

**EXHIBIT 1 - DECLARATION OF STEVEN J. CASTLEMAN**

1. My name is Steven J. Castleman. I am an attorney licensed to practice law in the State of California. I am employed by the Environmental Law and Justice Clinic (“ELJC”) at Golden Gate University School of Law. Together with my co-counsel, David Anton, we represent Greenaction for Health and Environmental Justice in this Petition to revoke the federal Materials License of Tetra Tech, EC, Inc. (“Tetra Tech”), License number 29-31396-01, issued by Nuclear Regulatory Commission (“NRC”). A hearing on the Petition is scheduled for October 17, 2018.
2. I was previously employed by the San Francisco District Attorney as an environmental prosecutor, a role I played for more than ten years. During that time, I prosecuted Triple A Machine Shop, Inc., the master lessee of Hunters Point Naval Shipyard after the Navy stopped using it as an active Navy base, for illegal disposal of massive quantities of hazardous waste at that site. Triple A was convicted on five felony counts. During the investigation, I wrote two sampling plans in conjunction with technical experts. The first was for a search warrant in which we seized hundreds of environmental samples. The second was for a trenching project looking for buried hazardous waste. Both sampling projects resulted in evidence that was admitted at trial. I have also reviewed and critiqued multiple sampling plans written by others

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3. ELJC has no financial interest in any of its cases; we represent our clients pro bono. That is the case in our representation of Greenaction in this matter.
4. I declare under penalty of perjury that the foregoing is true and correct.



October 15, 2018

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Steven J. Castleman  
Attorney at Law

## **EXHIBIT 2**



# Gamma Spectroscopy Results

Sample results given in (pCi/g)

NWT Field Report

Ufo ID	Sample Description			
2N000031	Parcel A - 01(concrete) 259g 1/28/04 8:40			
Dry Weight (g)	Time Counted (s)	Operator	Date Acquired	Time Acquired
259	2699.1	Paul Wall	02-Feb-04	11:59:35 AM
Library Path	Reviewed By:		Date Sampled	Time Sampled
Hunter's Point 1.Lib			28-Jan-04	8:40:00 AM

Nuclide	Net Activity	MDA	Uncertainty	Soil DCGL
AC-228	7.1877E-01	2.2938E-01	4.9014E-01	*NA
AM-241	*<MDA	1.9088E-01	**	7.8000E+00
BI-212	*<MDA	6.0497E-01	**	*NA
BI-214	3.3371E-01	1.6542E-01	2.2379E-01	*NA
CO-60	1.9866E-02	1.5430E-02	3.4409E-02	4.2000E-01
Cs-137	*<MDA	9.6968E-02	**	1.3000E-01
EU-152	2.8179E-01 *F	1.2557E-01	2.2543E-01	1.3000E-01
EU-154	1.0062E-01	9.2507E-02	8.6375E-02	2.3000E-01
K-40	6.3481E+00	1.5329E+00	2.7700E+00	*NA
PA-234	*<MDA	1.1496E-01	**	*NA
PB-212	2.8228E-01	1.1802E-01	2.4798E-01	*NA
PB-214	5.1734E-01	1.6069E-01	3.2927E-01	*NA
RA-226	2.9653E+00	1.2805E+00	3.3784E+00	2.0000E+00
Th-230	2.2995E+01	1.3831E+01	4.9315E+01	*NA
Th-232	1.2421E+01	2.0385E+01	**	*NA
TH-234	1.1117E+00	1.8065E+00	**	*NA
TI-208	*<MDA	5.4340E-02	**	*NA
U-235	5.9660E-01 #F	3.4542E-01	9.9026E-01	5.7000E-01

\*F=Failed energy identification fraction and key energy tests demonstrating non-existence of the nuclide

#F = All energy peakes determining this isotope had bad poisson shape; this distortion signifies non-existence of the radionuclide

\*<DCGL=Nuclide failed key line energy and shape tests and is determined not to be present in sample

\*<MDA = Activity for this Nuclide is less than the Minimum Detectable Activity (MDA)

