

**San Francisco Board of Supervisors’
Government Audit and Oversight Committee Meeting
September 15, 2022
Joint Regulatory Agency Statement**

INTRODUCTION

- The US Environmental Protection Agency Region 9, the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control, as the primary regulatory agencies (“the Agencies”) overseeing the Navy’s environmental cleanup of the Hunters Point Naval Shipyard Superfund Site, were asked to provide a joint statement regarding the 2021-2022 City and County of San Francisco Civil Grand Jury Report, *“Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change.”* Specifically, the Agencies were asked to discuss our oversight role and the role of the Superfund Five-Year Review process in ensuring that climate change considerations, especially as they relate to sea and groundwater level rise, are factored into the protectiveness of remedies at the Shipyard.
- The Agencies are committed to protecting the Bayview Hunters Point community and ensuring that the Navy addresses contamination at the Shipyard. We take this mission very seriously.
- The Navy is the lead for the cleanup at the Hunters Point Naval Shipyard Superfund Site. Since 1989, the Agencies represented here today have overseen the Navy’s cleanup to ensure that it is done in a manner that follows the national Superfund laws, regulations, policy and guidance, and State laws that protect public health and the environment, both now and in the long-term. The Navy and the Agencies have a Superfund Federal Facility

Agreement in place that governs the way we consult with one another, set priorities, and resolve any differences that may arise.

- The Agencies appreciate the Mayor's, the Board of Supervisors', and the Civil Grand Jury's concern for climate considerations in the Shipyard cleanup. We agree that Superfund site cleanups should be implemented in a way that is adaptive to respond to climate change, including sea and groundwater level rise. The existing Superfund remedy selection, implementation, and long-term evaluation/review process provides a basis to consider potential climate issues, as warranted, to increase remedy resilience moving forward.

CLIMATE CONSIDERATIONS IN THE FIVE-YEAR REVIEW PROCESS

- Where the Navy's remedies or Records of Decision (RODs) result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure (e.g., the Parcel E-2 landfill, the durable covers), the Superfund law requires that no less than every five years, the Navy must conduct a review (the so-called Five-Year Review) of each remedy to ensure protection of human health and the environment. These reviews must continue even after property transfer.
- While the Navy's remedies made certain climate considerations at the time they were selected, Five-Year Reviews are a dynamic process which provide opportunities to consider site changes or vulnerabilities that may not have been apparent during remedy selection, implementation or operation and maintenance to ensure the protectiveness of a remedy is adequately assessed. Site changes and vulnerabilities are informed by evolving science and information, especially from State and regional authorities, on incremental climate-related changes such as sea and groundwater level rise, seasonal changes in

precipitation or temperatures, and changes in the intensity, frequency or duration of extreme weather events.

- These considerations are evaluated along with the regular monitoring information and data that are required to be gathered for these remedies. Information from such inspections, interviews, and/or environmental sampling events may also feed into site-specific modeling efforts to consider future climate-related events.
- If, as a result of a Five-Year Review, the Navy and Agencies determine the original remedial action selected in a ROD requires climate resilience-related changes, they would be formally documented per Superfund guidance, and the change would be implemented. The Navy's next Five-Year Review for the Shipyard must be completed no later than the end of September 2024.

CONCLUSION

- The US Environmental Protection Agency Region 9, the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control appreciate this opportunity to discuss how climate change will continue to be actively considered to ensure human health and the environment remain protected at the Hunters Point Naval Shipyard Superfund Site.
- If you have any follow-up questions, please feel free to contact any of us.