

San Francisco Civil Grand Jury

2021-2022



Buried Problems and a Buried Process: The Hunters Point Naval
Shipyard in a Time of Climate Change

URLs in chat:

Report, and Mayor's Responses

Or visit: <https://civilgrandjury.sfgov.org/report.html>

California Civil Grand Juries 101:

- Volunteer jurors serve 1 year terms
- Investigate and recommend improvements to local government
- Choose their own investigation topics
- Work in secrecy
- Publish reports with non-binding Findings and Recommendations

The Hunters Point Naval Shipyard: A Brief History





Point Avisidero (top left) was demolished in 1942, and pulverized for landfill to extend the shipyard.



Gantry Crane at Hunters Point Naval Shipyard at the end of World War II. As many as 18,000 people worked in the Shipyard, many living in Navy barracks in Hunters Point.



In 1946, Shipyard decontamination workers sandblasted ships that had been covered in fallout from atomic tests, and burned 600,000 gallons of radioactive fuel oil.



Naval Radiological Defense Laboratory at Hunters Point, 1955



Abandoned Building 253 at Hunters Point Shipyard, 2016. The building was used to store radioactive ship parts and weapons from atomic tests.
Photograph: Devon Kelley, www.devonkelley.com

Findings & Recommendations

Findings

Identify a specific problem* in local government

* Findings can also commend successes

Recommendations

Propose solutions to problems identified in Findings

From page 23:

Many of these risks can be avoided with foresight. It is critical that decisions about the Shipyard's future safety are informed with the best predictions science can provide about how shallow groundwater there will react to sea level rise.

Finding 1:

In the Hunters Point Shipyard, shallow groundwater rising with sea level rise and residual hazardous substances pose serious but poorly understood risks that should concern the City and County of San Francisco, the Navy, future developers, future property owners, and future residents.

Groundwater Rise and the Navy's Cleanup Plans

These serious risks have not been accounted for by the Navy in designing its remedies. They have not been accounted for, either, by the other Federal Facility Agreement (FFA) signatories.

The short version: The risks posed by **rising groundwater** in the Shipyard are **serious and real** and haven't been investigated.

From page 24:

The Jury spoke with several individuals from directly involved regulatory agencies, and with leading experts deeply ensconced in studying groundwater rise in the Bay Area. All confirmed that, aside from some glimmers of awareness at regulatory agencies, groundwater rise has not yet been meaningfully considered in the cleanup at the Hunters Point Shipyard.

Finding 2:

