September 17, 2018

U.S. EPA Office of General Counsel
External Civil Rights Compliance Office
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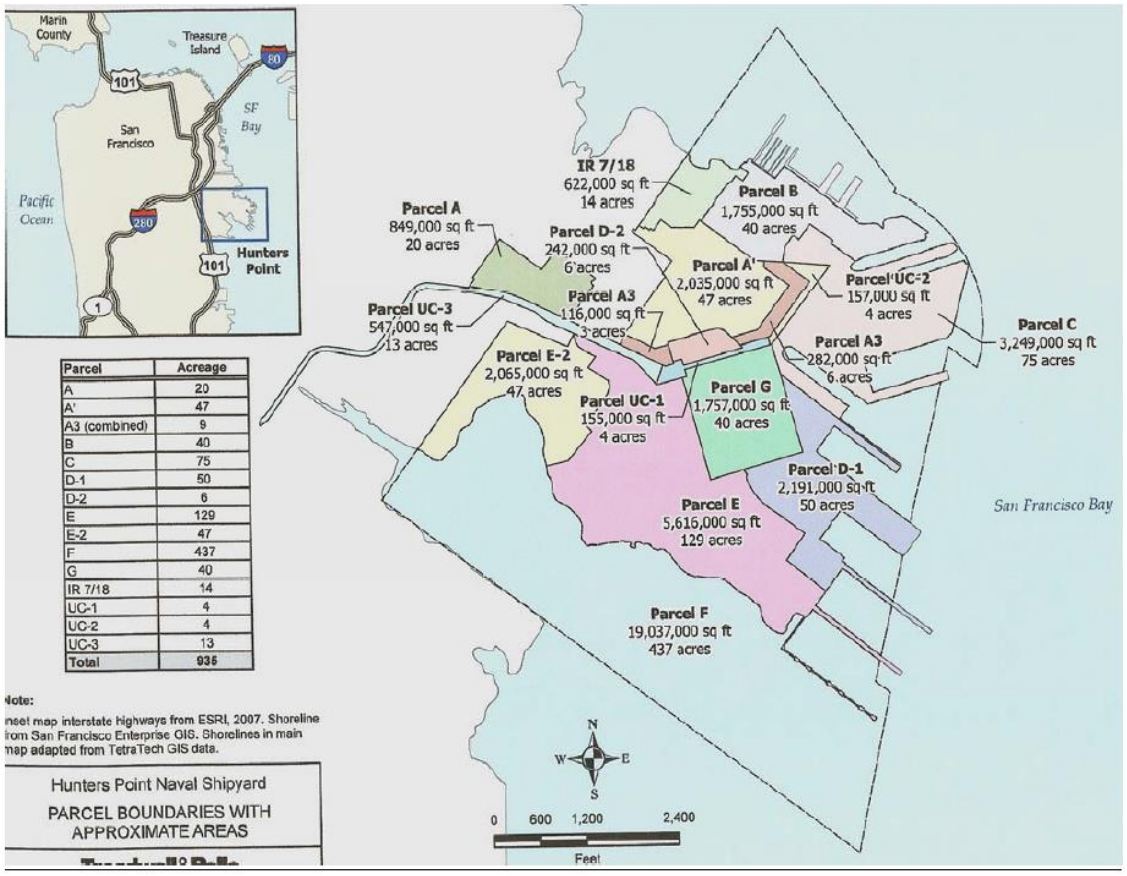
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
Title_VI_Complaints@epa.gov

Andrew Wheeler Acting Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460
Wheeler.andrew@Epa.gov

CAlifornians for Renewable Energy, Inc. ("CARE"), Mr. Lynne Brown, and Michael E. Boyd ("Complainants") respectfully wish to file an administrative complaint under Title VI the Civil Rights Act of 1964, 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975a–1975d, 2000a– 2000h-6, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195, against Tetra Tech (NASDAQ: TTEK), the City and County of San Francisco ("CCSF" or the "City" herein), the California Department of Toxic Substances Control, and the California Regional Water Quality Control Board, collectively known herein as the "regulators" and/or "respondents".

Complainants also wish to file an administrative complaint under the Emergency Planning and Community Right-to-Know Act ("EPCRA"). This is a 60-day notice to the EPA Administrator. The enforcement mechanism is the citizen-suit provision, § 11046(a)(1), which likewise authorizes civil penalties and injunctive relief, see § 11046(c). This provides that "any person may commence a civil action on his own behalf against . . . [a]n owner or operator of a facility for failure," among other things, to "[c]omplete and submit an inventory form under section 11022(a) of this title . . . [and] section 11023(a) of this title." § 11046(a)(1). As a prerequisite to bringing such a suit, the plaintiff must, 60 days prior to filing his complaint, give

notice to the Administrator of the EPA, the State in which the alleged violation occurs, and the alleged violator. § 11046(d). The citizen suit may not go forward if the Administrator "has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty." § 11046(e). We identify the respondent City as the owner herein and the remaining respondents as operators of the facility for purposes of EPCRA.



Parcel	Acreage
A	20
A'	47
A3 (combined)	9
B	40
C	75
D-1	50
D-2	6
E	129
E-2	47
F	437
G	40
IR 7/18	14
UC-1	4
UC-2	4
UC-3	13
Total	936

HUNTERS POINT SHIPYARD
PARCEL BOUNDARIES A - G

Statement of Facts and Exhibits

The shipyard's history with radioactivity began decades ago when ships that had been used in the Pacific during nuclear bomb tests were brought to San Francisco to be cleaned with sandblast grit.

"The atom bomb "Little Boy" sailed from the Hunters Point Shipyard and on Aug. 6, 1945, was dropped on Hiroshima, killing 140,000 people by the end of that year." [1]

From 1946 to 1969, the shipyard also housed the Naval Radiological Defense Laboratory (NRDL), which used radioactive materials on rats, dogs and other animals to determine the effects of radiation on living organisms. NRDL conducted experiments with highly radioactive materials like uranium and plutonium. The shipyard also processed radioactive [glow in the dark] radium dials and markers. The experiments produced barrels of radioactive waste and leached radioactivity into the buildings, sewage & drainage pipes and soil. Most shipyard operations ceased in 1974, and it was shut down as part of the U.S. Base Realignment and Closure process in 1991.

