



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
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5090
Ser BPMOW/353
November 10, 2021

Mr. Wayne Praskins
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, SDF-8
San Francisco, CA 94105-3901

Dear Mr. Praskins:

Thank you for your correspondence of October 18, 2021 outlining minimal detectable concentrations (MDCs) requirements for radiological removable contamination and static measurements in buildings at the former Hunters Point Naval Shipyard (HPNS). Although we have had many meetings over the past year in an attempt to informally resolve this dispute, the proposed MDCs remain similar to the numbers in the US Environmental Protection Agency's (EPA's) letter of August 20, 2020.

The Department of the Navy (DON) indicated in our December 11, 2020 letter that "...[the proposed numbers] were below background levels, indistinguishable from building materials, and cannot be detected with state of the art instrumentation. Of specific concern are the proposed removable-contamination values for radium..." This remains a concern as the new number proposed by EPA for radium (1.44 dpm/100cm²) is essentially identical to the August 2020 proposal of 1.2 dpm/100cm².

The DON has completed a technical review of EPA's required MDCs and determined that they are outside of the range of industry-wide MDCs and are on the order of the natural variations in background materials. More importantly, the MDCs do not provide better information to determine if contamination remains after fieldwork completion and will unnecessarily complicate and extend fieldwork implementation. We are fully committed to cleaning up contamination. However, the MDCs EPA has outlined could drive cleanup or demolition of buildings that are not contaminated, unnecessarily prolonging the process and needlessly exhausting critical cleanup funds.

The DON has three main concerns with the information provided by the EPA:

1. Risk assessment assumptions are not consistent with reasonable future exposure. For example, the EPA assumption that all post-remediation surfaces are equally contaminated at the remedial goal is overly conservative. Exacerbating this overly conservative assumption, EPA assumes that a *single receptor* ingests 100% of the residual contamination (whether due to site releases or background).

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2. The EPA's proposed process of confirming risk assessment assumptions after fieldwork completion is unprecedented, inconsistent with the CERCLA process, and could draw into question the validity of completed fieldwork.
3. The EPA MDCs are impractical, not only from the equipment detection limitations, but also from other factors such as natural background interference and an unsustainable false positive rate. For more information, please see the attached January 11 and February 11, 2021 Navy responses.

As two years of discussion has not achieved resolution, work will continue in accordance with the Parcel G Work Plan cleanup goals unless the EPA initiates a stop work on building retesting to resolve this dispute in accordance with the Federal Facilities Agreement (FFA) dispute resolution process. Our fieldwork is scheduled to begin the last week of November 2021.

DON leadership has entered into discussions with EPA HQ leadership on the cleanup at HPNS to ensure what DON is being requested to do is implementable and will ultimately result in property transfer to the City of San Francisco in support of their redevelopment plans and timelines.

Sincerely,

DEREK J. ROBINSON
BRAC Environmental Coordinator
By direction of the Director

Copy to: (via email)
Juanita Bacey, DTSC
Kim Walsh, DTSC
John Chesnutt, EPA
Nathan King, Regional Water Board