

File No. 180399 Committee Item No. 14
 Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 15, 2018

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|---------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral FYI 092718 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PT 0211 051818</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>NANDY PASTI MENDO 051418</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>NANDY PASTI MENDO 051118</u> |
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Completed by: Erica Major Date October 12, 2018
 Completed by: Erica Major Date _____

180399
5/14/2018
SUBMITTED

Nancy Pelosi
Democratic Leader

May 14, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

The Honorable Richard V. Spencer
Secretary
United States Navy
1000 Navy Pentagon
Washington, D.C. 20350

Dear Administrator Pruitt and Secretary Spencer:

Thank you for the work of dedicated federal civil servants in your Department on the remediation of the Superfund site at the former Hunters Point Naval Shipyard. With over \$1 billion in federal funds secured over many years towards the cleanup and conveyance of this former installation, much progress has been made in the removal of radiological and other harmful materials that once plagued the Shipyard.

However, the indications of massive potential manipulation and falsification of data by Navy contractor Tetra Tech, as well as the recent guilty pleas of two former Tetra Tech cleanup supervisors, has caused deep concerns for the project in our community.

As the Navy, EPA, and state regulatory agencies work together to formulate a workplan for the necessary excavation, resampling, and rescanning of fraudulent work, I request your assistance in working together to find agreement on the workplan and promptly begin retesting. Involving the public continues to be a top priority; members of the Bayview-Hunters Point community deserve to be briefed, included, and listened to as we formulate a response that safeguards public health and safety while ensuring a timely cleanup and transfer of parcels.

With regards to Parcel A, a section of the Shipyard transferred to San Francisco in 2004 that is now a home to a community of residents, I appreciate the repeated assurance of both your agencies that it is safe; that it was historically used for housing and administrative offices, not industrial activities. However, given the air of doubt that now surrounds this project, property values can be affected and community members living in Parcel A have expressed their strong desire for retesting. I agree, and believe out of an abundance of caution, a rescanning of Parcel A should be swiftly conducted.

The level of work to get this project back on track is vast, and will require the full attention and resources of the federal government. I pledge to continue doing my part in the Congress, and was proud to help secure the increase in federal funds for base cleanup in the recent omnibus funding bill that led to a \$36 million increase in funds for Hunters Point.

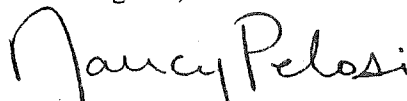
With last week's sentencing of two former Tetra Tech supervisors who plead guilty to falsifying records, I applaud the work of the dedicated federal prosecutors and the law enforcement personnel from the Department of Defense, EPA, and the Nuclear Regulatory Commission whose investigation led to the conviction.

The public deserves to know how such widespread data falsification could have occurred, and whether this level of fraud extended beyond the two supervisors. These actions represent a breach of the public trust, and the Navy must seriously consider the evidence against Tetra Tech and specifically subsidiary Tetra Tech EC, which may be of such a serious and compelling nature that suspension or disbarment should be enforced. All federal agencies contracting with Tetra Tech should be made aware of the serious investigations underway regarding their work at Hunters Point, so that they can be on guard to safeguard against other potential fraudulent activities.

Contractors who defraud our government must be held to account, taxpayers must be made whole, and all those who commit fraudulent activities must be brought to justice.

Thank you for your attention to these immediate concerns.

best regards,

A handwritten signature in black ink that reads "Nancy Pelosi". The signature is written in a cursive, flowing style.

NANCY PELOSI
Democratic Leader



Nancy Pelosi
Democratic Leader

May 11, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

The Honorable Richard V. Spencer
Secretary
United States Navy
1000 Navy Pentagon
Washington, D.C. 20350

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With regards to Parcel A, a section of the Shipyard transferred to San Francisco in 2004 that is now a home to a community of residents, I appreciate the repeated assurance of both your agencies that it is safe; that it was historically used for housing and administrative offices, not industrial activities. However, given the air of doubt that now surrounds this project, property values can be affected and community members living in Parcel A have expressed their strong desire for retesting. I agree, and believe out of an abundance of caution, a rescanning of Parcel A should be swiftly conducted.

The level of work to get this project back on track is vast, and will require the full attention and resources of the federal government. I pledge to continue doing my part in the Congress, and was proud to help secure the increase in federal funds for base cleanup in the recent omnibus funding bill that led to a \$36 million increase in funds for Hunters Point.

180399
5/14/18
SUBMITTED

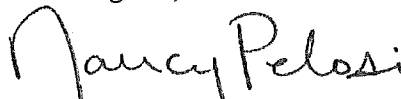
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NANCY PELOSI
Democratic Leader



TETRA TECH

Preston Hopson
Senior Vice President, General Counsel and Secretary

180399
RECEIVED VIA EMAIL
5/24/2018

May 24, 2018

Re: **May 14, 2018 Land Use and Transportation Committee Hearing**

Dear Members of the Land Use and Transportation Committee of the City and County of San Francisco:

We are deeply disappointed that you invited Tetra Tech EC to appear at the May 14, 2018 Land Use and Transportation Committee hearing and then would not let us speak to clear up the false allegations made by plaintiffs' attorneys about the quality and safety of our work at Hunters Point Shipyard for the U.S. Navy.

Despite this, if the committee members listened carefully to the testimony of the Navy, EPA and City's own Department of Public Health representatives, you would have heard that while there are questions about Hunters Point (created by self-interested plaintiffs), the reality is that our portion of the remediation of the shipyard is valid and safe. We stand by our work and that is why we have offered to have it re-tested at our expense by an independent expert.

The fraudulent activities were undertaken back in 2012 by former New World Technology employees who had joined Tetra Tech. These individuals acted on their own and without knowledge of senior management. Although the sampling irregularities were detected and corrected in 2012 (and documented in publicly available reports), with oversight and approval by the Navy and regulatory agencies, only recently has the actual illegal behavior of these individuals become known.

Our piece in the San Francisco Chronicle sets forth the facts and should be useful to the Board in understanding the situation: <https://www.sfchronicle.com/opinion/openforum/article/Tetra-Tech-stands-by-its-work-at-Hunters-Point-12923789.php>

We understood that the May 14 hearing would be an opportunity to directly address the concerns of your constituents and we were prepared to do just that – to provide detailed information and to answer any and all questions. Unfortunately, the residents of Bayview-Hunters Point and the citizens of San Francisco were denied that very chance in favor of political grandstanding.

We believe the community and the public are interested in hearing the facts. We will continue to find other means to deliver those facts about our remediation at the shipyard. We hope you will be listening.

Sincerely,

Preston Hopson

cc: Board of Supervisors of the City and County of San Francisco

Tetra Tech, Inc.
3475 E. Foothill Boulevard, Pasadena, CA 91107-6024
Tel 626.351.4664 Fax 626.351.5291 www.tetrattech.com

180399

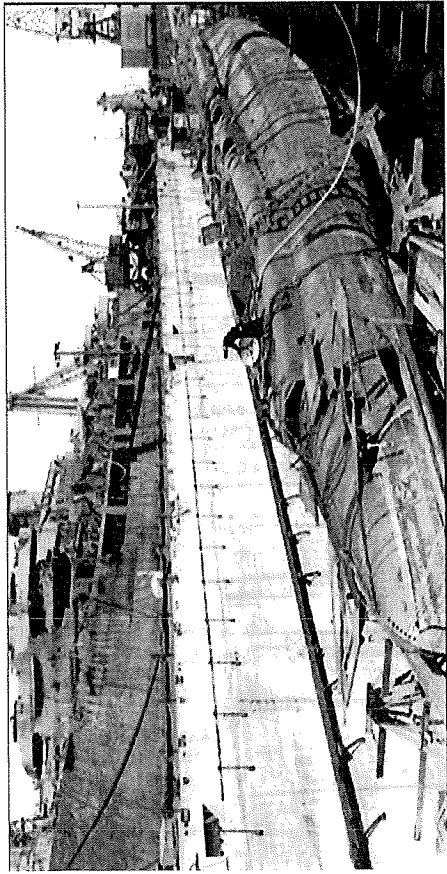
From: Board of Supervisors, (BOS)
Sent: Thursday, May 24, 2018 12:53 PM
To: Major, Erica (BOS)
Subject: FW: May 14, 2018 Land Use and Transportation Committee Hearing
Attachments: Board of Supervisors Letter - 05-24-18.pdf

From: Hopson, Preston [mailto:Preston.Hopson@tetrattech.com]
Sent: Thursday, May 24, 2018 11:53 AM
To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: Breed, London (BOS) <london.breed@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Sheehy, Jeff (BOS) <jeff.sheehy@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; MayorMarkFarrell (MYR) <mayormarkfarrell@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: May 14, 2018 Land Use and Transportation Committee Hearing

Please see the attached correspondence. Thank you.

Tetra Tech | Complex World, Clear Solutions
3475 E. Foothill Blvd. | Pasadena, CA 91107
www.tetrattech.com | NASDAQ: TTEK

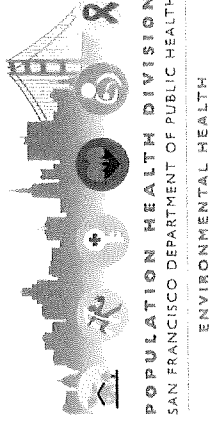
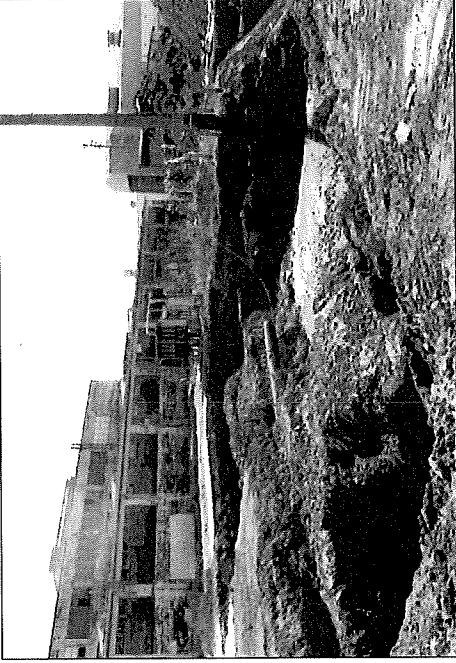
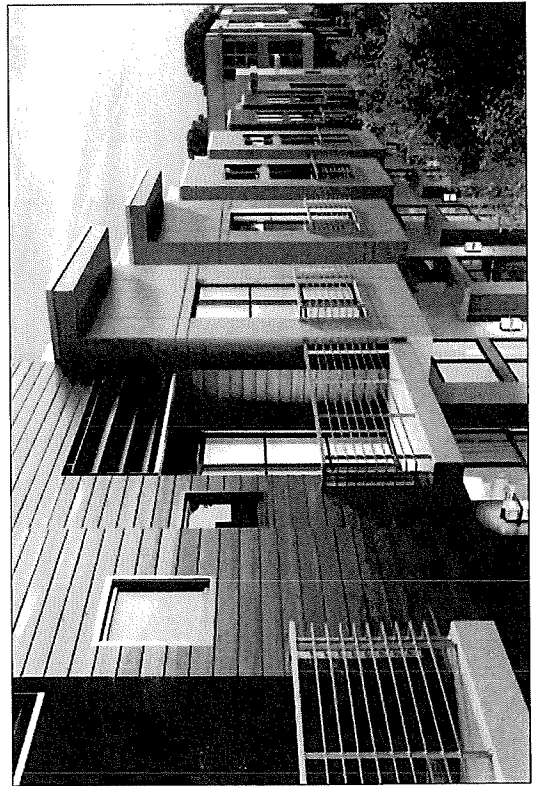
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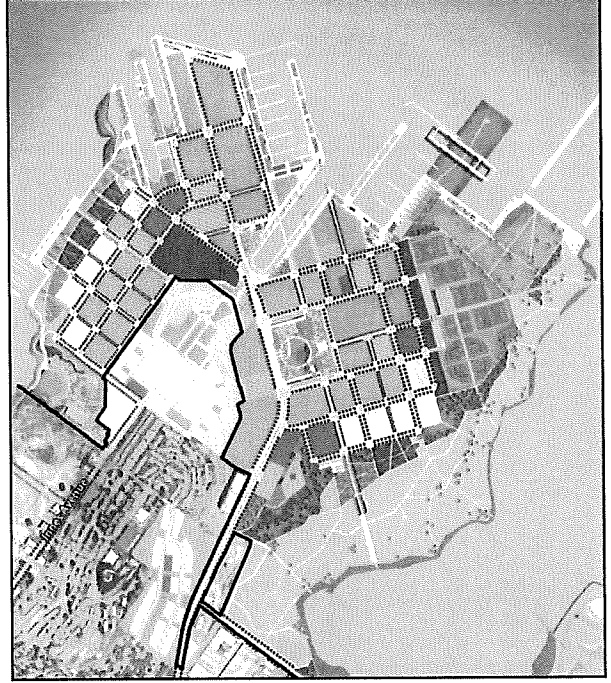
Hunters Point Shipyard Decades of Ensuring Safety

San Francisco Board of Supervisors
Land Use & Transportation Committee

5/14/2018

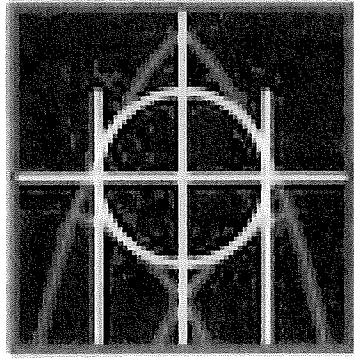


Amy Brownell, P.E.



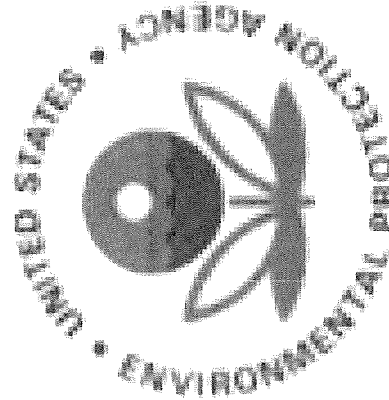
Authority and Responsibility

Navy and 3 Regulatory Oversight Agencies

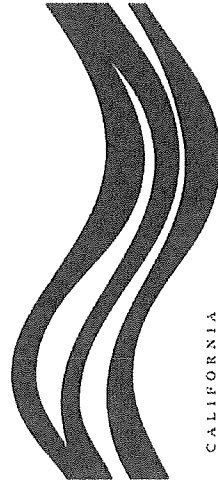


NAVFAC

Naval Facilities
Engineering Command



Department of Toxic
Substances Control



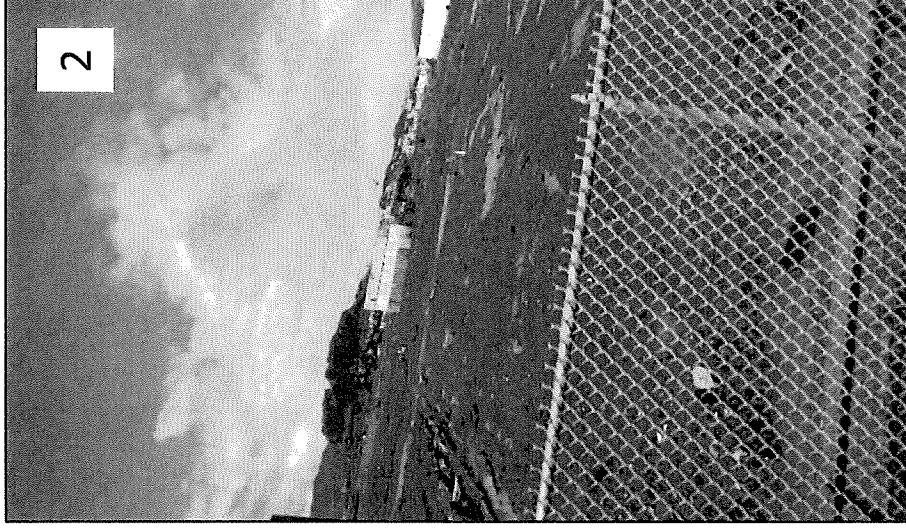
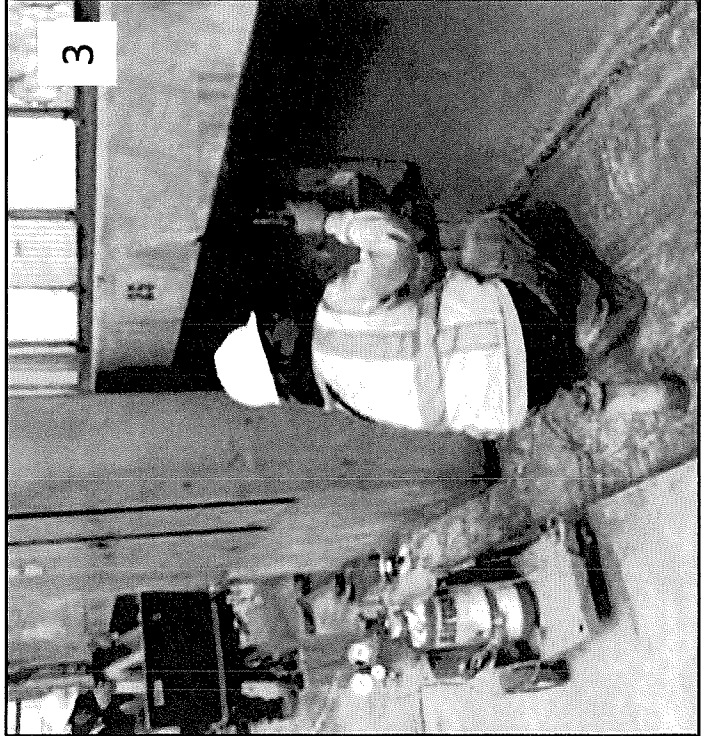
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

Three Decades of Soil and Groundwater Sampling

- Over 25,000 soil samples
- Over 14,000 groundwater samples

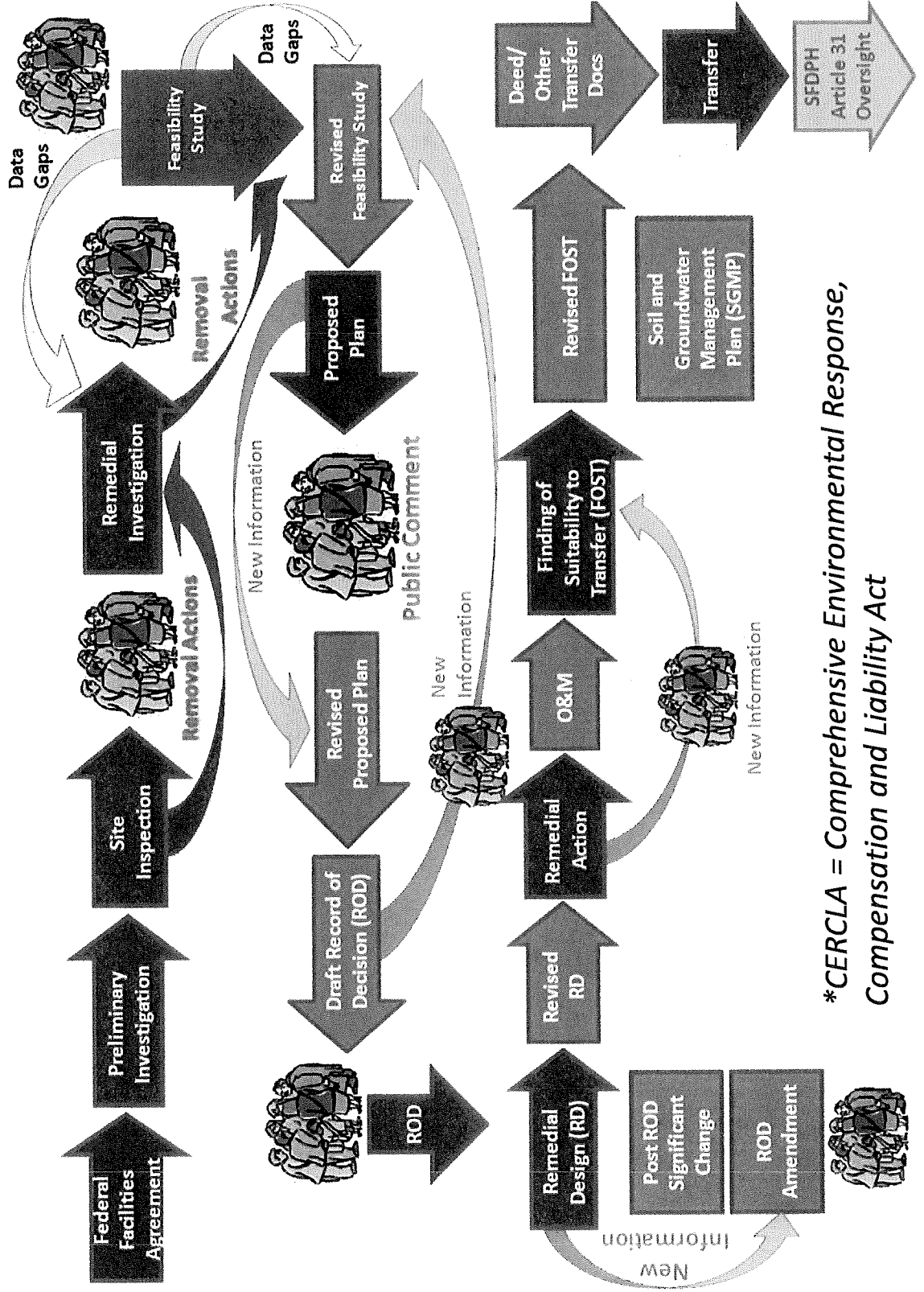


Sampling and Scanning for Radiation Levels Above Background



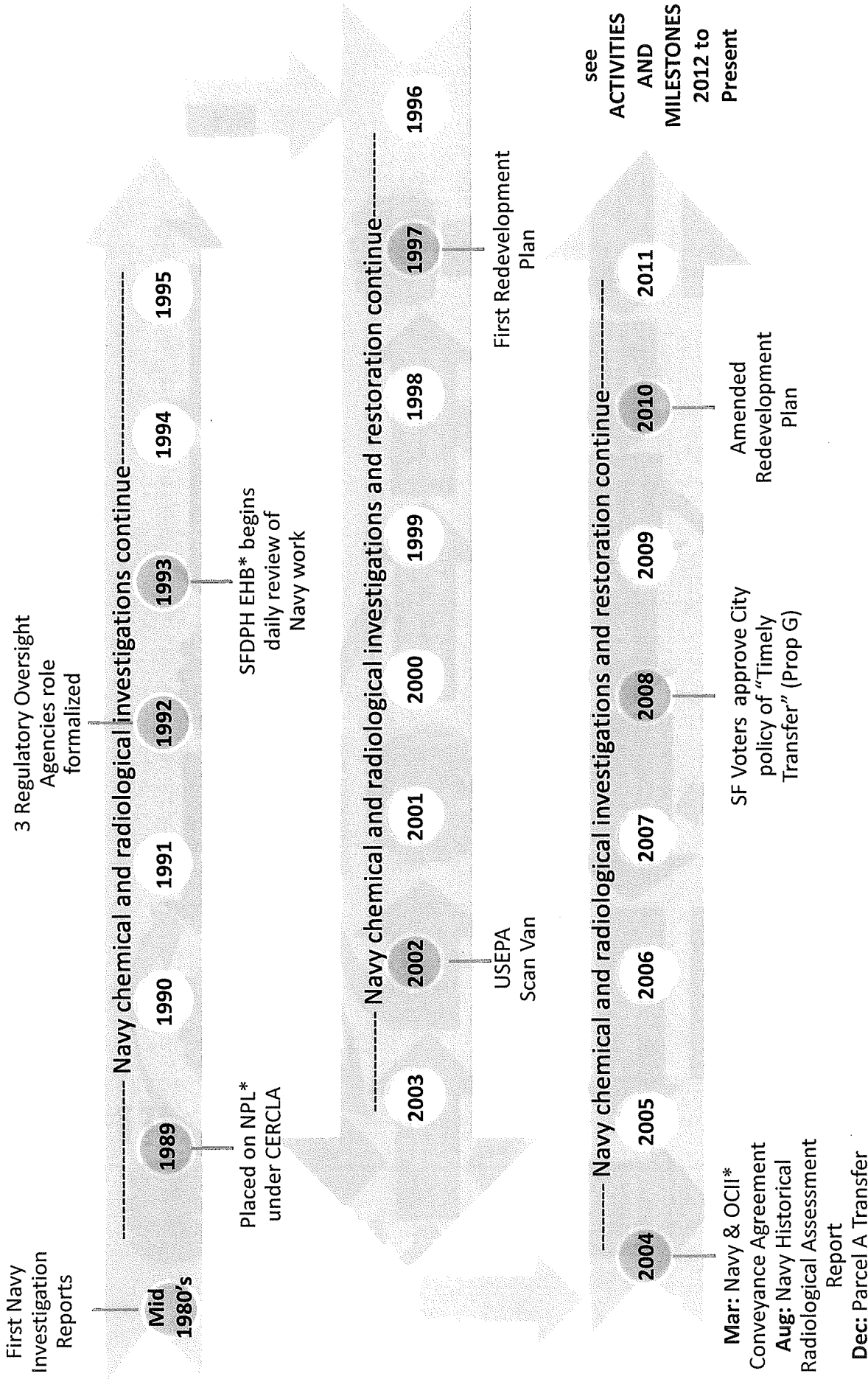
Restoration to Transfer

(aka CERCLA* process)



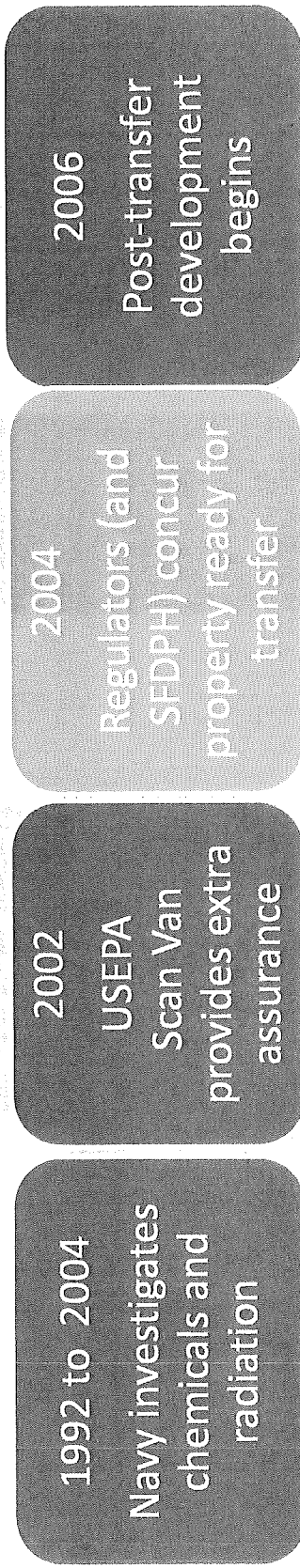
*CERCLA = Comprehensive Environmental Response, Compensation and Liability Act

