

CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT

A project of the Pacific Studies Center

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September 12, 2008

Darren Newton, BRAC Environmental Coordinator  
Navy BRAC Program Management Office West  
1455 Frazee Road, Suite 900  
San Diego, CA 92108-4310

Dear Mr. Newton:

We appreciate the Navy's efforts to both inform our community and hear our concerns about the proposed Removal Action for Moffett Field's Site 29, Hangar One, but we remain disappointed in both the quality of the July 2008 Engineering Evaluation/Cost Analysis (EE/CA) and the limitations of the Navy's proposed action. The Navy should plan to fully restore Hangar One after removing toxic substances from the cladding (roof and siding) and short of that, it should explain why it does not wish to and does not have to.

CPEO acknowledges that the evidence that the Hangar would pose a risk in the future if the interior and exterior were not fully remediated is overwhelming. We appreciate the work that NASA and the Navy have done to document these risks in response to our earlier comments. More important, we support removal of the cladding as the most permanent and effective method of preventing releases and exposures.

When the Navy was allowed to transform what was to be a focused Remedial Investigation/Feasibility Study (RI/FS) into an EE/CA, it promised that the document would be "robust" and comprehensive. Robust, by our definition, is *not* a document that leaves out important pieces of information, is *not* a document that fails to analyze the full environmental consequences of an action, and is *not* a document that uses only limited criteria to evaluate the action. Because the conclusions of the EE/CA suggest that cost is the overwhelming criterion by which the preferred alternative was selected, we are dismayed that all cost elements have not been made transparent.

The cleanup of Hangar One, under EPA Superfund guidance, should support its reasonably anticipated future land use. The Navy, like any other responsible party, has an obligation to remediate the property to allow the reasonably anticipated land use. The reasonably anticipated use of the Hangar is as a public facility, such as a museum or educational center. This

means two things:

1. Residual contamination should not make the reuse unsafe. The Navy appears to meet this criterion.
2. Cleanup actions should not prevent reuse. This is where the Navy falls short. When the Navy excavated the Northern Channel at Moffett Field, it restored the channel to its original form and function. When it removed inactive underground storage tanks, it filled the holes. When it removes the toxic panels, it should replace them with visually similar, but safer materials.

Furthermore, the removal action should comply with applicable or relevant and appropriate historic preservation requirements (ARARs). On page 4-39 of the EE/CA, the Navy agrees: "Mitigation measures would be performed to substantively comply with the NHPA [National Historic Preservation Act] and the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R., Part 68)." This means that the Hangar should be preserved, restored, or rehabilitated.

However, those latter Standards state, for both Preservation and Rehabilitation: "A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships." For Restoration, they state, "A property will be used as it was historically or be given a new use that interprets the property and its restoration period." But the Navy has proposed to leave this unique, historical landmark in a condition that does not allow it to be reused at all!

The EE/CA repeatedly assures that the Navy will consult with the Advisory Council on Historic Preservation, the State Historic Preservation Office, and others in furtherance of these objectives. That consultation, in itself, does not constitute substantive compliance. The fact that the Navy is Lead Agency under CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act) does not constitute authority to arbitrarily ignore the interpretations of the historic preservation ARARs provided by the historic preservation agencies. Rather, to override those recommendations the Navy, under CERCLA, must demonstrate that other ARARs conflict or that historic preservation would be technically impracticable, prohibitively expensive, or pose an unacceptable risk to human health, public safety, or the natural environment. The Navy does not make any such argument in the EE/CA. It simply chooses not to include full historic mitigation in the preferred alternative.

