

# Arc Ecology

Environment, Economy, Society, & Peace

September 30, 2004

Keith Forman  
Naval Facilities Engineering Command  
Southwest Division  
1230 Columbia Street, Suite 1100  
San Diego, CA 92101-8517

**RE: Draft Final Finding of Suitability to Transfer for Parcel A, Revision 3, Hunters Point Shipyard, San Francisco, California**

Dear Mr. Forman;

Thank you for providing Arc Ecology with the opportunity to review the *Draft Final Finding of Suitability to Transfer for Parcel A, Revision 3*, dated September 1, 2004. We have reviewed the Navy's response to our comments and appreciate the thoughtful responses that have been provided. There is one issue, however, that we feel has not been adequately addressed.

In our comments on the *Draft Final Finding of Suitability to Transfer for Parcel A, Revision 2*, Arc Ecology requested that risks from metals in soils at Parcel A be disclosed in the Finding of Suitability to Transfer (FOST) to allow future owners of the property to make informed decisions about the use of the property. The Navy believes that the following sentences address our request, "Based on the HHRA, the ROD for Parcel A concluded that concentrations of hazardous substances in the soil at Parcel A are either within or below EPA's acceptable risk levels or, for metals, are at ambient levels. Accordingly, no action was found necessary for the soil in Parcel A (Section 5.1.1)".

We are not satisfied with this response. Arc Ecology would like to clarify that we are not suggesting that the Record of Decision be reopened nor that the selected remedy be reevaluated, as the Navy's response to our comment implies. We are requesting that the Navy disclose of the risks associated with the metals in the soils of Parcel A. Simply stating that concentrations of hazardous substances in the soil at Parcel A are either within or below EPA's acceptable risk levels or, for metals, are at ambient levels is not sufficient nor is it accurate. As shown in the risk tables that were attached to our previous comments, there are detections of metals above the Hunters Point Ambient Level. While there may not be evidence that suggests these metals are due to Navy activity, the Navy – being fully aware of these risks – has the responsibility to disclose of the risks in the Parcel A FOST.

Recently, the Navy conducted sampling to prove that the levels of metals detected in the soil at Parcel A are consistent with the levels detected in similar soils around San Francisco. We are fortunate in this case to have knowledge of the potential risks associated with an unrestricted reuse of the property; we believe it is appropriate for any entity to disclose of this type of information when transferring property. Arc Ecology is not interested in identifying the Navy as

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the responsible party in this situation. Our goal, rather, is to create a chain of responsible disclosure throughout the transfer and reuse processes that will enable future users to make informed decisions about the use of the property. We are aware that the City is developing an ordinance that will follow the deed and that will acknowledge these risks and hopefully ensure that they are addressed properly during redevelopment. We are asking at this time for consistency between the FOST, the proposed City ordinance, and other transfer documents such as the vertical DDA. As current property owner, the process of responsible disclosure begins with the Navy.

Finally, we requested that an explanation of why the Navy believes they are not responsible for the cleanup of these contaminants under CERCLA be included. Such an explanation was not provided in the document.

We urge the Navy to consider our comments and to provide the information we've requested in the FOST. Once again, we appreciate the opportunity to review and comment on this document. Should you have any questions, please contact me at [lealoizos@mindspring.com](mailto:lealoizos@mindspring.com) or at 415-495-1786.

Best regards,

Lea Loizos  
Staff Scientist

Cc (electronic): Michael Work, U.S. Environmental Protection Agency, Region IX  
Tom Lanphar, California Department of Toxic Substances Control  
Jim Ponton, California Regional Water Quality Control Board – San Francisco Bay Region  
Amy Brownell, City of San Francisco, Department of Public Health  
Michael Cohen, Mayor's Office of Economic and Workforce Development  
Honorable Sophie Maxwell, San Francisco Supervisor, District 10  
Maurice Campbell, RAB Community Co-Chair  
Ollie Burgess, Chair of the Project Area Committee Health and Environment Subcommittee  
Saul Bloom, Chair of the Citizens Advisory Committee Environment and Reuse Subcommittee