Overall Timeline to 2012



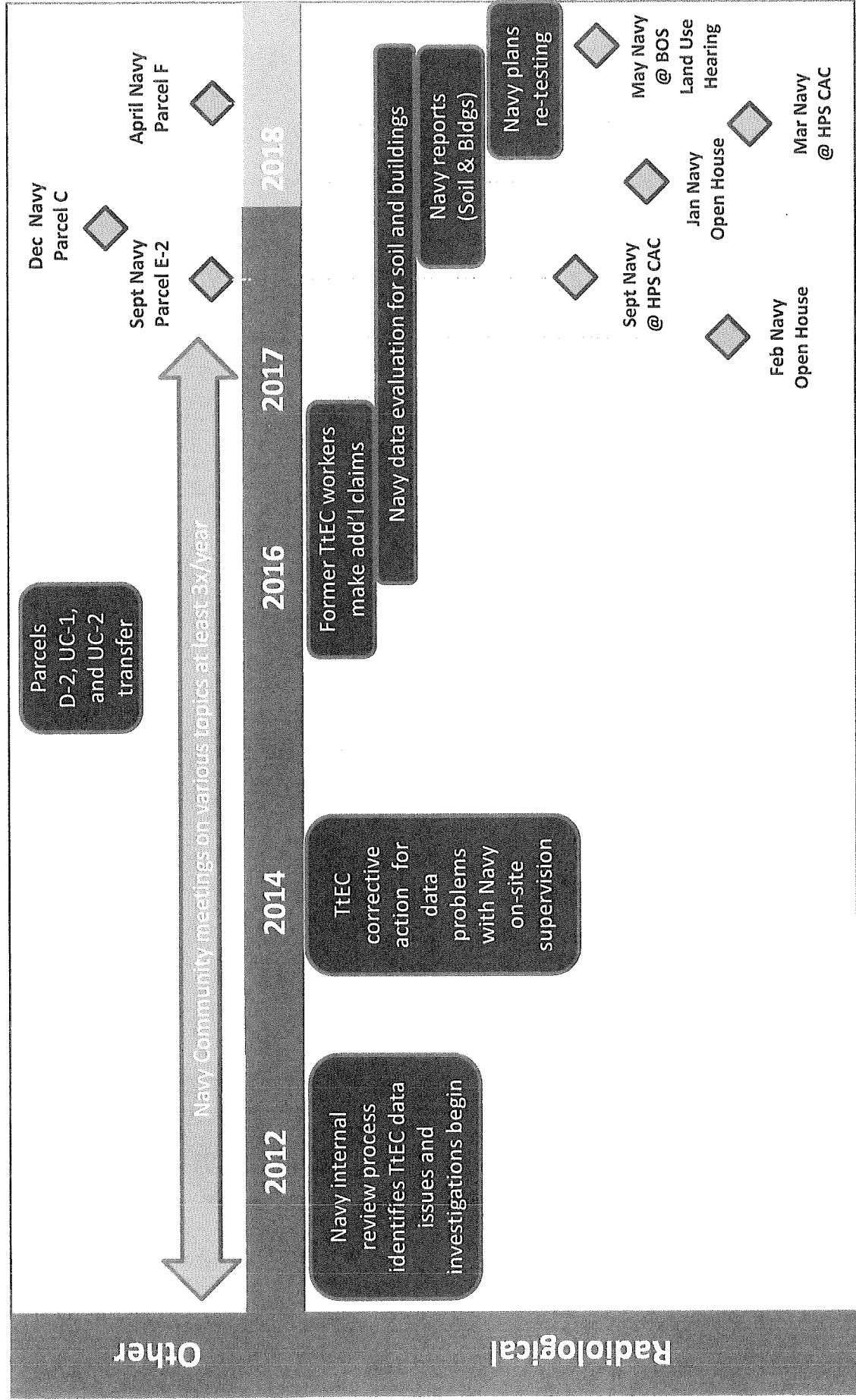
*NPL = National Priorities List, EHB = SFDPH Environmental Health Branch,
 OCII = Office of Community Investment & Infrastructure

Parcel A Timeline

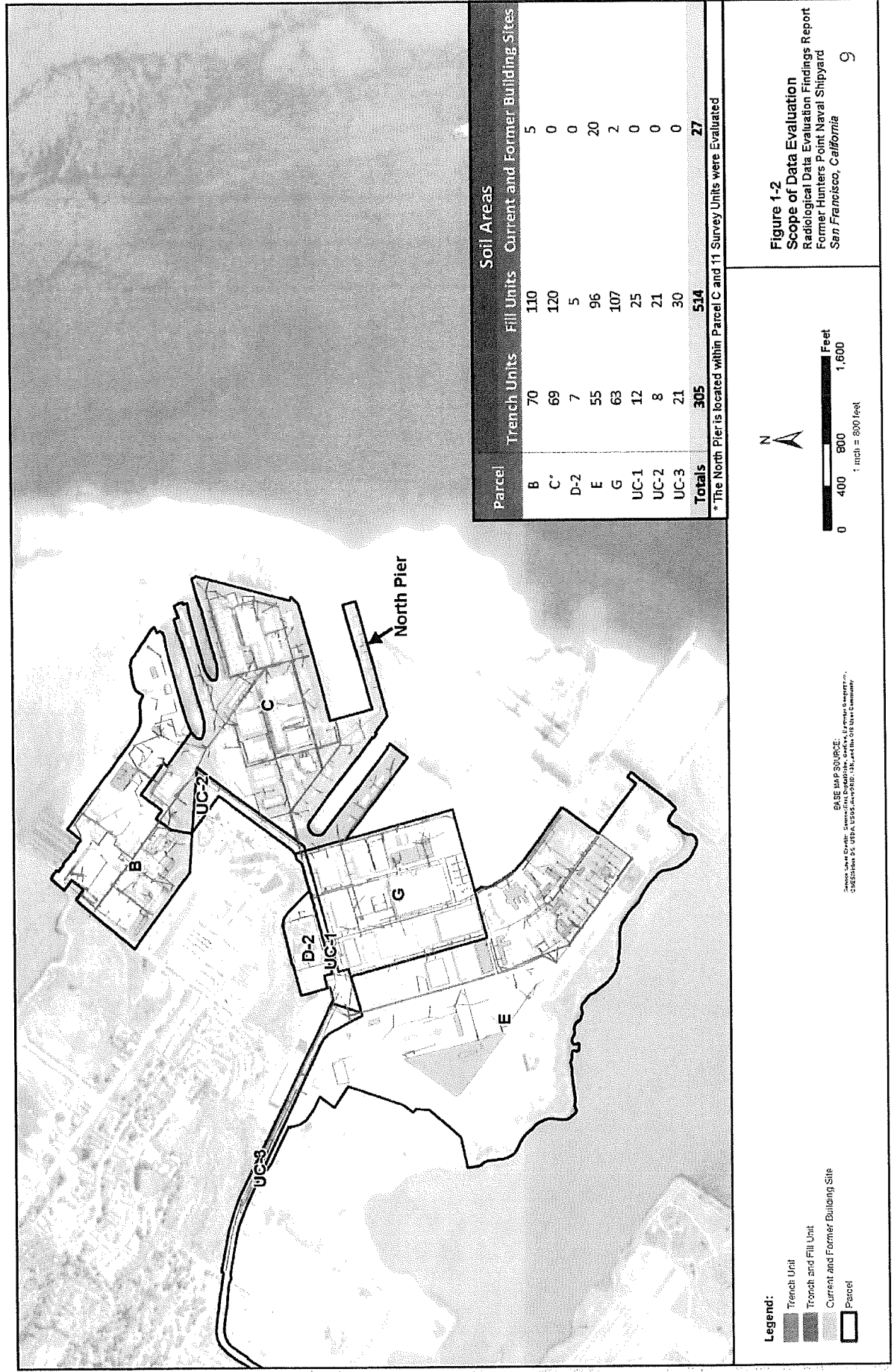


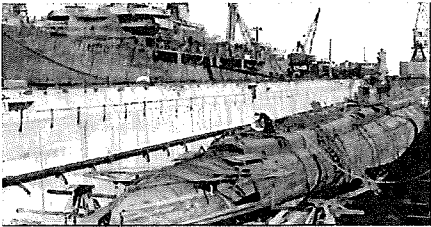
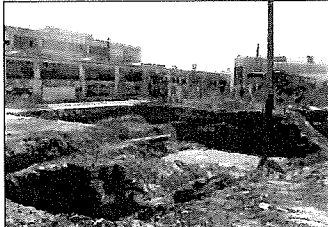


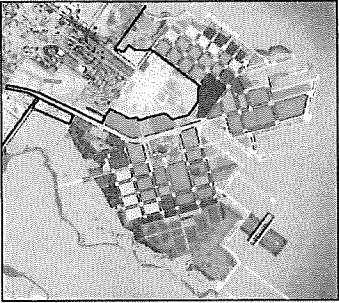
Recent Activities and Milestones

2012 to Present


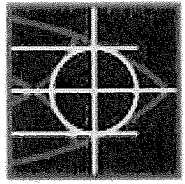




Areas of Data Evaluation & Retesting

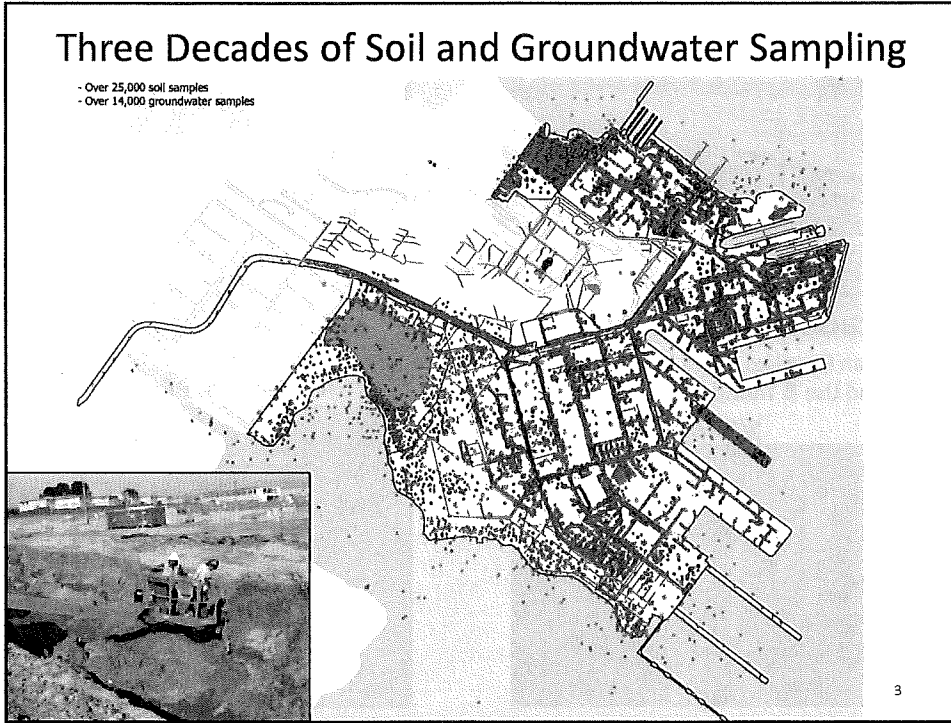


	
<p>Hunters Point Shipyard Decades of Ensuring Safety San Francisco Board of Supervisors Land Use & Transportation Committee 5/14/2018</p>	 <p>Amy Brownell, P.E.</p>
	

Authority and Responsibility
Navy and 3 Regulatory Oversight Agencies

	 <p>NAVFAC Naval Facilities Engineering Command</p>	 <p>CALIFORNIA Water Boards STATE WATER RESOURCES CONTROL BOARD REGIONAL WATER QUALITY CONTROL BOARDS</p>
	 <p>Department of Toxic Substances Control</p>	

2



Sampling and Scanning for Radiation Levels Above Background

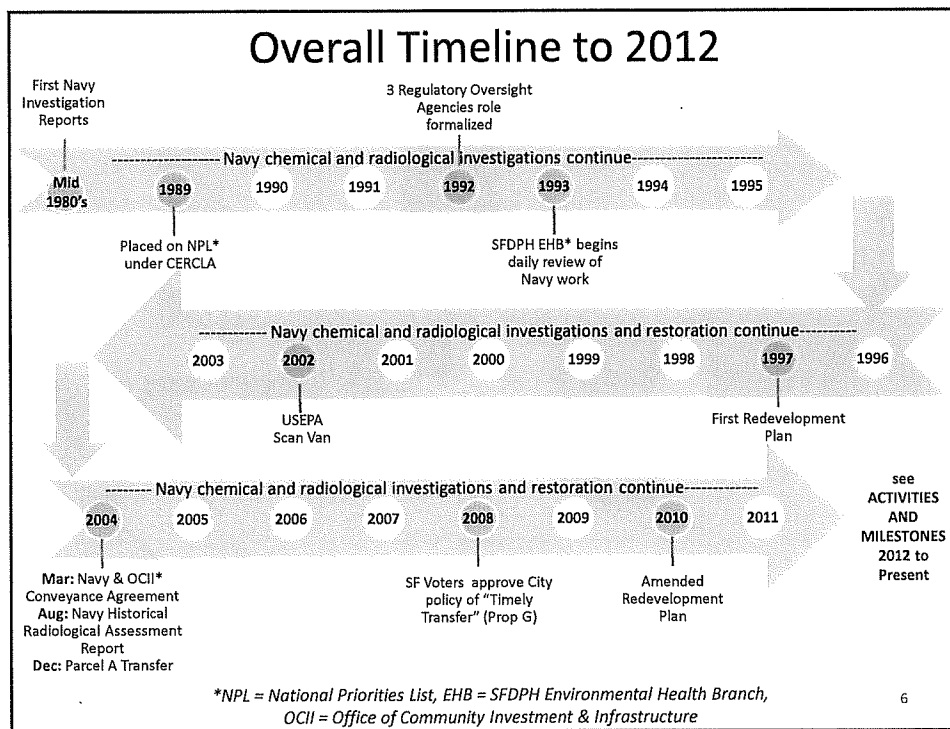
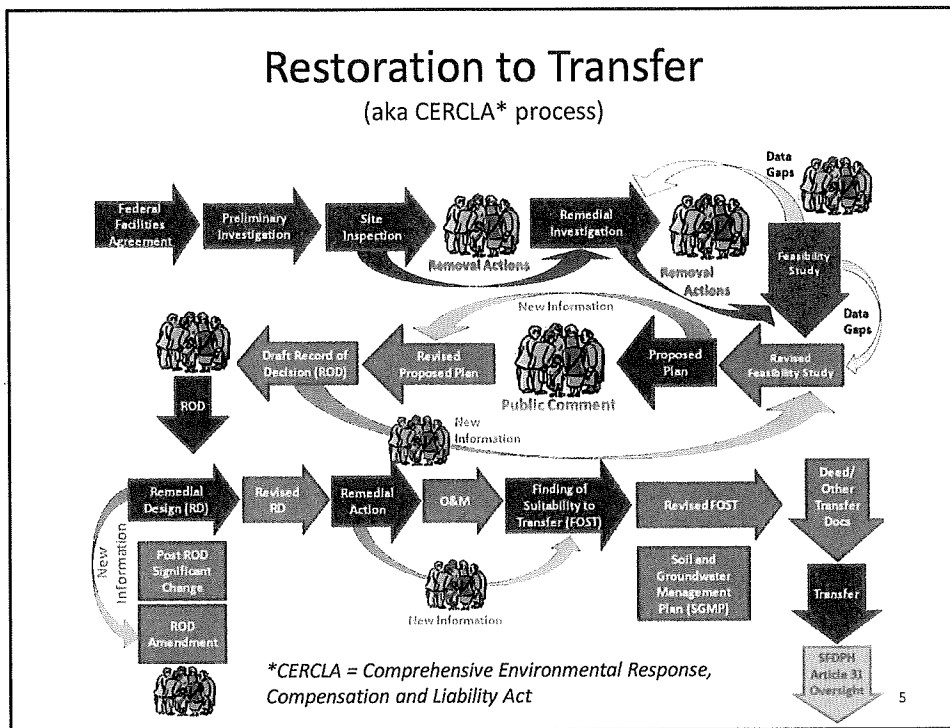
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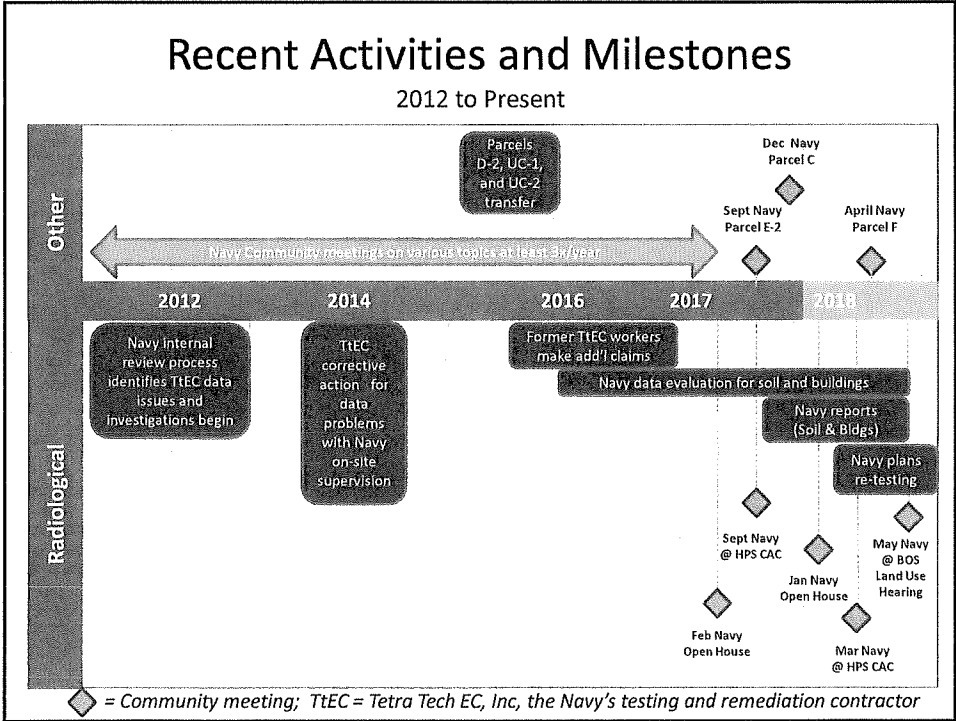
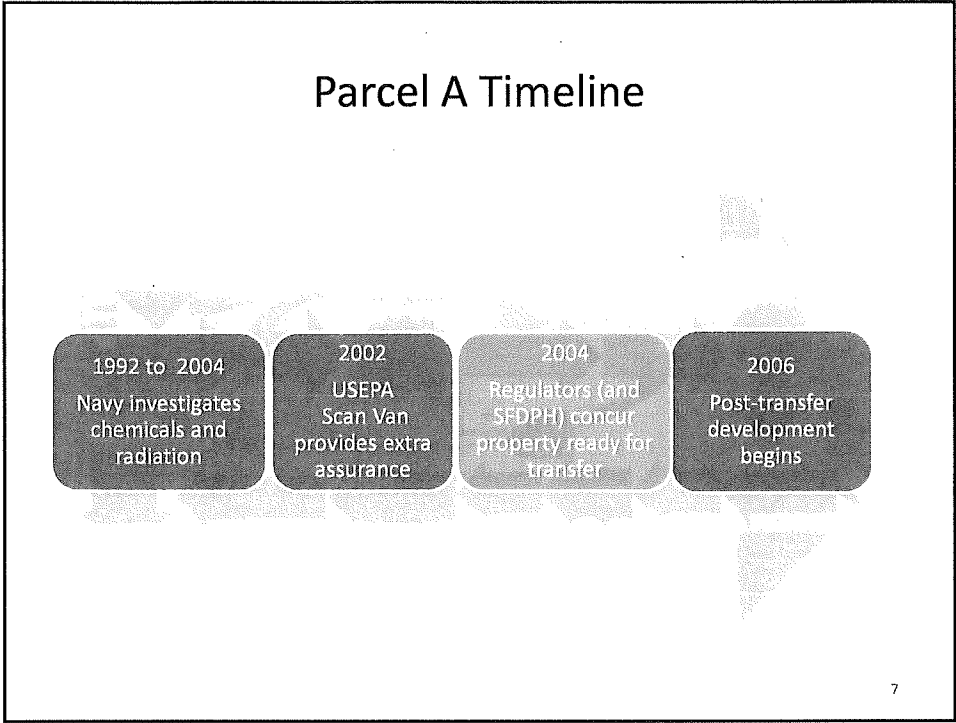
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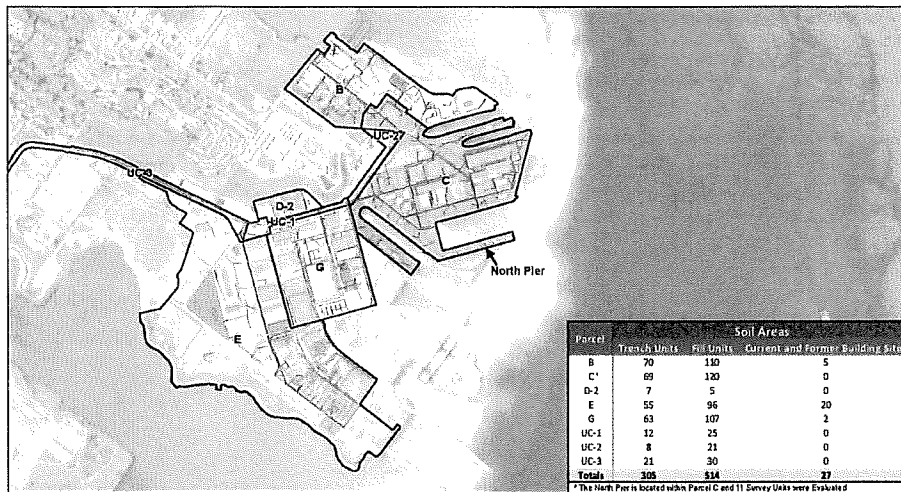
4

4





Areas of Data Evaluation & Retesting



Legend:

- Trench Units
- Fill Units
- Current and Former Building Sites
- Parcel

SCALE 1:2000

0 400 800 1,600 Feet

Figure 1-2
Scope of Data Evaluation
 Radiologist Data Evaluation Findings Report
 Former Hudson Fuel Storage Site
 San Francisco, California

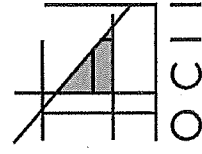
9

HUNTERS POINT SHIPYARD

Nadia Sesay
Executive Director
Office of Community Investment and Infrastructure
(OCII)

Land Use & Transportation Committee

May 14, 2018



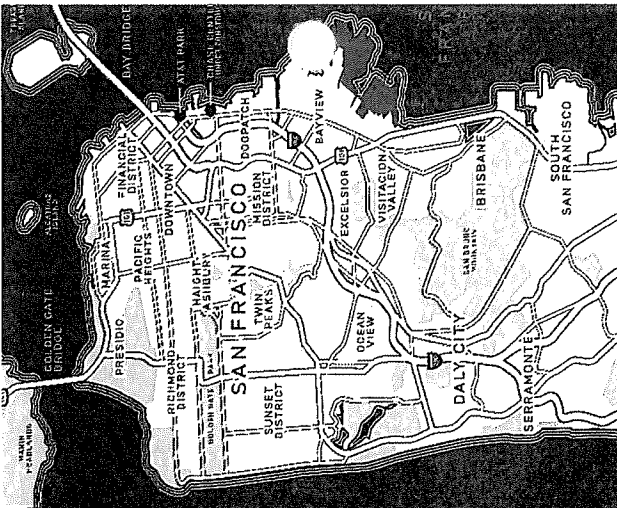
office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

