RMP and/or LUC RD shall identify the roles of local, state, and federal government in administering the Parcel UC-2 RMP and/or LUC RD and shall include, but not be limited to, procedures for any necessary sampling and analysis requirements, worker health and safety requirements, and any necessary site-specific construction or use approvals that may be required."

However, the text of this paragraph, located at the bottom of page 40 in the Draft Final UC-2 ROD, no longer references the RMP.

Our request is that the Navy please revise the first paragraph in Section 2.9.2 as indicated above in bullet "a" and the paragraph starting on the bottom of page 40 as indicated above in bullet "c".

3. **Page 42, Proposed Activity Restrictions Relating to VOC vapors at specific locations within Parcel UC-2.** We appreciate that the Navy has removed the requirement for VOC vapor restrictions for all of Parcel UC-2. As stated many times on previous documents, we disagree with linking a VOC vapor restriction to the redevelopment block rather than linking the restriction to the identified area of known contamination preferably based on soil vapor sampling.

Sincerely,



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Environmental Engineer

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