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Department of Public Health
Environmental Health Section
Hazardous Waste Program

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August 11, 2011

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Internal Draft Final Proposed Plan for Parcel E-2, Hunters Point Shipyard, dated August 2, 2011

This letter contains comments from the City and Lennar.

General comments:

1. **Insert 1** In the Navy's Response to Comments document on the draft Proposed Plan for Parcel E-2, you responded to our first comment where we attempted to explain the confusion in your Institutional Control (IC) insert language and we proposed some edits to address the confusion. You have rejected those edits based on DOD guidance and definition of terms in that guidance and in your Final RI/FS Report. Unfortunately, in rejecting our edits you have lost the intent of the edits and have still not fixed the problem in this and many of your other documents. The reason these changes are so important, especially for your Land Use Control Remedial Design (LUC RD) documents, is the use of imprecise or inaccurate language is resulting in descriptions of requirements that do not make sense.

The Navy is free to use your guidance to define the terms ICs and LUCs in any way you wish to define them. But once you have defined them, you need to use the terms consistently and logically throughout your documents.

Specific Comments:

2. **Page 5, first line, Past and Current Removal Actions:** Please revise by replacing "in an effort" with "in order".
3. **Insert 1:** As explained in General Comment #1, you are still using imprecise language in relation to your definition of ICs. We appreciate that you tried to address our comment #13 from our comment letter on the draft PP about requirements for monitoring, inspections and reporting to ensure compliance with land use and activity restrictions. However, since you didn't make our other

suggested edits about the use of the term LUC, your proposed edit doesn't fit in your paragraph and we suggest you just delete it.

Specifically, your third sentence currently reads:

ICs would be subject to regular inspections and would remain in place unless the remedial action taken would allow for unrestricted use of the property and unrestricted exposure.

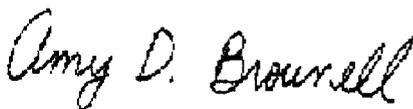
The phrase at the beginning of the third sentence is inaccurate - "ICs would be subject to regular inspections". As stated in your Response to Comments (RTCs), you have defined ICs as "*legal and administrative mechanisms used to implement land use restrictions that are used to limit the exposure of future landowner(s) and user(s) of the property to hazardous substances present on the property and to ensure the integrity of the remedial action.*" Is the Navy planning to regularly inspect their legal and administrative mechanisms? Like the deed? Or the CRUP? Or the RMP? Are you planning on requiring future property owners to regularly inspect these documents? Or requiring them to inspect the mechanisms that require compliance with the restrictions? We think that is not the case.

The monitoring, inspections and reporting that we referred to in our comment #13 on the draft PP is referring to monitoring, inspections and reporting on the engineering controls, like the proposed cap on Parcel E-2, and the verification of the submittal of notices and/or work plans. These monitoring, inspections and reporting requirements will be listed in the Operation and Maintenance plan(s) and the Risk Management Plan(s). Because of the way you have decided to define ICs in this Insert, we don't think the concept of regular inspections fits in this Insert 1 or this sentence. The engineering controls are explained throughout the proposed plan and the concept of regular inspection is stated on the first page of the Proposed Plan in item #8. We suggest you delete this first phrase so that the sentence reads:

ICs would remain in place unless the remedial action taken would allow for unrestricted use of the property and unrestricted exposure.

4. **Page 13, Evaluation of Alternatives, first paragraph and Page 16:** In the reference to Appendix C of the Radiological Addendum, why is "radiological addendum" not capitalized as it is in the Glossary?

Sincerely,



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Environmental Engineer

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