Since then, the Navy, the City, Congressional member Nancy Pelosi[2], Senator Dianne Feinstein & former Mayor Gavin Newsom[3], have been trying to orchestrate

[1] Source: http://sfbayview.com/2009/08/the-bomb-in-our-back-yard/ accessed 9/17/2018.
[2] Source: https://sfenvironment.org/es/news/press-release/historic-82-million-for-hunters-point-clean-up accessed 9/17/2018.
[3] Hunters Point Shipyard: A Shifting Landscape - Civil Grand Jury City and County off San Francisco 2010-2011 (April 15, 2011) http://civilgrandjury.sfgov.org/2010_2011/Hunters_Point_Shipyard.pdf

a federal cleanup and transfer of the shipyard to the City's jurisdiction, where a developer Lennar [AKA: FivePoint[4]] plans to build more than 10,500 housing units, a hotel, schools and retail space on about 500 acres.

Section 304 of the Emergency Planning and Community Right-to-Know Act ("EPCRA") specifies Emergency Release Notification Requirements as follows, "*Information about accidental chemical releases must be made available to the public*."

U.S. EPA[5] requires "immediate" notice of any releases under EPCRA and describes the contents of this public notice as follows, "If such an accidental release occurs, the facility must *immediately notify* [] any area likely to be affected by the release. In addition, spills of CERCLA hazardous substances must also be reported to the NRC [Nuclear Regulatory Commission] at (800) 424-8802. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the local operator. The emergency notification must include.

- The chemical name
- An indication of whether the substance is extremely hazardous
- An estimate of the quantity released into the environment
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person"

[4] See: https://www fivepoint.com
[5] See: https://www.epa.gov/epcra/epcra-section-304

EPCRA establishes a framework of state, regional, and local agencies designed to inform the public about the presence of hazardous and toxic chemicals, and to provide for emergency response in the event of health-threatening release. Central to its operation are reporting requirements compelling users of specified toxic and hazardous chemicals to file annual "emergency and hazardous chemical inventory forms" and "toxic chemical release forms," which contain, *inter alia,* the name and location of the facility, the name and quantity of the chemical on hand, and, in the case of toxic chemicals, the waste-disposal method employed and the annual quantity released into each environmental medium. 42 U. S. C. §§ 11022 and 11023. The hazardous-chemical inventory forms for any given calendar year are due the following March 1st, and the toxic-chemical release forms the following July 1st. §§ 11022(a)(2) and 11023(a).

Questions over the accuracy of Tetra Tech's soil tests emerged in 2012 when the Navy flagged anomalies in the soil data gathered on one piece of the site. Despite that discovery — and a chorus of whistle-blowers who repeatedly told regulators and media outlets that Tetra Tech was lying — the $1 billion cleanup sped forward. The Navy allowed Tetra Tech to investigate and essentially exonerate itself, and the Navy and regulators continued to let Tetra Tech vouch for the safety of other pieces of the site, including the parcels now in question.

One of the parcels, known as D-2, bulges up to Parcel A along its southern edge. The other three are "utility corridors" that touch Parcel A, thin strips of land called UC-1, UC-2 and UC-3. While UC-3 is still owned by the Navy, the other three parcels were transferred in 2015 to the City's Office of Community Investment and Infrastructure.

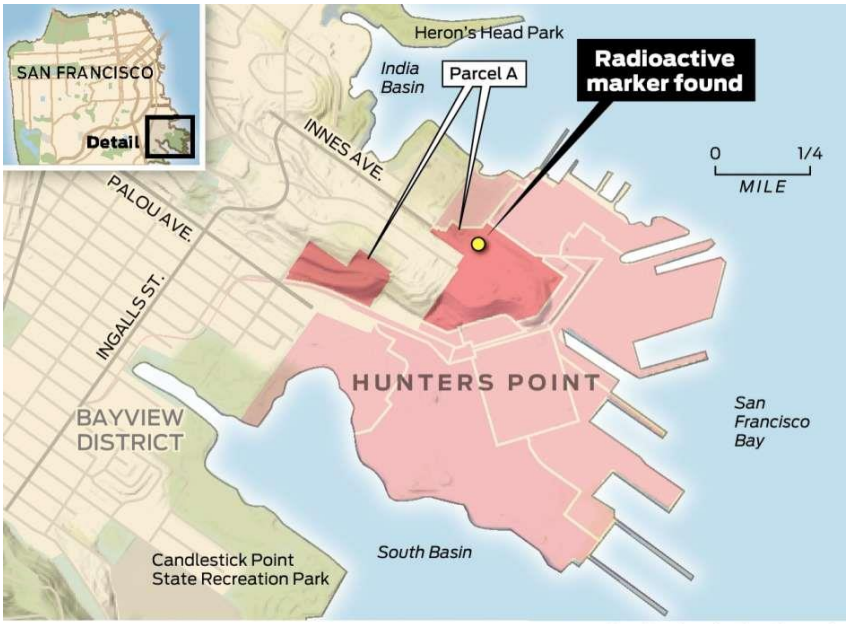
Tetra Tech was heavily involved. Not only did the company collect the radiation data on those parcels, Tetra Tech entities also wrote the official documents that declared the parcels suitable for transfer to the City. And the regulators signed off.

On four portions of the former Hunters Point Naval Shipyard nearly all the radioactivity measurements that were used to confirm the soil's safety are "suspect," according to a released analysis by the U.S. Environmental Protection Agency. The measurements were collected by the Navy contractor Tetra Tech. The EPA discovered "a widespread pattern of practices that appear to show deliberate falsification." [Exhibit A dated December 27, 2017]

Over the past year, the Navy and EPA have found similar problems with soil data in other parcels at the shipyard. But those parcels haven't been handed off to the City for development to begin. This is the first time that regulators have discovered evidence of probable fraud in shipyard land that was already turned over to the City.

Although the four parcels in question are relatively small, they sit next to a 75-acre tract known as Parcel A, where Lennar already has built about 300 homes and where people live and work. Because by federal law no land at the site can be transferred to the City without extensive checks for pollution, the transfer of these parcels' points to broader dysfunction in the vetting process for all land at the former shipyard.

The EPA documented its findings in a March report [Exhibit B dated March 30, 2018] that was sent to several public agencies, including the San Francisco Department of Public Health, which is responsible for monitoring the cleanup. The report contradicts the City's recent assurances that the shipyard is safe. However, the report was withheld from the public by the EPA the other regulators and the City. Instead it was obtained through a Freedom of Information Act request by Public Employees for Environmental Responsibility, an environmental watchdog nonprofit corporation in Washington, D.C. [Exhibits C dated April 9, 2018 and D dated May 23, 2018].