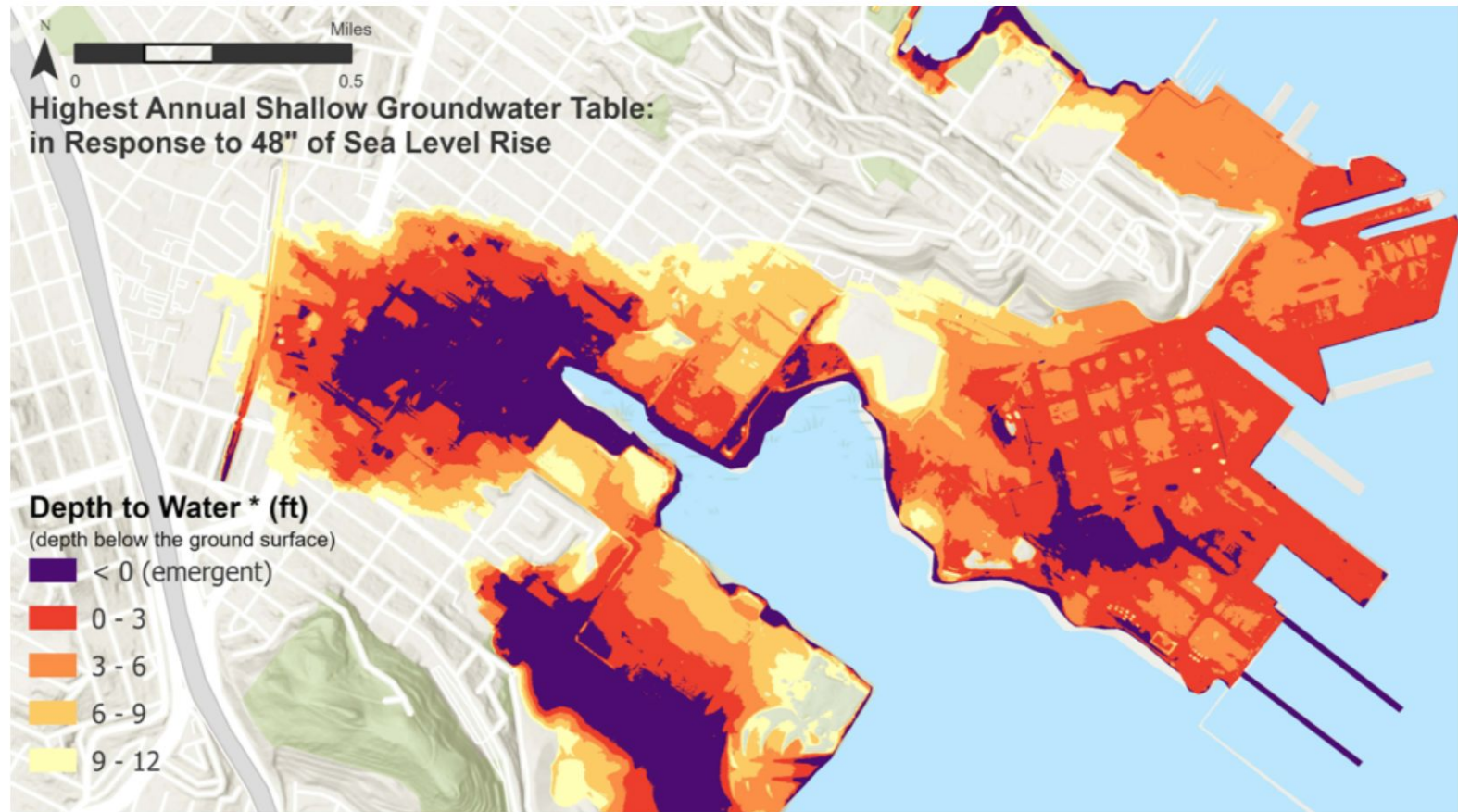
The Federal Facility Agreement signatories have neglected to investigate how groundwater rise may lessen the effectiveness of the Navy's cleanup at the Hunters Point Shipyard Superfund site.