\*\* = Activity for this Nuclide is less than the MDA, therefore no Uncertainty is necessary

\*NA = No DCGL available for this Nuclide



# Gamma Spectroscopy Results

Sample results given in (pCi/g)

NWT Field Report

Ufo ID	Sample Description			
2N000030	Parcel A - 02 259g 1/28/04 8:35			
Dry Weight (g)	Time Counted (s)	Operator	Date Acquired	Time Acquired
259	2698.88	Paul Wall	02-Feb-04	10:58:20 AM
Library Path	Reviewed By:		Date Sampled	Time Sampled
Hunter's Point 1.Lib			09-Feb-04	8:30:00 AM

Nuclide	Net Activity	MDA	Uncertainty	Soil DCGL
AC-228	*<MDA	4.5302E-01	**	*NA
AM-241	6.0949E-02	2.1121E-01	**	7.8000E+00
BI-212	1.0652E+00	6.4706E-01	1.0652E+00	*NA
BI-214	8.6659E-01	1.7318E-01	4.8374E-01	*NA
CO-60	2.6491E-03	1.5431E-02	**	4.2000E-01
Cs-137	*<MDA	1.0565E-01	**	1.3000E-01
EU-152	1.9823E-01 *F	1.4611E-01	2.3041E-01	1.3000E-01
EU-154	1.3078E-01	9.7271E-02	2.6244E-01	2.3000E-01
K-40	1.2301E+01	1.5329E+00	3.3491E+00	*NA
PA-234	3.4336E-01	2.3155E-01	5.9886E-01	*NA
PB-212	1.1345E+00	1.4311E-01	3.1889E-01	*NA
PB-214	1.1768E+00	1.5021E-01	4.4135E-01	*NA
RA-226	3.1165E+00	1.4884E+00	4.0652E+00	2.0000E+00
Th-230	*<MDA	1.2723E+01	**	*NA
Th-232	2.6165E+01	2.4733E+01	4.5565E+01	*NA
TH-234	*<MDA	1.8332E+00	**	*NA
TI-208	*<MDA	7.7685E-02	**	*NA
U-235	6.1342E-01 #F	3.5179E-01	9.7145E-01	5.7000E-01

\*F=Failed energy identification fraction and key energy tests demonstrating non-existence of the nuclide

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# RADIOLOGICAL SURVEY REPORT

