



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

LENNAR BAY VIEW HUNTERS POINT
Parcel A' Redevelopment Project

January 2, 2009

FACT SHEET

Background

- In 2005, the Board of Supervisors of the City and County of San Francisco and the San Francisco Redevelopment Agency approved the transfer of Parcel A' of the Bay View Hunters Point Shipyard to Lennar BVHP, LLC ("Lennar") for a redevelopment project in which Lennar plans to construct approximately 1,600 attached single family homes.
- **Parcel A' is located in an area that contains naturally occurring asbestos (NOA), which is a term used for several types of fibrous minerals found in ultramafic and serpentine rock. Grading and construction activities at the site are subject to requirements of CARB's Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations ("the ATCM"), which is intended to limit the public's exposure to NOA.**
- The ATCM requires that construction and grading operations be conducted in accordance with an Asbestos Dust Mitigation Plan (ADMP) that has been approved by the local air district. ADMPs must contain dust mitigation measures addressing topics such as the control of dust tracked out from the construction site, and the limitation of dust emissions from the offsite transportation of excavated soil. The ATCM also allows air districts to require that an ADMP provide for ambient air monitoring for asbestos.
- On October 7, 2005, the Air District approved the ADMP, which Lennar submitted pursuant to the ATCM. The ADMP includes all the dust mitigation measures the ATCM mandates, and further requires Lennar to conduct air monitoring for asbestos and establishes specific action levels based on air monitoring results. The ADMP includes, among other mitigation measures, measures to suppress dust during earth moving activities; prevent track-out of dust onto public roads; limit the emission of dust from soil storage piles and during offsite soil transport; and stabilize the ground after construction.
- In order to protect public health, the District incorporated into the ADMP requirements that Lennar take action to reduce the concentration of asbestos in the air around Parcel A' when the ADMP-required air monitors indicate asbestos concentrations have reached either of two action levels. The District based the action levels on health risk assessment protocols established by the State Office of Environmental Health Hazard Assessment (OEHHA). The first action level in the ADMP is set at 1,600 asbestos structures per cubic meter and requires that Lennar notify the District and implement more stringent dust control measures.

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The second action level in the ADMP is set at 16,000 asbestos structures per cubic meter and requires Lennar to stop work until asbestos levels decline.

- The District considers the action levels established in the approved ADMP to be conservative and health protective because they are based on annual average concentrations and assume continuous exposure over a 70-year lifetime. Exceeding the action levels on an occasional basis will not cause any significant increase in health risk.
- Based on ambient asbestos monitoring data, and using risk assessment protocols established by OEHHA, in November 2008 the District estimated the cancer health risk associated with NOA released by construction and grading activity at Parcel A' by monitoring station as follows: Station HV1 – 1.5 in a million, Station HV2 – 1.2 in a million, Station HV4 – 2.4 in a million, Station HV5 – .9 in a million, Station HV6 – 0.6 in a million. These risk estimates are well below established significance levels for projects.
- The District issued the following two Notices of Violation (NOVs) to Lennar alleging violations of the ADMP: NOV#A46068, issued 9/9/06, alleges a failure to properly conduct air monitoring for a period of time, and a failure to provide a gravel truck wheel wash bed at an exit road. NOV#A46075, issued 10/26/07, alleges the overfilling of trucks with material and a failure to maintain wheel wash beds free of accumulated material. Both NOVs were settled on August 12, 2008, without litigation, in accordance with California Health and Safety Code section 42403(b), for a civil penalty of \$515,000. The District received full payment of the civil penalty in early September 2008.

Public Comments/Issues

- Bay View Hunters Point (BVHP) community members have expressed concerns over health effects resulting from construction activities at the Parcel A' site, and in particular Lennar's violations of the terms of their ADMP. The issues were discussed as an agenda item at the Board of Directors' Stationary Source Committee meeting on October 29, 2007.
- On November 14, 2007, District staff met with Minister Christopher Mohammed to discuss the Parcel A' project, and meetings with Minister Mohammed and other representatives of BVHP were also held on March 18, April 15 and November 12, 2008. On November 15, 2008, District staff held a community meeting to provide an overview of the Bay Area 2009 Clean Air Plan and to provide an update on the Community Air risk Evaluation Program. Issues relating naturally occurring Asbestos (NOA) were also discussed at that meeting.

Project Status

- Lennar has completed major grading at Parcel A', though other work subject to the ATCM continues. The District continues to conduct frequent, regular inspections to determine compliance with the ATCM.

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- The violations at the Parcel A' site were corrected by Lennar shortly after the NOVs were issued by the District.