The Groundwater Maps San Francisco Needs

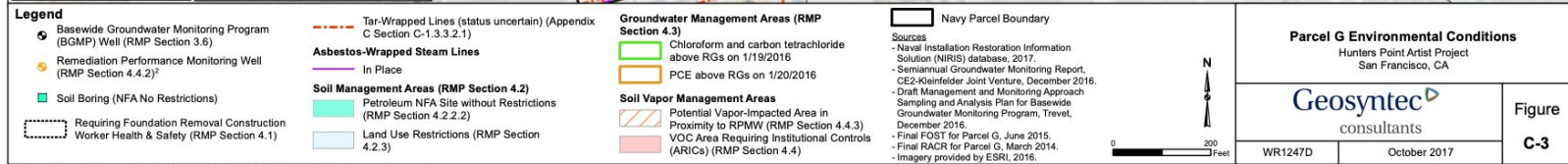
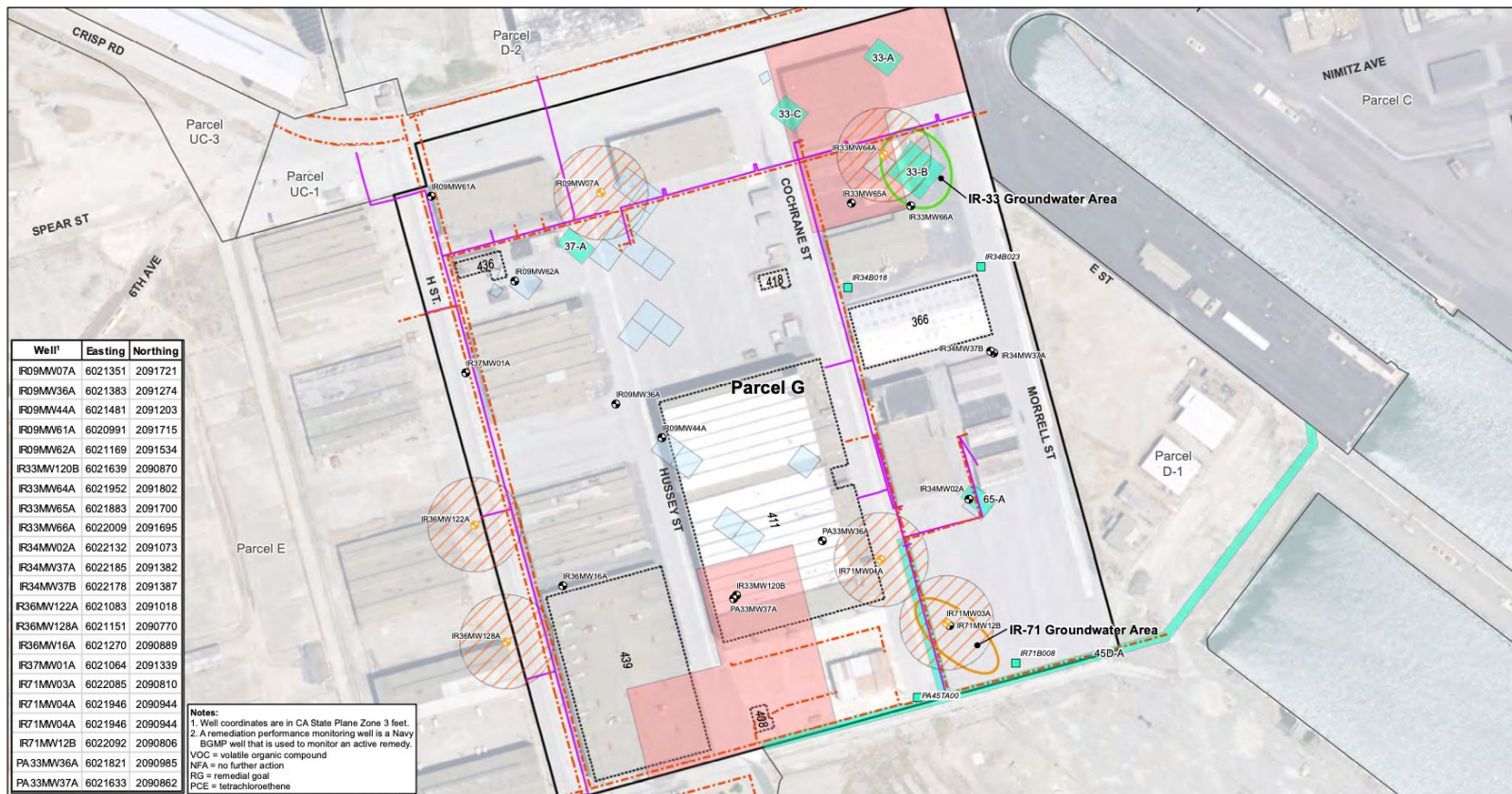
Much like Hunters Point, the island of Alameda is low-slung and home to a decommissioned Naval facility. Among the communities along the Bay shore concerned with groundwater rise,

The Jury's Recommendation:

The City should pay for independent experts to study how groundwater will rise in the Shipyard.



Pathways Climate Institute and San Francisco Estuary Institute-Aquatic Science Center,, "Shallow Groundwater Response to Sea Level Rise in the San Francisco Bay Area: Existing and Future Conditions,"estimated release 2022



Hunters Point as safe and resilient as possible, and to know where to watch out for trouble in the future.