NWTS #: Par A M/H Bkg Brick 012804

Page 1 of 1

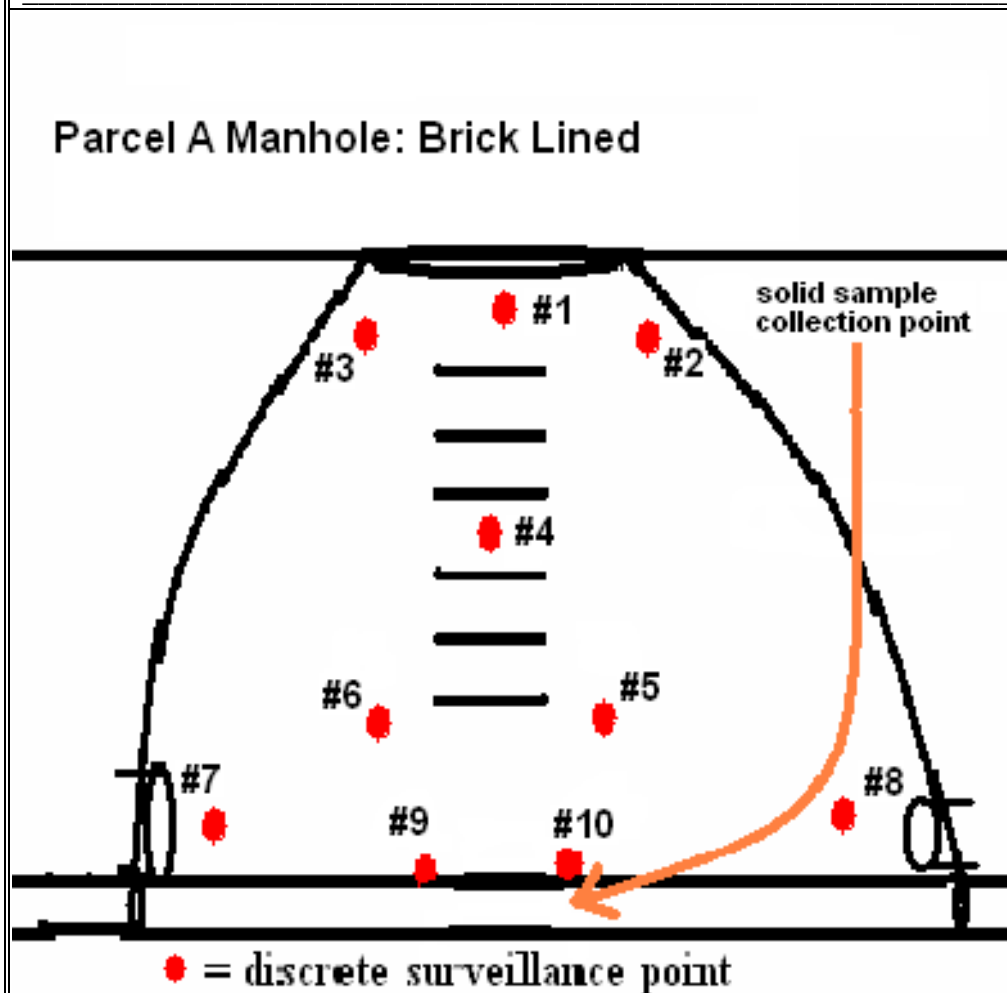
DATE:	January 28, 2004	INSTRUMENTATION USED				
TIME:	0800 hours	MODEL	S/N	EFF.%	BKRD	CAL. DUE DATE
SURVEYOR:	Bert Bowers	Ludlum: 19	101733	N/A	5-10 μR/hr	October 1, 2004
LOCATION:	Manhole, Par A (brick)	Ludlum: 2350-1	82955	N/A	10,514 CPM	August 21, 2004
REVIEWED BY:	Daryl DeLong	Ludlum: 2360	178154	α 12%	2 CPM	October 13, 2004
				β 6%	255CPM	

$\mu\text{R dose rates} = \mu\text{R/hr}; \quad \alpha, \beta \text{ \& } \gamma \text{ survey results} = \text{CPM}$

### PURPOSE OF SURVEY:

Establish background reference area/levels (from non-impacted M/H location) similar to M/H's to be accessed for pneumatic plug installation (i/s sanitary sewer system).

## Survey Results



Remarks: Composite sample collected from w/i manhole trench

[illegible]

**EXHIBIT 3**



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THE UNITED STATES ATTORNEY'S OFFICE  
NORTHERN DISTRICT *of* CALIFORNIA

[U.S. Attorneys](#) » [Northern District of California](#) » [News](#)

**Department of Justice**

U.S. Attorney's Office

Northern District of California

FOR IMMEDIATE RELEASE

Thursday, May 3, 2018

## **Radiation Control Technician Supervisors Sentenced For Falsifying Former Hunter's Point Naval Shipyard Clean-Up Records**

**Defendants admit substituting "clean dirt" for legitimate soil samples in order to fake the results of radiological remediation efforts.**

SAN FRANCISCO – Stephen C. Rolfe and Justin E. Hubbard have been sentenced to eight months in prison for falsifying records in a federal investigation, announced Acting United States Attorney Alex G. Tse; U.S. Nuclear Regulatory Commission Office of Investigations (NRC:OI) Acting Director Scott Langan; Environmental Protection Agency (EPA) Special Agent in Charge Jay Green; and Department of Defense, Office of Inspector General, Defense Criminal Investigative Service (DOD-OIG), Special Agent in Charge Chris D. Hendrickson. Both defendants supervised a team of radiation control technicians retained to conduct radiological remediation at the former Hunter's Point Naval Shipyard. The Honorable James Donato, United States District Judge, sentenced the defendants after each pleaded guilty to falsifying documents in related criminal cases. The cases against Hubbard and Rolfe were unsealed yesterday during Hubbard's sentencing proceedings.

