



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

August 15, 2011

The Honorable Katherine Feinstein
Presiding Judge
400 McAllister Street, Dept. 206
San Francisco, CA 94102-4514

Re: Response to 2010-11 Civil Grand Jury Report

ALAMEDA COUNTY

Tom Bates
(Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

CONTRA COSTA COUNTY

John Gioia
(Vice-Chair)
David Hudson
Mark Ross
Gayle B. Uilkema

MARIN COUNTY

Harold C. Brown, Jr.

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

John Avalos
Edwin M. Lee
Eric Mar

SAN MATEO COUNTY

Carole Groom
Carol Klatt

SANTA CLARA COUNTY

Susan Garner
Ash Kalra
(Secretary)
Liz Kniss
Ken Yeager

SOLANO COUNTY

James Spering

SONOMA COUNTY

Susan Gorin
Shirlee Zane

Dear Judge Feinstein:

The Bay Area Air Quality Management District (“Air District”) is pleased to provide its response to the 2010-2011 San Francisco Civil Grand Jury report entitled “Hunters Point Shipyard: a Shifting Landscape”. The Air District believes it is not required to respond to the report under California Penal Code section 925, because it is an independent special district created pursuant to state law for which none of the officers of the City and County of San Francisco who serve on the Air District Board do so in an ex officio capacity. Nevertheless, in a spirit of cooperation, the Air District responds to Recommendation No. 5 of the report, the report’s only Finding or Recommendation for which a response from the Air District is requested.

The Air District monitors the activities at Hunters Point shipyard (HPS) to ensure compliance with applicable air quality regulations. At Parcel A, the Air District conducts daily inspections to ensure Lennar and its contractors comply with the measures contained within the “District approved” Asbestos Dust Mitigation Plan (ADMP), Required for any project greater than 1 acre subject to the State’s Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (California Code of Regulations (CCR) Title 17, Section 93105). In addition, daily inspections are conducted to ensure compliance with Air District Regulation 6, Rule 1 (Particulate Matter and Visible Emissions).

On the Navy owned portion of HPS, the Air District does not have direct authority over the cleanup efforts, as these activities are conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Any compliance issues with any applicable Air District regulations are handled by the CERCLA lead agency. The Air District conducts daily inspections to ensure compliance with the Navy’s Dust Control Plan (similar to an ADMP) and Air District Regulation 6, Rule 1 (Particulate Matter and Visible Emissions).

The Air District will continue its vigilance in monitoring the HPS site to ensure compliance with applicable air quality regulations.

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

If you have any questions regarding this letter, please contact Brian Bateman,
Director of Compliance & Enforcement, at (415) 749-4653 or
BBateman@baaqmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "BB" followed by a stylized flourish and the word "for".

Jeffrey McKay
Deputy Air Pollution Control Officer

cc: Civil Grand Jury (400 McAllister Street, Room 008)