Recommendation 1:

By September 1st, 2022, the Mayor and/or the City Administrator should direct the Office of Resilience and Capital Planning, in collaboration with the Department of Public Health, to commission and manage an independent, third-party study of Hunters Point Shipyard to predict the future shallow groundwater surface, groundwater flows, and potential interactions of groundwater with hazardous materials and planned modifications to the site under multiple sea level rise scenarios.

Recommendation 2:

The Mayor and the Board of Supervisors should collaborate to provide funding for the study recommended in R1, in the Fiscal Year 22-23 budget, or by October 1st, 2022.

Thanks to its involvement in the forthcoming Pathways+SFEI Shallow Groundwater project, ORCP has institutional knowledge of groundwater rise and existing relationships with outside experts. The Jury believes ORCP is the best City agency to take responsibility for this study.

R1: By September 1st, 2022, the Mayor and/or the City Administrator should direct the Office of Resilience and Capital Planning, in collaboration with the Department of Public Health, to commission and manage an independent, third-party study of Hunters Point Shipyard to predict the future shallow groundwater surface, groundwater flows, and potential interactions of groundwater with hazardous materials and planned modifications to the site under multiple sea level rise scenarios.

Recommendation Response: Will not be implemented because it is not warranted or reasonable.

As stated in response to F1, the City is proposing a review of the potential for shallow groundwater to rise and potential hazardous impact to be more thoroughly analyzed and presented to the community by the Navy and the Regulatory Agencies as part of the CERCLA process. However, we disagree with the recommendation that the City commission a third-party study.

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**How does San Francisco assert itself in the
cleanup process?**

The Superfund (CERCLA) Process



HPNS

Hunters Point Naval Shipyard
Department of the Navy
Base Realignment and Closure (BRAC)

CERCLA guidance

- Federal law established in 1980
- Guides cleanup of hazardous waste sites
- CERCLA is also known as Superfund

CERCLA goals

- Clean up contaminated sites nationwide
- Protect human health and the environment
- Return Superfund sites to productive use
- Involve communities in the Superfund process

CERCLA at HPNS

- All parcels go through the CERCLA process
- Regulatory agencies provide oversight
- Opportunities for public participation are available

Environmental Cleanup at HPNS

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The CERCLA Cleanup Process

Preliminary Assessment /
Site Inspection (PA/SI)

Remedial Investigation /
Feasibility Study (RI/FS)

Proposed Plan /
Public Comment Period

Record of Decision (ROD)

Remedial Design /
Remedial Action (RD/RA)

Operation & Maintenance /
Land Use & Institutional Controls

Site Closure /
Transfer to City of San Francisco

**The Superfund Process is not guaranteed to
produce the best outcomes for San Francisco.**

Things can go wrong.

They already have.

NBC BAY AREA

Contractor Submitted False Radiation Data at Hunters Point

In an internal report uncovered by the Investigative Unit, Tetra Tech provided the Navy false soil samples while working on the radiological cleanup of the Hunters Point Shipyard

CURBED
SAN FRANCISCO

Vicky Nguyen and Liz Wagner and Felipe Escamilla • Published October 13, 2014 at 11:44 pm

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HUNTERS POINT

SAN FRANCISCO DEVELOPMENT NEWS

Alleged radiation cover-up prompts EPA investigation

Former shipyard once site of US nuclear research

By Adam Brinklow | Sep 22, 2016, 8:20am PDT | 1 comment

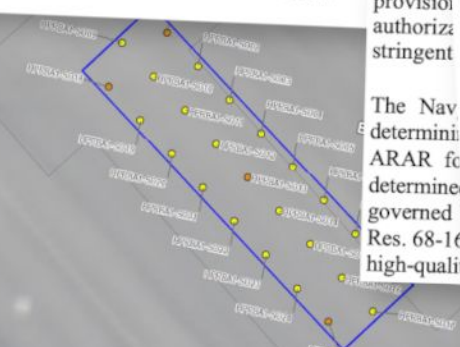
HUNTERS POINT

Almost half of toxic cleanup at Hunters Point Shipyard is questionable or faked, according to initial review