180399
SUBMITTED + PRESENTED
5/14/18

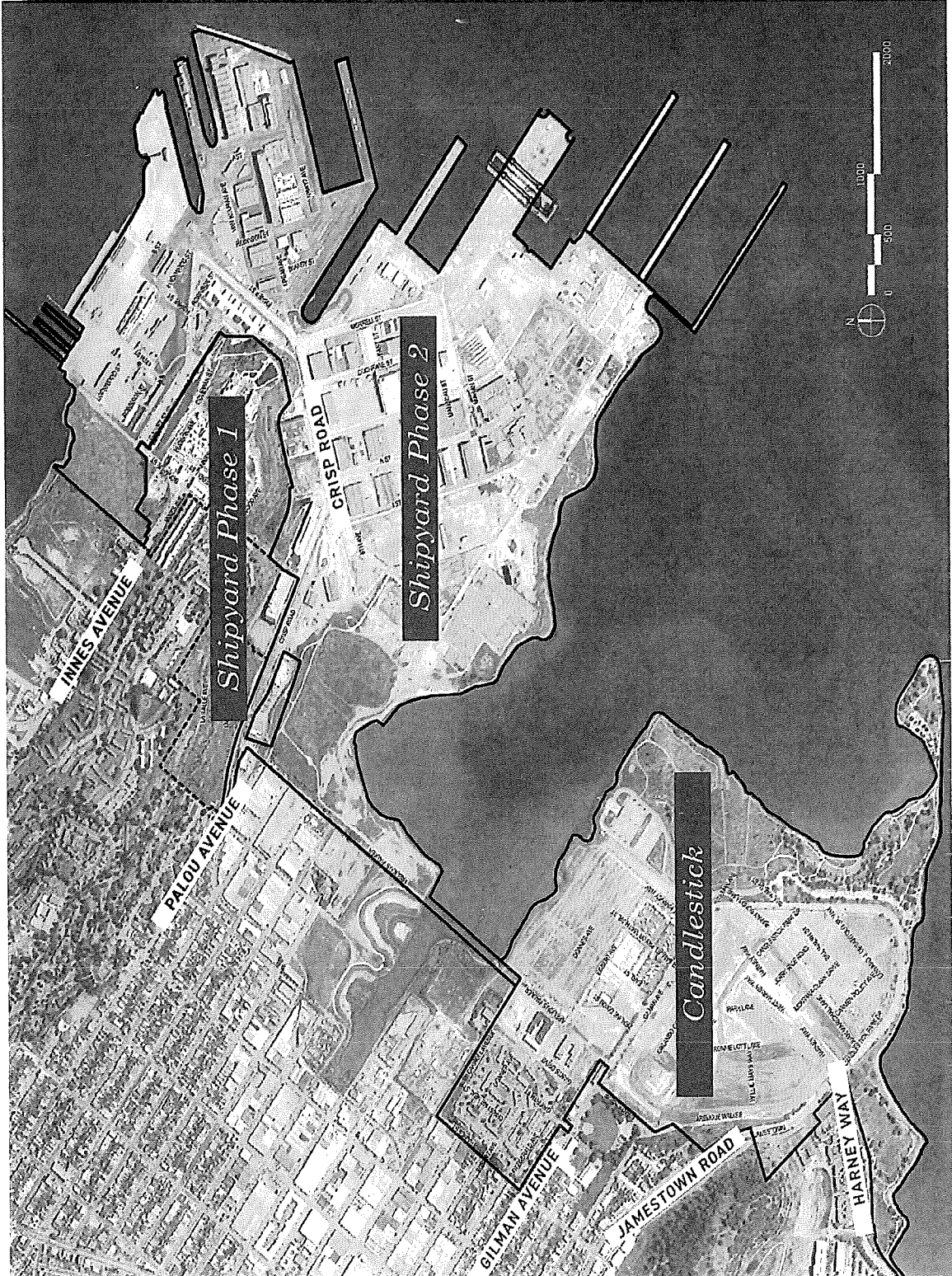
PRESENTATION OVERVIEW

HPS PHASE 1

- WHERE IS THE PROJECT
- HUNTERS POINT SHIPYARD PHASE 1 OVERVIEW – PARCELA
- OCII'S LAND USE ENTITLEMENT RESPONSIBILITY POST TRANSFER



CONTEXT MAP
Scale: NTS



SITE LOCATION

HUNTERS

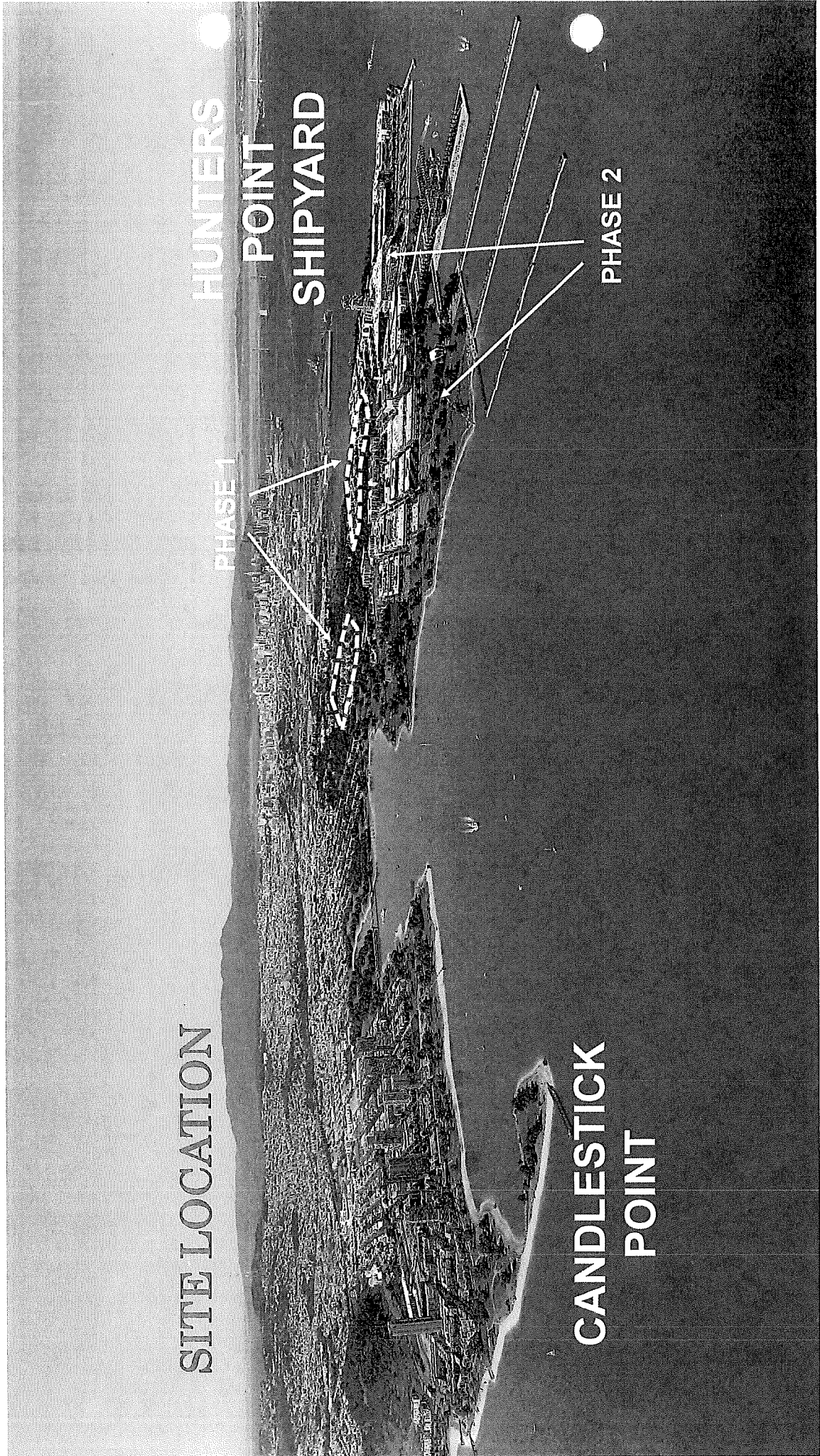
POINT

SHIPYARD

PHASE 1

PHASE 2

CANDLESTICK
POINT



HPS – LAND DEVELOPMENT & OBLIGATIONS

OCII only accepts land from the Navy after the required Regulatory Agencies have provided written confirmation that the land is safe for its intended use and an independent consultant confirms the findings.

The DDA is designed to transform the Project site into finished parcels that are ready for development

□ MASTER DEVELOPER OBLIGATION

- Finance and build the horizontal infrastructure improvements in accordance with Schedule of Performance
- Provide community amenities and public benefits

□ OCII OBLIGATION

- Provide public financing mechanism to Developer
- Lead land-use agency
- Implement and oversee community benefits
- Property management

STATUS OF TRANSFERRED PROPERTY

- Parcel A - Certified safe, transferred (2004) and under development
- Parcel D-2, UC-1 and UC-2 - Transferred (2015), currently under a protective cap and awaiting additional evaluation before proceeding with development.

HISTORY OF DEVELOPMENT

Lennar Urban
breaks ground
on the first
homes in Phase
1

First residents
move into Phase
1

City approves
zoning changes
for CP Retail
Center

FivePoint
becomes the
Developer of
Phase 2

2013

2014

2014

2015

2016

2016

OCII approves
the first Major
Phase of
development
approved at
Candlestick Point

Alice Griffith
rebuild starts

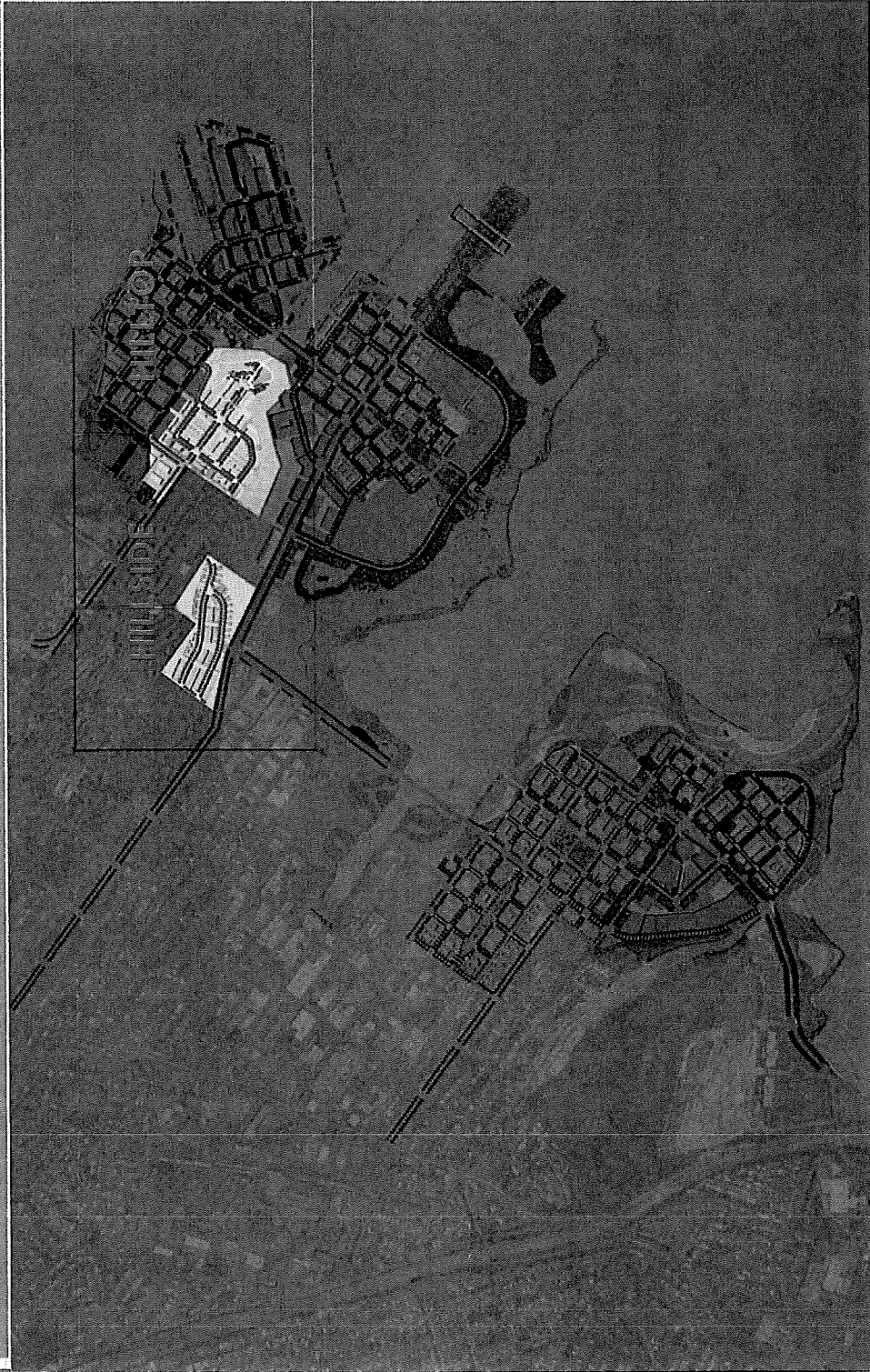
Navy transfers
14 acres of land
to OCII for
Phase 2
development

Pacific Pointe,
the first
affordable
housing
development,
opens on Phase
1

PARCEL A – HPS PHASE 1 SITE MAP



HPS 1 - LAND USES



LAND USE

PROGRAM:

Housing: 1,428 units 25 – 40% affordable

- **OCII Obligation:** 218 Units

Retail: 80,000 sq. ft.

Parks & Open

Space: 26 acres

Community

Facilities Parcels:

1.2 acres

STATUS:

Housing: 983 units

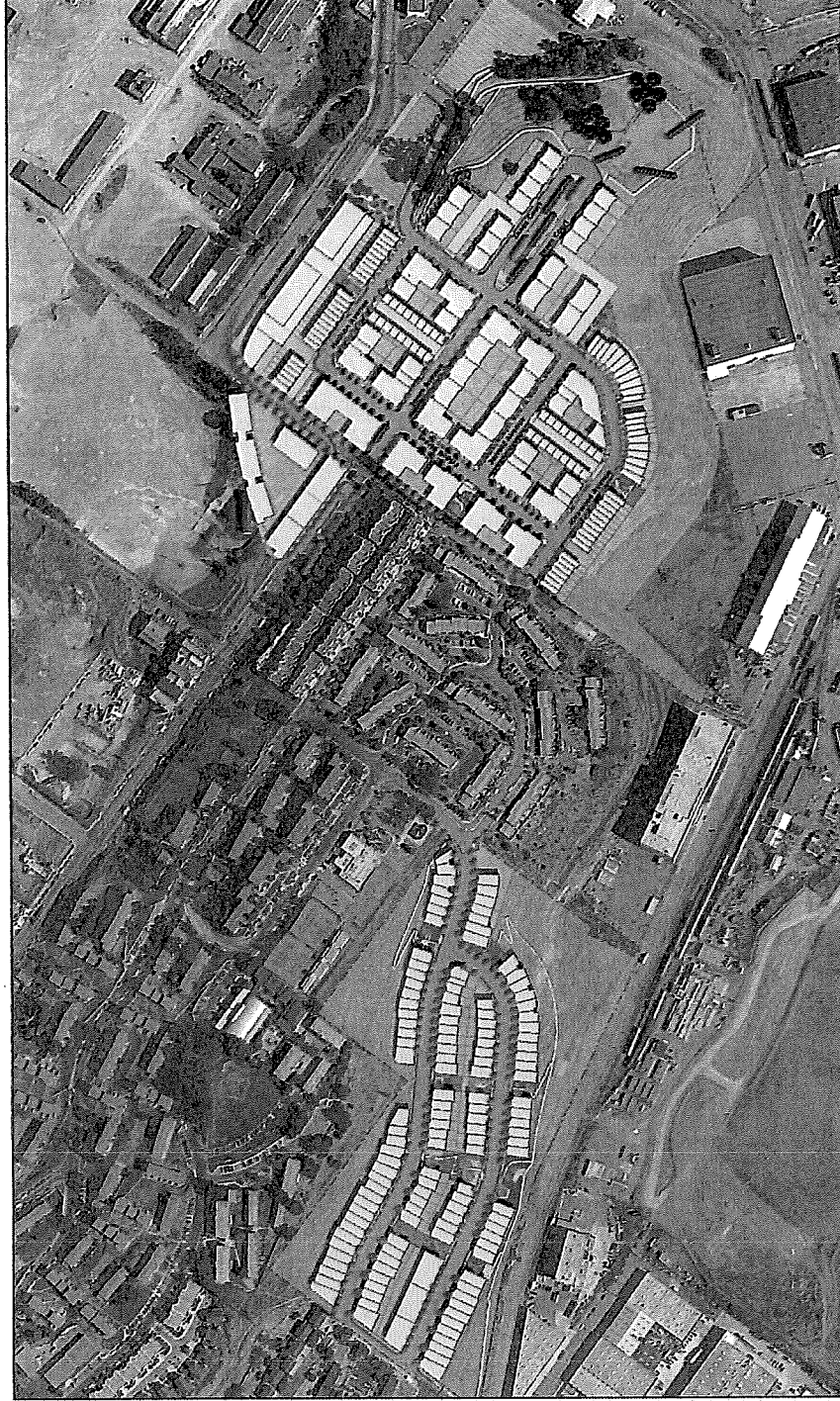
approved for

Hilltop & Hillside;

375 completed on

Hilltop.

HPS PHASE 1 - PARKS



PARKS & OPEN SPACE

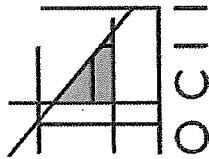
REGIONAL PARKS

- Hillpoint park
- Innes court
- Hillside central park

NEIGHBORHOOD PARKS

- Pocket parks

THANK YOU



OCII

office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

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5/14/18

Singing in the Rain: Hunters Point Shipyard Enriches SF's Most Powerful Families

San Francisco Bay View, News Feature, Ahimsa Porter Sumchai Posted: Apr 06, 2009

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a government decision in which he knows or has reason to know he has a financial interest." - California Government Code Section 81002(c)

Nepotism is defined by Webster's dictionary as political favoritism based on family relationships. In an email to the San Francisco Bay View, Laurence Pelosi verified that he was a Lennar senior executive in March of 2004 at the time San Francisco Mayor Gavin Newsom, his cousin for whom he had served as mayoral campaign treasurer, had signed the Hunters Point Shipyard Conveyance Agreement at the behest of Laurence's Aunt Nancy Pelosi, speaker of the U.S. House of Representatives.

San Francisco Campaign and Governmental Conduct Code Section 3.212 governs political decision making involving family members and Section 3.214 requires disclosure of personal, business or professional relationships for elected officials of the City and County of San Francisco.

Laurence Pelosi is the son of Ronald Pelosi and Barbara Newsom Callan. He is Nancy Pelosi's nephew by marriage. Laurence Pelosi was identified as the vice president of naval base acquisitions for Lennar in a program he participated in concerning the master plan for development of the southeast community held at Mission Bay in 2006.

After resigning from Lennar in May of 2004 - immediately before the shipyard conveyance legislation went before numerous City boards and commissions for approval - Laurence Pelosi joined the board of directors of the influential urban development think tank SPUR (San Francisco Planning and Urban Research) and went to work for Morgan Stanley.

Newsom, as chief executive officer of the City and County of San Francisco, took what is clearly a discretionary action by entering into the Conveyance Agreement for the Hunters Point Shipyard with the U.S. Navy. The Conveyance Agreement set a specific timetable for giving the City a portion of the shipyard - Parcel A - as well as giving commercial development rights to Lennar/BVHP, a limited liability private, non-governmental corporation.

At a Dec. 14, 2003, hearing of the San Francisco Redevelopment Commission compounded by arrests, civil rights violations and invasions on the constitutional rights of the free press, the Redevelopment Agency approved a Disposition and Development Agreement granting Lennar Corp. of Miami, a company that enjoyed annual sales of \$9 billion, exclusive development rights for the shipyard.

The official transfer of Parcel A of the Hunters Point Shipyard to the San Francisco Redevelopment Agency occurred a year later, on Dec. 3, 2004, with the close of escrow for the parcel. The Hunters Point Shipyard environmental findings and redevelopment measures - 14 items including nine ordinances - were passed 9-2 by the Board of Supervisors with severely curtailed public comment on Dec. 7 and Dec. 14, 2004.

San Francisco Mayor Gavin Newsom memorialized his violations of state and local ethics laws in January of 2005 by signing into law the Hunters Point Shipyard redevelopment measures he sponsored before the Board of Supervisors and accepting, in an official ceremony, the transfer of Shipyard Parcel A from the Secretary of the Navy in exchange for one dollar!

The Hunters Point Shipyard redevelopment measures have been called the most corrupt legislative initiatives to pass successfully through San Francisco City government. This astute observation is substantiated by both the stature and sheer numbers of elected and appointed City officials, contractors and employees incriminated in readily documented civil, criminal and environmental regulatory violations and ethical conflicts of interest.

Complaints filed with the Fair Political Practices Commission, Ethics Commission, Sunshine Ordinance Task Force, the City Attorney's Governmental Integrity Office and the offices of the U.S. Attorney have yielded little to no response to date.

The 2004 April Fool's Day edition of the San Francisco Chronicle includes an article by Edward Epstein of the Washington Bureau detailing the signing of a legally binding Conveyance Agreement by Mayor Gavin Newsom and Navy Assistant Secretary Hansford T. Johnson to transfer Parcel A of the Hunters Point Shipyard to the City and County of San Francisco.

The mayor is quoted as saying, "It is the first time we have the Navy's signature on an agreement that ensures the conveyance will begin shortly."

According to the article, the agreement came a few weeks after the Navy sent Newsom a letter saying it was having doubts about going ahead with a January 2004 symbolic agreement that had been announced, with potentially embarrassing fanfare, in Washington by Congresswoman Nancy Pelosi, former Mayor Willie Brown and Navy Secretary Gordon England. According to the Chronicle, Newsom met in the Capitol offices of "Aunt Nancy" on March 31, 2004.

In attendance were Navy Assistant Secretary Johnson, Sens. Barbara Boxer and Dianne Feinstein and Rep. John Murtha, D-Penn., the ranking Democrat on the House Military Appropriations subcommittee, brought in by Pelosi to convince the Navy the time for delays had passed. Murtha made it clear he wanted a binding agreement signed "by Wednesday."

The Navy signed the accord despite new concerns the Radiological Affairs Support Office raised about the safety of the property for residential development due to the release of a massive investigation into the use of radioactive materials at the shipyard from 1939 to 2003. The Historical Radiological Assessment, published in final format on Aug. 7, 2004, documents hundreds of radiation contaminated buildings, soils and drydocks and the entire storm drain and sanitary sewer system at the site of the post-World War II operations of the Naval Radiological Defense Laboratories.

On April 2, 2004, the Chronicle featured an investigation by Katia Hetter documenting the financial conflict of interest that exists between Mayor Gavin Newsom and Darius Anderson, a principle member of a development firm in negotiation with the City for a development lease on the former naval base at Treasure Island in partnership with Lennar Corp. of Miami, which had also been recently granted exclusive development rights to the former naval base at the Hunters Point Shipyard. Anderson, a principle partner in Treasure Island Community Development, held a fundraiser in his Sacramento office in March to help Newsom retire his \$400,000 campaign debt.

A front page story in the March 8, 2007, edition of the San Francisco Chronicle references a Feb. 16, 2007, memo written by Michael Cohen, director of Base Reuse for Mayor Gavin Newsom, that proposes the City take ownership of the Hunters Point Shipyard with the intent of accelerating the cleanup of the federal Superfund site to meet the 49ers deadline to build a new football stadium. The proposed "dirty transfer" of property from the Environmental Protection Agency's National Priorities List would hasten development of the toxic property by removing federal, state and local government regulatory oversight of stringent health-based cleanup standards and dismantle the federal Superfund Act's requirement for public participation in the cleanup process.

Of note, San Francisco Chronicle columnists Matier & Ross document that Speaker Nancy Pelosi's husband, Paul Pelosi, is a partner in the new United Football League team for Northern California and is a college roommate of former NFL Commissioner Paul Tagliabue and a longtime friend of UFL head Mike Huyghue.

The resurfacing specter of Gavin Newsom's familial, political and financial conflicts of interest in Lennar Corp.'s development projects in the city's eastern neighborhoods brings to mind questions about the outcome of complaints filed in 2004 and 2005 over the dirty transfer of shipyard Parcel A.

Those near dormant investigations have gathered "wind in their sails" by the continued storm of controversy surrounding Lennar's criminal negligence and reckless endangerment of public health and safety in the generation of toxic dust exposures to workers, school aged children and the predominantly African American surrounding community adjacent to the Parcel A construction site.

Additionally, the LA Times recent expose on SEIU leader James Bryant and his financial conflicts of interest with Lennar details the role Bryant played in bribing the A. Philip Randolph Institute to advance Lennar's \$5 million Proposition G campaign to gain voter approval of the Hunters Point Shipyard-Candlestick development plan as well as Bryant's role in undermining the community benefits package promised to the struggling community by the developer.

Protecting the public health

On Nov. 7, 2000, 86.4 percent of the city's electorate or 221,013 San Francisco voters voted yes on Proposition P, a declaration of policy supporting environmental cleanup to residential levels for the Hunters Point Shipyard.

Parcel A was transferred to the City and County of San Francisco on Dec. 3, 2004, with deed restrictions notifying future property owners of the presence of lead based paint and asbestos containing materials in buildings, residual soil contaminants and hazardous materials including inorganic persistent and bioaccumulative toxic substances, volatile organic toxic pollutants, PCBs, acids, total petroleum hydrocarbons, pesticides, toxic metals, radionuclides and polycyclic aromatic hydrocarbons, according to Article 31 of the Health Code, an ordinance adopted by the Board of Supervisors at the Dec. 14, 2004, hearing to accept the shipyard's environmental findings.

Article 31 makes developer compliance with deed restrictions, EIR mitigation measures and other City laws mandatory and enforceable. Article 31 establishes enforcement mechanisms, including withholding or denial of permits, an order to stop work, penalties for permit violations, and mandatory administrative and civil penalties.

Article 31, adopted by the Health Commission on Nov. 16, 2004, mandates that Health and Safety Plans address the safety and health hazards of each phase of construction site operation at the shipyard and include the requirements and procedures for employee protection, including health and safety risk or hazard analysis and medical surveillance.

The Department of Public Health has failed to devise human exposure protocols for populations exhibiting health effects attributable to toxic dust, metals and hazardous substances on Parcel A documented in Article 31. The minimum exposure protocol for individuals complaining of dyspnea, chest pain, cough, fatigue, weight loss or other signs of acute and chronic cardiorespiratory disease must include a baseline chest xray, CBC (Complete Blood Count) and Chemistry Panels, including liver function tests. Arsenic and lead testing should be mandatory for the childhood population even if asymptomatic. Pulmonary function tests including spirometry are standard of care.

The children and workers evaluated by the Department of Public Health following a series of documented exposures to high levels of asbestos in toxic dust at Parcel A received no laboratory testing although many were symptomatic of upper and lower respiratory tract symptoms and immune disorders. The total length of time of worksite exposure to airborne toxins from Lennar's non-compliance with legal guidelines at Parcel A reached one year in March of 2007.

Funding for the oversight and implementation of Article 31 comes from developer fees imposed on Lennar at the shipyard by the Department of Public Health for construction and excavation activities that generate more than 50 cubic yards of soil. Health Director Mitchell Katz, M.D., delegated the implementation of Article 31 to Rajiv Bhatia, M.D., director of the DPH Environmental and Occupational Division. Article 31 establishes funding for the site mitigation engineer position currently held by Amy D. Brownell, P.E.

Despite her obvious conflict of interest with the developer and lack of qualifications in medical decision making, Brownell has made numerous public and press statements minimizing the risks of exposure to toxic dust generated by the Lennar construction site on Parcel A. Brownell came under investigation by the California Board of Professional Engineers and Land Surveyors in 2007 and was removed from her permanent regulatory seat on the Hunters Point Shipyard Restoration Advisory Board by unanimous vote in January 2008.

Numerous administrative complaints and requests for investigations have been filed in response to the Parcel A transfer. A law passed by San Francisco voters in 1995 prohibits campaign contributions from anyone bidding on or negotiating for a City contract or development lease if the recipient has a say in approval of the matter.