John Blanchard / The Chronicle

A September 13, 2018 San Francisco Chronicle article[6] reported,

> "A highly radioactive object has been discovered at the former Hunters Point Naval Shipyard next to a housing area that has been declared safe and free of radioactive contamination for more than a decade, The Chronicle has learned.
>
> ***
>
> The object — a radium deck marker about the size of a silver dollar, 1½ inches across — was unearthed Tuesday [9/11/18] on a grassy slope beneath a stretch of newly built condos, less than a foot below ground. The state health department revealed the information Thursday in a "Progress Update" letter sent to the shipyard homeowners' association and obtained by The Chronicle.
>
> The housing area is known as Parcel A. The California Department of Public Health is scanning it for radioactivity after revelations that employees of the Navy's main cleanup contractor, Tetra Tech, faked

[6] https://www.sfchronicle.com/bayarea/article/Radioactive-object-found-near-homes-at-Hunters-13228476.php accessed 9/17/2018.

radiation measurements in other parts of the shipyard. Parcel A residents and city officials demanded a test after whistle-blowers and media reports raised the possibility that some of those problems may have extended to Parcel A, where 300 housing units have been completed and an additional 150 are under construction.

But the discovery of a radium device is startling because the city and multiple government agencies have said for years that any contamination on Parcel A was cleaned up long ago. The Navy transferred the 75-acre parcel to the city in 2004. The land is now owned by home builder and developer Lennar Corp. Public officials have repeatedly assured residents that no harmful radioactivity exists near their homes and they have nothing to worry about.

Even after the state agreed to perform the new scan, public officials insisted that the parcel is clean and the scan was a mere formality.

'The contamination has been cleaned up,' Amy Brownell, environmental engineer for the San Francisco health department, said in May during a tour of Parcel A. 'We can say definitively there are no public safety concerns or health concerns out here.'"

EJSCREEN is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach that combines environmental and demographic indicators in maps and reports. This can help to highlight geographic areas and the extent to which they may be candidates for further review, including additional consideration, analysis or outreach. To access the application, navigate to https://www.epa.gov/ejscreen The Hunters Point shipyard EJSCREEN Census 2010 Summary Report [Exhibit E herein accessed 5/9/2018] with a Location, User-specified point center at (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

and with Ring (buffer) within 1.0-mile radius of the shipyard the report describes the impacted population of 3,994 persons within the area of analysis. Of those persons within 1.0-mile radius of the shipyard only 373 are White or about 9% of that population, with 91% of the population impacted being Non-white. 2,120 persons are identified as Black, or 53% of the total population within the analysis area.

Complaint

Through accident or intention by failing to notify the surrounding low-income community of color adversely affected by ongoing exposure to toxins including radioactive substances in the Hunters Point shipyard, respondents all of them have engaged in a pattern and practice of willful misconduct using gross negligence as their avenue for violations of Title VI and EPCRA.

Complainants allege a continuing and/or imminent violation of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), 42 U. S. C. § 11046, Title VI the Civil Rights Act of 1964, 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975a–1975d, 2000a–2000h-6, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195.

In accordance with EPA regulations, at 40 CFR Part 7, the general rule is that EPA only will accept complaints filed within 180 days of the discriminatory act. The Case Resolution Manual states (at pages 9-10): "...ECRCO will accept as timely only those allegations that have been filed within 180 calendar days of the date of the last act of alleged discrimination". Following EPA's March report [Exhibit B] dated March 30, 2018, the respondents had the opportunity to comply with Title VI and EPCRA, so that suggests that **180 days** later would be September 26, 2018. The radium deck marker discovered September 11, 2018 on property transferred to City provided another opportunity to comply with Title VI and EPCRA. Unfortunately, neither evidence of compliance nor a schedule for compliance has been provided.

Title VI of the Civil Rights Act states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Complainants allege violations of Title VI by respondents' failure to notify the entire population affected by exposure to toxic substances originating from the shipyard. [7] The respondents' activities receiving EPA financial assistance are identified as follows.

On August 14, 2017 Tetra Tech issued a Press Release announcing Tetra Tech was Awarded a $113 Million Contract to Support EPA's Watershed Protection Program. [See Exhibit F herein]

The City and County of San Francisco (CCSF) have direct authority over Amy Brownell, of the San Francisco Department of Public Health, the CCSF person copied on EPA's letters in Exhibits A and B. According the S.F. Department of Environment website "San Francisco Receives $600,000 in U.S. EPA Brownfield Grant Awards for Assessment and Job Training". [See Exhibit G accessed 5/21/2018]

According to a News Release issued September 21, 2017 "The U.S. Environmental Protection Agency has awarded $22.94 million to the California Department of Toxic Substances Control ["DTSC"] to support their hazardous waste management and reduction activities." [See Exhibit H accessed 6/15/2018] EPA's letter in Exhibit A was copied to Julie Pettijohn, DTSC, and Exhibit B was copied to Nina Bacey, DTSC.

[7] This exposure is not just limited to those affected within 1.0-mile radius of the shipyard. In 2017, two former supervisors for Tetra Tech, pleaded guilty to swapping contaminated dirt with clean soil to make it appear that tainted areas were free of harmful radiation. They were both sentenced to eight months in prison. It is reasonable to infer that contaminated soil was transferred to unqualified disposal sites not equipped for the type of soil being transferred from the shipyard.

According to a News Release issued February 13, 2018 “EPA awarded the State Water Resources Control Board a total of $172.3 million to capitalize its clean water and drinking water State Revolving Fund programs.” [See Exhibit I accessed 6/15/2018] The State Water Resources Control Board has oversight over the Regional Water Boards (“RWQCB”). EPA’s letter in Exhibit A copied Alec Naugle, California Regional Water Quality Control Board, and EPA’s letter in Exhibit B was copied to David Tanouye, RWQCB.

Damages are authorized by EPCRA, payable to the United States Treasury, therefore Complainants seek all EPA financial assistance received by respondents to be refunded by respondents, payable to the United States Treasury. Until respondents establish compliance or a schedule of compliance, Complainants request respondents be found ineligible for receipt of further federal financial assistance.