City's goals for housing, affordable housing in doubt after fraud at city's biggest redevelopment project "much worse" than thought

By Chris Roberts | @cbloggy | Jan 26, 2018, 9:32am PST | 5 comments

Hunters Point



The Navy recognizes that the key substantive requirements of Cal. Code Regs. tit. 22 § 66264.94 (and the identical requirements of Cal. Code Regs. tit. 23 § 2550.4 and § 18 C.C.R. § 1800.100)

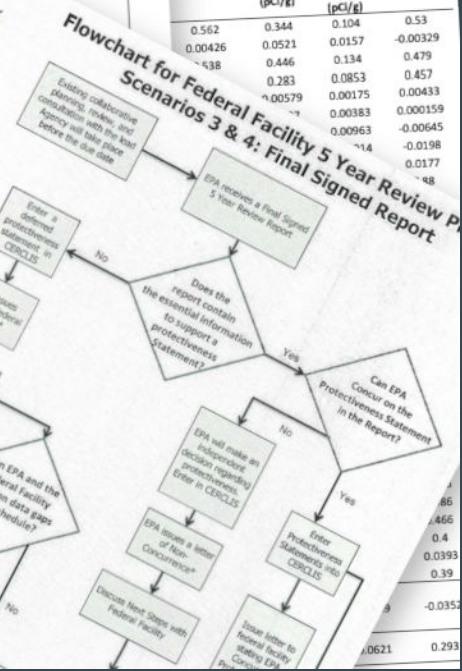
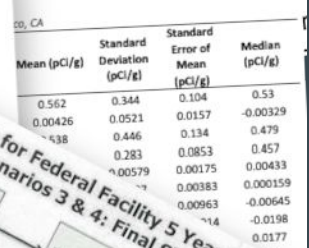
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152	B	PARCEL B	903.6 wks	Wed 12/12/07	Tue 7/11/11
270	B-1	Remedial Action for Parcel B-1 - IR10	359.4 wks	Wed 11/11/17	Thu 9/11/11
272	B-1	Remedial Action - Building 123 at IR10	189.8 wks	Mon 2/1/21	Thu 11/11/11
273	B-1	Remedial Action Work Plan - Building 123 at IR10	88.6 wks	Mon 2/1/21	Wed 11/11/11
278	B-1	Draft RA Work Plan to BCT	1 day	Mon 3/21/22	M 11/11/11
279	B-1	BCT Review Period	45 edays	Mon 3/21/22	
280	B-1	BCT Comments Due	1 day	Fri 5/6/22	
282	B-1	Draft Final RA Work Plan to BCT	1 day	Mon 6/20/22	
283	B-1	BCT Review Period	30 edays	Mon 6/20/22	
284	B-1	BCT Review Due	1 day	Thu 7/21/7	
286	B-1	Final RA Work Plan	1 day	Wed 10/12	
289	B-1	Remedial Action Completion Report (RACR) - IR10	44 wks	Fri 11/11	
292	B-1	RACR to BCT	1 day	Fri 4	
293	B-1	Review Period	45 edays	Fri	
294	B-1	Comments Due	1 day	Tu	
296	B-1	Final RACR to BCT	1 day	M	
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§ 2550.4 and § 2550.5



From page 27:

Navy representative, or a City employee trying to determine exactly what risks have been considered—that person has a steep hill to climb.

Finding 3:

The process governing the cleanup at the Shipyard encompasses decisions and value judgments that matter to all San Franciscans, but the extremely technical nature of the process inhibits City leaders and citizens alike from understanding it, or even knowing what is at stake.