Mayor Gavin Newsom received funds from the San Francisco 49ers in 2006 during the campaign finance report period immediately preceding negotiations between the Mayor's Office of Economic Development and team owners. Laurence Pelosi is listed on the campaign report as his treasurer.

Supervisor Aaron Peskin was successfully reelected in November of 2004 and received \$750 in campaign contributions from the sponsor of the environmental review for the Hunters Point Shipyard approved by the Board of Supervisors in December of 2004.

Peskin became president of the Board of Supervisors in January 2005 and acted in close alliance with District 10 Supervisor Sophie Maxwell to advance the corrupt development practices of Lennar in Bayview Hunters Point. The newly elected president of the San Francisco Board of Supervisors, David Chiu, received donations from Lennar during his run for office.

In August of 2004 former Ethics Commission President Robert Planthold and Ethics Department Director Mabel Ng received a letter documenting a litany of violations of ethics laws by elected and appointed officials.

On Dec. 4, 2004, Ng and all 11 members of the Board of Supervisors received a summary of violations including receipt by Planning Commission President Shelley Bell of a \$100,000 donation to the board of directors of the Bayview Opera House by Lennar Corp. in the weeks preceding the Planning Commission hearing to approve the shipyard's transfer and environmental findings. Bell, the executive director of the Opera House, did not inform members of the Opera House board of the Lennar donation, according to board member and former Supervisor Willie B. Kennedy.

The Bayview Opera House board of directors and its executive director, Planning Commissioner Shelley Bell, also served as the fiscal agent for the Bayview Hunters Point Project Area Committee, the PAC that oversees the redevelopment plan for the 1,500 acre project whose approval by City government was temporarily stalled by a legal injunction filed by the Defendant Bayview Hunters Point Committee to halt its implementation.

In January of 2005, Ethics Commission investigator Richard Mo met with complainants and over the next two years received over 500 pages of hard copy and email documentation compiled by the editors of the San Francisco Bay View with assistance from Lynne Brown, Michael Boyd, Francisco Da Costa, Kevin Williams and Roland Sheppard detailing the extensive history of corruption surrounding the shipyard transfer.

In February of 2005, U.S. Attorney Andrew Cheng received documentation of violations of federal law involving Rep. Pelosi and Sen. Feinstein, whose husband, Richard Blum, has a financial interest in Catellus Developers, the master developer for the UCSF Mission Bay Campus, Lennar Corp. and numerous Bayview Hunters Point community non-profits.

Feinstein resigned from a seat on the U.S. Senate Military Construction Appropriations Committee due to conflicts of interest complaints involving her husband and has been reportedly investigated by the FBI, according to a former writer for the San Francisco Bay Guardian.

Cheng, in subsequent communications, referred the Hunters Point Shipyard redevelopment investigation to the Ethics Commission, the City Attorney's division of governmental integrity and the San Francisco Division of the FBI but took no action at the level of the U.S. Department of Justice.

In March of 2005 the City's Sunshine Ordinance Task Force concluded that violations of the Sunshine Act occurred during the Board of Supervisors' enactment of the 14 measures approving development on Parcel A.

In March of 2005 the state's Fair Political Practices Commission acknowledged receipt of complaints documenting financial conflicts of interest involving City officials and contractors. No action was taken.

In January of 2007 Congresswoman Nancy Pelosi became speaker of the U.S. House of Representatives. Her first act was a failed attempt to install Rep. John Murtha as the House majority whip in exchange for his help in the transfer of shipyard Parcel A.

This writer spoke before the Ethics Commission in the fall of 2006 publicly requesting that the stalled investigation of the Hunters Point Shipyard redevelopment measures go forward. On March 15, 2007, Ethics investigator Richard Mo is quoted as saying, "No complaint has been filed" with the Ethics Department regarding the Parcel A transfer.

On March 14, 2007, the San Francisco Bay Guardian published "The Corporation That Ate San Francisco," a highly detailed investigation by Sarah Phelan into "a Florida based developer that controls the future of two former military bases in San Francisco and the record shows you simply can't trust Lennar Corporation."

The article chronicles the seven year history of financial and political conflicts of interest and the paper trail of Lennar's connections to former Mayor Willie Brown, Speaker Nancy Pelosi and Mayor Gavin Newsom. More importantly, it documents environmental violations at the Lennar construction site on Parcel A that were, arguably, criminal in scope and stature, including deliberate efforts to conceal the health and safety risks of exposure to toxic dust containing exceedences in allowable levels of asbestos.

On Friday, March 17, 2007, Attorney Angela Alioto filed a suit in Superior Court on behalf of plaintiffs Project Manager Gary McIntyre, Community Liaison Clementine Clarke and Administrative Assistant Ceola Richardson, charging Lennar Corp. with racial discrimination and environmental racism in its operations at Parcel A of the Hunters Point Shipyard.

It represented a landmark legal action and the first known use of "environmental racism" as a legal term denoting liability by a corporate polluter operating in Bayview Hunters Point. In 2008 the case was settled.

During the spring and summer months of 2006, Lennar contractor CH2M Hill violated conditions set forth by the BAAQMD Asbestos Dust Mitigation Plan for grading, deconstruction and development activities at the shipyard site. In so doing, Lennar exposed the neighboring community, school children and shipyard workers to toxic dust with elevated levels of asbestos, particulates and other inorganic compounds. Soil analyses at the shipyard had historically yielded elevated levels of toxins including lead, manganese, chromium, nickel and arsenic.

On Aug. 7, 2008, the chief executive officer for Lennar in San Francisco, Kofi Bonner, entered into a settlement agreement with BAAQMD executive officer Jack Broadbent to pay \$515,000 in civil penalties for violations of California Health and Safety Code Section 42400.

Under terms of the settlement, the air district will not seek criminal or civil penalties for violations arising from activities documented in 2006. Clause 8 of the settlement stipulates however that "the district reserves the right to take future enforcement actions arising out of violations not covered by this settlement agreement. In addition, the district reserves the right to demand increased penalties in connection with any future alleged violations."

By November of 2008, Lennar was facing imminent bankruptcy after spending over \$5 million - or \$50 per vote - to pass Proposition G, a measure designed to gain support of the San Francisco electorate for the Shipyard-Candlestick Park Conceptual Plan and its transfers of state and federal lands. Lennar's LEN stocks sank to \$3.60 per share despite restructuring and partnership with CB Richard Ellis, headed by Richard Blum, husband of Senior Sen. Dianne Feinstein, principle sponsor of the Lennar-funded Proposition G campaign.

Related Articles:

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SEC. 3115. HPS PROPERTY WITH A DURABLE COVER OR RESTRICTION.

(a) For property which is subject to a deed restriction or covenant restricting use of property containing an environmental restriction requiring a durable cover or engineered cap the Applicant shall submit to the Director: (i) Site Specific Health and Safety Plan; (ii) Dust Control Plan; (iii) Unknown Contaminant Contingency Plan; (iv) Disposal Plan (if applicable); (v) Site Specific Health and Safety Plan; (vi) Soil Importation Plan (if applicable); (vii) Foundation Support Piles Installation Plan.

The Applicant will also submit verification to the Director of the following:

(b) for property that is currently subject to an Administrative Order on Consent (AOC) and is therefore subject to the regulatory oversight of the EPA, the Applicant must submit proof that it is complying with all environmental documents and restrictions, including without limitation as applicable, the AOC, ETCA, CRUP, LUC RD, pre-Remedial Action Closeout Report (pre-RACR) Risk Management Plan (RMP), post-RACR RMP and Operation and Maintenance Plan (OMP). Proof of compliance can be: (i) a letter from EPA detailing the compliance; (ii) a report or checklist, as required by the document; or (iii) any other form acceptable to the Director demonstrating compliance.

(c) for property that is no longer subject to an Administrative Order on Consent (AOC) or that was never subject to an AOC, the Applicant must submit proof that it is complying with all environmental documents and restrictions that are applicable to the property, including without limitation as applicable, an ETCA, CRUP, pre-RACR RMP, post-RACR RMP, and OMP. Proof of compliance can be: (i) a report or checklist, as required by the document; or (ii) any other form acceptable to the Director demonstrating compliance.

(d) Whether or not an AOC is in effect for the property:

(i) if an RMP for the property includes a requirement for a Dust Control Plan and if EPA already has approved the RMP and Dust Control Plan, then the Applicant is required only to submit a copy of the approved Dust Control Plan and approval letter from EPA as proof of compliance with the Dust Control Plan requirement. However, if the EPA approved Dust Control Plan does not include specification of particulate monitoring equipment, site specific monitoring location requirements, or action levels then the Director may require submittal of this information.

(ii) if an RMP for the property includes a requirement for a Site Specific Health and Safety Plan and if EPA has already approved the RMP and the Site Specific Health and Safety Plan, then the Applicant is required only to submit a copy of the approved Site Specific Health and Safety Plan and approval letter from EPA as proof of compliance with the Site Specific Health and Safety Plan requirement.

(iii) if an RMP for the property includes a requirement for a Soil Importation Plan and if EPA has already approved the RMP and the Soil Importation Plan, then the Applicant is required only to submit a copy of the approved Soil Importation Plan and approval letter from EPA as proof of compliance with the Soil Importation Plan requirement.

(e) Upon completion of the activity authorized by the permit or improvement plan, the Applicant shall submit a Closure Report to the Director including: additional information or data obtained, including information on unanticipated conditions; corrections as to any information previously submitted; and certifications of implementation of the plans listed in Section 3115 (a)(ii)-(vii), and all laws applicable to soil removal.

(Added by Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3116. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Section or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

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(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3111. RESERVED.

SEC. 3112. REMEDIES NOT EXCLUSIVE.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3113. INSTITUTIONAL CONTROLS.

An Applicant must comply with institutional controls included in any deed conveying ownership from the United States Navy to the San Francisco Redevelopment Agency pursuant to a final FOST or FOSET or included in any recorded covenant to restrict use of property containing environmental restrictions to the extent such institutional controls apply to activities authorized by a permit or improvement plan subject to this section. The Director will advise the relevant department of the specific requirement pursuant to the deed; require compliance with the institutional controls as a condition of the permit or improvement plan; and coordinate with the relevant department to monitor and enforce compliance with such institutional controls.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3114. SITE EVALUATION AND SITE MITIGATION FOR UNRESTRICTED RESIDENTIAL PROPERTY.

This section applies to property determined by the applicable ROD to be suitable for unrestricted residential use that is transferred without a requirement for a durable cover or engineered cap.

(a) An Applicant must submit the following, satisfactory to the Director, as further specified in regulations adopted by the Director: (i) Site Evaluation Report; (ii) Dust Control Plan; (iii) Unknown Contaminant Contingency Plan; (iv) Disposal Plan (if applicable); (v) Site Specific Health and Safety Plan; (vi) Soil Importation Plan (if applicable), (vii) Foundation Support Piles Installation Plan (if applicable), (viii) a determination of whether additional information is necessary to adequately characterize the Prescribed Subsurface Activity Area, and (ix) for areas that undergo demolition of structures with lead based paint, a scope of work to collect additional information as described in the regulations. The plans required by (ii)-(ix) must be specific to the activities to be conducted under a permit or improvement plan.

The Director shall review the site evaluation report and advise the Applicant on whether additional information is necessary as follows:

(1) In unrestricted residential parcels, if the Prescribed Subsurface Activity Area has already been evaluated in a Site Evaluation Report in the past and a Closure Report for the Prescribed Subsurface Activity Area was approved by the Director and the Closure Report included verification of: (i) the placement of at least one foot of clean imported fill or equivalent on areas with fill containing naturally occurring asbestos; or (ii) that the Area was cut into native bedrock and properly covered, if necessary, to address any concerns about naturally occurring asbestos; or (iii) that the Area has no naturally occurring asbestos concerns; then no site history, data evaluation, sampling or additional characterization will be necessary with respect to such Prescribed Subsurface Activity Area.

(2) Unrestricted residential property that does not meet the criteria provided in subdivision (1) will be evaluated as follows:

(A) **Tier I Areas.** If a portion of a Prescribed Subsurface Activity Area has been used continuously only for residential purposes, or is not located on historic fill (as defined in a map maintained by the Director pursuant to Section 3107(e)), or is not or has not been underlain by Navy utility lines (as defined on a map maintained by the Director pursuant to Section 3107(e)), and, in any case, there is no evidence that hazardous substances are present, no additional information or sampling will be necessary with respect to such portions of the Prescribed Subsurface Activity Area. The Director shall provide the Applicant and the relevant department with written notification that the Applicant has complied with the requirements of this section as to such portions, and must comply with the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal.

(B) **Tier II Areas.** In portions of Prescribed Subsurface Activity Area other than those described as Tier I, if the Director determines that such portions are adequately characterized, the Director shall provide the Applicant and the relevant department with written notification that the Applicant has complied with the requirements of this section as to such portions, and must comply with the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal. If the Director determines that additional information is necessary to adequately characterize portions of the Prescribed Subsurface Activity Area, the Applicant must submit a proposed scope of work for a supplemental site evaluation in accordance with regulations adopted by the Director. Upon approval of the scope of work by the Director, the Applicant shall implement the scope of work and prepare a supplemental site evaluation report summarizing the new information.

(a) If the supplemental site evaluation report shows that there is no existing contamination that exceeds the screening criteria established by the Director by regulation, the Director shall provide the Applicant and the relevant department with written notification that the Applicant has complied with the requirements of this section, and must comply with the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal.

(b) If the supplemental site evaluation report shows that there is existing contamination that exceeds the screening criteria established by the Director and the Applicant wishes to retain that soil in the Prescribed Subsurface Activity Area or elsewhere within unrestricted residential property, the Applicant must prepare and submit to the Director a risk evaluation report and a site mitigation plan demonstrating the property can still be used for unrestricted residential purposes consistent with the FOST. The site mitigation plan must include the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, and may include a deed notice, provided that any notice is consistent with use for unrestricted residential purposes. The Director must review and approve the risk evaluation report and the site mitigation plan. Upon approval of these documents, the Director shall provide the Applicant and the relevant department with written notification that the Applicant has complied with the requirements of this section, and must comply with the site mitigation plan and all laws applicable to soil removal and off-site disposal.

(b) If the Director finds that the Applicant intends to remove soil from the Prescribed Subsurface Activity Area and dispose of that soil off-site, then the Director shall find that, as to that soil, no additional information is necessary and shall provide the Applicant and the relevant department with written notification that the Applicant has complied with the requirements of this section, and must comply with the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal.

(c) Upon completion of the activity authorized by the permit or improvement plan, the Applicant shall submit a Closure Report to the Director including: additional information or data obtained, including information on unanticipated conditions; correcting any information previously submitted; and certifying implementation of the plans listed in subsection (a)(ii)-(ix), as determined by the Director to be applicable, any applicable risk management or site mitigation plan and all laws applicable to soil removal.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

All inspections specified or authorized in this shall be conducted at the discretion of the City and no in this shall be construed as requiring the City to conduct any such inspection nor shall any

Adams, Portia, Supervisor, M.D., NSCA-CSCC
adams.portia@sf.gov

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

236 West Portal Avenue, # 563

San Francisco, California 94127-1423

(415) 835-4763

SEC. 3105. CONSTRUCTION ON CITY PROPERTY

All departments, boards, commissions and agencies of the City shall authorize construction or improvements on land under their jurisdiction under circumstances where no building, grading, street use or other permit or approval is required pursuant to the San Francisco Municipal Codes shall adopt rules and regulations to insure that the procedures set forth in this are followed. The San Francisco Redevelopment Agency and the departments of Public Health, Public Works, and Building Inspection shall assist other departments, boards, commissions and agencies to ensure that these requirements are met.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3106. FORMER LANDFILL DISPOSAL AREAS.

Upon receipt of a site evaluation report from an Applicant, the Director shall determine whether the Prescribed Subsurface Activity Area is subject to the provisions of the California Integrated Waste Management Act (Cal. Public Resources Code § 40000 et seq.) as amended, relating to development on or near a former landfill disposal site. In making this determination, the Director may consult with the Local Enforcement Agency and the California Integrated Waste Management Board.

(a) For any Prescribed Subsurface Activity Area or portion thereof that is subject to such provisions, the Director shall require the Local Enforcement Agency to approve proposed land uses and determine any necessary protective measures or requirements to the extent necessary to comply with California Code of Regulations, Title 27, Chapter 3, Subchapter 4, 6 (Section 20917 et seq.) and Subchapter 5 (Section 20950 et seq.), as amended.

(b) For any Prescribed Subsurface Activity Area or portion thereof that is located within 1,000 feet of a former landfill disposal site, but which is not subject to the above-referenced provisions of the California Integrated Waste Management Act, the Director shall review any proposed structures to ensure that the construction or use of the structure will not pose a threat to public health and safety or the environment. In making this determination, the Director shall consider the potential for adverse impacts on public health and safety and the environment, taking into account the following: the amount, nature and age of solid waste in the landfill disposal area; current and projected gas generation; effectiveness of existing controls; proximity of the proposed land uses to landfill disposal area; and other relevant geographic or geologic features. Based on these factors, the Director shall determine whether the structure must be designed and constructed in accordance with the following measures or requirements (or other design providing an equivalent degree of protection against gas migration into the structure): installation of a geomembrane or equivalent system with low permeability to landfill gas between the concrete floor slab of the structure and subgrade; installation of a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches between the geomembrane and the subgrade or slab; installation of a geotextile filter to prevent the introduction of fines into the permeable layer; installation of perforated venting pipes, designed to operate without clogging, within the permeable layer; construction of a venting pipe with the ability to be connected to an induced draft exhaust system; installation of automatic methane gas sensors within the permeable gas layer, and inside the structure to trigger an audible alarm when methane gas concentrations are detected; and/or appropriate periodic methane gas monitoring, including monitoring inside structures, with reporting requirements and a contingency and mitigation plan.

For purposes of this section, "structures" shall include: buildings, subsurface vaults, utilities or any other buildings or areas where potential gas buildup would be of concern.

(c) If the Director determines under subsections (a) or (b) of this Section that protective measures or requirements are necessary, the Director shall inform the relevant department in writing that such measures or requirements must become conditions of the permit or improvement plan.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3107. RULES AND REGULATIONS.

(a) Pursuant to the procedures specified in Section 1170 of the Health Code, the Director may adopt rules, regulations and guidelines, including maps, necessary or appropriate to implement this

(b) Regulations promulgated by the Health Commission shall be maintained in the Office of the Clerk of the Board of Supervisors.

(c) The Director shall maintain and update project files as site data is received pursuant to this and provide public access to the files and site data.

(d) The Director shall maintain for public distribution a map that reflects the boundaries of each Parcel of the Naval. The map shall include former landfill disposal sites and a line representing the 1,000 foot perimeter from those sites. For Parcel A, the Director shall adopt a map showing historic fill areas and utility lines existing prior to the date of transfer of Parcel A from Navy ownership.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3108. FEES.

The Director is authorized to charge the following fees to defray the costs of document processing and review, consultation with Applicants, and administration of this : for Fiscal Year 2010-2011, the fees are as follows: Application Fee = \$592 for up to three hours of document review/consultation and \$197 for each additional hour, including site visits. No later than April 15 of each year, the Controller shall adjust the allowable fees to reflect changes in the relevant Consumer Price Index, without further action by the Board of Supervisors. In adjusting the fees, the Controller may round these fees up or down to the nearest dollar, half-dollar or quarter-dollar. The Director shall perform an annual review of the fees scheduled to be assessed for the following fiscal year and shall file a report with the Controller no later than May 1st of each year, proposing, if necessary, an adjustment to the fees to ensure that costs are fully recovered and that fees do not produce significantly more revenue than required to cover the costs of operating the program. The Controller shall adjust fees when necessary in either case.

(Added by Ord. 6-05, File No. 041664, App. 1/8/2005; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3109. VIOLATIONS.

In addition to any other provisions of this , fraud, willful misrepresentation, or any willfully inaccurate or false statement in any report required by this shall constitute a violation of this

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3110. ENFORCEMENT ACTIONS

Sports Medicine and General Practice · Member, American College of Sports Medicine

AAA/ISMA Certified Nutrition Consultant · Stanford Fellowship Research Consultant

Certified Personal Trainer with NSCA Certification

The Director shall have authority to administer and enforce all provisions of this and may enforce the provisions of this by any lawful means available for such purpose, including taking any action authorized pursuant to 21, Sections 1133(a)-(d), (f), and (h)-(i) of the Health Code.

10/13/2006

From: Amy Brownell, Department of Public Health

To: Sheila Roebuck and Jeff Austin, Lennar

Subject: very, very rough draft

"I'm sure you will also want to change my wording on how I portray the problems, lack of monitors, etc. Go ahead and change any way you want. I may change some of it back but I'm willing to read your versions. as noted, don't bother adding the worker monitoring information. I don't want to use it. I understand your sensitivity on this issue and if specifically asked in a public meeting, I will be willing to verbally state the facts related to worker monitoring. But I'm not willing to make it part of this narrative."

EPA Email Excerpt: Concoct Reason for the Lennar Redevelopment Plan to Move Forward

11/03/2009 12:10 PM

From: Mark Ripperda

To: Rob Balas, Amy Brownell

Subject: EPA's preliminary results and conclusions from asbestos slide re-analysis

Hi Rob, here are the main talking points that we will be presenting at this afternoon's meeting. You've been a careful reviewer of my language in the past - do you see any problems in how I've worded any of these points?

Nov. 4, 2009 9:25 am

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: HP [Hunters Point] asbestos re-analysis conclusions (2).doc.

"Thanks Rob, I appreciate your input and yes, you can share this internally with Lennar. These were talking points for yesterday's meeting with the City and the Air District. . . . I need a different focus for meeting with both the NOI [Nation of Islam, administrator of the school located next to Hunters Point Shipyard] and the greater community. The conclusions for general communication will probably stay similar, with one addition, a statement that EPA sees no reason to stop the development.

"I'm not sure how to create a basis for the conclusions however, for the general public. The information in the first set of points is appropriate for government/industry types, but I'm searching for a way to justify that the development is acceptable without getting into details of risk assessment. Given NOI's sophistication, maybe we do have to provide more details than I hoped. I'm open to any written narrative or bullet list that you think might work.

"While I'm not going to use the list you edited again, partially because of confusion it created for even informed people like you and Rajiv, I'll try and clarify a few things so we're on the same page as we massage the message. . . . My statement in the conclusion is ambiguous, because I presented a risk for single worst case earlier in my list, but am then assuming that an average of the data will result in a much lower risk, without actually calculating a risk. I can't use that logic for general communication for several reasons, one of which is because Christopher will quickly point out that the highest level that we re-analyzed is not the highest level overall."

Notes: Following this email, Mark Ripperda, EPA Region 9 Remedial Project Manager, repeatedly stated in public forums and meetings with local officials that EPA sees no reason to stop the Lennar Corp.'s redevelopment project at the Hunters Point Naval Shipyard. Mr. Ripperda's statement served as justification for the City of San Francisco Planning Department to draft an Environmental Impact Report in support of the redevelopment plan by the Lennar Corp. and a majority of the County Board of Supervisors to approve the Environmental Impact Report.

The people referenced in this email are Rajiv Bhatia, the Director of Occupational & Environmental Health in the San Francisco Department of Public Health, and Minister Christopher Muhammad, a community leader advocating for health protections from the Lennar Corp.'s redevelopment activities at the Hunters Point Naval Shipyard.

The Cozy Relationship Between Regulators and Industry

In the wake of the British Petroleum oil spill crisis in April 2010, president Obama called the spill an "unprecedented disaster" and blasted a "scandalously close relationship" he said has persisted between Big Oil and government regulators. President Barack Obama made promises to end the "cozy relationship" between the oil industry and federal regulators, which he said had existed for years and into his own administration. The surrounding Gulf Coast communities suffered from the dangerous friendly *look the other way* approach of the regulators. As evidenced in the emails over the last five years, the Bayview Hunters Point

community is facing a similar problem where EPA and Health Department officials have such a closely aligned relationship with the Lennar Corporation that they have conspired to the detriment of the community.

The Bayview Hunters Point Community is located in southeastern San Francisco. Residents of the community and surrounding neighborhoods are predominantly people of color, who are disproportionately burdened with environmental hazards from the Hunters Point Naval Shipyard Superfund Site, industrial facilities, diesel rail and truck corridors, and substandard housing. These environmental hazards increased in 2000 when a brush fire at the Hunters Point Naval Shipyard smoldered underground for several weeks, exposing nearby residents to toxic smoke and chemicals. Massive excavation and grading activities at the shipyard were conducted in 2006 and 2007 without proper air monitoring stations and pollution control measures, resulting in the release of asbestos laden dust.

However, EPA and San Francisco Public Health Department officials have suppressed information about the full impact of these and other environmental hazards. Their unconscionable decision to manipulate data and present false reports constitute a blatant disregard for the human rights of people who live, work, and attend school in the Bayview Hunters Point community.

Demand for Justice

Based on the obtained email correspondence, a coalition of residents, environmental justice, and worker rights organizations are calling on FBI Special Agent-in-Charge Stephanie Douglas; and the California State Attorney General Kamala Harris to:

- Launch a full investigation into public corruption involved in the Lennar Corporation redevelopment of the Hunters Point Naval Shipyard.

The coalition calls on the US EPA Administrator Lisa Jackson to:

- Place Region 9 into federal receivership under the direct authority of the EPA Headquarters in Washington D.C.
- Remove Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyard, and any other EPA employee found to be involved in the cover-up, from their roles in the Hunters Point Navy Shipyard project.
- Place a moratorium on all activities that fall under the authority of the EPA Project Manager at the Hunters Point Naval Shipyard, and conduct a comprehensive investigation of past and present environmental hazards and public health threats associated with both remediation and redevelopment activities.

The coalition calls on San Francisco Mayor Edwin Lee, the San Francisco Supervisors, and San Francisco Public Health Director Barbara Garcia:

- Remove Amy Brownell, Environmental Engineer in the San Francisco Department of Public Health, and any other city employee involved in the cover-up, from their involvement in the Hunters Point Shipyard Project.
- Launch a full investigation into public corruption involved in the Lennar Corporation redevelopment of the Hunters Point Naval Shipyard.