Respectfully submitted,

Lynne Brown – Vice-President, CARE
Resident, Bayview Hunters Point
(b) (6)

Michael E. Boyd - President
CAlifornians for Renewable Energy, Inc. (CARE)
(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
Soquel, CA 95073
E-mail: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Cc
By U.S. Mail,

Tetra Tech, Inc. California Agent for Service

City Attorney Dennis Herrera City and County of San Francisco

California Department of Toxic Substances Control

California Regional Water Quality Control Board San Francisco Bay Regional Board

The White House: President Donald Trump

By E-mail

City and County of San Francisco Office of the Controller whistleblower@sfgov.org

Barbara Lee Director DTSC DTSCDirectorsOffice@dtsc.ca.gov

Exhibit A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA

December 27, 2017

George ("Pat") Brooks
US Department of the Navy
33000 Nixie Way, Bldg 50
San Diego, CA 92147

Dear Mr. Brooks:

Thank you for providing for review the *Draft Radiological Data Evaluation Findings Report for Parcels B and G Soil* ("Report"), Former Hunter's Point Naval Shipyard (HPNS), September 2017. The U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), and the California Department of Public Health (CDPH) have independently reviewed this report in detail with a technical team including national experts in health physics, geology, and statistics, and EPA's comments are attached.

In Parcel B, the Navy recommended resampling in 15% of soil survey units in trenches, fill, and building sites. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 76% of survey units, bringing to 90% the total suspect soil survey units in Parcel B. (These do not add exactly due to rounding) In Parcel G, the Navy recommended resampling 49% of survey units, and regulatory agencies recommended 49% more, for a total of 97% of survey units as suspect.

Below are examples of observed forms of potential falsification, data manipulation or data quality concerns identified in reviews by EPA, DTSC, and CDPH:

- In Parcel G, in nearly a third of trench units, gamma scans of soil surfaces after excavation showed a need for further biased soil samples to be collected, but they were not.
- In Parcel G, out of the 43 trench units that the Navy had not already recommended resampling:
    - Over half had inconsistencies between gamma scan and static data and over one-third had other types of inconsistencies (e.g. on-site and off-site lab results differ by more than 10 times, plots showed signs that multiple sources of soil were likely in the data set, etc.)
    - In a third, the narrow range of gamma static data indicates measurements were not collected from different locations, as required.
    - In six, some data were missing so some evaluations could not be done.
    - In a few trench units, biased sample results appeared lower than other data sets. Biased samples are supposed to be collected in locations of highest scan results, so they would be expected to be higher, not lower, than other data sets collected in random locations.
    - Other concerns were found through data evaluation, and most trench units showed red flags of multiple types.
- In Parcel B, in some samples, the weights recorded for the onsite lab differed significantly from that recorded for what should be the same sample sent to the offsite lab.

- In Parcel B, in some samples, the weights recorded for the onsite lab differed significantly from that recorded for what should be the same sample sent to the offsite lab.
- Generally, data from Parcel B trench units show fewer examples of signs of deliberate falsification, but they show more frequent examples of data quality concerns. For example, a quarter of trench unit reports were missing gamma scan and static data. Many lab results were zero or negative numbers.

In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both.

We look forward to working with the Navy to scope out and begin the sampling component of the radiological assessment effort as soon as possible. If you would like to discuss any of these comments, please contact me at 415-972-3005 or chesnutt.john@epa.gov. You may also contact Lily Lee, Remedial Project Manager, on my staff at 415-947-4187 or lee.lily@epa.gov.

Sincerely,

John Chesnutt
Manager, Pacific Islands and Federal Facilities Section
Superfund Division

Attachments

cc: Julie Pettijohn, DTSC
Sheetal Singh, CDPH
Alec Naugle, California Regional Water Quality Control Board
Amy Brownell, San Francisco Department of Public Health

Exhibit B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX
75 Hawthorne Street
San Francisco, CA

March 30, 2018

George ("Pat") Brooks
US Department of the Navy
33000 Nixie Way, Bldg 50
San Diego, CA 92147

Dear Mr. Brooks:

Thank you for providing for review the *Draft Radiological Data Evaluation Findings Report for Parcels D-2, UC-1, UC-2, UC-2, and UC-3 Soil* ("Report"), Former Hunter's Point Naval Shipyard, October 2017. The U.S. Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), and the California Department of Public Health (CDPH) have independently reviewed this report in detail with a technical team including national experts in health physics, geology, and statistics, and EPA's comments are attached.

In these parcels, the Navy recommended resampling in 61% of soil surveyunits in trenches and fill. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 32% of survey units, bringing to 93% the total suspect units. In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both.

Attached are 1) narrative comments, 2) spreadsheets with reviews of individual trench units, and 3) spreadsheets for fill units. EPA previously submitted comments December 29, 2018, on the Navy's similar report for Parcels B and G. Most of these previous comments address the overall evaluation, so they also apply to this report. They are not repeated in the attached narrative comments but are incorporated by reference.

We look forward to working with the Navy to scope out and begin the sampling component of the radiological assessment effort as soon as possible. If you would like to discuss any of these comments, please contact me at 415-947-4187 or lee.lily@epa.gov. You may also contact my manager John Chesnutt at 415-972-3005 or chesnutt.john@epa.gov.

Sincerely,

Lily Lee, Remedial Project Manager

Attachments

cc: Nina Bacey, DTSC
Tracy Jue, CDPH
David Tanouye, RWQCB
Amy Brownell, SFDPH

USEPA Review of the Draft Radiological Data Evaluation Findings Report for Parcels D2, UC-1, UC-2, UC-3 Soil, Former Hunter's Point Naval Shipyard, San Francisco, California, Draft dated October 2017 USEPA Comments dated March, 2018

GENERAL COMMENTS

1. EPA previously submitted comments December 29, 2018, on the Navy's similar report for Parcels B and G. Most of these previous comments address the overall evaluation, so they also apply to this report. They are not repeated in the attached narrative comments but are incorporated by reference.

2. Section 1 (Introduction) of the Draft *Radiological Data Evaluation Findings Report for Parcels D-2, UC-1, UC-2, and UC-3 Soil*, Former Hunter's Point Naval Shipyard, October 2017 (the Report) should clarify the authors of the report. Section 1 states that the Navy assembled a Technical Team (a group of technical experts) that includes representatives from the regulatory agencies. That statement would only be appropriate if the final version presents a consensus conclusion. If, however, the next version of the report intends to place regulatory reviews in a separate part of the report, then please revise the language accordingly to reflect accurately any relevant distinctions.

