



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

N00217.000520
HUNTERS POINT
SSIC NO. 5090.3

5090
Ser 06CH.RM/0982
September 28, 2001

Mr. Tony Landis
10151 Croydon Way, Suite 3
Sacramento, CA 95827

Dear Mr. Landis:

This letter is written in response to the Department of Toxic Substances Control (DTSC) concerns regarding Parcel B, Hunters Point Shipyard. During a conference call held earlier today between the Navy, the DTSC, and the Environmental Protection Agency (EPA), the Navy offered to provide a point-by-point response to DTSC's August 3, 2001 letter on this matter. Our point-by-point responses follow below. The Navy hopes that these responses, coupled with the detailed information provided by the Navy on September 11, 2001, regarding the Navy's manganese proposal, proposed Remedial Design (RD) Amendment, and the proposed revised and expanded Explanation of Significant Differences (ESD) for Parcel B will allow our team to reach consensus on a strategy to complete the cleanup of Parcel B to support transfer of the property to the City of San Francisco in an expeditious and protective manner.

We hope the following information provides an acceptable point-by-point response to DTSC's August 3, 2001 comment letter, and provides you with the additional information you need to accept our September 11, 2001 proposal.

- The DTSC stated a concern that the Navy had not followed the previously approved RD regarding the number of samples collected for the manganese only sites. The Navy acknowledges this concern and has previously stated that compliance with the previous RD stepout sample requirements on a point exceedence basis is not feasible due to the random distribution of ambient concentrations of manganese throughout Parcel B. This was the agreed upon premise that the BCT relied on to pursue further informal dispute resolution on this matter. The Navy's manganese proposal for Parcel B, which was included as enclosure (1) of our September 11, 2001 letter, outlined in detail each of the 18 manganese only sites and how they were addressed. This approach involves the use of a weighted average for each site rather than a point-by-point sample comparison to the cleanup goals. To resolve DTSC's concern regarding how RD stepout samples were completed, the Navy also provided a RD Amendment as enclosure (2) to our September 11, 2001 letter to incorporate this approach. With approval of the RD Amendment, the Navy will have met RD stepout sample requirements for Parcel B, for manganese only sites.

- The DTSC stated a concern that the Navy is not proposing to excavate manganese in the site designated as RA 10-1 due to ongoing soil vapor extraction (SVE) for volatile organic compounds (VOCs). The Navy would like to clarify its approach for this site. The Navy has documented in enclosure (1) of our September 11, 2001 letter that the site currently meets a weighted average concentration for manganese of less than 1,400 milligrams per kilogram (mg/kg) concentration. Therefore, no excavation of this site is required due to manganese. Approval of enclosure (2) to our September 11, 2001 letter will address this concern.
- The DTSC has stated that only excavating the soil, which contains manganese concentrations driving the weighted average above 1,400 mg/kg is not sufficient and that all sample results above 1,400 mg/kg from a site should be removed. The Navy believes this concern is inconsistent with the other sites on Parcel B. In an effort to expedite action on this site consistent with informal agreements, the Navy has already completed additional excavation and disposal work at the three areas where average weighted concentrations previously exceeded 1,400 mg/kg. These three areas on Parcel B now have a weighted average concentration less than 1,400 mg/kg. These arithmetic means have identified that the representative concentrations for the entire area have met the cleanup goal. A summary of these results is included in enclosure (1) of our September 11, 2001 letter and is supported by enclosure (2) to our September 11, 2001 letter.
- The DTSC has notified the Navy that we are subject to their final review and approval of overall residual risk based on data the Navy will present in the Parcel B Final Construction Summary Report. The Navy acknowledges this point, which is consistent with agreements made at the January 18, 2001 management meeting regarding Parcel B. Following is an excerpt from the January 18, 2001 meeting minutes: "When the RA is complete, the Navy will submit the construction summary report and RA report using specific ROD language in the transmittal letter stating that the remedial goals have been met. The agencies will evaluate these documents to ensure that the cleanup goals have been met. The EPA indicated that they will perform their own in house cumulative risk calculations to ensure they are comfortable that the Navy has achieve the cleanup goals and the site remedy is protective. The Navy will assist the agencies by providing data as requested by the agencies." The Navy is not proposing any deviations from these previous agreements.

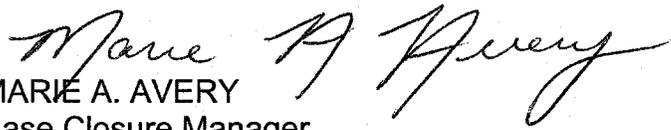
The Navy hopes that the point-by-point responses provided above will help the DTSC complete their review of the three attachments provided in our September 11, 2001 submittal. The Navy hopes to resolve this matter in a timely manner to eliminate the continuing delays on the Parcel B cleanup and transfer. Please provide me a date when

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you expect to provide the Navy with a response to our proposal so that our team can be prepared to complete closeout of this site.

Should you have any concerns with this matter, please contact me at (619) 532-0949.

Sincerely,


MARIE A. AVERY
Base Closure Manager
By direction of the Commander

Copy to:

Mr. Rich Seraydarian (SFD 8-3)
Ms. Claire Trombadore (SFD 8-3)
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75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. Chein Kao
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Mr. Curtis Scott
Mr. Michael Rochette
California Regional Water Quality Control Board, San Francisco Bay Region
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Blind copy to:

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Writer: R. Mach, 06CH.RM, 2-0913

Typist: R. Mach, 06CH.RM, 2-0913