A detailed set of emails obtained through the Freedom of Information Act Request are available at:
<http://www.cleanupnotcoverup.com/>

Oct. 28, 2009 1:26 pm

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Hunter's Point data reanalysis

"We're meeting with the BAAQMD [Bay Area Air Quality Municipal District] and the City on November 3, and would like to meet with you soon thereafter to discuss the details and talking points. I prefer to keep our message as simple as possible and stay away from health assessments and from shut-down days. Something along the lines of: Our analysis using more detailed methodology showed that there are fewer 'health risks fibers' present than what the Air District assumed in setting the trigger levels. Thus the Air District's methods and levels are appropriate and we will defer all regulatory issues concerning asbestos to the District.

"I'm not the asbestos expert, so is this a true statement?"

Note: "health risk fibers" refer to a concentration of asbestos that can cause adverse health effects; "trigger levels" refer to the standards set by the Bay Area Air Quality Municipal District that require the shut-down of redevelopment activities by the Lennar Corp. at the Hunter's Point Naval Shipyard when an air monitor detects 16,000 or more asbestos fibers in a cubic meter.

~~05/29/2009~~

From: Rob Balas, Lennar

To: Mark Ripperda, EPA Region 9

Cc: Daniel Stralka, Arnold Den, EPA Region 9

Subject: RE:Hunters Point – Follow-up to Tuesday's conference call

"7) if we proceed with the limited sampling to check the correlation between the two different counting rules as it pertains to the fiber distributions, it is unlikely that we would use this initial evaluation to reach publicly communicable risk conclusions-say by using any found correlation to draw risk conclusions about current AHERA* dataset. To make any conclusions, a more robust, statistically significant sampling would need to be conducted. Even then, robust risk conclusions, ready for public consumption, may be impossible without activity-based sampling. Ultimately this will be a policy management decision."

*AHERA stands for Asbestos Hazard Emergency Response Act and refers to one method of counting asbestos fibers in a given sample of dust.

Note: Bayview Hunters Point residents repeatedly called on the EPA and the Health Department to conduct activity-based sampling, which is more statistically representative of actual human exposure to asbestos fibers. The EPA and the Health Department never complied with this request.

Department of Public Health Email Excerpts: Asbestos Exposure Cover-Up

01/19/2007

From: David Rizzolo, Department of Public Health

To: Amy Brownell

Cc: Rajiv Batia

Subject: Re:Fwd: worst case exposure assumption

"there may be other problems with reanalyzing worker exposure samples by TEM. you would have to get the okay from Gordon Ball. the big problem i see is that measurements that were low by PCM often turn out to be very high when reanalyzed by TEM. this is not a problem with OSHA because OSHA does not recognize TEM measurements. however, explaining to workers what this new information means for them can be a problem (pandora's box). that may be a bigger problem in reality than the one were are trying to address.

"in general, i see that in trying to put together a case to argue that exposure was "low," were are legitimizing the allegations. it seems to me that the available facts are on our side, so we should stay away from trying to create more data. more data might not help us. we can talk more about this directly."

*note: TEM stands for "Transmission Electron Microscopy" and PCM stands for "Phase Contrast Microscopy." Both are methods used in microscopes to count the asbestos fibers.

The SLAM Coalition of Bayview Hunters Point Community Organizations
Greenaction for Health and the Environment 703 Market St, Suite 501, San Francisco, CA 94102
Advocates for Environmental Human Rights. 650 Poydras Street, Suite 2523, New Orleans, Louisiana 70130

**Emails Show Criminal Conspiracy by EPA, Region 9 and San Francisco Health Department Officials to Cover-up Dangers of the Lennar Corp.'s Development Project at the Hunters Point Naval Shipyard
*Officials Suppress Data Showing Asbestos Exposures in the Bayview Hunters Point Community***



Mark Ripperda, EPA Region 9
Remedial Project Manager



Amy Brownell, Environmental Engineer
San Francisco Department of Public Health

March 21, 2011

Since 2006 when heavy grading and excavation began by the Lennar Corporation at the Hunters Point Shipyard, residents of the Bayview Hunters Point, a majority African American, Samoan and Latino low-income community, suffered from health problems including nose bleeds, rashes and headaches that they believed were caused by asbestos and heavy metals being unearthed from these actions. Residents complained en masse to the EPA, the San Francisco Health Department, and other federal, state, and local environmental and health agencies demanding testing of the community and regulatory enforcement.

However, little did residents know that officials in the Environmental Protection Agency, Region 9 and the San Francisco Department of Public Health were conspiring with the Lennar Corporation to conceal the health threats of asbestos laden dust.

Email correspondence obtained through a public records request now reveal that Mark Ripperda, EPA Region 9 Remedial Project Manager of the Hunters Point Naval Shipyard, and Amy Brownell, Environmental Engineer at the San Francisco Department of Public Health, used their offices to manipulate environmental data and create false reports in support of the Lennar Corporation's plan for a major redevelopment project on the shipyard site. Their numerous emails to employees and consultants of the Lennar Corporation show a concerted effort to conceal asbestos exposures in order to avoid the shut-down of redevelopment activities. Additional email correspondence indicates a conspiracy to create a justification for the Lennar Corporation's redevelopment project to move forward. See excerpts of emails below.

EPA Email Excerpts: Asbestos Exposure Cover-Up

May 14, 2009 3:37 pm

From: Mark Ripperda, EPA Region 9

To: Jeff Austin, Lennar Corp. Employee

"Hi, Jeff, as you've probably heard, the NOI [Nation of Islam] is now beating on our door about asbestos."

June 24, 2009 10:00 am

From: Mark Ripperda, EPA Region 9

To: Rob Balas, Principal of Iris Environmental, Inc., Consultant to the Lennar Corp.

RE: Asbestos data flow chart call – 6/22

"we would like to take Lennar up on their offer to analyze the additional 8 samples from Lennar monitors so that we can do 16 filters from the City. This will also help lower the 'worst case risk' by including more samples with lower counts."

Environmental Impact Report ("FEIR") in June 2010. The Project contains all of the property in the Parcel A by the Navy. The MMRP contains mitigation measures that address potential hazardous materials impacts associated with the Project. It is the intent of the Board to create a process for the Department of Public Health to enforce in the portion of the Project certain hazardous materials mitigation measures identified in the FEIR through this

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3101. DEFINITIONS.

In addition to the general definitions applicable to this Code, whenever used in this , the following terms shall have the meanings set forth below:

- (a) "Applicant" means a person applying for any of the following authorizations for subsurface activities on portions of the subject to this Ordinance:
- (1) For property determined by the applicable ROD to be suitable for unrestricted residential use (i) any building or grading permit that involves the disturbance of at least 50 cubic yards (38.23m³) of soil; (ii) any permit pursuant to the Public Works Code that involves the disturbance of at least 50 cubic yards (38.23m³) of soil; (iii) any improvement plan pursuant to Division 3 of the Subdivision Code that involves the disturbance of at least 50 cubic yards (38.23m³) of soil; (iv) any permit to operate or approval to close an underground tank, pursuant to Sections 1120 and 1120.1 of the Health Code that involves the disturbance of at least 50 cubic yards (38.23m³) of soil; (v) any well construction, modification, operation or maintenance permit pursuant to 12B of the Health Code; or (vi) any permit that involves demolition of structures with lead-based paint.
- (2) For property which is subject to a deed restriction or covenant containing an environmental restriction requiring a durable cover or engineered cap (i) any building or grading permit that involves the disturbance of soil; (ii) any permit pursuant to the Public Works Code that involves the disturbance of soil; (iii) any improvement plan pursuant to Division 3 of the Subdivision Code that involves the disturbance of soil; (iv) any permit to operate or approval to close an underground tank, pursuant to Sections 1120 and 1120.1 of the Health Code that involves the disturbance of soil; or (v) any well construction or destruction permit pursuant to 12B of the Health Code.
- (3) Notwithstanding the preceding subdivisions, an Applicant does not include a person applying for a permit for the sole purpose of conducting environmental characterization.
- (b) "Director" means the Director of the San Francisco Department of Public Health or the Director's designee.
- (c) "GIS" is a geographic information system, computer-based system containing site-specific environmental information.
- (d) "HPS parcels" or "HPS parcels" mean that area of the City and County of San Francisco shown on Map - Figure 1, which is maintained for public distribution by the Director. A copy of said figure is on file with the Clerk of the Board of Supervisors in File No. 100575.
- (e) "Improvement Plan" means an improvement plan as required under the Subdivision Map Act, California Government Code Sections 66410 et seq.
- (f) "Parcel A" means that area of the City and County of San Francisco shown on Map - Figure 1, which is maintained for public distribution by the Director. A copy of said figure is on file with the Clerk of the Board of Supervisors in File No. 100575.
- (g) "Prescribed Subsurface Activity Area" means the specific location and horizontal and vertical extend of the proposed disturbance, excavation, grading or other subsurface activity defined using coordinates compatible with the GIS to the extent feasible.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; amended by Ord. 113-05, File No. 050547, App. 6/10/2005; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3102. APPLICABILITY OF

- (a) Applicants must comply with this . The Department of Public Works (for any permit or improvement plan subject to this), the Department of Building Inspections (for building and grading permits) and the Department of Health (for underground tank permits and approvals and water well permits) shall inform the Director whenever a permit or improvement plan application is submitted for and shall refer Applicants to the Director. The Director shall determine the applicability of this to the permit application or improvement plan and shall implement and enforce the provisions of this . If the Director determines that a permit or improvement plan is subject to the provisions of this , the permit or improvement application shall not be deemed complete until the Applicant has complied with the requirements of this or shall be conditioned upon compliance with this as specified herein.
- (b) Any person that obtains environmental sampling data shall submit that data to the Director in a form acceptable to the Director.
- (c) Prior to applying for a permit or improvement plan any person that desires to comply with this ordinance may enter into a voluntary agreement with the Director. The voluntary agreement shall be signed as to form by the City Attorney and shall require the person to comply with the substantive requirements of this and any regulations adopted by the Director; require payment of fees; and provide for Director notification to the relevant department that the person has complied with this .
- (d) Compliance with this does not relieve any person of compliance with any applicable federal, state, regional or local law, and does not take the place of compliance with any requirement of any regulatory agency that has jurisdiction to enforce any legal requirement that this is intended to address.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3103. REPORTS BY DIRECTOR.

The Director shall monitor compliance with this and provide an annual summary of compliance with this to the Board of Supervisors.

(Added by Ord. 303-04, File No. 041541, App. 12/24/2004; Ord. 204-10, File No. 100575, App. 8/3/2010)

SEC. 3104. GENERAL WELFARE; NON-ASSUMPTION OF LIABILITY.

The degree of protection required by this is considered to be reasonable for regulatory purposes. This shall not create liability on the part of the City, or any of its officers or employees for any damages that result from reliance on this or any administrative decision lawfully made in accordance with this . All persons handling hazardous materials within the City should be and are advised to determine to their own satisfaction the level of protection desirable to ensure no unauthorized release of hazardous materials.

In undertaking to require Applicants to comply with this , the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on itself or on its officers and employees, any obligation for breach of which it is liable for money damages to any person who claims that such breach proximately caused injury.

Ahimsa Porter Sumchai, M.D., NSCA-CPT

ARTICLE 31: HUNTERS POINT SHIPYARD

236 West Portal Avenue, # 563

San Francisco, California 94127-1423

(415) 835-4763

Ahimsa.Sumchai@ucsf.edu

<u>Sec. 3100.</u>	
<u>Sec. 3101.</u>	Definitions.
<u>Sec. 3102.</u>	Applicability of
<u>Sec. 3103.</u>	Reports by Director.
<u>Sec. 3104.</u>	General Welfare; Non-Assumption of Liability.
<u>Sec. 3105.</u>	Construction on City Property.
<u>Sec. 3106.</u>	Former Landfill Disposal Areas.
<u>Sec. 3107.</u>	Rules and Regulations.
<u>Sec. 3108.</u>	Fees.
<u>Sec. 3109.</u>	Violations.
<u>Sec. 3110.</u>	Enforcement Actions.
<u>Sec. 3111.</u>	Reserved.
<u>Sec. 3112.</u>	Remedies Not Exclusive.
<u>Sec. 3113.</u>	Institutional Controls.
<u>Sec. 3114.</u>	Site Evaluation and Site Mitigation for Unrestricted Residential Property.
<u>Sec. 3115.</u>	HPS Property With a Durable Cover Requirement.
<u>Sec. 3116.</u>	Severability.

SEC. 3100.

Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. This ordinance is designed to protect human health and safety and the environment at the former Shipyard during and after development and to facilitate redevelopment as envisioned in the Shipyard Redevelopment Plan, which the Board of Supervisors adopted in 1997 and amended in 2010, and its Environmental Impact Reports.

B. The United States designated the Shipyard as a U.S. Naval Shipyard in 1945. The United States Environmental Protection Agency (EPA) placed the Shipyard on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1989. The U.S. Navy ("Navy") has divided the site into parcels for purposes of remediation.

C. The Navy issued a CERCLA Record of Decision (ROD) for Parcel A which was approved by the EPA, the California Department of Toxic Substances Control (DTSC), and the San Francisco Bay Region Regional Water Quality Control Board (RWQCB) in November 1995. The ROD concluded that "no action" was needed to clean up Parcel A. Effective April 5, 1999, EPA removed Parcel A from the National Priorities List after EPA and the State of California found that all appropriate responses under CERCLA had been implemented, that no further cleanup is appropriate for Parcel A and that the remedial actions conducted on Parcel A remain protective of public health, welfare, and the environment.

D. On September 1, 2004, the Navy issued a draft final Finding of Suitability to Transfer (FOST) for Parcel A. On September 30th and October 6th and 7th 2004, respectively, the EPA, DTSC and the RWQCB concurred with the Navy's FOST. The Navy signed the FOST on October 14, 2004. The FOST for Parcel A contains requirements for certain notices, restrictions and covenants to be included in the deed for Parcel A. These notices, restrictions and covenants are also referred to as "institutional controls" and are binding on all successive owners of any portion of Parcel A.

E. On December 3, 2004, the Navy transferred portions of Parcel A to the San Francisco Redevelopment Agency.

F. The Navy issued a CERCLA ROD Amendment for Parcel B in January 2009, a ROD for Parcel D-1 in September 2009, a ROD for Parcel G in February 2009, a ROD for Parcel UC-1 in August 2009 and a ROD for Parcel UC-2 in December 2009. The EPA, DTSC and the RWQCB approved these RODs. The RODs concluded that additional action was needed for the parcels to be protective of public health, welfare, and the environment in light of the redevelopment plans for the site. The Navy is preparing a ROD for Parcel C and issued a Draft Proposed Plan in January 2009. The Navy issued a Draft Final No Further Action ROD for Parcel D-2 in January 2009. The Navy completed a Draft Final Remedial Investigation Report for Parcel E in February 2008 and a Draft Feasibility Study in July 2009. The Navy issued a Draft Final Remedial Investigation Feasibility Study (RI/FS) for Parcel E-2 in February 2009 and a Draft Final Radiological Addendum to the RI/FS in March 2010. The Navy issued the Final Feasibility Study for Parcel F in April 2008.

G. In addition to Parcel A, which the Navy already transferred to the San Francisco Redevelopment Agency ("Agency"), it is anticipated that the Navy will offer the remaining parcels for transfer to the Agency in accordance with a Conveyance Agreement between the Agency and the Navy. Prior to transfer of any parcel, the Navy will issue a draft final FOST or a draft final Finding of Suitability for Early Transfer (FOSET) for the parcel. If the Navy issues a FOST, the Conveyance Agreement requires the Navy to obtain the concurrence of the EPA, DTSC, and RWQCB in the final FOST before it offers the parcel to the Agency. If the Navy issues a FOSET, CERCLA requires the Navy to obtain the approval of EPA and the concurrence of the Governor of California which will be based on input from DTSC and the RWQCB. A FOST or FOSET may require the deeds for the property to include certain environmental notices, restrictions or covenants, also referred to as "institutional controls" that will be binding on all successive owners of the transferred property to which such notices, restrictions or covenants apply. The Navy also is expected to enter into a Covenant to Restrict Use of Property (CRUP) with DTSC, which will be binding on subsequent owners and will provide for DTSC enforcement of the covenants, restrictions or conditions to which the property is subject. A Land Use Control Remedial Design (LUC RD) for each parcel will lay out the inspection and reporting requirements for the institutional controls and activity and land use restrictions. For property that transfers via a FOSET, the EPA and the Agency and possibly subsequent private developers, will be required to enter into an Administrative Order on Consent (AOC), also approved by state environmental regulatory agencies, which will detail the required corrective or cleanup actions and restricted activities associated with the property covered by the AOC and provide for EPA enforcement of its terms. Additionally, the Navy and the Agency will enter into an Early Transfer Cooperative Agreement (ETCA), which will provide for the Agency in cause to be performed certain environmental remediation activities to facilitate redevelopment in exchange for funding of such activities by the Navy.

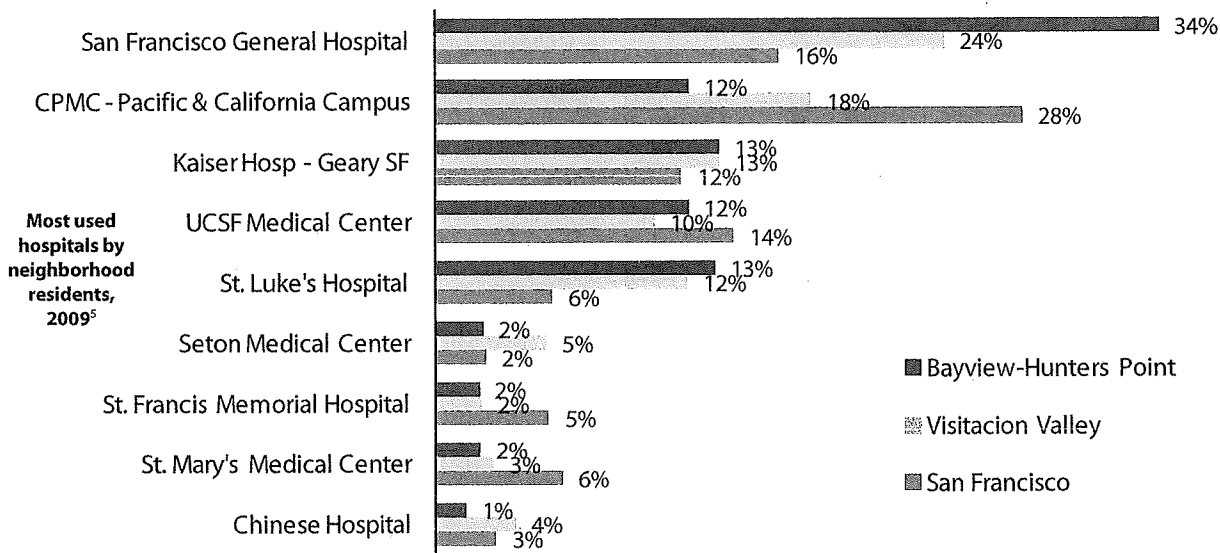
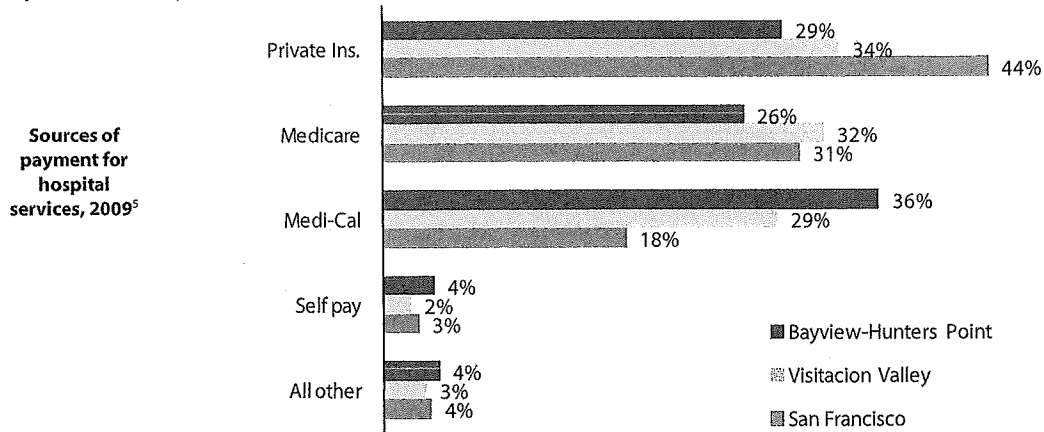
H. The Board of Supervisors by Resolution 347-10, adopted CEQA findings, including a mitigation monitoring and reporting program ("MMRP") for the Candlestick Phase II Development Plan Project ("Project"), for which the Agency and Planning Commissions certified a Final

**TABLE 3-4
 SCHOOLS LOCATED WITHIN A 1-MILE RADIUS OF HPS**

School	Address and Telephone No.	Age Range (Years)	Program Times	No. of Children in Program
Bret Harte Elementary School	11035 Gilman Avenue (415) 330-1520	5 to 10	8:40 – 2:20	350
Bret Harte Pre-K to 5 th Grade	950 Hollister Avenue (415) 330-1545	3 to 9	7:00 – 6:00	215
Burnett Nursery & School-Age	1520 Oakdale Avenue (415) 695-5660	3 to 10	3-5 years full day 1-5th Half day	Pre-K: 48 K to 5th: 136
Caheed Infant Daycare	1030 Oakdale Avenue (415) 821-1300	0 to 3	Full day	35 (licensed for 45)
Dr. Charles R. Drew Elementary	59 Pomona Street (415) 330-1526	5 to 10	K; 8:35 – 1:45 1-5; 8:35 – 2:40	260 Pre-K; summer
Frandelja Enrichment Center	950 Gilman Avenue (415) 822-1699	6 weeks to 4 years, 9 months	6:30 – 6:00	70
George Washington Carver Elementary	1360 Oakdale Avenue (415) 330-1540	4 years, 9 months, to 10 years	8:20 – 2:40	320 - 340
Gloria R. Davis Middle School	1195 Hudson Avenue (415) 695-5390	11 to 14	10:00 – 7:00	182
Bayview Beacon (Gloria R. Davis Middle School)	1195 Hudson Avenue (415) 695-5416	6 to 18	7:30 – 4:30 9:00 – 3:00 (summer only)	90
Head Start	125 W. Point Road (415) 824-4686	3 to 5	Full Day	30
Ideal Daycare	1523 La Salle Avenue (415) 821-7269	Newborn to 10	7:00 – 5:30	14
Karen's Family Day Care	1547 Innes Avenue (415) 282-7383	0 to 5	Full day	6
Lucy Harber Academy	1744 Palou Avenue (415) 826-2194	2.5 to 12	7:00 – 6:00	12
Malcolm X Academy	350 Harbor Road (415) 695-5950	5 to 12	7:45 – 6:00	300 – day 120 -after school
Martin Luther King Child Care	200 Cashmere Street (415) 821-7000	2.5 to 8	7 – 5:30	63
Kipp Bayview Academy	1060 Key Avenue (415) 467-2522	9 to 10	7:45 – 5:00	86

Healthcare Resources Used in Your Neighborhood

+ **96.5** Percentage of San Franciscans ages 0-64 who either have health insurance or are enrolled in Healthy San Francisco (FY2008-2009).⁴



Primary care health centers located in 94134 (2010)⁵

Center Name	# Patients Seen	# Services Provided	% Public Ins. (not incl. co indigent)	% County Indigent	% Free	% Private Ins./Cash
North East Medical Services – San Bruno Ave.	8,650	26,184	44.3%	0.0%	0.0%	55.7%
North East Medical Services – Leland Ave.	2,325	4,841	43.7%	0.0%	0.1%	56.2%

Note: OSHPD does not identify primary care clinics in 94124.

Other primary care health centers located in 94124 and 94134

Center Name	Zip Code
Bayview Child Health Center	94124
Coleman Medical Center	94124
Silver Avenue Family Health Center	94134
Southeast Health Center	94124

In 2009, 3% of charity care applications were from District 10 residents (Bayview Hunters Point, Potrero Hill and Visitacion Valley), compared to a citywide district average of 8%.⁶

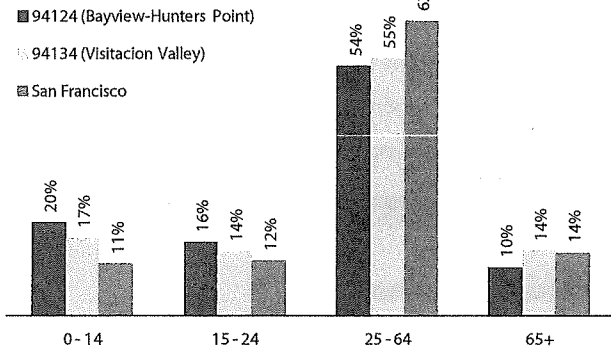
Your Neighborhood at a Glance: Bayview-Hunters Point and Visitacion Valley



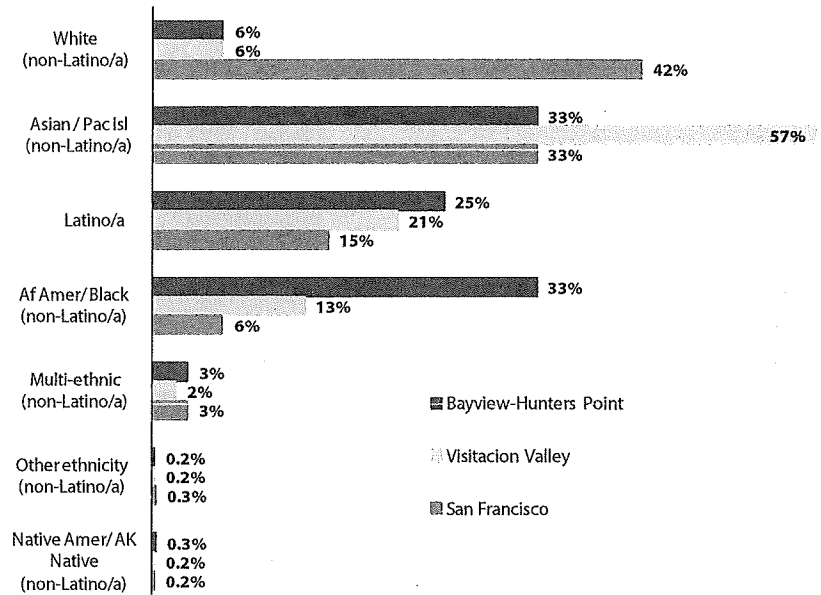
The following data represent your neighborhood areas and are presented here to help you consider assets and challenges related to *accessing needed health services in your neighborhood*. These data primarily describe zip codes 94124 (Bayview-Hunters Point) and 94134 (Visitacion Valley).