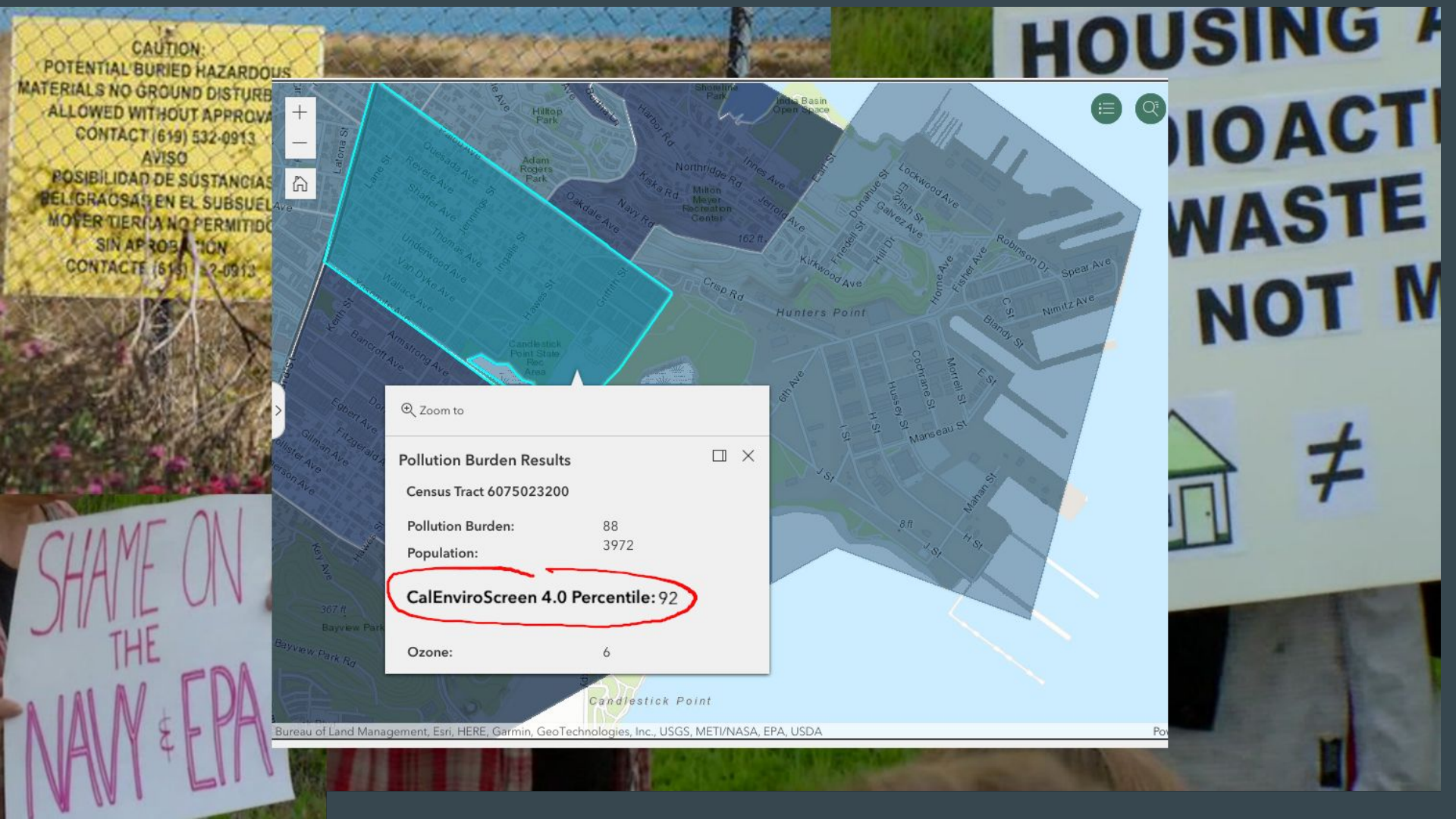
Roles and Responsibilities

Inside the City, the Hunters Point Shipyard Program in SFDPH is the only entity with significant

The short version: The cleanup process is incredibly important, and it is very hard to understand.

