

Environmental Law and Justice Clinic

August 13, 2018

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Department of the Navy
BRAC Program Management Office West
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RE: Formal Request For Delay in Closing of Comment Period to the *Draft Parcel G Removal Site Evaluation Work Plan, Former Hunters Point Naval Shipyard, San Francisco, California, June 2018*

Dear Mr. Robinson,

By this letter, Greenaction for Health and Environmental Justice requests that the closing of the comment period for the *Draft Parcel G Removal Site Evaluation Work Plan, Former Hunters Point Naval Shipyard, San Francisco, California, June 2018*, be extended.

The Navy's failure to release documents that are essential to understanding the Draft Work Plan precludes the public from reviewing and commenting on the entirety of the plan. The most egregious example is the Navy's withholding of what Marvin Norman estimated in an email to me to be 4-7 Sampling and Analysis Plans (SAPs).

The SAPs are essential to understanding the re-sampling program because crucial subjects have been deferred to them: "The SAP provides additional guidance on soil sampling, chain-of custody, laboratory analysis, and quality assurance (QA)/quality control (QC) requirements." (p. 3-4). Any "additional guidance" about such essential matters as sampling, chain-of-custody and QA/QC must be provided to fully analyze the plan. It doesn't include the granular detail that the plan itself acknowledges is in the SAPs.

Similarly, the Work Plan states, "The analytical methods and the radionuclides being analyzed for will be presented in the SAP and are summarized in Table 3-6." (p. 3-6) But when one looks at Table 3-6, it lists no analytical methods. Rather, the paragraph before the table says gamma surveys "will be performed using detector systems equipped with gamma spectroscopy," without identifying any such systems. Presumably, the SAPs will specify which systems will be used, specifics we do not have access to and are precluded from commenting on.

Likewise, page 3-8 of the Work Plan states, "The laboratory instruments used to analyze the soil samples and the associated standard operating procedures (SOPs) for calibration, maintenance, testing, inspection, and QA/QC are discussed in the SAP." How are we to comment on these topics absent the details of how the analyses will be done and how QA/QC requirements will be met?

Among other things, the Work Plan defers: soil samples which "will be submitted to the offsite analytical analysis according to the SAP" (p.3-8); "systematic and bias samples will be containerized, labeled, and analyzed, as described in the SAP" (p. 3-15); "soil samples

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will be containerized and submitted to offsite laboratory with appropriate chain-of custody documentation as established in the SAP" (p3-15); "samples will be identified, labeled, and cataloged according to the SAP" (p. 3-19); "corrective action reports, data validation reports, quality assurance management reports, and assessment reports are discussed in the SAP" (p. 4-4). (emphasis added in each case).

These are but a few of the details deferred, there are more examples.

Perhaps the most important is: "Analytical data validation will be performed by an independent third party as described in the SAP. Data validation will be performed on all TU/SU data and all RBA data" (p. 5-1). Since data validation goes to the very heart of proving that, unlike in the past, the data aren't falsified, it is imperative that we be given the information necessary to comment on the adequacy of the data validation plans. And since the Navy's efforts to verify Tetra Tech's data found substantially less questionable data than the EPA review identified, the data validation details are necessary to assure the plan contains procedures for resolving different interpretations of the same data.

We must be able to review all the information deferred to the SAPs to exercise our right to comment, particularly if there are 4-7 different SAPs.

As we are precluded from commenting on the SAPs and how they will be incorporated into the Draft Work Plan, the Navy has failed to provide "sufficient information as may be necessary to provide a reasonable explanation of the proposed plan and alternative proposals considered," as required by 42 U.S.C. §9617.

Another essential document that is not readily available on BRAC's website, incredibly enough, is the Parcel G ROD. Since the whole purpose of resampling is to demonstrate whether soils and buildings are compliant with the ROD, it must be available to evaluate the Draft Work Plan. Additionally, the plan cites five Tetra Tech documents as references, none of which is available.

Because these crucial documents are not available, the comment period must be extended to at least 30 days after the Navy releases all those documents, particularly the SAPs.

Thank you for your attention to this matter. Please contact me to discuss it.

Sincerely,



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