3. The Report includes language about a proposal to reanalyze archived samples (e.g. in Section 4, page 4-1, bullet 2. However, the Navy has not recommended this approach for any of the survey units in this report. For clarity, please either add to the text that this approach was considered but has not been recommended for any of the Parcels in this report or just remove it from both the text and from the Figures in Section 4 that reference this approach. For the record, EPA previous comments rejected this approach for several reasons.

4. In these parcels, the Navy recommended resampling in 61% of soil surveyunits in trenches and fill. EPA, DTSC, and CDPH found signs of potential falsification, data manipulation, and/or data quality concerns that call into question the reliability of soil data in an additional 32% of survey units, bringing to 93% the total suspect soil survey units. In summary, the data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both. Please see attached tables that summarize the results in the attached spreadsheets.

5. Biased samples were not collected for several trench units (TUs). The text states that the Survey Unit Project Report (SUPR) for a TU indicated "no additional biased sampling was performed since the bottom of the trench was native serpentine rock." In several cases, biased sampling should have been done because elevated concentrations were found in removed piping. Because required biased samples were not collected, the recommendations for these TUs should include additional data collection to provide sufficient data to demonstrate compliance with the ROD requirements. Please revise the Report to recommend additional sample collection to address this deficiency at TUs where biased samples were not collected in areas where gamma scan surveys indicated elevated activity.

SPECIFIC COMMENTS

1. **Section 4.2.1.1, Trench Unit 140, Page 4-4:** The recommendation for confirmation sampling should also include the need to conduct a gamma scan. This trench unit (TU) was identified for confirmation sampling based on elevated gamma scan readings of up to 11,190 counts per minute (cpm) compared to the investigation level of 7,013 cpm because there was no response to address the elevated gamma scan readings. To locate the elevated gamma scan readings, it will be necessary to excavate this trench and rescan the trench walls and bottom. Please ensure that TU140 is classified as a Class 1 Survey Unit (SU) and a new Final Status Survey (FSS), which includes a gamma scan survey, is recommended for TU 140 and for all other TUs where the problem of failing to respond to elevated gamma scan results was identified.

2. **Section 4.2.1.1, Trench Unit 147, Page 4-5:** This TU was recommended for resampling because biased samples were not collected and because the final systematic sample results were suspect; however, the low end of the gamma scan was unusually low (940 cpm), so this TU should also be recommended for a new Class 1 SU FSS which includes a gamma scan survey. Please revise the recommendation to specify that TU 147 will be classified as a Class 1 SU and will be subject to a new FSS.

3. **Section 4.4.1.1, Trench Unit 177, Page 4-17 and Trench Unit 190, Pages 4-17 and 4-18:** The text states that "inconsistencies were observed in data from the adjacent trench unit" (TU 178), but the text does not include a subsection discussing TU 178. There is a similar statement about TU 180 in the discussion of Trench Unit 190, but TU 180 is not included in the text. Please revise the text to include subsections that discuss the data inconsistencies in TU 178 and TU 180.

Table 1 – Summary of Reviews of Trench and Fill Units

	Trench	Fill	Building Sites	Total	% of total
Tota Survey Units in Parcels UC-1,2,3 & D-2	48	80	0	128	100%
Navy recommended resampling	23	55	0	78	61%
Navy recommended reanalyzing archived samples	2	0	0	2	2%
EPA, CDPH, DTSC recommend resampling	18	23	0	41	32%
Total recommended resampling	41	78	0	119	93%
No signs of falsification found in data	6	2	0	8	6%
EPA not yet reviewed	1	0	0	0	0%
% of total recommended resampling	85%	98%	N/A	93%	

The above was for these parcels alone. Below is for entire Shipyard.

Total Survey Units in Hunters Pt Tetra Tech EC	*305*	*514*	*
Parcels D-2 & UC-1,2,3 as % of total	16%	16%	*

Table 2 – Summary of Reviews of Trench Units, by Parcel

Number of TU's					% of Parcel UC's & D-2 total	
Parcel D-2	Parcel UC-1	Parcel UC-2	Parcel UC-3	Total		
7	12	8	21	48	100%	Total trench units in Parcel UC's & D-2
Navy reviewed all Trench Units to look for signs of potential falsification						
1	9	8	5	23	14%	Navy recommended confirmation sampling due to signs of potential falsification
0	0	0	0	0	0%	Navy recommended reanalysis of archived samples
6	3	0	16	25	86%	Navy recommended NFA = No further action due to signs of falsification,
EPA reviewed the Trench Units recommended for NFA						but potential further action due to uncertainty
2	0	0	4	6	29%	EPA score 0 = No specific findings of particular concern
0	0	0	0	0	0%	EPA Score 1 = Need further review
4	3	0	11	18	57%	EPA Score 2 = Need resampling before determination that the record supports ROD requirements met
Total Navy and EPA recommend for resampling						
5	12	8	16	41	71%	

Table 3 – Summary of Reviews of Fill Units, by Parcel

	Total	% of total	D-2	UC-1	UC-2	UC-3
Total Survey Units in Parcels UC-1,2,3 & D-2	80	100%	5	26	20	29
Navy recommended resampling	55	69%	4	14	13	24
Navy recommended reanalyzing archived samples	0	0%	0	0	0	0
DTSC recommended resampling	23	29%	1	12	6	4
Total recommended resampling	78	98%	5	26	19	28
No signs of falsification found in data	2	3%	0	0	1	1
% of total recommended resampling	98%		100%	100%	95%	97%

Exhibit C

News
News Releases
Press Clips

For Immediate Release: Apr 09, 2018
Contact: Kirsten Stade (202) 265-7337

RADIATION PROBLEMS MULTIPLY FOR SAN FRANCISCO'S HUNTERS POINT

Nearly All U.S. Navy Radiation Samples Were Falsified, Fraudulent or Unreliable

Posted on Apr 09, 2018 | Tags: **California**, **DOD**, **EPA**

Washington, DC — Troubles afflicting the nearly 30-year radiation cleanup of San Francisco's Hunters Point shipyard are far worse than previously reported. Between 90 and 97% of the U.S. Navy soil samples re-examined by the U.S. Environmental Protection Agency are "neither reliable nor defensible," according to an EPA review released today by Public Employees for Environmental Responsibility (PEER).

The Hunters Point Naval Shipyard in the city's southeast corner was the site of nuclear weapons research causing widespread radiological contamination. Navy ships contaminated by hydrogen bomb tests in the Pacific were taken to Hunters Point for decontamination, which left the shipyard heavily polluted with radioactivity. It has been an EPA Superfund site since 1989. In today's real estate-mad San Francisco, it is slated for the largest redevelopment since the 1906 earthquake.

