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April 11, 2001

Commanding Officer
Naval Facilities Engineering Command
Department of the Navy Southwest Division
1220 Pacific Highway
San Diego, California 92132-5190
Attn: Richard Mach
BRAC Environmental Coordinator
Hunters Point Shipyard

Re: Lennar/BVHP Comments on the "Calculation and Implementation of Supplemental Manganese Ambient Levels"

Dear Mr. Mach:

Enclosed are comments from Lennar/BVHP Partners on the "Calculation and Implementation of Supplemental Manganese Ambient Levels" Hunters Point Shipyard, San Francisco, California."

Please call me at (415) 774-2946 if you have any questions. I apologize that our comments were delayed a few days, but I have just returned from traveling out of state.

Very truly yours,



M. Elizabeth McDaniel

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosure

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cc: Ms. Claire Trombadore EPA Region IX
Mr. Michael Work, EPA Region IX
Mr. Chein Kao DTSC
Mr. Brad Job RWQCB
Mr. William Radzevich, Code 6229
Mr. Don Bradshaw
Elaine Warren, Esq.
Rona Sandler, Esq.
Ms. Amy Brownell
Mr. Jesse Blout
Mr. John Chester
Mr. Roy Willis

LENNAR /BVHP COMMENTS ON “Calculation and Implementation of Supplemental Manganese Ambient levels” Hunters Point Shipyard, San Francisco, California; Dated February 28, 2001

The following are Lennar/BVHP Partners’ comments on the above-referenced document.

1. The Navy does not appear to consider all potential historical uses of Manganese in its summary of Manganese use at the Shipyard. The majority of past uses discussed by the Navy concern its own past operations or the Navy’s tenant’s activities since the Navy began leasing the shipyard in 1976. It is our understanding that prior to the Navy’s occupancy (from 1867 till 1940), numerous shipbuilding and related industrial businesses occupied the Shipyard. The activities of these former occupants do not appear to have been addressed in the Navy’s consideration of past site use. We request that the Navy review past operations and include relevant information in its submittal.
2. The Navy’s recommended supplemental ambient level (SMAL) of 10,000 mg/kg which is reportedly based on the data set of chert and basalt-bearing fill, and the recommended SMAL of 30,000 mg/kg which is reportedly based on the data for chert or basalt bedrock are not supported by the material provided within the report. The data sets that these proposed supplemental ambient levels are based upon needs to be clearly summarized in table format, figures, and hard data format so that the reviewer can accurately evaluate the proposed concentrations (both in terms of Manganese concentration data, and lithologic data review with call outs for which concentration data were used and which lithologic units were included). We request that the Navy provide this information, as further review of the proposed concentrations cannot be completed until the Navy documents its data set, and makes this data available.
3. The Navy’s reinterpretation of boring logs from Parcel C based upon its own re-evaluation of the geologist logs and upon Bonilla’s geologic map creates a level of uncertainty within the Navy’s evaluation. The reinterpretation of geologic boring logs without archived samples is at best a subjective evaluation, and presumes that the prior geologist at the site were incorrect in their geologic call out of serpentinite vs. chert or basalt (based solely upon color as the Navy notes). The changing of field logs and data without the supporting backup material is scientifically flawed and needlessly compromises the evaluation. If the Navy wishes to change a geologists lithologic interpretation, it would be scientifically prudent to co-locate borings adjacent to the locations where they wish to re-interpret data in order to verify its suspicions. Additionally, given the complex geology of the San Francisco Bay area, it would also be scientifically prudent for the Navy to field proof Bonillas geologic map (“Preliminary Geologic Map of the San Francisco South Quadrangle and Part of the Hunters Point Quadrangle” 1971) upon which the Navy places so much weight. Such mapping reports, while scientifically peer reviewed by the community, may not have been rigorously field checked by others, especially given the developed nature of Parcel C where the majority of the bedrock is overlain by structures, roadways, or other development. We request that the Navy either use the data as is, or complete the additional site assessment to validate its re-interpretation.

4. The magnitude of difference between the residential EPA PRG of 1,800 mg/kg, which is based on human health effects, and the Navy's proposed SMAL of 10,000 mg/kg, which does not consider human health effects, is of concern. The Navy should discuss all site data in terms of existing ROD approved remedial goals and in terms of any ambient that may deviate from the goal and any effects that this may have on the site and its long term use. If an elevated supplemental ambient level is approved for the Site, a discussion of any additional institutional controls that may be a long-term requirement by the regulators should also be addressed by the Navy in its report.