Yesterday, Judge Donato sentenced Hubbard, 48, of Boulder City, Nevada, to eight months in prison for falsifying documents. Hubbard pleaded guilty on May 10, 2017, to the offense. On March 15, 2017, Rolfe, 65, of Bradenton, Florida, pleaded guilty to falsifying documents. On January 24, 2018, Judge Donato sentenced him to serve eight months in prison for the offense.

"When our community's health and safety is in jeopardy, we must vigilantly respond with all of our law enforcement tools," said Acting United States Attorney Tse. "This sentence reflects our commitment to ensure that bogus reports intended to deceive the protectors of our environment will be investigated and prosecuted to the fullest extent of the law. We could not have achieved this success without the coordinated efforts of the Justice Department and our partner agencies."



"Today's announcement by the U.S. Attorney's Office reaffirms the NRC's continuing commitment to protecting public health, safety and the environment. The collaborative work of all federal agencies involved in this case serves as a reminder that the NRC will hold accountable any individual who willfully provides inaccurate and incomplete information to a safety regulator," said NRC Executive Director for Operations Victor M. McCree.

"Accurate data is a critical component of EPA's efforts to protect communities and the environment at Superfund sites," said Assistant Administrator Susan Bodine. "Yesterday's sentence demonstrates that those who place communities at risk by deliberately falsifying information will be held accountable."

"Rolfe and Hubbard's lies and shortcuts in the soil-testing process potentially put the community at risk and frustrated the contracting efforts of the U.S. Navy to test and remediate soil at the former Hunter's Point Naval Shipyard," said Special Agent in Charge Hendrickson. "These results demonstrate that DCIS and its law enforcement partners are committed to holding accountable those who cheat the Department of Defense procurement process and U.S. taxpayers."

According to their plea agreements ([Hubbard](#), [Rolfe](#)), the defendants were employed by government contractors performing nuclear remediation work at the former Hunter's Point Naval Shipyard located in the Bayview District of San Francisco. Contractors at the site were expected to take soil from certain marked sampling locations, referred to as survey units, have the samples bagged and labeled, and then send them to a laboratory for analysis to determine, among other things, whether they contained certain radionuclides above an acceptable level. If a laboratory analysis determined a collected sample to contain a higher-than-allowable level of radionuclides of concern, then additional remediation of the survey area was to be conducted until all samples passed laboratory analysis. The defendants admitted that, rather than take samples from the intended survey units undergoing analysis, they participated in the substitution of dirt that was "clean" (containing acceptable levels of radionuclides) fraudulently taken from other areas within the former naval base.

As part of his plea agreement, Hubbard admitted that during 2012, he drove his company truck to an area outside the marked survey unit that he was tasked with remediating, and filled a bucket with clean dirt that he then substituted for legitimate soil samples. He then placed bar code stickers on the bags of dirt that misidentified the locations from where the samples were obtained. Hubbard acknowledged that he knew he was falsifying data that would ultimately be submitted to the U.S. Navy to demonstrate the area had been successfully remediated. Hubbard specifically admitted that on May 31, 2012, he fraudulently switched soil samples for four survey units at the former naval shipyard.

Rolfe admitted that he directed employees on his team to get clean dirt from outside the appropriate marked survey units and to substitute this clean dirt for legitimately collected samples. Rolfe estimated that he told his subordinates to obtain clean dirt in this manner on approximately twenty occasions in 2012. Rolfe further admitted that during this period, he observed forms containing this false information being filled out on between ten and twenty occasions. Rolfe admitted that on one occasion in August 2012, he personally falsified data on a tracking sheet to suggest that a sample of soil came from an area that he knew it did not. Rolfe

acknowledged that he knew his conduct would impede the proper investigation and administration of the U.S. Navy's radiological remediation efforts at the former naval shipyard.

Hubbard and Rolfe both were charged by information (Hubbard, Rolfe), each with one count of destruction, alteration, or falsification of records in federal investigations and bankruptcy, in violation of 18 U.S.C. § 1519. Pursuant to their plea agreements, they each pleaded guilty to the charge.