Beginning in 2010, employees of the Navy's site consultant, Tetra Tech, reported extensive data manipulation, falsification, and other efforts to minimize evidence of soil contamination. In the fall of 2017, internal Navy analyses of these measurements concluded that nearly half of the sampling was suspect.

The EPA performed its own review, which found data falsification and quality deficiencies were far wider and deeper than the Navy had admitted. On two major parcels covering 40% of the site, EPA found 90% of samples were suspect on one and 97% were suspect on the other. The Navy, by contrast, recommended resampling in only 15% of the samples from the first parcel and 49% of the second. In its December 27, 2017 comments on the Navy's submission, John Chesnutt, an EPA Superfund Manager, wrote:

"The data revealed not only potential purposeful falsification and fraud in terms of sample and/or data manipulation, they also reveal the potential failure to conduct adequate scans, a lack of proper chain of custody for ensuring samples were not tampered with, extensive data quality issues (including off-site laboratory data) and general mis-management of the entire characterization and cleanup project."

"Hunters Point is unfolding into the biggest case of eco-fraud in U.S. history," stated PEER Executive Director Jeff Ruch, who obtained the EPA review under the Freedom of Information Act. "What makes these findings so remarkable is that the Navy was on notice for years that it had a major data meltdown on its hands yet is still trying to cook the books."

This spreading data manipulation scandal obscures the true level of contamination remaining at the site. As many as a dozen years of sampling may be worthless. EPA is still reviewing the testing at other parcels covering 60% of the site, so there may be more shoes to drop. Further, there is growing concern that the standard used by the Navy for what is "clean" has also been manipulated to significantly downplay dangers.

"The Navy created an environmental nightmare on this stretch of the San Francisco Bay but instead of cleaning it up has spent the past several years compounding it," added Ruch, noting that EPA Administrator Scott Pruitt claims that reforming Superfund is a top priority. "Besides being a poster child for reform of the Superfund program, this case cries out for accountability from the Navy, its contractor, and the EPA."

###

Read the EPA comment summary

See Table summarizing bad rad data

View text of EPA comments

Compare the Navy submission summary

Look at EPA letter referencing ongoing reviews on other parcels

Note Pruitt's relaxed stance on radiation danger

Contact Us Your Privacy
Ph: (202) 265-PEER (7337) • Fax: (202) 265-4192

962 Wayne Ave, Suite 610, Silver Spring, MD 20910-4453

Exhibit D

News
News Releases
Press Clips

For Immediate Release: May 23, 2018
Contact: Kirsten Stade (202) 265-7337

HUNTERS POINT RADIATION PROBLEMS WORSEN

Navy Says Tetra Tech Building Radiation Survey Data Are Also Bogus

Posted on May 23, 2018 | Tags: **California**, **DOD**, **EPA**

Washington, DC — The U.S. Navy has found "data manipulation and/or falsification" afflicting years of radiation surveys on the buildings at San Francisco's Hunters Point shipyard, invalidating its contractor's claims the buildings are safe for "unrestricted release," according to a Navy report posted today by Public Employees for Environmental Responsibility (PEER). This finding compounds the growing scandal over fraudulent soil samples by the contractor Tetra Tech and pushes the costs and schedule for the nearly 30-year cleanup of this Superfund site deeper into limbo.

The Navy's March 2018 "Building Radiation Data Initial Evaluation Report" confirms data manipulation allegations by former Tetra Tech employees. It reexamines Tetra Tech radiation surveys submitted from 2008 through 2016 for 28 buildings on six parcels covering most of the 500-acre site and concludes that "the surveys have been falsified and cannot be used." Among other flaws, the report points to –

- Improper radiation scan speeds "in nearly all survey units" thus rendering its recorded data useless. Moving the scan too rapidly above its design rate prevents accurate detection of radiation levels;
- Evidence of "duplicated data strings" for more than half the buildings, meaning that the exact same printout appears to have been cut and pasted for use on multiple structures; and
- The potential for even more data shortcomings: "This report cannot verify that additional portions of the database have not been manipulated."

"Contrary to the old saying, the figures apparently do lie at Hunters Point," stated PEER Executive Director Jeff Ruch, who revealed last month that the U.S. Environmental Protection Agency determined nearly all the Tetra Tech soil samples on a large portion of the site were "neither reliable nor defensible." "Now we know there was falsification not just of soil contamination measures, but also of the buildings."

Buildings inappropriately declared clean can be leased out for reuse or torn down and their debris shipped to disposal or recycling sites not designed or licensed for radioactive waste.

Significantly, the report did not review any building in Parcel A, the 75-acre portion of the site already turned over to the city and redeveloped, claiming there were "no data" available to reevaluate. This gap does little to dispel growing concern about the true level of contamination on the small portion of the site already declared clean.

While the Navy is responsible for decontaminating the site, EPA is supposed to make sure the work is complete and correct. Neither agency, however, has indicated what steps will be taken to right this reeling remediation. Much of the key information, such as this latest Navy report, is not made publicly available.

"Instead of moving forward, the Hunters Point cleanup is careening in reverse," added Ruch, noting that every charge the Tetra Tech whistleblowers have made is being verified, one after another. "To get to the bottom of this mess, perhaps the Tetra Tech whistleblowers should be put in charge."

###

Read key excerpts

View the entire report

Look at fraudulent Hunters Point soil sampling

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Exhibit E

EJSCREEN Census 2010 Summary Report

Location: User-specified point center at [redacted]
Ring (buffer): 1.0-mile radius
Description:

Summary	Census 2010
Population	3,994
Population Density (per sq. mile)	2,577
Minority Population	3,816
% Minority	96%
Households	1,248
Housing Units	1,348
Land Area (sq. miles)	1.55
% Land Area	60%
Water Area (sq. miles)	1.03
% Water Area	40%

Population by Race	Number	Percent
Total	3,994	-------
Population Reporting One Race	3,689	92%
White	373	9%
Black	2,120	53%
American Indian	25	1%
Asian	333	8%
Pacific Islander	355	9%
Some Other Race	483	12%
Population Reporting Two or More Races	305	8%
Total Hispanic Population	867	22%
Total Non-Hispanic Population	3,127	78%
White Alone	178	4%
Black Alone	2,074	52%
American Indian Alone	9	0%
Non-Hispanic Asian Alone	320	8%
Pacific Islander Alone	339	8%
Other Race Alone	4	0%
Two or More Races Alone	204	5%

Population by Sex	Number	Percent
Male	1,833	46%
Female	2,161	54%

Population by Age	Number	Percent
Age 0-4	388	10%
Age 0-17	1,327	33%
Age 18+	2,667	67%
Age 65+	270	7%

Households by Tenure	Number	Percent
Total	1,248	
Owner Occupied	312	25%
Renter Occupied	936	75%

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.
Source: U.S. Census Bureau, Census 2010 Summary File 1.