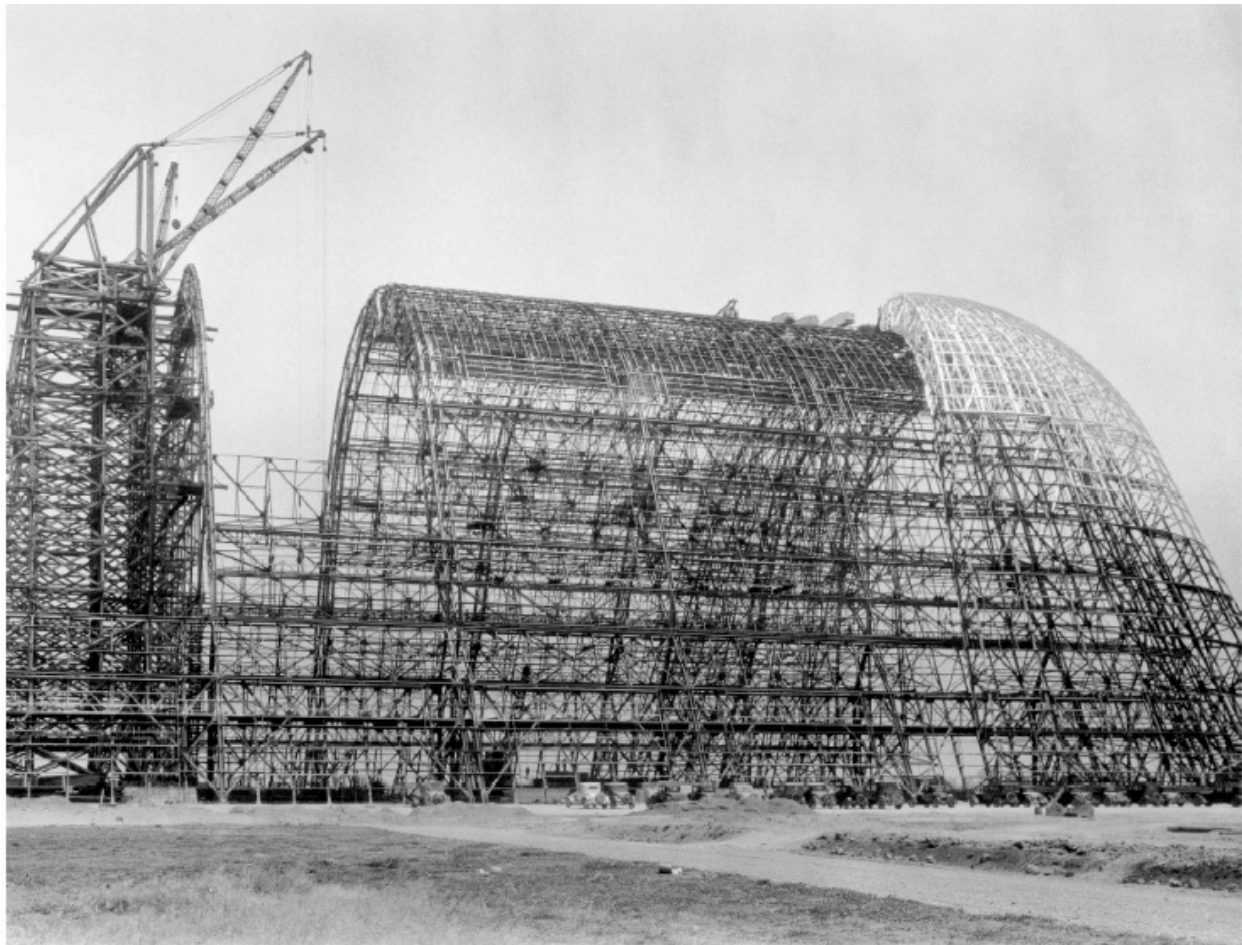
Reading between the lines, the only potential justification for ignoring historic preservation requirements is cost. Table 5-2 of the EE/CA estimated that re-covering the Hangar would cost \$14,910,000. However, you stated at the September 11 meeting of the Moffett Field Restoration Advisory Board that this number includes remobilization costs, on the assumption that re-covering would be a separate project from removal. In addition, to our knowledge this added expense does not account for the savings on maintenance likely to result from re-covering.

But even \$15 million does not meet the test of prohibitive cost within the Navy's BRAC [Base Realignment and Closure] environmental budget of over \$150 million each year. The Navy (including the Marines) has spent about \$2.5 billion nationally on BRAC cleanup through

FY 2007, and it expects to spend nearly \$1.5 billion more. The projected additional cost of recovering Hangar One is less than one percent of that latter figure—the programmatic cost to complete.

In some of its statements, the Navy seems to suggest that there is an obligation to restore Hangar One after the removal of the panels, but that the obligation solely rests with NASA (the current owner) not the Navy. We see no legal or moral justification for this position. The Navy is proposing to take an action that will damage a unique—in fact, monumental—architectural and historic landmark. It is obligated to mitigate that damage. NASA, the current owner, also has obligations under the National Historic Preservation Act, and other entities—including future Hangar One occupants—may also contribute to restoration of the building. We do not object to that. But the Navy’s obligation remains.

We believe that the artists’ renderings of the painted Hangar One frame in the Navy’s Section 106 (“Adverse Effects”) Report exaggerates the similarity between the skeletal structure and the original. That is, based upon appearance alone, the uncovered frame does not constitute historic preservation. In fact, leaving the Hangar uncovered will undermine the integrity, visual appearance, and aesthetic value of the entire Moffett Historic District. We believe that the photo below, taken from the Navy’s structural analysis report, better represents the appearance of the exposed frame.



Moreover, we are concerned that the uncovered frame may become a roost for large numbers of birds, and thus become an unsanitary public nuisance. There is no analysis in the EE/CA of how birds will roost in this structure, if it is harmful to wildlife, or how bird droppings will affect the paint. There is no indication that the operations and maintenance (O&M) component of Alternative 10 (\$3.1 million thirty-year present value) includes measures to prevent or respond to bird damage.

In fact, we find the discussion of maintenance of the skinned Hangar wholly inadequate. If the Hangar is left uncovered for any length of time, preserving the skeleton will require more than the promised inspections and touch-ups every 5 years and recoating the frame every 10 years. Perhaps the Navy expects NASA to bear any additional costs. In any case, we support the Navy's proposal to remove the cladding, in preference over various forms of coating the structure, because of the long-term costs and liabilities. However, we believe that the Navy has failed to consider the long-term costs and liabilities of leaving the Hangar frame exposed.

The Center for Public Environmental Oversight strongly urges the Navy to re-consider its proposal to leave the Hangar One frame exposed. The most efficient and lasting solution to Hangar One's embedded toxic contamination is for the Navy to remove the roof and siding panels and place a new, environmentally safe cover on the building. Once that decision is made, we will support efforts by the Navy to recover a share of those costs from institutions, such as NASA or future occupants, who stand to benefit directly from full preservation. The country and the local community will benefit indirectly from the Hangar's preservation, and conversely, failure to restore Hangar One and make it ready for reuse will damage our heritage as well as our living environment today.

Sincerely,

Lenny Siegel  
Executive Director

Peter M. Strauss  
Technical Advisor