



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

October 5, 2000

Mr. Richard Mach
Department of the Navy
Naval Facilities Engineering Command
Southwest Division
BRAC Office
1220 Pacific Highway
San Diego, CA 92132-5190

RE: EPA Review and Comment on the Draft Final Land Use Control Implementation Plan (LUCIP), Parcel B, Hunters Point Shipyard dated September 5, 2000

Dear Mr. Mach:

EPA has completed its review of the above referenced document. While the majority of our comments have been addressed, there are still a few additional revisions to the document we would like the Navy to make before we can concur on the Draft Final. These comments are provided in an attachment to this letter. In addition, Stephen Hess of EPA's Office of General Counsel is reviewing the Draft Final LUCIP and may submit additional comments in the near future.

If you have any questions, please contact me at (415)744-2409 or have Mr. Nick Bollo contact Ms. Kara Christenson, Assistant Regional Counsel, at (415)744-1330.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claire", followed by a long horizontal line extending to the right.

Claire Trombadore
Remedial Project Manager

cc: Kara Christenson, EPA
Nick Bollo, Navy
Chein Kao, DTSC
Rich Sherwood, DTSC
Brad Job, RWQCB
Rona Sandler, City of SF
Elaine Warren, City of SF
Amy Brownell, City of SF

**ATTACHMENT
EPA REVIEW AND COMMENT
DRAFT FINAL LAND USE CONTROL IMPLEMENTATION PLAN (LUCIP)
PARCEL B, HUNTERS POINT SHIPYARD**

SPECIFIC COMMENTS

Introduction

1. Please clarify - "signed writing." Does the Navy want written concurrence letters from the regulators or did you foresee the BCT signing the Final LUCIP?

Conditions Requiring Restrictions Through Institutional Controls

1. Last sentence at the bottom of page 3. Please shorten sentence as follows: "Potentialactivities deeper than 10 feet bgs." Delete remainder of this sentence which begins "where..." and the following sentence up to "in". Start new sentence by capitalizing "the" as follows: "The Parcel B ROD and the reuse...."

Institutional Control Language

1. Where Figure refers to lined storm drains. This figure may not be complete for some time. The Navy may want to revise the portions of the LUCIP that refer to this figure to reference the Parcel B RA Close-out report instead. This way the LUCIP could be finalized and the storm drains that are lined will be noted in the RA Close-out report.
2. EPA's original comments on the model covenant language do not appear to have been addressed. These comments are again provided here:
 - The proposed language in this section does not track the format and content of the model covenant developed by the Navy and DTSC. Since the draft LUCIP also states that it will follow the model, this section should be revised to integrate the proposed institutional control language with the structure, and some if not all of the content, of Article IV of the model document. For instance, the draft LUCIP addresses groundwater and soil restrictions, but the model document also includes sections 4.01 "Prohibited Uses", 4.02 "Soil Management", 4.03 "Prohibited Activities"; 4.04 "Non-interference with Cap". It is unclear whether the Navy intends to include some or all of this model language in the final covenant. Therefore, the draft LUCIP should be revised to clarify the Navy's intent.
 - The soil management restrictions could be more clearly stated along the lines of the language in Section 4.02 of the model Navy / DTSC covenant.

Land Use Control Monitoring, Reporting, and Enforcement

- After the first sentence, add the following sentence: “Further, since Hunters point Shipyard is an NPL site, EPA will continue to oversee the implementation, monitoring, reporting and enforcement of ICs at the site.
- Last page. Typographical errors. Middle of the paragraph - “dos” should be “does”.
- After last sentence, please add new sentence: “EPA will oversee the parties enforcement of ICS at the site and, in keeping with the tiered approach, may exercise its enforcement authority.

Recording Requirements

1. Typographical error - please delete “of” after “recorded in”.