Exhibit F

98.248.118.246

Tetra Tech Awarded $113 Million Contract to Support EPA's Watershed Protection Program

August 14, 2017 09:00 AM Eastern Daylight Time

PASADENA, Calif.--(BUSINESS WIRE)--Tetra Tech, Inc. (NASDAQ: TTEK) announced today that it has been awarded a five-year, $113 million contract to provide technical support services for the U.S. Environmental Protection Agency (EPA) Office of Water. Under this multiple-award contract, Tetra Tech will support the EPA Office of Water's Assessment and Watershed Protection Division in its efforts to assess and monitor water quality conditions, develop comprehensive tools to promote watershed protection, study point and nonpoint source pollution, and develop strategies for ecosystem restoration.

Tetra Tech will provide technical services to support the EPA's mission in meeting the broad requirements under the Clean Water Act which affect rivers, lakes, streams, wetlands, and coastal waters in the United States. These services include the development of water quality and economic models, preparation of technical guidance documents and analytical methods, and development of innovative management strategies to protect and reuse watershed. Tetra Tech will work with EPA regions, states, and other stakeholders on data analytics and the interpretation of water quality, land-use, and spatial data.

"Tetra Tech's scientists and researchers have supported EPA's watershed management programs continuously since 1989," said Dan Batrack, Tetra Tech Chairman and CEO. "We are pleased to continue developing innovative tools for EPA that advance the science of watershed assessment and protection of our nation's water resources."

About Tetra Tech

Tetra Tech is a leading, global provider of consulting and engineering services. We are differentiated by *Leading with Science*® to provide innovative technical solutions to our clients. We support global commercial and government clients focused on water, environment, infrastructure, resource

management, energy, and international development. With 16,000 associates worldwide, Tetra Tech provides clear solutions to complex problems. For more information about Tetra Tech, please visit tetratech.com, follow us on Twitter (@TetraTech), or like us on Facebook.

Any statements made in this release that are not based on historical fact are forward-looking statements. Any forward-looking statements made in this release represent management's best judgment as to what may occur in the future. However, Tetra Tech's actual outcome and results are not guaranteed and are subject to certain risks, uncertainties and assumptions ("Future Factors"), and may differ materially from what is expressed. For a description of Future Factors that could cause actual results to differ materially from such forward-looking statements, see the discussion under the section "Risk Factors" included in the Company's Form 10-K and 10-Q filings with the Securities and Exchange Commission.

Contacts

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Exhibit G

San Francisco Receives $600,000 in U.S. EPA Brownfield Grar Awards for Assessment and Job Training

News by Topic

- Buildings & Environments (/buildings-environments/news)
- Education & Equity (/education-equity/news)
- Toxics & Health (/toxics-health-old/news)
- Energy (/energy/news)
- Transportation (/transportation/news)
- Zero Waste (/zero-waste/news)
- Climate Change (/climate-change/news)

Contact's name: Guillermo Rodriguez, 415-355-3756

The U.S. Environmental Protection Agency (EPA) announced $69.3 million in grants to provide communities with funding necessary to clean and redevelop contaminated properties, boost local economies and create jobs while protecting public health. EPA selected San Francisco for brownfields grants totaling $600,000.

Community-wide hazardous substances and petroleum grant funds ($400,000) awarded to the San Francisco Department of the Environment (SFE) will be used to inventory brownfield sites, perform environmental site assessments in the Bayview Hunters Point (BVHP) neighborhood and conduct community outreach activities.

EPA also selected The Hunters Point Family, a San Francisco based non-profit, for an environmental workforce development and job training grant ($200,000) to train low-income, minority residents of San Francisco's BVHP community and place them in environmental jobs.

“We are helping San Francisco build upon past investments to revitalize the Bayview Hunters Point community,” said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. “In addition to cleanup funding for the City, EPA is awarding an environmental jobs training grant to the Hunters Point Family that will create green jobs to protect the health of local residents,” added Blumenfeld.

“EPA’s generous grant support will enable San Francisco to identify and assess brownfield sites for potential redevelopment in support of increased access to the Southeastern waterfront.” said Melanie Nutter, Director, San Francisco Department of the Environment. “EPA’s continued investment in San Francisco’s environmental priorities will help promote both recreational open spaces and green corridors in our underserved neighborhoods while equally investing in the people who live in impacted communities with job training,” added Nutter.

SFE’s brownfields project supports the development of the Blue Greenway, a waterfront open space corridor that extends the region’s Bay Trail along San Francisco’s eastern shoreline and southward into the BVHP community.

"The Blue Greenway is the most significant improvement in our City's waterfront since the restoration of Crissy Field, and we deeply appreciate the ongoing support from the EPA for this project. This November, voters will be asked to approve the 2012 Clean and Safe Neighborhood Parks Bond, which will include another $16 million investment in the Blue Greenway. The Parks Alliance is honored to lead San Franciscans in approving this critical investment in our city's future,” said Matthew O'Grady, Executive Director San Francisco Parks Alliance.

SFE's inventory and assessments of brownfield sites will provide information necessary for preparing cleanup plans and end use planning. This work ultimately will reduce pollution in BVHP and promote access to its waterfront. By assessing and cleaning up brownfield sites and providing new open spaces and green corridors for physical activities such as gardening, walking, hiking and biking, local residents will have greater opportunities to reduce chronic diseases such as diabetes and high blood pressure. EPA's grant for brownfield assessments will help address health inequities and support SFE's efforts to build a healthy, sustainable community for BVHP residents.

EPA's investment in job training and placement services reflects the linkage between brownfield and economic development. The Hunters Point Family plans to train a minimum of 54 students, place at least 43 graduates in environmental jobs, and track graduates for at least one year. The core training program includes 224 hours of combined classroom and hands-on instruction in HAZWOPER, UST leak prevention, solid waste management and recycling, asbestos and lead worker safety, construction health and safety, wastewater management and habitat restoration. Four state and federal certifications will be offered.

