



San Francisco City and County
Department of Public Health
Environmental Health Section
Hazardous Waste Program

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Internal Draft Proposed Plan for Parcel E-2, Hunters Point Shipyard, dated May 24, 2011

This letter contains comments from the City and Lennar.

General comments:

1. **Inserts – Insert 1:** As we have described in other comments on other documents, there is some confusion in your Institutional Control and Land Use Control language. "Institutional Controls" or "ICs" mean non-engineered instruments, such as administrative and/or legal controls, that help to minimize the potential for human exposure to contamination and/or protect the integrity of a remedy by limiting land and/or resource use. Examples of institutional controls discussed in this Proposed Plan are covenants and deed restrictions. "Land Use Controls" or "LUCs" mean activity and use restrictions that are part of the CERCLA remedy. The important distinction is that the ICs are not the remedy itself but rather instruments used to achieve the remedy objectives whereas the LUCs are part of the remedy.

In the case of this very concise Proposed Plan, it actually would be easier and more meaningful for the reader to just describe the LUCs. It isn't necessary to use the term "Institutional Controls" and abbreviation "ICs".

The two-item list of legal instruments lists Restrictive Covenants. We think the CRUP and the deed will contain notices, restrictions, covenants and conditions. So we suggest changing Restrictive Covenants to a more general term like environmental restrictions – see suggested edits below.

To address all of these concerns, we suggest revising the first part of Insert 1 as follows:

(Insert 1) Overview of Land Use Controls for Parcel E-2

Land Use Controls or "LUCs" mean land use and activity restrictions, which would be established to limit human exposure to contaminants in soil, sediment, soil gas and groundwater. LUCs are a component of Remedial Alternatives 2, 3, 4 and 5 that are considered in this RI/FS Report. LUCs would remain in place unless the remedial action taken would allow for unrestricted use of the property and unrestricted exposure.

LUCs would be incorporated into two separate legal instruments:

1. Environmental restrictions included in one or more "Covenant(s) to Restrict Use of Property" provided in the Navy and DTSC 2000 Memorandum of Agreement and consistent with the substantive provisions of California Code of Regulations Title 22, Section 67391.1.
2. Environmental restrictions included in one or more Quitclaim Deed(s) from the Navy to the property recipient.

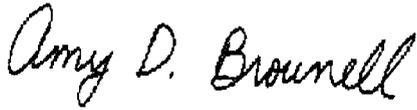
Specific Comments:

1. **Page 2, numbered list, item 2:** The text uses the term "radioactive chemicals"; for consistency, we recommend using the term "radiological contamination" instead, which is used in the second paragraph on page 3 and is defined in the glossary.
2. **Site Background, third paragraph:** Please add this sentence at the end of this paragraph: "A small area (0.42 acres) on the eastern edge of the East Adjacent Area is designated as part of the Shipyard South Multi-use District where the City might build a few commercial and residential buildings."
3. **Page 4, 4th paragraph, last sentence:** Please change reference from "City and County of San Francisco" to "San Francisco Redevelopment Agency".
4. **Page 7, Summary of Site Risks, 1st paragraph, last sentence:** Please delete the example of "such as touching soil". It implies an acute immediate reaction that is highly unlikely at HPS.
5. **Page 8, top of page, first full sentence:** Please rewrite to read, "EPA established generalized risk management range of... at contaminated sites *across the United States.*" (Proposed revisions are in italics.)
6. **Page 9 of 31, last sentence, last line:** Change "ICs" to "LUCs".
7. **Page 12 of 31, Alternative 5:** Please change the two references at end of the paragraph from "ICs" to "LUCs".
8. **Summary of Remedial Alternatives, Alternatives 4 and 5, second sentence:** Suggest revising sentence to state "An additional 11,200 cubic yards..."

9. **Summary of Remedial Alternatives, Alternatives 4 and 5, fourth sentence:** Please confirm the reference to Alternative 3 in the sentence.
10. **Page 11, Criterion 4, first sentence:** To say that Alternatives 2, 3, 4 and 5 would "perform equally", especially complete removal of the waste as opposed to hot spot removal, for example, may be overstating. Please replace "perform equally" with "all be effective".
11. **Page 13, Shoreline protection and future open space reuse, 2nd to last sentence:** Consider adding in language to clarify that the rock revetment is proposed only along the landfill boundary and other steeper sections to prevent erosion. The way it is written, it may be misinterpreted by the reader such that they will be led to believe the entirety of E-2 shoreline will be rock revetment.
12. **Page 17, Glossary of Technical Terms, "Hot Spots":** The phrase "much higher" needs definition. Consider providing a multiplier or some other quantifiable range.
13. **Inserts – Insert 1 - Page 21, paragraph 1:** Please add to this paragraph that the implementation of ICs includes requirements for monitoring and inspections, and reporting to ensure compliance with land use or activity restrictions.
14. **Inserts - Insert 1, Sentence after Proposed Land Use Restrictions, concerning the LUC RD:** Please add the following sentence after the end of this sentence: "In accordance with the SFRA's 2010 Hunters Point Shipyard Redevelopment Plan, the SFRA may request approval from the Navy and Regulatory Agencies to build industrial or residential uses in a small portion (0.42 acres) of the East Adjacent Area that is designated part of the Shipyard South Multi-Use District. They anticipate following the specific requirements that will be detailed in the LUC RD in the submittal of their request."
15. **Tables – Table 1 – Groundwater, first bullet item:** Suggest revising the text to state "Touching or breathing vapors from contaminated groundwater;..." This revised text would also be more consistent with text in Table 3.
16. **Figure 5, Previous Removal Actions:** Consider differentiating between those GMPs that have been removed (e.g., due to excavations along Crisp Ave.) and replacement GMPs.
17. **Figure 8 [Exposure Pathways]:** Regarding the "Future Below-Ground Barrier" that "could control landfill gas and contaminated groundwater": two such barriers are shown on the figure, one more towards the left and one towards the right. The one towards the left is shown extending from the ground surface, through the vadose zone, and a considerable depth into groundwater. The one towards the right is shown extending barely into the groundwater. It may be helpful and technically more accurate to show a confining layer at depth (Bay Mud, bedrock, or other, as appropriate) and then have both of the barriers extend down to the confining layer.
18. **Figure 10 – Alternative 5 Excavation and Cover Plan, Legend:** Please change the Brown Rectangle that is labeled "Capped Area for Open Space" and just shorten it to "Capped Area". Alternatively, leave that legend as-is and add another designation for the 0.42-acre

sliver of the Shipyard South Multi-use District. It could be labeled "Capped Area planned for future development" or similar.

Sincerely,



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