Your Neighborhood Characteristics

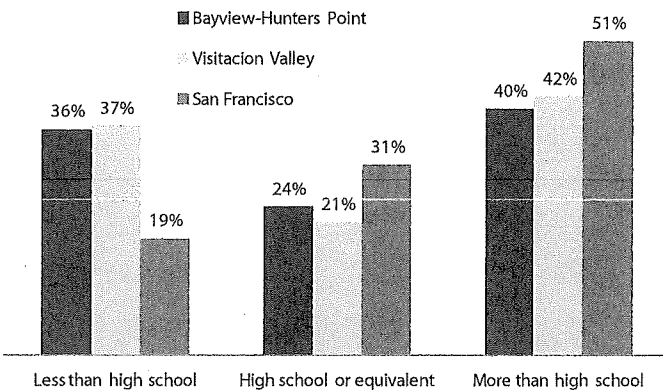
Population by age, 2010¹



Population by race/ethnicity, 2010²

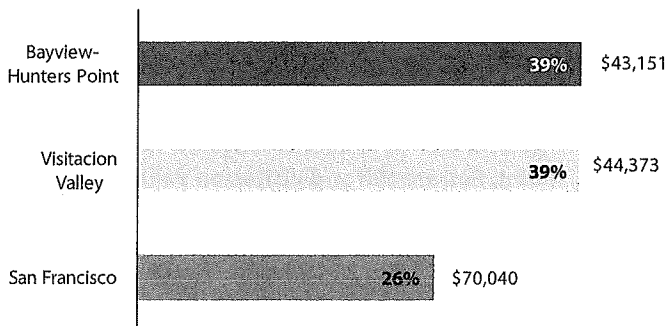


Highest level of education attained, 2000¹

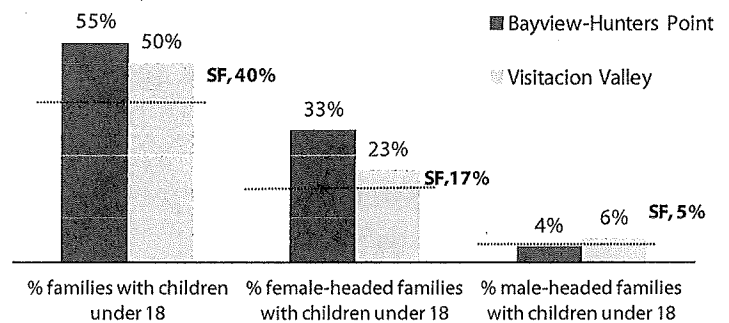


Languages spoken at home, population over 5 years, 2000 ¹	Bayview-Hunters Point (94124) (n=30,658)	Visitacion Valley (94134) (n=37,761)	San Francisco (n=745,560)
English only	56%	31%	54%
Chinese	17%	33%	18%
Spanish	16%	17%	12%
Tagalog	2%	10%	4%
Vietnamese	2%	3%	1%

Population living below 200% of the Census poverty threshold and median HH income, 2005-09²



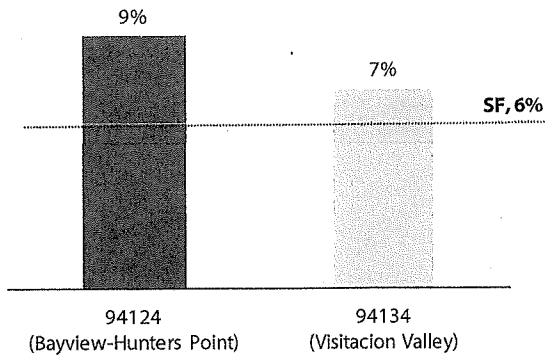
Family structure, 2000²



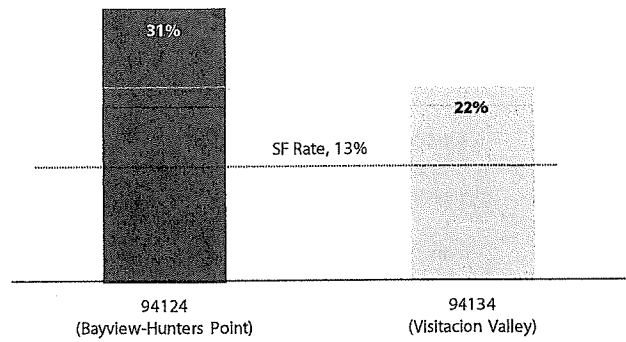
In 2011 unemployment in San Francisco was 9 percent compared to 4 percent in 2007.³

Health Status, continued

Low Birth Weight Babies, 2010⁸

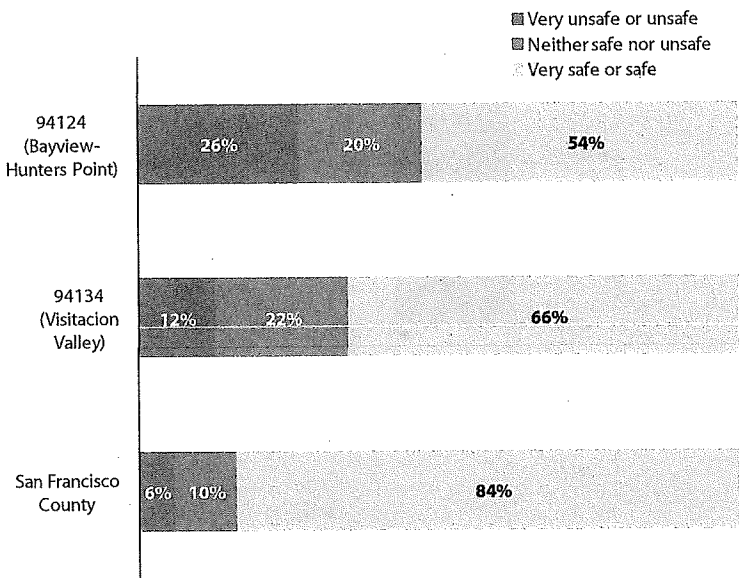


Percent of mothers who receive NO prenatal care in the first trimester, 2009⁹

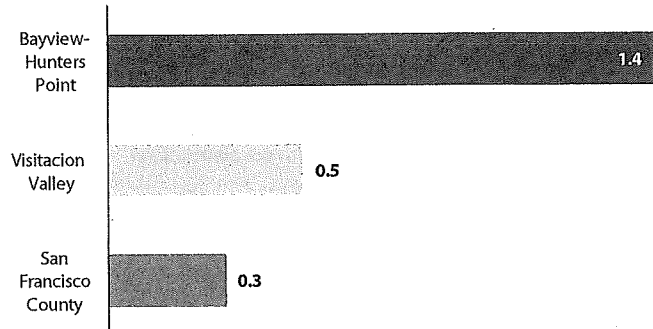


Safety in Your Neighborhood

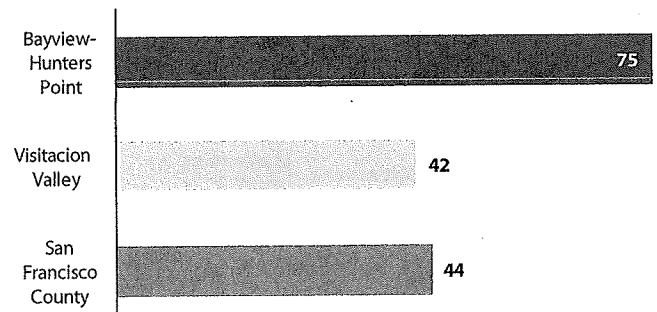
Residents' perceived safety during day (2011)¹¹



Homicides per 1,000 (2005-2007)²



Physical assaults per 1,000 (2005-2007)²

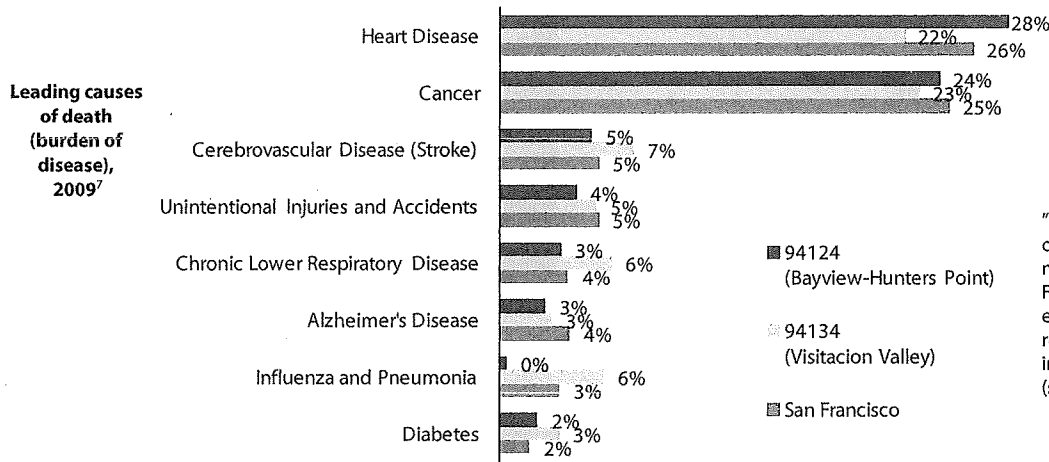


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3. US Bureau of Labor Statistics
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5. Office of Statewide Health Planning and Development, Healthcare Information Division
6. San Francisco Department of Public Health, Charity Care Report Fiscal Year 2009
7. California Department of Public Health, Death Profiles by ZIP Code
8. California Department of Public Health, Birth Profiles by ZIP Code
9. San Francisco Department of Public Health, Maternal, Child and Adolescent Health
10. California Health Interview Survey (CHIS), CHIS 2009, Adult Public Use File, UCLA Center for Health Policy Research
11. San Francisco City Survey 2011, CCSF Controller's Office

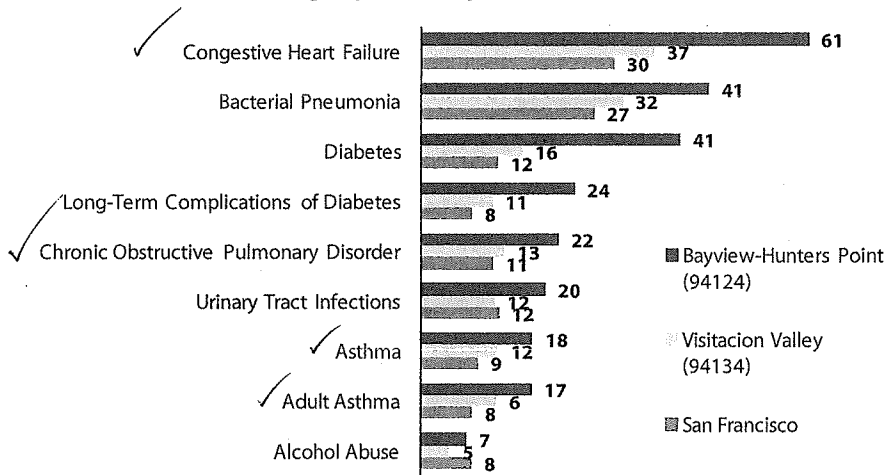
Prepared by harder+company community research for the San Francisco Department of Public Health, Health Care Services Master Plan Community Meeting held on March 27, 2012.

Health Status in Your Neighborhood, *continued*

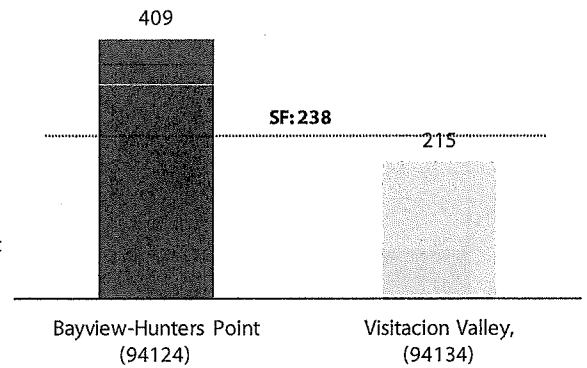


"Other Causes" account for an average of 21% of deaths in these neighborhoods and 24% in San Francisco. These causes may include essential hypertension & hypertensive renal disease, violence/trauma, AIDS, infections, intentional self harm (suicide), and other unspecified causes.

Leading hospitalizations per 10,000, 2009⁴

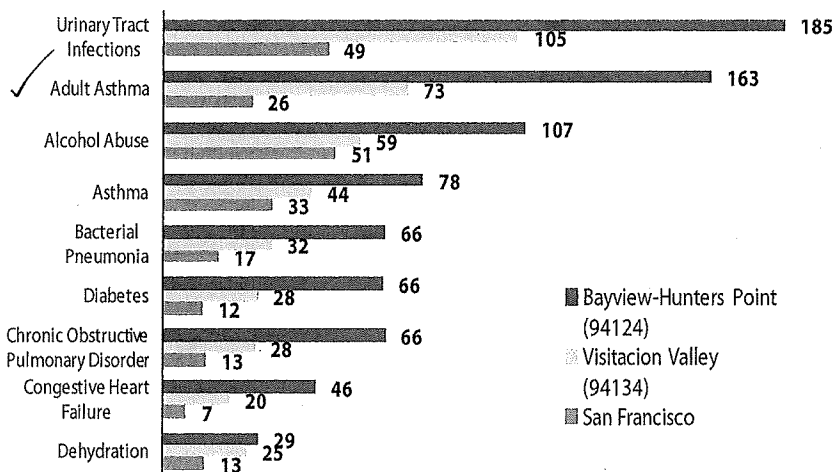


Preventable emergency room visits per 10,000, 2009⁴

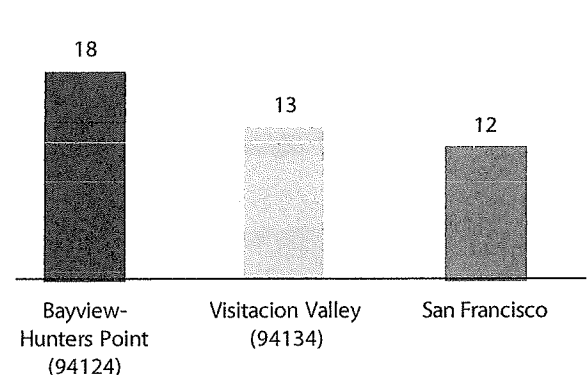


Conditions for preventable ER visits include primary care services such as pregnancy, eye exams as well as bacterial infections. Individuals and families without access to primary care services often seek treatment in emergency rooms.

Leading emergency room visits per 10,000, 2009⁴



Pediatric asthma hospitalizations per 10,000, 2009⁴



Bayview - 94124

Demographics

Population	33,170
Male %	47.8 %
Female %	52.2 %
Ethnicity %	
White	5.4 %
African American	47.2 %
Latino/Hispanic	16.7 %
Asian American/ Pacific Islander	27.6 %
Native American	0.3 %
Other or Multiple Ethnicity	2.9 %
Households	9,296
Families	7,113
% Population by Age	
Percent 0-4 yr	7.1 %
Percent 5-19 yr	26.3 %
Percent 65 plus yr	10.4 %
Unmarried Partners %	
Male-Male	0.9 %
Female-Female	0.5 %
Male-Female	4.0 %

Socio-Economic

Median household Income	37,146
% Below Poverty	21.7 %
Percent < \$ 20,000	30.1 %
Percent > \$ 60,000	32.6 %
Percent less than high school education	36.5 %
Linguistically isolated %	27.6 %
By language %	
Spanish	36.2 %
Asian and Pacific Islander	48.0 %
Other Indo European	9.7 %
Other	6.1 %

Health and Hospitalization

Disabilities (% of population in each age group)

Percent sensory disability	
5-15 yr	.9 %
16-64 yr	2.5 %
64 plus	14.9 %
Percent physical disability	
5-15 yr	2.2 %
16-64 yr	7.9 %
64 plus	35.1 %
Percent mental disability	
5-15 yr	5.2 %
16-64 yr	5.0 %
64 plus	15.8 %

Percent self care disability

5-15 yr	1.6 %
16-64 yr	2.6 %
64 plus	15.5 %

Leading causes of hospitalizations (City rank)

1 Liveborn	
2 Pneumonia	
3 Congestive heart failure (6)	
4 Skin and subcutaneous tissue infections (3)	
5 Trauma to perineum & vulva (5)	

Ambulatory hospitalizations

Adult and pediatric asthma	
Age adjusted/100,000	851.2
Rank	1
Rate Ratio	6.4 %
Adult uncontrolled diabetes (short and long term complications)	
Age adjusted/100,000	1,177.5
Rank	1
Rate Ratio	12.4 %
Adult chronic obstructive pulmonary disease	
Age adjusted/100,000	899.5
Rank	3
Rate Ratio	6.1 %
Adult congestive heart failure	
Age adjusted/100,000	2,316.7
Rank	1
Rate Ratio	3.8 %
Adult and pediatric bacterial pneumonia	
Age adjusted / 100,000	1,615.0
Rank	2
Rate Ratio	3.2 %
Adult and pediatric urinary tract infections	
Age adjusted / 100,000	568.1
Rank	1
Rate Ratio	4.2 %

Other

% of Occupied Housing units in each zip code	
Lack complete plumbing	1.0 %
S.F. (Range)	2.1 % (0.2-9.8)
Lacking phone service	2.7 %
S.F. (Range)	1.7 % (0.1-11.1)

*Rate Ratio= Ratio of this area's rate to the lowest rate of any SF zip area for this condition.

TABLE 25.0
Total Years of Life Lost (YLL), Average YLL and Deaths by Gender,
Bayview (94124) 2000-2001

BAYVIEW - 94124				
2000 and 2001	Total Years of Expected Life Lost	Avg. Years of Life Lost per Death	Male Deaths	Female Deaths
1. Violence	1403	54.0	22	4
2. Ischemic Heart Disease	1297	13.8	39	55
3. Cerebrovascular Disease	821	16.1	24	27
4. Other Cancers	700	25.0	15	13
5. Lung, Trachea, Bronchial Cancer	580	19.3	17	13
6. Hypertension-Heart Disease	509	18.9	17	10
7. Low Birth Weight	495	82.5	4	2
8. Other Cardiovascular Disease	414	18.0	10	13
9. HIV	367	33.4	7	4
10. Poisonings	363	40.3	4	5

proposals to the City and County of San Francisco Department of the Environment and the State Biomonitoring Project to investigate the presence of persistent organic pollutants in breast milk of nursing mothers in Bayview Hunters Point.

We also aided the principle investigators of the "Tooth Fairy" study designed to detect the presence of radionuclides in baby teeth of children in Bayview Hunters Point conducted by Leuren Moret, formerly of Lawrence Berkeley Laboratories in California.

The major focus of the investigation will maximize lead screening, pulmonary function testing, radiographic screening and toxicological studies of childhood populations attending schools within a 1 mile radius of a federal Superfund site.

Simultaneous room air testing will be conducted by graduate students working under the supervision of Dr. Peter Palmer of the San Francisco State University Chemistry Department.

Human Subjects Research approval and approval of the San Francisco Board of Education and the designated principals of the participating schools is prerequisite to the success of the investigation.

Toxicological testing will be conducted on a case by case basis based upon medical examinations, history and survey findings and will include mercury, arsenic, nickel, chromium and volatile organic compounds.



Bay View Health and Environmental Science Editor Dr. Ahimsa Porter Sumchai can be reached at (415) 835-4763 or asumchai@sfbayview.com.

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In 2007 San Francisco Public Health Director Mitchell Katz, M.D., distributed an unsigned and undated “Fact sheet about construction dust from the Parcel A Hunters Point Shipyard development” in which he stated, “Air quality in the neighborhood near the shipyard is better than other parts of the neighborhood and the city and many portions of the State of California.”

The DPH website documents over 150 exceedences to shutdown level in toxic asbestos-containing dust at the Lennar Parcel A construction site at the Hunters Point Shipyard. The California Department of Public Health documents in a letter dated Sept. 10, 2007, that asbestos levels at the Lennar site exceeded the level that triggers an immediate determination of the adequacy of dust mitigation measures 166 out of 200 days or 83 percent of the time.

Yet another example is the potential for lead toxicity among children exposed to lead based paint in World War II era housing projects in southeastern San Francisco. Large populations of children who fail in school and perform poorly on standardized IQ tests exhibit signs and symptoms of lead encephalopathy, including hyperactivity, learning disorders and fine motor dysfunction with blood lead levels greater than 25 ug/dl. They should be presumed to be exposed to toxic levels of lead.

Despite documented concerns raised by the Environmental Protection Agency and the Department of Public Health about the presence of lead based paint (LBP) in the Hunters Point Shipyard Parcel A Finding of Suitability to Transfer (FOST), the exposure of school children to soils generated by the continued grading activities at the Lennar site has not prompted a focused lead screening program from the DPH as required under Article 31 of the Health and Safety Code.

According to the Parcel A FOST, “The Navy sampled for LBP around former military housing units and a water tank on Parcel A in 1997. However, five years have elapsed since that sampling and there is the possibility that there has been additional flaking of paint and a potential for LBP releases to the soil of Parcel A.” The Navy recommended: “Upon transfer and demolition, sampling and possibly abatement must be conducted for LBP. This may be performed by the transferee.”

In 2002 a study called “The Body Burden” found dangerously high levels of toxic compounds in body fluids of participants who volunteered to be tested. Biomonitoring is research that measures the levels of chemicals in our bodies by analyzing samples of blood, tissue, urine and breast milk.

In 2003 a network of public health, faith, labor and environmental health groups known as the California Body Burden campaign championed legislation to make California establish a biomonitoring program. That year state Sen. Deborah Ortiz, D-Sacramento, introduced legislation to create The Healthy California Biomonitoring Program, SB 689. In 2008 meetings were conducted in Oakland on the implementation of the California Biomonitoring Program.

In March 2009, a partnership of community scientists and university researchers submitted applications to the National Institute of Environmental Health Sciences’ new umbrella program, “Partnerships for Environmental Public Health.” The PEPH program offers funding opportunities to support research, outreach and educational activities to prevent, reduce or eliminate environmental exposures that may lead to adverse outcomes in communities.

On March 1, 2009, the Community First Coalition Collaborative submitted a letter of intent to the NIEHS PEPH program in line with its call for “Research to Action: Assessing and Addressing Community Exposures to Environmental Contaminants.” This funding opportunity solicits research applications designed to bring together community members and environmental and occupational health researchers to investigate the potential health risks of environmental and occupational exposures that are of concern to the community.

The investigative team of the Community First Coalition submitted research proposals beginning in the year 2000 to advance biomonitoring of human tissues and body fluids including proposals to test for urinary benzene metabolites in school children exposed to room air benzene at levels the EPA determined to be carcinogenic. Additionally, with the assistance of Dr. Kim Hooper of the State of California Toxic Laboratories, we submitted

cardiopulmonary diseases, cancers, neurological, behavioral and immune disease mortality rates.

The answer to an epidemiological conundrum can be solved by longitudinal study of occurrence of a disease over time and in community exposure research that draws on the science of biomonitoring to establish cause and effect relationships between toxins and disease detection and disease expression among members of the exposed community.

In June of 1997 Dr. Kevin Grumbach from the University of California at San Francisco of the San Francisco Department of Public Health analyzed records from 1991 and 1992 hospitalization rates for asthma, emphysema and congestive heart failure in Bayview Hunters Point, 10,000 compared to a statewide average of 37 per 10,000.

Rates for hospitalization and premature death for children were found to be markedly higher in Bayview Hunters Point in the 1997 study. Grumbach and Aragon noted BVHP contained four times as many toxins as any other city neighborhood, had 700 hazardous waste material facilities, 325 underground petroleum storage tanks and two Superfund sites, including the Hunters Point Naval Shipyard.

In 2004 the Environmental Health Section of the Department of Public Health documented an astronomical increase in hospitalization rates for adult and pediatric asthma, emphysema and congestive heart failure in Bayview Hunters Point, ranging from 500 to 2,317 cases per 100,000!

Additionally, the California Office of Statewide Health Planning and Development analyzed hospital discharge data from 1999-2000 for adult and pediatric asthma and found an incidence of 851 per 100,000 in Bayview Hunters Point, the highest rate in San Francisco.

According to data from the Bay Area Air Quality Management District included in the document, "Environmental Impact on the Community: Air Pollution in Bayview Hunters Point," the 94124 zip code ranks in the 80th percentile for particulates, carbon monoxide, nitrogen oxides and volatile organic compounds. It ranks in the 90th percentile for sulfur dioxide."

The U.S. EPA Office of Air and Radiation's pamphlet, "Particle Pollution and Your Health," identifies particulate matter as a mixture of microscopic solids and liquid droplets suspended in air. Particulate matter is made of a number of components including acids, organic chemicals, metals, soil or dust particles and allergens.

According to the BAAQMD's air quality report card titled "State of the Air 2007," particle pollution from grading and construction projects is a mix of very tiny solid and liquid particles called particulates. Short term exposure to particles can, within hours or days, aggravate lung disease, cause asthma attacks and acute bronchitis and may increase susceptibility to respiratory infections. In people with heart disease, short term exposures have been linked to heart attacks and arrhythmias.

Clearly cardiopulmonary diseases, chronic disease hospitalization rates and infant mortality rates have shown an astounding increase in Bayview Hunters Point over the last decade. Cigarette smoking alone, particularly among African Americans, does not explain this steep increase despite "smoke screen" efforts to assign the increase to smoking habits perpetrated by the San Francisco Department of Public Health.

Smoking among Latinos is low in comparison to smoking among African Americans, yet the incidence of childhood asthma in Black and Latino households in Bayview Hunters Point is nearly the same. If smoking were causing the high incidence of childhood asthma, then the incidence of smoking in Blacks and Latinos would be the same.

Infant mortality rates in Bayview Hunters Point were found to be increased for women of all ethnic groups according to a 2004 investigation by the San Francisco Chronicle. For African American women, infant mortality rates in Bayview Hunters Point increased from 12.5 per 1,000 live births in 1995 to their present levels of over 15 per 1,000 live births.

San Francisco Bay View » The chicken or the egg?