"The Bayview Hunters Point Green Careers Program incorporates all of the principles of sustainability for people, the environment, and the local economy. The Hunters Point Family is working with other CBO's, government agencies, and employers to create a holistic training and employment program that will create viable career opportunities for young adults living in public housing, while transforming Bayview Hunters Point into a safe and healthy community," said Lena Miller, Executive Director, Hunters Point Family.

Training partners include the San Francisco Office of Economic and Workforce Development, San Francisco City College-Southeast Campus, Young Community Developers, Northern California District Council of Laborers, and San Francisco Public Utilities Commission.

About the EPA Brownfields Program: EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. In 2002, the Small Business Liability Relief and Brownfields Revitalization Act was passed to help states and communities around the country cleanup and revitalize brownfields sites. Under this law, EPA provides financial assistance to eligible applicants through four competitive grant programs: assessment grants, revolving loan fund grants, cleanup grants, and job training grants. Additionally, funding support is provided to state and tribal response programs through a separate mechanism.
http://www.epa.gov/brownfields/ (http://www.epa.gov/brownfields/)

Exhibit H

EPA United States Environmental Protection Agency

News Releases from Region 09

EPA awards $23 million to California to manage and reduce hazardous waste

09/21/2017

Contact Information:
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SAN FRANCISCO — The U.S. Environmental Protection Agency has awarded $22.94 million to the California Department of Toxic Substances Control to support their hazardous waste management and reduction activities.

"Hazardous waste must be managed safely from the moment it is created to its final disposal," said EPA Administrator Scott Pruitt. "We look forward to continuing to work with California to successfully control and reduce hazardous waste, and keep people safe."

The three-year grant provides funding under the Resource Conservation and Recovery Act, which regulates solid and hazardous waste. The money will support DTSC's program activities, such as cleaning contaminated sites, reducing hazardous waste generation, encouraging the manufacture of chemically safer products, and enforcing hazardous waste laws.

"We greatly appreciate U.S. EPA's continued support of DTSC's programs and the opportunity to continue to partner with U.S. EPA on vital hazardous waste management programs," said Department of Toxic Substances Control Director Barbara Lee. "The funding provided by U.S. EPA, coupled with California's own substantial investment in its hazardous waste program, supports DTSC's vital work protecting Californians and their environment from the harmful effects of toxics."

Since 1995, EPA's RCRA program has awarded California more than $180 million to support hazardous waste monitoring and enforcement, permitting, contaminated site cleanup, pollution prevention, border initiatives, and program management.

RCRA regulations protect communities by ensuring safe management and cleanup of solid and hazardous waste, while encouraging reduction of pollution sources and beneficial reuse of formerly contaminated properties.

For more about EPA's RCRA program: https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview

For more about EPA's work in California: https://www.epa.gov/ca

LAST UPDATED ON SEPTEMBER 21, 2017

Exhibit I

United States Environmental Protection Agency

News Releases from Region 09

U.S. EPA awards $173.5 million for California drinking water and wastewater projects

02/13/2018

Contact Information:
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SAN FRANCISCO – The U.S. Environmental Protection Agency has awarded $172.3 million to the state of California for drinking water and wastewater infrastructure improvements, and a $1.2 million grant to the city of Vallejo for sewer upgrades.

"Investing in water infrastructure with our state partners is a priority for the Trump Administration and ensures communities can deliver safe drinking water and wastewater treatment," said **EPA Administrator Scott Pruitt**. "This funding is critical to supporting public health and environmental goals in California."

EPA awarded the State Water Resources Control Board a total of $172.3 million to capitalize its clean water and drinking water State Revolving Fund programs. These federal funds are supplemented with state funding sources and support California's water infrastructure needs. Recipients receive low-interest loans for clean water and drinking water projects. As money is repaid to the revolving loan fund, California funds new projects.

"The State Revolving Fund programs allow us to help a wide variety of communities throughout the state," said **State Water Resources Control Board Vice Chair Steven Moore.** "But their financial strength and versatility are especially good at helping small and disadvantaged communities that otherwise might not have access to the capital they need to solve their water treatment problems."

The Clean Water State Revolving Fund received $94.8 million to support a variety of water infrastructure improvement projects, including the following:

- **Monterey One Water** will use an $88 million loan to install a new water treatment facility in Monterey County. The facility will treat and reclaim municipal wastewater, urban runoff, agricultural return flows, and food

processing wastewater. The purified water will replenish the Seaside Groundwater Basin and provide water to 105,000 people, while reducing the amount of water diverted from the Carmel River.
- The **city of Santa Monica** will use a $52.9 million loan, and $4 million in loan forgiveness, to collect and treat municipal wastewater, stormwater, and impaired groundwater. This project will help the city reduce the use of imported water, replenish groundwater supply, increase drought resilience, and improve beach water quality.

The Drinking Water State Revolving Fund received $77.5 million for drinking water infrastructure improvements to improve public water systems, including the following:

- The **city of Sacramento** will use a $173.1 million loan to install 36,000 meters on residential and commercial water service connections. Water mains will also be replaced, as needed, as part of the city's efforts to upgrade 80 miles of water distribution and transmission mains.
- **Loma Rica Water Company in Marysville** will use a $126,734 loan to replace an existing redwood water tank with a new 36,500 gallon bolted steel tank, ensuring that the 200 people served by the system continue to receive clean drinking water.

EPA has awarded more than $5 billion to California's clean water and drinking water revolving fund programs since their inception in 1988 and 1996, respectively. These funds support California's efforts to address an estimated $70.5 billion worth of water infrastructure needs.

EPA also awarded a $1.2 million Special Appropriation Act Project grant to the **Vallejo Flood and Wastewater District** to replace a deteriorating force main—a pressurized sewer pipe that transports wastewater. The force main, which crosses the Mare Island Strait, has the potential to severely damage the Napa River and adjoining San Pablo Bay in the event of failure. The replacement sewer pipe will provide long-term reliability in conveying wastewater off the island.

For more information on EPA's State Revolving Fund programs, please visit:
https://www.epa.gov/drinkingwatersrf
https://www.epa.gov/cwsrf

For more information on Special Appropriation Act Project grants, please visit:
https://www.epa.gov/grants/special-appropriation-act-projects

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LAST UPDATED ON FEBRUARY 13, 2018