The high barriers to entry to the “Superfund process” mean:

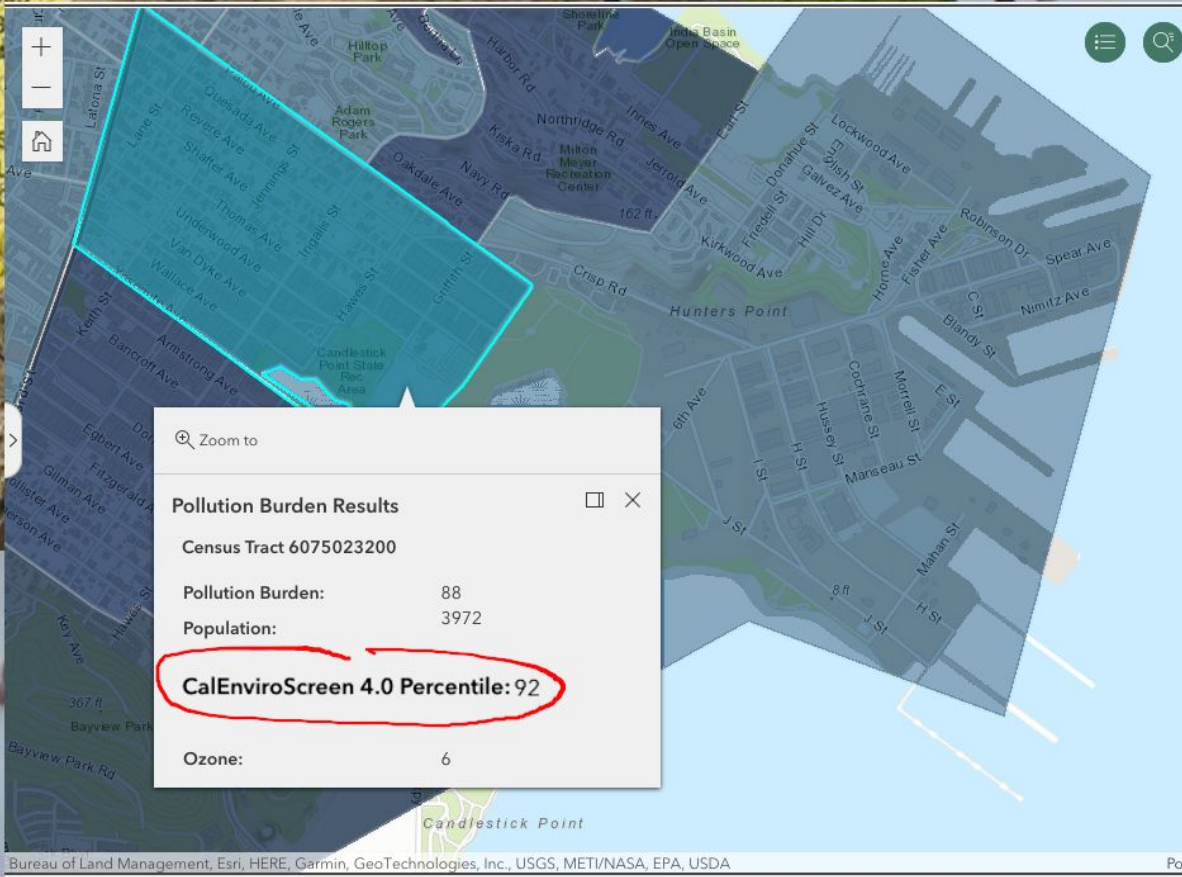
- Problems can go unnoticed
- It's hard for San Francisco to advocate for itself
- The City's deep institutional knowledge is shut out



CAUTION:
POTENTIAL BURIED HAZARDOUS
MATERIALS NO GROUND DISTURB
ALLOWED WITHOUT APPROVA
CONTACT (619) 532-0913
AVISO
POSIBILIDAD DE SUSTANCIAS
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How can San Francisco protect itself and its residents?

