

The Challenges of Relying on Land Use Planning for Remedy Decisions at Hunters Point Shipyard

Dorinda Shipman, *Christina Rain* (crain@langan.com) (Langan, San Francisco, CA, USA) Amy Brownell (SFDPH, San Francisco, CA, USA) and Tamsen Drew (Office of Community Investment and Infrastructure [OCII], San Francisco, CA, USA)

Background/Objectives. The Former Hunters Point Shipyard (Shipyard) served as a commercial shipyard since the 1860s and later as a Naval Base supporting World War II. The Shipyard was placed on the National Priorities List (NPL) under CERCLA in 1989 and base closure followed shortly thereafter in 1991. Since then, the Navy has conducted numerous investigations and cleanup actions; many are still ongoing. The Office of Community Investment and Infrastructure [OCII] as the Successor Agency to the San Francisco Redevelopment Agency agreed to accept Shipyard property for redevelopment following Navy cleanup and determination that the land is suitable for transfer for its intended land use as approved by state and federal regulatory agencies. The Shipyard redevelopment promises to bring the best of San Francisco with walkable waterfront residential neighborhoods, restaurants and bars, retail, and creative workspaces. The Navy has transferred five parcels to OCII to date, which are currently under construction. For the majority of the Shipyard, intended land use considered by CERCLA cleanup remedies was dictated by OCII's 1997 redevelopment plan. After many years of community-based planning, OCII amended the plan in 2010. The original 1997 redevelopment plan and 2010 amendment define Shipyard reuse areas differently, which created a mismatch at various Shipyard parcels between the intended land use contemplated by CERCLA remedies and that planned by OCII. The majority of the CERCLA remedies are tailored to fit the 1997 reuse plan and restrict residential use in areas previously planned for non-residential use such as parks and industrial spaces. Land use restrictions were applied to areas based on assumed future use without determining whether future residential land use could be allowed. Our role is to support OCII in reevaluating the suitability of current site conditions for future residential use and confirm that the current land use plan can be implemented.

Approach/Activities. We are reevaluating site conditions in areas restricted against residential use using current health-based and risk-based regulatory standards. We have evaluated the Shipyard parcel called Parcel G and may continue with two additional parcels. The CERCLA remedy at Parcel G already considered residential use in groundwater, soil vapor, and radiological assessments; therefore, we were able to focus on soil conditions. Since excavation was the CERCLA selected soil remedy, we evaluated hypothetical soil excavation alternatives at Parcel G to define the proposed levels of chemicals of concern in soil that would allow for residential use. Our evaluation considered National Contingency Plan (NCP) threshold and balancing criteria. Based on the results of our evaluation, we recommended a 97% reduction in the area previously restricted against residential use based on defined Action Levels.

Results/Lessons Learned. This presentation will describe the process used to determine which areas could be designated for residential use within the constraints of the CERCLA process and the challenges encountered. The largest lesson learned is recognizing risk management decisions that unintentionally over-restrict property use. Land use planning decisions can change relatively quickly in comparison to decades long cleanups at large, complex Superfund sites such as the Shipyard. While knowledgeable technical staff recognized and discussed this over-restriction of property early on; CERCLA decision processes at this Navy facility did not allow for flexibility to address the issue within the decision documents. Resolution was muddled with time as regulatory agency representatives and development plans

changed. Consistency with the remedy and magnitude of the change – minor, significant, or even fundamental – were freshly debated but ultimately resolved. The reduction in the area with restricted land use at Parcel G was documented by the Navy in 2017 as a significant change to the remedy as requested by the Regulatory Agencies.