In addition to their prison terms, Hubbard and Rolfe were ordered to pay fines of \$10,000 and \$2,000, respectively. Both will be placed on a three-year period of supervised release following their prison sentences. Counsel for the defendants informed the Court that both defendants no longer work in the remediation industry. Judge Donato ordered Hubbard to self-surrender on or before July 9, 2018, to begin serving his sentence. Rolfe is currently serving his sentence.

Assistant U.S. Attorneys Philip Kearney and Matthew McCarthy are prosecuting the case with the assistance of paralegal Alycee Lane, and legal assistants Bridget Kilkenny and Rosario Calderon. The prosecution is the result of an investigation by the NRC:OI, EPA, and DOD-OIG.

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**Topic(s):**

Financial Fraud

**Component(s):**

USAO - California, Northern

Updated May 30, 2018

**EXHIBIT 4**



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE  
33000 NIXIE WAY, BLDG 50 STE 207  
SAN DIEGO, CA 92147

5820  
Ser BPMP/003  
March 15, 2018

The Honorable James Donato  
United States District Court  
Northern District of California  
Federal Building and Courthouse  
450 Golden Gate Avenue  
San Francisco, California

Dear Judge Donato:

SUBJECT: VICTIM IMPACT STATEMENT IN THE MATTER OF U. S. V. HUBBARD

The Department of the Navy has been designated a crime victim under 18 U.S.C. § 3771 as a result of the fraud committed by Mr. Hubbard, a former employee of Tetra Tech EC Inc. (Tt EC), and others. The Navy contracted Tt EC to prepare planning documents, investigate radiological contamination, conduct remediation, dispose of radioactive waste, and document their activities to support closure of radiologically-impacted sites and buildings at Hunters Point Naval Shipyard (HPNS) from 2003 to 2014. These activities were necessary prior to the Navy turning HPNS over to the City of San Francisco for redevelopment. The fraud committed by Mr. Hubbard and other Tt EC employees has caused not only a substantial financial loss to the Navy, but harm to the Navy's reputation, and it has cost the Navy substantial resources and time. The purpose of this statement is to give the Court a sense of the magnitude of the negative impact of this fraudulent conduct and how it has made the accomplishment of both the Navy's and the City's goals more difficult. Because of the widespread and continuing harm that he has caused the Navy, we ask that you award Mr. Hubbard a substantial sentence.

While the fraud committed by Mr. Hubbard and others has caused the Navy concrete and measurable monetary loss (addressed below), this fraud has also caused significant harm to the Navy that is much more difficult to quantify - but very real. The fraud and uncertainty surrounding Tt EC's work at HPNS has caused a complete loss of trust in the Navy by the local community. The new residents at HPNS are understandably anxious for their safety, and this has required additional effort by the Navy and regulators to address these concerns. The transfer of the property to the City will be delayed by many years, and the Navy has had to address the ire and frustration of the Mayor's Office, the Supervisor's Office, and local Congressional staffs. The redevelopment of HPNS was supposed to revitalize the community and provide jobs and affordable housing; all of that is now on hold indefinitely as the Navy and the regulatory agencies have determined that Tt EC's work is unreliable. The frustrations of these local constituencies have been channeled into a strong activist element which has made the Navy's public meetings tense, aggressive and explosive.

The fraud committed by Mr. Hubbard and others has also led to negative national media attention. The effort to respond to this negative media attention has required increased staffing to answer questions, prepare for interviews, and conduct risk communication training -- all of which pulled Navy staff away from their primary duties and caused collateral impacts to other Navy bases and projects.