Seeking the best outcomes in the “Superfund Process” requires:

- A “**due diligence**” mindset
- Many eyes
- Different perspectives
- Multiple domains of expertise
- Looking for what was overlooked
- Respecting the process

From page 28:

Finding 4:

Despite the enormous stakes of the process governing the Shipyard cleanup, there is little understanding of the process throughout the City, or of how the City can influence this process.

The Disconnect

For thirty years, SFDPH has worked with the signatories on the cleanup, sending a representative to the monthly meetings prescribed by the Federal Facility Agreement and issuing written

Under the status quo, San Francisco is protected by:

- A “**due diligence**” mindset
 - Many eyes
 - Different perspectives
 - Multiple domains of expertise
 - Looking for what was overlooked
 - Respecting the process
- Few eyes
 - DPH’s perspective
 - Narrow expertise

According to Findings 5 & 6, under the status quo:

- The City is poorly prepared to spot problems in the clean up
 - And poorly prepared to respond to them
-
- The City has no process to decide what its priorities are in the cleanup
 - And no mechanism to track progress towards priorities if we had them.

From page 28:

have in the Shipyard cleanup.

Finding 5:

The City and County of San Francisco is poorly prepared to discover new information pertinent to the Shipyard cleanup, to proactively look for risks and problems overlooked or under-prioritized by the Federal Facility Agreement signatories, or to develop responses to new information or problems.

Taking a Position

From page 30:

Finding 6:

No proactive mechanism exists for the City and County of San Francisco to articulate its interests and concerns about the cleanup to the Federal Facility Agreement signatories, nor does a mechanism exist for the City to monitor progress towards obtaining satisfactory responses to such interests and concerns from the signatories.

THE JURY'S REMEDY

From page 30:

explicit purpose is paying attention to the cleanup.

Recommendation 3:

By October 1st, 2022, the Board of Supervisors should pass an ordinance to create a permanent Hunters Point Shipyard Cleanup Oversight Committee that includes the Controller or their designee, relevant technical experts from the Public Utilities Commission and the Department of Public Works, and representatives from other relevant City departments, to perform due diligence on behalf of the City and County of San Francisco into the Federal Facility Agreement signatories' decision-making, and to prepare an agenda of questions and requests to be communicated to the signatories by the Department of Public Health in advance of major cleanup document releases.

In light of the widespread poor understanding of the cleanup governance process highlighted in

The short version:

The Board of Supervisors should set up a permanent Shipyard Cleanup Oversight Committee and put relevant experts from throughout the City on it.

A Shipyard Cleanup Oversight Committee could:

- Ask “Is San Francisco well served by what is happening in the Superfund Process?”
- Surface issues the regulators would not otherwise think about
- Serve as a forum to identify the City’s priorities
- Increase the visibility of the cleanup throughout the City

A committee can bring perspectives from the breadth of the City:

- Infrastructure
- Safety of City Employees
- Equity
- Planning considerations
- More dimensions of health
- Civil Engineering and Earth sciences
- Climate Change Resilience

Recommendations 4-7

- R4&R5 (p. 33): DPH should provide “Cliffs Notes” on Superfund documents for Oversight Committee
- R6 (p. 33): DPH should update Committee about contentious discussions inside Superfund Process
- R7 (p. 34): The Committee should recommend issues to take to the Superfund process, based on groundwater study from R1

Takeaway #1:

- San Francisco needs a high quality forecast of Groundwater Rise with Sea Level Rise in the Shipyard
- Before any more parcels are transferred to the City
- Before construction begins

Takeaway #2:

- Change San Francisco's participation in the Superfund Process
- Bring to bear institutional knowledge from all over the City
- Be alert for problems
- Assertively seek the best outcomes for San Francisco

What's next:

SFBOS Government Audit and Oversight Committee Hearing

Thursday, September 15th, 10am ????

<https://sfbos.org/meetings/government-audit-and-oversight-committee>