Bay View

National Black Newspaper



THE GAME HAS CHANGED

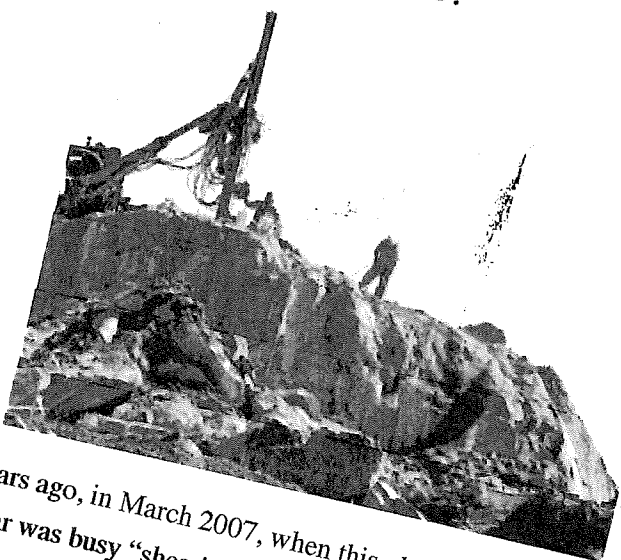
chicken or the egg?

, 2009

Community scientists partner with research institutes for \$2 million in NIEH funding for community exposure research

by *Porter Sumchai, M.D.*

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“Biomonitoring is the next logical, critical step to take in addressing threats to public health. Deborah Ortiz, D-Sacramento, author of the Biomonitoring Program, SB689

“Due to the presence of lead-based paint on Parcel A, interim use of these structures prior to demolition is prohibited. The transition responsible for managing all lead based paint hazards in compliance with the Residential Lead-Based Paint Hazard Reduction Act of 1991, Section 4852d (Title X).” – Parcel A Draft Finding of Suitability to Transfer, Revised 24, 2002

A conundrum is a riddle, a puzzle whose answer is often a pun. One of the most often quoted scientific conundrums is “Which came first, the chicken or the egg?”

In environmental public health research, this conundrum is most evident in epidemiologic studies that question whether an increased incidence of asthma, leukemia, and other diseases in a community is the result of it happening first

years ago, in March 2007, when this photo was taken, the neighborhood was busy “shearing off the top of the hill,” the article reported. Lennar cut 35 feet off a once beautiful hillside in this massive excavation process that has been ongoing in the neighborhood with toxic dust for three years. These apparently unprotected workers are drilling holes in the rock that is laden with asbestos. – Photo: Paul Chinn, SF Chronicle

...noticed or documented more?
...Hunters Point, this epidemiological conundrum has been documented in heightened rates among African American women and diseases linked to toxic exposures, including...

Toronto; Frances Silverman, University of Toronto; Diane K. Gold, Harvard Medical School; Greg Wellenius, Beth Israel Deaconess Medical Center, Boston; Murray A. Mittleman, Beth Israel; Sanjay Rajagopalan, Ohio State University, Columbus, Ohio; and Jeffrey R. Brook, Gage Occupational and Environmental Health Unit, Toronto.

Funding: U.S. Environmental Protection Agency, the National Institutes of Health General Clinical Research Center, and the Natural Resources Canada and Air Quality Health Effects Research Section.

Reference: Hypertension, Vol. 54, Issue 3, Sept. 1, 2009

<http://hyper.ahajournals.org/cgi/search?journalcode=hypertensionaha&fulltext=Robert+D.+Brook>

Resources:

What's today's air quality?

<http://airnow.gov/index.cfm?action=airnow.national>

U-M Cardiovascular Center

<http://www.med.umich.edu/cvc/>

SOURCE University of Michigan Health System

Shantell M. Kirkendoll, smkirk@umich.edu, or Nicole Fawcett, nfawcett@umich.edu, both of University of Michigan Health System, +1-734-764-2220

Association.

Nearly one in three Americans suffer from hypertension, a significant health problem that can lead to heart attack, heart failure, stroke, and other life-threatening problems.

"Although this increase in diastolic blood pressure may pose little health risk to healthy people, in people with underlying coronary artery disease this small increase may actually be able to trigger a heart attack or stroke," says Robert D. Brook, M.D., lead author and vascular medicine physician at the U-M Cardiovascular Center.

In the study, researchers hoped to identify which air pollutants are harmful and how the pollutants work to damage the cardiovascular system.

Eighty-three people in Ann Arbor and Toronto were involved in testing and breathed air pollution, concentrated by a mobile air quality research facility, that was similar to what would be found in an urban environment near a roadway.

"We looked at their blood vessels and then their responses before and after breathing high levels of air pollution," explains Robert Bard, M.S., overall research project manager.

Ozone gases, a well-known component of air pollution, were not the biggest culprit. Rather, small microscopic particles about a 10th of the diameter of a human hair caused the rise in blood pressure and impaired blood vessel function, tests showed. The blood pressure increase was rapid and occurred within two hours, while the impairment in blood vessel function occurred later but lasted as long as 24 hours.

It's believed these fine particles deposit deep into the lungs and certain components may gain entrance to the blood stream, or cause an inflammatory response throughout the body. There is also evidence that functions in the body's nervous system are also disrupted.

The research is the latest in the relatively new field of Environmental Cardiology which looks at the association between air pollution and heart disease. Brook says that at the very least the findings support efforts to maintain current ambient air quality standards set by the Environmental Protection Agency.

"It really bolsters and strengthens the importance of maintaining air quality for human health," says Brook.

There are practical ways to avoid exposure to high levels of air pollution, such as avoiding unnecessary travel or commutes and not exercising during rush hour, or near busy roadways, Brook says. In modern society, the burning of fossil fuels is the primary source for air pollution.

"If air pollution levels are forecasted to be high, those with heart disease, diabetes or lung disease should avoid unnecessary outdoor activity," he says.

Additional authors: Bruce Urch, University of Toronto; J. Timothy Dvorchak, University of Michigan; Robert L. Bard, University of Michigan; Mary Speck, Gage Occupational and Environmental Health Unit, Toronto; Gerald Keeler, University of Michigan; Masako Morishita, University of Michigan; Frank J. Marsik, University of Michigan; Ali S. Kamal, University of Michigan; Niko Kaciroti, University of Michigan; Jack Harkema, School of Veterinary Medicine, Michigan State University, East Lansing, Mich.; Paul Corey, University of Toronto; Frances Silverman, University of Toronto; Diana B. Gold, Harvard

From: **Ahimsa Porter Sumchai MD** ahimsaportersumchaimd@comcast.net
Subject: Inhaling a Heart Attack: How Air Pollution Can Cause Heart Disease
Date: May 11, 2018 at 3:42 PM
To: cbloggy@gmail.com, Ahimsa Porter Sumchai asumchai@gmail.com



----- Original Message -----

From: "Ahimsa Porter Sumchai M.D." <asumchai@sfbayview.com>
To: asumchai@live.com
Date: November 25, 2009 at 10:53 AM
Subject: Inhaling a Heart Attack: How Air Pollution Can Cause Heart Disease

Ahimsa Porter Sumchai, M.D.

----- Original Message -----

From: Roland Sheppard roland.sheppard@yahoo.com
To: undisclosed recipients ;
Sent: Tue 08/09/09 4:18 PM
Subject: Fwd: Fw: Inhaling a Heart Attack: How Air Pollution Can Cause Heart Disease

--- On Tue, 9/8/09, Jim Henle wrote:

From: Jim Henle
Subject: Inhaling a Heart Attack: How Air Pollution Can Cause Heart Disease
To: "Roland Sheppard"
Date: Tuesday, September 8, 2009, 9:10 PM

FYI

<http://www.reuters.com/article/pressRelease/idUS129768+08-Sep-2009+PRN20090908>

Inhaling a Heart Attack: How Air Pollution Can Cause Heart Disease

Tue Sep 8, 2009 8:10am EDT

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University of Michigan tests show short-term exposure to fine particle air pollution can drive up high blood pressure, raise risk of heart attack

ANN ARBOR, Mich., Sept. 8 /PRNewswire-USNewswire/ -- It's well known that measures such as exercise, a healthy diet and not smoking can help reduce high blood pressure, but researchers at the University of Michigan Health System have determined the very air we breathe can be an invisible catalyst to heart disease.

Inhaling air pollution over just two hours caused a significant increase in diastolic blood pressure, the lower number on blood pressure readings, according to new U-M research.

The study findings appear in the current issue of Hypertension, a publication of the American Heart

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families
Commissioners Eric Mar and Kim-Shree Maufas

FURTHER BE IT RESOLVED: That the Board of Education of the San Francisco Unified School District hereby urges the City and County of San Francisco to make available to the public and to the San Francisco Unified School District, the results of any independent analysis including the recently completed analysis by the Centers for Disease Control (CDC) and the Environmental Protection Agency (EPA), as well as any concerns raised through these studies of environmental issues at this site, and

BE IT FURTHER RESOLVED: That the Board of Education requests that the Superintendent and staff of the San Francisco Unified School District work with the City to draft an agreement that would require the City and County to notify and consult with the San Francisco Unified School District regarding any major construction in proximity to SFUSD school sites.

OLD LANGUAGE STRICKEN OUT. NEW LANGUAGE IN BOLD.

9/25/07

3. Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing.
4. Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short-and long-term benefits and time thresholds should be considered when making decisions.
5. Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. (City of San Francisco, Precautionary Principle Ordinance, Section 101, August 2003,

THEREFORE BE IT RESOLVED: That the Board of Education of the San Francisco Unified School District believes that the Precautionary Principle as adopted by the City and County of San Francisco requires ~~them the Mayor Gavin Newsom, the Redevelopment Agency, Department of Public Health, Board of Supervisors, and other agencies accountable to our communities~~ to take "anticipatory action" to prevent harm and through exploration and careful analysis of courses of action in order to present the least threat to the students, families and staff of the schools in the vicinity of the Hunters Point development; and

BE IT FURTHER RESOLVED: That the Board of Education of the San Francisco Unified School District calls on the ~~City Mayor, Board of Supervisors, Redevelopment Agency, Department of Public Health and other relevant City agencies~~ to require an immediate halt of Lennar Corporation's development of Parcel A in the Hunter's Point Shipyard until an immediate and independent health and safety assessment can be conducted in ~~coordination~~ **cooperation** with the Superintendent and the School District's School Health Programs Office and relevant community organizations and City task forces like the SF Asthma Task Force; and

~~**BE IT FURTHER RESOLVED:** That the Board directs the Superintendent to coordinate with City officials to ensure the health of our students and their families in the affected area and report back to the full Board with an environmental safety action plan and timelines to ensure the safety of our students and their families no later than the Board's October 23rd meeting.~~

WHEREAS: Numerous studies have documented that Bayview Hunter's Point and other communities in Southeast San Francisco are overburdened with the cumulative impacts of a multitude of environmental health threats that impact the health and well-being of children and other residents who are overwhelmingly African American and other people of color. These impacts include exposure to toxic air pollution, carcinogens, and other inorganic substances from industrial facilities, power plants, sewage treatment and solid and hazardous waste facilities and diesel particulate from trucks, trains and other vehicles. Additionally, these impacted children and residents are more vulnerable to environmental toxics due to their limited access to quality health care and healthy foods and other social and cultural factors. And, this disproportionate impact has a damaging effect on our students academic achievement and opportunities for success in school and in their lives; and

WHEREAS: San Francisco public schools such as Malcolm X Academy, George Washington Carver, Bret Harte, and Dr. Charles Drew College Prep Academy, other schools, childcare centers, and playgrounds are in the immediate vicinity of the Lennar development site; and

WHEREAS: Three African American employees of Lennar Corporation filed a whistle blower lawsuit in SF Superior Court on March 16, 2007, alleging that they suffered retaliation after reporting asbestos dust exposure and racial discrimination and that the company failed to contain asbestos dust while drilling into the Shipyard site, endangering the local community, including the school children of the neighboring Muslim University; and

WHEREAS: The World Health Organization reports that there is no evidence for a threshold for the carcinogenic effect of asbestos and that increased cancer risks have been observed in populations exposed to very low levels of asbestos; However, there are tests for lead, chromium, radon, arsenic, etc., which are toxic chemicals that are present in the dirt on the affected site; and

WHEREAS: The 'Precautionary Principle' has been adopted by a growing number of cities, including San Francisco, as well as the Los Angeles Unified School District, as a proactive approach to promote the safest, lowest risk approach to protecting people's health, the environment, and property; and

WHEREAS: The Precautionary Principle as adopted by the City and County of San Francisco includes the following "essential elements":

1. Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.
2. Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.

Subject: Resolution No. 79-25A1

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families

- Commissioners Eric Mar and Kim-Shree Maufas

WHEREAS: Patterns of environmental racism, inequity and injustice exist within San Francisco, where schools in communities like Bayview Hunters Point bear the brunt of environmental health problems; and

WHEREAS: Since October 2006, when a young worker blew the whistle on Lennar Corporation's Hunters Point Naval Shipyard development, large numbers of students, teachers, educators, workers, and families of the Bayview Hunters Point area have been voicing their concerns about the construction-related dust at the Hunters Point Shipyard site and the dangerous health impact that the dust and toxics in it, including asbestos, heavy metals and other inorganics, are having on our SFUSD students, staff and members of the community; and

WHEREAS: Lennar Corporation is a Florida-based Fortune 500 company which reportedly had revenues of \$16.3 billion in 2006 from development projects throughout the country like the 1500-unit condominium development planned for Hunters Point; and

WHEREAS: Lennar Bayview Hunters Point LLC was involved in large scale grading that reportedly caused untold amounts of toxic dust and Asbestos Structures to migrate over its boundary and into areas where children and families live, work and play; and

WHEREAS: In response to these health dangers and concerns, a broad grassroots coalition of Bayview Hunters Point and social justice community organizations has been demanding a temporary stoppage in Lennar Corporation's construction so that an independent health assessment can be conducted; and

WHEREAS: There has been a history of problems with implementing the City's dust-mitigation plan since the soil grading and disposal process began that has included: an absence of air monitoring for the first four months of the project during heavy grading; malfunctioning air monitors; a Notice of Violation from the Air Quality Management District; and when the monitors started working, routine exceedances of the agreed-upon allowance of asbestos prevalence in the air – 16,000 structures per cubic meter [SF Department of Health Regulations, Article 31] including 9 exceedances in June alone; and very poor communication of these exceedances to adjacent neighbors; and

policy.

Sec. 103. LIST OF ALL ENVIRONMENTAL ORDINANCES AND RESOLUTIONS.

The Director of the Department of the Environment shall produce and maintain a list of all City and County of San Francisco ordinances and resolutions which affect or relate to the environment and shall post this list on the Department of the Environment's website.

Sec. 104. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

The Board of Supervisors encourages all City employees and officials to take the precautionary principle into consideration and evaluate alternatives when taking actions that could impact health and the environment, especially where those actions could pose threats of serious harm or irreversible damage. This ordinance does not impose specific duties upon any City employee or official to take specific actions. In adopting and undertaking the enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury nor may this ordinance provide any basis for any other judicial relief including, but not limited to a writ of mandamus or an injunction. In adopting this Chapter, the Board of Supervisors does not intend to authorize or require the disclosure to the public of any proprietary information protected under the laws of the State of California.

SF Environment • 415-355-3700 • environment@sfgov.org • 11 Grove Street, San Francisco, CA 94102

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SF Environment

SF Precautionary Principle Ordinance

Chapter 1 Precautionary Principle Policy Statement

Sec. 100. FINDINGS.

The Board of Supervisors finds and declares that:

- A. Every San Franciscan has an equal right to a healthy and safe environment. This requires that our air, water, earth, and food be of a sufficiently high standard that individuals and communities can live healthy, fulfilling, and dignified lives. The duty to enhance, protect and preserve San Francisco's environment rests on the shoulders of government, residents, citizen groups and businesses alike.
- B. Historically, environmentally harmful activities have only been stopped after they have manifested extreme environmental degradation or exposed people to harm. In the case of DDT, lead, and asbestos, for instance, regulatory action took place only after disaster had struck. The delay between first knowledge of harm and appropriate action to deal with it can be measured in human lives cut short.
- C. San Francisco is a leader in making choices based on the least environmentally harmful alternatives, thereby challenging traditional assumptions about risk management. Numerous City ordinances including: the Integrated Pest Management Ordinance, the Resource Efficient Building Ordinance, the Healthy Air Ordinance, the Resource Conservation Ordinance, and the Environmentally Preferable Purchasing Ordinance apply a precautionary approach to specific City purchases and activities. Internationally, this model is called the Precautionary Principle.
- D. As the City consolidates existing environmental laws into a single Environment Code, and builds a framework for new legislation, the City sees the Precautionary Principle approach as its policy framework to develop laws for a healthier and more just San Francisco. By doing so, the City will create and maintain a healthy, viable Bay Area environment for current and future generations, and will become a model of sustainability.
- E. Science and technology are creating new solutions to prevent or mitigate environmental problems. However, science is also creating new compounds and chemicals that are already finding their way into mother's milk and causing other new problems. New legislation may be required to address these situations, and the Precautionary Principle is intended as a tool to help promote environmentally healthy alternatives while weeding out the negative and often unintended consequences of new technologies.
- F. A central element of the precautionary approach is the careful assessment of available alternatives using the best available science. An alternatives assessment examines a broad range of options in order to present the public with different effects of different options considering short-term versus long-term effects or costs, and evaluating and comparing the adverse or potentially adverse effects of each option, noting options with fewer potential hazards. This process allows fundamental questions to be asked: "Is this potentially hazardous activity necessary?" "What less hazardous options are available?" and "How little damage is possible?"
- G. The alternatives assessment is also a public process because, locally or internationally, the public bears the ecological and health consequences of environmental decisions. A government's course of action is necessarily enriched by broadly based public participation when a full range of alternatives is considered based on input from diverse individuals and groups. The public should be able to determine the range of specific reasonable alternatives to be examined. For each alternative the public should consider both immediate and long-term consequences, as well as possible impacts to the local economy. H. This form of open decision-making is in line with San Francisco's historic Sunshine Act, which allows citizens to have full view of the legislative

process. One of the goals of the Precautionary Principle is to include citizens as equal partners in decisions affecting their environment.

- H. San Francisco looks forward to the time when the City's power is generated from renewable sources, when all our waste is recycled, when our vehicles produce only potable water as emissions, when the Bay is free from toxins, and the oceans are free from pollutants. The Precautionary Principle provides a means to help us attain these goals as we evaluate future laws and policies in such areas as transportation, construction, land use, planning, water, energy, health care, recreation, purchasing, and public expenditure.
- I. Transforming our society to realize these goals and achieving a society living respectfully within the bounds of nature will take a behavioral as well as technological revolution. The Precautionary approach to decision-making will help San Francisco speed this process of change by moving beyond finding cures for environmental ills to preventing the ills before they can do harm.

Sec. 101. THE SAN FRANCISCO PRECAUTIONARY PRINCIPLE.

The following shall constitute the City and County of San Francisco's Precautionary Principle policy. All officers, boards, commissions, and departments of the City and County shall implement the Precautionary Principle in conducting the City and County's affairs:

The Precautionary Principle requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the City's natural systems. Public participation and an open and transparent decision making process are critical to finding and selecting alternatives.

Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the City to postpone cost effective measures to prevent the degradation of the environment or protect the health of its citizens. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research, but will not prevent protective action being taken by the City. As new scientific data become available, the City will review its decisions and make adjustments when warranted.

Where there are reasonable grounds for concern, the precautionary approach to decision-making is meant to help reduce harm by triggering a process to select the least potential threat. The essential elements of the Precautionary Principle approach to decision-making include:

1. Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.
2. Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.
3. Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing.
4. Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short-and long-term benefits and time thresholds should be considered when making decisions.
5. Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information.

Sec. 102. THREE YEAR REVIEW.

No later than three years from the effective date of this ordinance, and after a public hearing, the Commission on the Environment shall submit a report to the Board of Supervisors on the effectiveness of the Precautionary Principle

fraudulent collection of the samples. Roberson died at the 2012 conclusion of the TetraTech Investigation which documented residual levels of Radium 226 at post remediation soil sites fraudulently cleared as clean soil. Additionally, the New York Environmental Law and Consumer Protection firm Weitz and Luxemberg are representing a Parcel A worker named Christopher Carpenter who faces imminent death from a Peripheral T cell Lymphoma he believes is the result of his unprotected exposure, from 2005 to 2006, to numerous residual toxins present in Parcel A soils as documented in the 1994 Parcel A Record of Decision. Carpenter is African American and a review of literature identifies only 6 cases of PTCL in Blacks - all 6 occurred in the West Indies.

I have submitted formal complaint to California Governor Jerry Brown and President Barack Obama, charging the San Francisco Board of Supervisors with dereliction and abdication of duty, legal abandonment and gross negligence in its failure to respond to 3 separate electronic communications of documentation offering irrefutable evidence of worker, community and environmental dangers present in the activities of the San Francisco Bay Area Regional Center and development activities at the Federal Superfund site by US Navy Contractors including Tetra Tech and Gordon Ball.

The failure to respond as legally mandated, given the transfer of this property to the CCSF, is factored by the political influence of elected and former elected officials complicit in and financially benefitting from the dangerous development of the Federal Superfund site, most notably former Mayor Brown, Congresswoman Nancy Pelosi and Senator Dianne Feinstein and her husband financier Richard Blum.

I strongly urge the Department of Homeland Security to investigate the activities of the San Francisco Bay Area Regional Center as a matter of life and death.

Ahimsa Porter Sumchai, MD
AHIMSA PORTER SUMCHAI MD

funded development

activities at the San Francisco Bay Area Regional Center- A Federal Superfund Site

To the Honorable Jeh Johnson,

As a former Research Consultant for the Palo Alto Veterans Administration RR&D, Attending Physician for the VAH Persian Gulf, Agent Orange, Ionizing Radiation Registry, Physician Specialist San Francisco Department of Public Health and Founding Chair of the Radiological Subcommittee of the Hunters Point Shipyard Restoration Advisory Board, I am submitting formal complaint to the Department of Homeland Security citing the San Francisco Bay Area Regional Center - an EB-5 funded program with dangerous and suspicious activities that threaten worker and neighborhood safety and compromise the integrity of San Francisco city government.

Under separate cover, I am submitting formal complaint and documentation supporting on-going dangers at a land parcel on a Federal Superfund site at the decommissioned Hunters Point Naval Shipyard transferred to the City and County of San Francisco in December 2004 for residential development.

The development activities were the focus of intensive State and Federal investigations in 2009 and are the focus of a series of local and regional news investigations documenting former Mayor Willie Brown Jr. to be a principal owner of the San Francisco Bay Area Regional Center which sells \$500,000 Green Cards to Chinese Nationals to fund the dangerous residential development occurring on the site.

Under separate cover I will be transmitting electronic documentation of dangerously high asbestos levels at the site this month, a 2012 Tetra Tech, Inc. investigation documenting 2,500 fraudulent soil samples collected in a four year interval from 2008 to 2012 at 20 radiation impacted survey sites immediately adjacent to the residential development site, radiation safety officers submitting 30 complaints of gross negligence and non-compliance with state and federal regulator standards to the NRC, the suspicious death of a field worker Ray Roberson directly implicated through chain of custody documents in the

From: Ahimsa Porter Sumchai MD AhimsaPorterSumchaiMD@comcast.net
Subject: Fwd: FORMAL COMPLAINT submitted to Homeland Security Secretary regarding Human Health and Safety Dangers at EB-5 funded San Francisco Bay Area Regional Center
Date: April 21, 2018 at 6:55 PM
To: Ahimsa Porter Sumchai MD NSCA-CPT asumchai@icloud.com asumchai@gmail.com



Ahimsa Porter Sumchai MD
Golden State MD Health & Wellness
Sent from my iPhone

Begin forwarded message:

From: David Anton <davidantonlaw@gmail.com>
Date: February 16, 2018 at 10:29:49 AM PST
To: Ahimsa Porter Sumchai MD <ahimsaportersumchaimd@comcast.net>
Subject: Re: FORMAL COMPLAINT submitted to Homeland Security Secretary regarding Human Health and Safety Dangers at EB-5 funded San Francisco Bay Area Regional Center

Ahimsa:

His name is Christopher Carpenter based on this email you sent. Not Robinson.

David Anton

On Fri, Feb 16, 2018 at 9:31 AM, Ahimsa Porter Sumchai MD <ahimsaportersumchaimd@comcast.net> wrote:

----- Original Message -----

From: Ahimsa Porter Sumchai MD <ahimsaportersumchaimd@comcast.net>
To: croi@dhs.gov
Cc: Ahimsa Porter Sumchai <ahimsaportersumchaimd@comcast.net>, Ahimsa Porter Sumchai <asumchai@gmail.com>
Date: February 22, 2015 at 2:38 PM
Subject: FORMAL COMPLAINT submitted to Homeland Security Secretary regarding Human Health and Safety Dangers at EB-5 funded San Francisco Bay Area Regional Center

AHIMSA PORTER SUMCHAI, MD
Sports Medicine and Alternative Therapies
236 West Portal Avenue, #563
San Francisco, California
94127-1423
(415) 859-5471
AhimsaPorterSumchaiMD@Comcast.net

To: Honorable Jeh Johnson
2/22/15
Homeland Security Secretary
Washington, D.C.
20528

Re: Formal Complaint - Dangers to Human Health and Safety and Dereliction and Abdication of Duty, Legal Abandonment and Gross Negligence in oversight of EB-5

1 residential reuse, as envisioned in the Parcel A ROD. For Parcel B, the City will hold the Navy
2 to the standard contained in the Parcel B ROD, which is cleanup to a level of 1×10^{-6} excess
3 cancer risk, even though regulators could relax that standard. She said that the City recognizes
4 that the Navy has experienced difficulties in trying to carry out the Parcel B ROD, and will work
5 with the Navy to try and resolve those problems. Ms. Warren said a ROD Amendment that is
6 open to public input is preferable to trying to work around the edges of the Parcel B ROD.

7 In whole, the conveyance agreement is seen by the City "as a very positive document. To
8 discourage the Navy from intentionally slowing the cleanup process, the conveyance agreement
9 sets deadlines for cleanup as well as establishing incentives. The conveyance agreement does not
10 require the City to accept property that is not cleaned up nor is the conveyance agreement an
11 "early transfer". The Navy remains responsible for the property even after transfer to the City,
12 which is consistent with CERCLA law.

13 Ms. Warren concluded her presentation by quickly outlining the conveyance process. Once the
14 Navy offers a parcel to the City, the redevelopment agency has either 60 days (in the case of
15 Parcel A) or 30 days (for the other parcels) to determine whether the Navy has met the
16 requirements contained in the conveyance agreement. Assuming they've met the requirements,
17 the agency will notify the Navy of the concurrence and the process concludes 120 days after the
18 initial notice.