In addition to responding to the media, correcting misinformation, and responding to the concerns of the public and politicians, the Navy's Base Realignment and Closure (BRAC) Office created a special Review Team to assess the fraud allegations, determine what level of additional site investigation was needed, perform sampling, and then incorporate these findings into a new Work Plan for HPNS. These activities diverted significant numbers of BRAC employees from their normal duties, causing additional disruption to numerous other Navy projects across the country. This diversion of personnel and resources resulted in delays and increased costs for these other projects and resulted in constant stress on the Navy staff over a sustained period of time. The efforts of the Review Team and other similar efforts (including legal and contract dispute efforts, technical re-calculations, political briefings to the City and Congressional delegations, and constant communication up and down the Navy chain of Command), has cost Navy personnel hundreds if not thousands of hours of additional work. The Navy estimates that the fraud committed by Mr. Hubbard and others has set back the planned transfer of HPNS property to the City by an approximate decade. This means not only lost development opportunities for the City and the local community, but continued cost to the Navy to hold and maintain the property.

The fraud has also caused a loss of confidence by the regulatory community (both EPA and California State regulators) regarding the Navy's radiological remediation program and the Navy's competence to implement it. The EPA has expressed to the Navy that they no longer have confidence in the work performed by Tt EC at HPNS, as well as at other Navy radiological sites including those located at Treasure Island and Alameda in the San Francisco Bay Area. The Navy now faces an uphill struggle to rehabilitate itself from this negative connotation in the regulatory community. It will take years to rebuild this credibility.

As I indicated above, the negative fiscal impact to the Navy of the fraud committed by Mr. Hubbard and others at HPNS is consequential, and continues to be assessed. The Navy awarded sixteen contract task orders to address radiological work at HPNS to Tt EC. To date, the Navy has paid Tt EC \$261.8M for work performed at HPNS. Due to the uncovered fraud, all of this work has been called into question and may need to be re-performed. After discovering evidence of Tt EC data falsification/manipulation, and becoming aware of allegations from former Tt EC employees/subcontractors, the Navy hired an independent contractor (Battelle) to provide daily onsite radiological quality assurance for all Navy contractors performing radiological work at HPNS. This cost approximately \$2.2M. The Navy also hired CH2MHill to re-evaluate the work performed and documented by Tt EC at HPNS. CH2MHill reviewed Tt EC's radiological

database for buildings and soil sites for falsification/manipulation using a variety of statistical and logic tests. This analysis provided evidence of previously-undiscovered data falsification and manipulation, which prompted the Navy to begin preparing work plans for an independent analysis of the worksite. The total cost for the database evaluation, work plan preparation, and preliminary field work is approximately \$8.8M. The Navy is currently working with federal and state regulatory agencies to determine the extent of rework that will be necessary at HPNS in order for the Navy to obtain the required "free release" from the regulatory agencies to turn the property over to the City. The EPA has indicated that it would require all work to be re-performed as originally contracted. However, these discussions are not final. The Navy's best estimates for required re-work costs currently range from \$100M to \$300M.

In sum, the Navy has expended \$272.8 M to date paying Tt EC for their work at HPNS, identifying the fraud, and taking measures to prevent further fraud. Depending on the cost of required re-work, this number will certainly rise to \$372.8 M and is likely to rise as high as \$572.8 M. This amount of money would buy a new Littoral Combat ship. It is nearly half of the Navy's total expenditures for *all* environmental clean-up activities at HPNS through fiscal year 2017 (\$991.1 M). This is money that could otherwise have been used by the Navy to train sailors, build ships, purchase aircraft, – in short, to perform the Navy's core mission of fighting the country's wars, deterring aggression, and maintaining the freedom of the seas.

The fraud committed by Mr. Hubbard and others has undermined the taxpayer's trust in the Navy as a good financial steward. Taxpayers trust that the Navy only asks for what it needs, knowing that there are many other important and vital uses for limited funds. The Navy invests an enormous amount of time, energy, and pride in building this trust, and because of that, the military is generally considered one of the most trusted institutions in America. But it only takes the misconduct of a few individuals to erode that essential trust - misconduct like Mr. Hubbard's.

Mr. Hubbard's actions had far-reaching consequences for the United States, its employees, the City of San Francisco, the local residents, and the taxpayers. The Navy therefore respectfully requests that the Court consider a severe sentence for Mr. Hubbard that is commensurate with the adverse impacts of his fraud upon the Navy.

Sincerely,

  
LAURA DUCHNAK  
Director