19 Ms. Pendergrass opened the floor for questions. Mr. Manual asked if the Navy has agreed to
20 adhere to Proposition P. Mr. Forman replied that the Navy has not agreed to that, however the
21 conveyance agreement incorporates the principles of Proposition P. Ms. Warren clarified that
22 when the Board of Supervisors endorsed Proposition P, they said it called for the highest
23 standards of cleanup that was practical to achieve. The conveyance agreement incorporates that
24 concept by establishing cleanup standards that will allow the redevelopment plan to be
25 implemented.

26 Kevyn Lutton, RAB member, asked for clarification on why the Mayor was called to
27 Washington D.C. Ms. Warren replied that new Navy management, who had not been involved
28 with the original negotiations, expressed some concerns about the conveyance agreement and
29 asked for a meeting to discuss their reservations.

30 A third break called at 8:58 P.M. Ms. Pendergrass called the meeting back to order at 9:04 P.M.

31 Georgia Oliva, RAB member, asked for clarification on a comment Mr. Forman made earlier in
32 the evening in reference to potential lead-based paint and asbestos cleanup at Building 322 being
33 the responsibility of the developer while in contrast Ms. Warren said the Navy is ultimately
34 responsible for cleaning up the property prior to transfer, per the conveyance agreement. Pat
35 Brooks, Navy Lead Remedial Project Manager (RPM), replied that lead-based paint and asbestos
36 remediation will be the responsibility of the new developer when it is demolished. Any
37 radiological contamination, if found, will be cleaned up by the Navy. Ms. Warren added that
38 they are in agreement with the Navy since lead-based paint and asbestos are not covered under
39 CERCLA.

40 Mr. Tompkins asked if adjacent properties will be considered in the event of a property transfer.
41 Ms. Warren replied that the conveyance agreement include assurances that the parcel is safe for
42 the intended use and also requires looking at whether there are any possibilities of contamination
43 from adjacent uses. Mr. Tompkins asked for further clarification, while Mr. Brown made a
44 motion that the RAB approve a resolution calling for a full environmental review of the entire
45 Shipyard as RAB's response to the conveyance agreement. Ms. Pendergrass called the motion
46 and the motion carried.

1 Keith Tisdell, RAB member, made a motion that the Navy, regulators, and the RAB have a
2 special meeting to discuss these issues. He stipulated that the questions should be prepared and
3 distributed to everybody ahead of time. Lengthy discussion ensued about the date, time, and
4 format of such a meeting, and it was decided by show of hands that the meeting should take
5 place at 10:00 A.M., on Saturday, May 1st, at the Milton Meyers Gym. Ms. Pendergrass said that
6 questions should be directed to the Community Co-Chair, Mr. Brown.

7 **City of San Francisco/Navy Conveyance Agreement**

8 Elaine Warren, City of San Francisco, introduced herself and thanked the RAB for staying late to
9 hear her presentation. She began by saying the City is very pleased to have reached the point that
10 is has with the conveyance agreement, and thanked some members of the RAB for their
11 involvement.

12 Ms. Warren said she wanted to begin by dispelling some confusion surrounding the conveyance
13 agreement and reassured the RAB that it does not transfer property nor is the City bound to
14 accept property from the Navy if it is still dirty. She said that it spells-out a process for the
15 transfers of property in accordance with the rules in the conveyance agreement. She said her
16 presentation will explain the process of how the conveyance agreement was made with the Navy.
17 Also contained in the conveyance agreement are the principles of Proposition P.

18 Ms. Warren said the work on the conveyance agreement essentially started in 1991 when
19 Congresswoman Pelosi sponsored special legislation that allowed the Navy to transfer the
20 property to the City at no cost. Ms. Warren said the no-cost feature is an important component of
21 the conveyance agreement. She said there were a series of non-binding agreements that were
22 worked out with various San Francisco mayors and the Navy. In 1997 the Board of Supervisors
23 adopted the redevelopment plan, and at that time it was realized that there was a need to
24 incorporate the redevelopment plan into the transfer agreement with the Navy. That led to a
25 Memorandum of Agreement (MOA) with the Navy in 2000 which, Ms. Warren said, was
26 instrumental in setting the framework for the conveyance agreement. Ms. Warren said one of the
27 key principles of the conveyance agreement is that it establishes environmental conditions for the
28 transfer of the property. It does not replace the CERCLA process but it established that there are
29 certain conditions the Navy needs to meet in order for the City to accept the property.

30 The conveyance agreement negotiations began in January 2002 and continued through March
31 2004. During that time, it was thoroughly reviewed by numerous people on the RAB, was
32 approved by the CAC, and also went to lawmakers in Washington D.C. for their approval.

33 Ms. Warren explained some of the details of the conveyance agreement, again stressing that it
34 does not transfer any property. She said it provides for the Navy to offer the property to the
35 Redevelopment Agency as each parcel is cleaned up to a level acceptable to the City. The Navy
36 will offer a parcel only after the regulators (US EPA, Department of Toxic Substances Control
37 [DTSC], and the Regional Water Quality Control Board [RWQCB]) have agreed that the cleanup
38 is consistent with the redevelopment plan. The conveyance agreement also creates a partnership
39 for achieving property transfer by expressly recognizing the importance of the RAB. In the
40 agreement, the Navy pledges to continue to support the RAB and continue its functions and
41 operations. Ms. Warren said the agreement also provides that the City can inspect the property
42 and conduct its own due diligence to check on the conditions of the property before accepting
43 transfer. These agreements provide a closer working relationship between the City and the Navy
44 to try and move the cleanup process forward.

45 Ms. Warren also explained that the property conditions are different for different parcels. For
46 example, on Parcel A the cleanup standard the Navy needs to achieve is defined as unrestricted

1 interpretation of the human health risk assessment report for Parcel A is wrong. She said the risk
2 assessment minimized its impact not because the PRGs were lowered but because some of the
3 chemicals of potential concern (arsenic, lead, cobalt, chromium, and nickel) that initially drove
4 the high cancer risk and adverse health effects were removed after being designated as having a
5 Hunters Point Ambient Level (HPAL). Dr. Sumchai said a great deal of uncertainty and
6 controversy went into calculating the HPALs. For example, nickel is abundant in the earth's
7 crust however according to the medical establishment, the highest sources of nickel in the
8 environment comes from the combustion of fuel oil. Dr. Sumchai suggested that the nickel at the
9 Shipyard might be ambient or it might be the result of the 610,000 gallons of fuel oil that was
10 burned in Operation Crossroads. This and other examples she presented raises the question of
11 whether or not levels of chemical contaminants present at the Shipyard, particularly those present
12 at levels above the HPALs, are truly ambient.

13 Dr. Sumchai concluded her presentation by stating that Parcel A is not suitable for transfer. She
14 cited seven subparcels within Parcel A that have a ECP classification of 4 to 7. Also, she said the
15 Navy has failed to conduct radiological investigation of the storm drain and sanitary sewer
16 systems on Parcel A even though the Historical Radiological Assessment (HRA) established that
17 basewide, the storm drains are considered an impacted area. Dr. Sumchai also said that black
18 beauty sandblast grit was discovered in two sites at IR-59 JAI. She said radiological analyses
19 were not done on either of those sites. She asserted that IR-59 JAI is essentially a MARSSIM-
20 Class 1 (Multi-agency Radiological Survey and Site Investigation Manual) radiologically
21 impacted area. Dr. Sumchai also suggested that regulators should consider the documented
22 history of numerous fires that have occurred on Parcel A, and that it should be considered as an
23 imminent risk and threat to human lives and property.

24 Ms. Pendergrass opened the floor for questions from the RAB. Mr. Tompkins made a motion to
25 extend the RAB meeting to allow more time for questions and answers. The motion was
26 approved by the RAB.

27 Mr. Manual thanked Dr. Sumchai for her presentation. He asked the regulators present at the
28 meeting whether or not the CERCLA process was being circumvented, as suggested in the
29 presentation, and whether or not a full assessment will be conducted for Parcel A. Mr. Work
30 replied that the EPA is currently reviewing the Parcel A remedial decision but has not identified
31 anything that would cause them to reopen a CERCLA decision for Parcel A. Mr. Forman added
32 that there are two reports that make up the assessment for Parcel A – the ROD and the FOST.
33 The FOST documents the CERCLA and some non-CERCLA issues which make up the
34 comprehensive review that is required prior to transfer.

35 In the way of action items or recommendations, Dr. Sumchai requested that the EPA look into
36 the issues she raised in the conclusion of her presentation. Mr. Forman replied that the Navy
37 would look into the issues and report back to the RAB. Mr. Forman indicated that he felt
38 Dr. Sumchai was confused on some facets of environmental assessments. Mr. Tompkins
39 objected to Mr. Forman's remark. Lani Asher, RAB member, agreed with Mr. Tompkins.

40 Ms. Pierce said that the transfer of Parcel A should not proceed until the issue of ambient levels
41 of contamination is resolved. Mr. Forman said he could give a presentation on the development
42 and formulation of HPALs. Ms. Pierce replied that a presentation is unsatisfactory. She said that
43 discussions should resume since the RAB and the regulators agree that the calculation of the
44 ambient levels is in disagreement with the Navy's definitions. She made a motion that no transfer
45 take place until the definitions are clarified and an agreement is reached. The motion was
46 seconded and carried.

47 A second break called at 8:08 P.M. Ms. Pendergrass called the meeting back to order at 8:18 P.M.

1 community and 57 vendors. Presentations were made with the goal of discussing subcontracting
2 opportunities.

3 Mr. Gelsinger said that earlier today, a training session workshop was held for local Bayview,
4 truckers. He said the goal is to try and standardize the requirements for the invoicing and
5 proposal process. Mr. Gelsinger also said that the subcommittee will provide 8-hour
6 HAZWOPER training twice next month.

7 Mr. Gelsinger concluded his report with some economic figures. In Fiscal Year (FY) 2003, the
8 Navy spent \$38 million on the Shipyard and \$700k locally. Since starting FY'04, the Navy has
9 spent \$28 million on the Shipyard, with \$2.5 million locally on trucking and an additional \$144k
10 to local businesses. Mr. Gelsinger also said compared to 39 local hires in FY'03, thus far 28 local
11 hires have been made with an additional 69 expected through the remainder of the year.

12 Mr. Campbell said the next meeting of the subcommittee will be at 2:30 P.M., May 4th, at the
13 Anna Waden Library.

14 Ad-Hoc Radiological Subcommittee (Ahimsa Sumchai, Leader)

15 There was no report from the subcommittee.

16 The Radiological Subcommittee will meet at 3:00 P.M. on May 26th, at the Greenhouse, located
17 at 4919 Third Street, at Palou.

18 Parcel A ROD and Related Documents

19 Dr. Sumchai introduced herself and said the topic of her presentation is the Parcel A Record of
20 Decision (ROD) and supporting documents, as well as focusing on some of the health and legal
21 aspects of the proposed transfer of Parcel A. There were no handouts available for the
22 presentation.

23 Dr. Sumchai began with a historical summary of Parcel A. She said the Parcel was established in
24 1992 as part of the Federal Facilities Agreement (FFA) between the Navy and the regulators as
25 was agreed upon after the closure of the Shipyard. Also, following environmental investigations
26 by the Navy the Shipyard was placed on the National Priorities List (NPL) due to the presence of
27 hazardous substances present throughout the Shipyard. Dr. Sumchai said Parcel A is very
28 interesting in that it has undergone numerous revisions of its boundaries, originally 90 acres and
29 now 75 acres, in an effort to remove contaminants from within the boundaries. She stated that the
30 more you study Parcel A, and find more contamination, the smaller the Parcel becomes.
31 Dr. Sumchai said revisions of the Parcel A boundaries triggers CERCLA (Comprehensive
32 Environmental Response, Compensation and Liability Act) and NEPA (National Environmental
33 Policy Act) review, whereby any revision of the boundaries of a parcel that has been previously
34 cleared by CERCLA must consider adjacency issues that are introduced by the revisions.

35 Dr. Sumchai said 7 of the 15 subparcels in Parcel A have an environmental condition of property
36 (ECP) overall category of 4 to 7. She discussed how in one instance the Navy averaged the
37 results from two adjacent subparcels (S46A in Parcel A and S46E in Parcel E) to arrive at an
38 overall ECP value low enough to allow transfer. She also said that there are areas of the Shipyard
39 that never underwent the CERCLA process of the first steps of preliminary assessment and site
40 investigation. And yet the Navy assigned ECP categorizations for areas that essentially were
41 never looked at. She also added that none of the five geographic land parcels on the Shipyard
42 have gone through the full nine steps of the CERCLA process.

43 Dr. Sumchai returned to her examination of Parcel A, and specifically the dirt at Parcel A and the
44 levels of ambient chemicals of potential concern that are present there. She said that Ms. Loizos'

1 The next meeting of the Membership, Bylaws & Community Outreach Subcommittee will be
2 6:30 P.M., May 12th, at the Anna Waden Branch Library.

3 Risk Review and Health Assessment Subcommittee (Karen Pierce, Leader)

4 Karen Pierce, RAB member, said the subcommittee did not meet this month.

5 Ms. Pierce said the next meeting of the subcommittee will be determined at a later date.

6 Technical Review Subcommittee (Lea Loizos, Leader)

7 Ms. Loizos reported on two meetings. The Tech subcommittee met and discussed the Parcel A
8 FOST and there was a joint meeting with the Risk Review subcommittee that had been
9 scheduled but cancelled. Ms. Loizos said though the joint meeting was cancelled she did prepare
10 for the meeting and had a few items to report.

11 Starting with the Tech subcommittee meeting to discuss the Parcel A FOST, Ms. Loizos
12 apologized that meeting minutes were unavailable. She summarized the meeting and said several
13 regulators, RAB members, and the Navy were present and the meeting was an opportunity to
14 express concerns and ask questions. Ms. Loizos said the majority of the concerns were regarding
15 adjacency issues, and there was little discussion of Parcel A itself.

16 Ms. Loizos also reported that she looked into the Parcel A risk assessment and the Parcel E
17 radiological risk assessment, at the request of Ahimsa Sumchai, RAB member. She replied that
18 some of the preliminary remediation goals (PRGs) from the EPA were revised and have become
19 less stringent for manganese and nickel. Ms. Loizos also said that concerns of metals in the
20 groundwater were more or less resolved since the regulatory agencies have determined the
21 groundwater underneath the Shipyard to be non-beneficial and therefore unlikely to pose a health
22 threat. Regarding a review of the Parcel E radiological risk assessment, Ms. Loizos said the
23 comments were that there was not enough consideration of how materials might have gotten off
24 the Shipyard, as well as the effects off-site migration might have had on the bay and the
25 sediments in the bay. The review also questioned why radium was the only radionuclide of
26 concern on Parcel E.

27 Mr. Tompkins objected to the Navy changing the PRGs for manganese and nickel, as well as the
28 subcommittee's report that these new levels are safe. He asserted that African-Americans are
29 more susceptible to certain environmental contaminants than a 35-year old white male – the
30 standard for standard risk assessment calculations. Ms. Loizos clarified her report and stated that
31 the Navy did not change the PRGs, the EPA is the regulatory agency that sets the cleanup goals.
32 Michael Work, US EPA, said he was unsure what variables were used for the PRGs for
33 manganese but he would look into the question and report back.

34 J.R. Manual, RAB member, made a motion that Mr. Work should respond to the question about
35 why the standards were changed. The motion carried. Ms. Pendergrass suggested that Mr. Work
36 give the report to the Risk Review and Health Assessment Subcommittee before reporting back
37 to the full RAB.

38 Ms. Loizos said that the Technical Review Subcommittee will meet at 5:30 P.M., May 6th, at the
39 Community Window on the Shipyard, 4634 Third Street.

40 Break called at 7:12 P.M. Ms. Pendergrass called the meeting back to order at 7:22 P.M.

41 Economic Development Subcommittee (Maurice Campbell, Leader)

42 Maurice Campbell, RAB member, yielded the floor to Mark Gelsinger, Navy, for the
43 subcommittee report. Mr. Gelsinger said an economic development workshop was held at the
44 E.P. Mills Auditorium on March 27th which was attended by 122 participants from the

--- PUBLIC NOTICE ---
HUNTERS POINT SHIPYARD
Restoration Advisory Board Meeting

◆ ◆ ◆
6:00 P.M. - 8:00 P.M.

Thursday, May 27, 2004

Dago Mary's Restaurant

Hunters Point Shipyard, Building #916
San Francisco

The Restoration Advisory Board (RAB) is composed of concerned citizens and government representatives involved in the environmental cleanup program at Hunters Point Shipyard. Community participation and input is important and appreciated. The purpose of this meeting is to present the community with the current status and future cleanup schedule for Hunters Point Shipyard and to address the concerns of the entire community.

The interested public is welcome!

◆ ◆ ◆
For more information about this meeting and the Installation Restoration Program at Hunters Point Shipyard, please contact:

Mr. Keith Forman, BRAC Environmental Coordinator
Southwest Division Naval Facilities Engineering Command
1230 Columbia Street, Suite 1100, San Diego, CA 92101
(619) 532-0913 or (415) 308-1458

**HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD (RAB) - MEETING AGENDA
THURSDAY, 27 MAY 2004**

Day/Date:
Thursday – 27 May 2004
Time:
6:00 p.m. to 8:00 p.m.

Location:
Dago Mary's Restaurant
Hunters Point Shipyard
Building # 916
San Francisco

Facilitator: Marsha Pendergrass

Time	Topic	Leader
6:00 p.m. – 6:05 p.m.	Welcome/Introductions/Agenda Review	Marsha Pendergrass <i>Facilitator</i>
6:05 p.m. – 6:15 p.m.	Approval of Meeting Minutes from 22 April 2004 RAB Meeting • Action Items	Marsha Pendergrass
6:15 p.m. – 6:20 p.m.	Navy Announcements	Keith Forman <i>Navy Co-chair</i>
	Community Co-chair Report/Other Announcements	Lynne Brown <i>Community Co-chair</i>
6:20 p.m. – 6:40 p.m.	Subcommittee Reports	Subcommittee Leaders
6:45 p.m. – 6:55 p.m.	RAB Community Co-chair Nominations	Marsha Pendergrass
6:55 p.m. – 7:05 p.m.	BREAK	
7:05 p.m. – 7:50 p.m.	Update on HPS Radiological Program	Laurie Lowman <i>RASO</i>
7:50 p.m. – 8:00 p.m.	Future Agenda Topics/ Open Question & Answer	Marsha Pendergrass
8:00 p.m.	Adjournment	Marsha Pendergrass

HPS web site: <http://www.efds.w.navy.mil/Environmental/HuntersPoint.htm>

RAB Navy Contact: Mr. Keith Forman (619) 532-0913 or (415) 308-1458

**Hunters Point Shipyard
Installation Restoration Program
Public Information Materials**

AR_N00217_004031
HUNTERS POINT
SSIC NO. 5090.3.A

**27 May 2004
Public Meeting/Restoration Advisory Board Meeting
Held at Dago Mary's Restaurant
San Francisco, California**

Materials/Handout Include:

- Agenda for 27 May 2004 RAB
- Meeting/Minutes from 22 April 2004 RAB Meeting
 - Includes: Action Items from 22 April 2004 RAB Meeting; and
 - Table 1, RAB Roll-Call Sheet
- Reporters Transcript from 27 May 2004 RAB Meeting
- PowerPoint Presentation, NAVSEA, HRA Update, 27 May 2004
- Monthly Progress Report, April 2004
- Meeting Minutes, HPS RAB, Economic Subcommittee, 04 May 2004 (w/attachment)
- Meeting Minutes, HPS RAB, Membership/Bylaws & Community Outreach Subcommittee, 12 May 2004 (w/attachment)
- Meeting Minutes, HPS RAB, Technical Review Subcommittee, 13 April 2004 and 18 May 2004 (w/attachment)
- Letter from ARC Ecology to Keith Forman, Draft Final Finding of Suitability to Transfer Parcel A, 24 May 2004
- Letter from ARC Ecology to Lynne Brown, Response to Lynne's e.mail regarding ARC Ecology's alleged conflict of interest, 26 May 2004
- Handout, Project Fact Sheet, Bayview Transportation Improvements Project
- Handout, Cancer Risks and Hazard Indices, IR 59-JAI, Parcel A -2002 PRGs
- Handout, Summary of Waste Consolidation at HPS, 27 May 2004
- Handout, Draft Revised Proposed RAB Rule, January 2004

Standard Handouts Not Included in this Packet:

- HPS List of Acronyms and Abbreviations
- HPS Mailing List Update Form
- HPS RAB Membership Application Form
- HPS Bylaws

THE RADIOACTIVE AND TOXIC TRUTH ABOUT THE HUNTERS POINT NAVAL SHIPYARD FEDERAL SUPERFUND SITE

DID YOU KNOW?

Lennar/FivePoint's development is being built on land previously part of the Superfund site and the company plans to build thousands more homes on land currently part of the Superfund site.

The contaminated Hunters Point Naval Shipyard (HPNS) is a federal Superfund on the National Priorities List for cleanup.

"A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the [US]EPA as a candidate for cleanup because it poses a risk to human health and/or the environment. These sites are placed on the National Priorities List (NPL)."

(<https://toxmap.nlm.nih.gov/toxmap/faq/2009/08/what-are-the-superfund-site-npl-statuses.html>)

"In 1989, the United States Environmental Protection Agency (USEPA) evaluated HPNS and placed it on the National Priorities List in response to concerns about the effects of past hazardous wastes created by historical shipyard activities by both the Navy and private companies."

(HPNS Info sheet 2017, U.S. Department of the Navy)

HPNS was the site of the Naval Radiological Defense Laboratory and where ships exposed to atomic weapons testing were decontaminated.

"The purposes of the NRDL [Naval Radiological Defense Laboratory] included radiological decontamination of ships exposed to atomic weapons testing as well as research and experiments on radiological decontamination, the effect of radiation on living organisms, and the effects of radiation on materials."

(<https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/vwsoalphabetic/Hunters+Point+Naval+Shipyard>)

Radioactive and toxic waste disposed of at the HPNS included:

- Radioactive waste
- Volatile Organic Compounds (VOCs)
- Polychlorinated biphenyls (PCBs)
- Pesticides and herbicides
- Petroleum Hydrocarbons
- Metals (copper, mercury, lead, manganese, and nickel)
- Industrial waste that includes radioactive material

(HPNS Parcel E-2 Cleanup Update, 2015, U.S. Department of the Navy)

The US EPA, Navy, and Lennar/FivePoint plan to leave high levels of radioactive contamination on site near the waterfront threatened by rising sea level.

“...the remedy will leave contamination in place at Parcel E above concentrations that allow for unlimited use and unrestricted exposure.”

([https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/7aa4f9d883980eb388257e30007c8cbc/\\$FILE/Hunters%20Point%20-%20Parcel-E_Final-ROD%20%2012-23-2013.pdf](https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/7aa4f9d883980eb388257e30007c8cbc/$FILE/Hunters%20Point%20-%20Parcel-E_Final-ROD%20%2012-23-2013.pdf))

Navy & EPA halt land transfers for the Lennar/Shipyard development due to Tetra Tech’s falsification of radioactive soil samples.

In September of 2016, the USEPA & DTSC wrote the navy confirming an agreement to put all further land transfers from the Superfund site to the city and then to Lennar due to safety concerns that arose as a result of federal contractor Tetra Tech’s falsification of hundreds of radioactive soil samples. Here is an excerpt from the government’s letter:

“We understand that several agencies are currently engaged in ongoing investigations regarding the nature and extent of Tetra Tech’s misrepresentation of data delivered to the Navy. I am confirming that we agreed in the July 14, 2016, discussion, that the Navy will not propose any further transfers of Navy property at HPNS without results of these investigations and/or any other Navy action necessary to clarify the actual potential public exposure to radioactive material at and near the HPNS.”

WHAT CAN YOU DO?

- **Demand a comprehensive cleanup of ALL radioactive and toxic contamination at the Shipyard and have community oversight in the remediation process.** Submit the following demands to:

U.S. Department of the Navy – Derek Robinson Derek.j.robinson1@navy.mil
Environmental Protection Agency – Lily Lee lee.lily@epa.gov
S.F. Mayor’s Office – Mayor Edwin M. Lee mayoredwinlee@sfgov.org

- **Report pollution complaints online at www.bvhp-ivan.org**
- **Attend the BVHP/Southeast SF Environmental Justice Response Task Force Monthly Meetings.** Local, Regional, State and Federal Government officials will be present to hear your concerns about pollution in the community. Let them know you care and what you want them to do about it. Meeting times and locations can be found at www.bvhp-ivan.org under Calendar.

This fact sheet was produced as a public service by
Greenaction for Health and Environmental Justice

FOR MORE INFORMATION

www.greenaction.org • greenaction@greenaction.org • (415) 447-3904

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A. Garcia, Director, Department of Public Health
Nadia Sesay, Executive Director, Office of Community Investment and Infrastructure
Juanita Bacey, California Department of Toxic Substances Control
Derek Robinson, United States Navy
Lee Lily, United States Environmental Protection Agency

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: April 24, 2018

SUBJECT: HEARING MATTER INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following hearing request, introduced by Supervisor Cohen on April 17, 2018:

File No. 180399

Hearing on the clean-up timeline and disputes between federal regulators and the United States Navy on the percentage of Parcel G to be retested and the methodology for retesting soil at Hunters Point Shipyard; and requesting the Department of Public Health, Office of Community Investment and Infrastructure, California Department of Toxic Substances Control, United States Navy, and the United States Environmental Protection Agency to report.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Asha Setty, California Department of Toxic Substances Control
Zachary Edwards, United States Navy
William Franklin, United States Navy
Yogi David, United States Environmental Protection Agency

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 APR 17 PM 2:05
Time stamp
or meeting date AK

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Sup Malia Cohen and Sup. London Breed

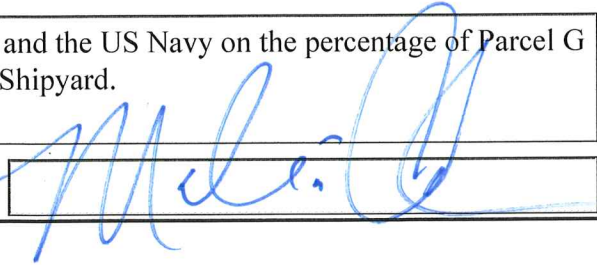
Subject:

Hunters Point Shipyard Cleaun-up

The text is listed:

Hearing re: cleanup time line and disputes between federal regulators and the US Navy on the percentage of Parcel G to be retested and the methodology for retesting soil at Hunters Point Shipyard.

Signature of Sponsoring Supervisor:



For Clerk's Use Only