Ex. 5 AC/AWP

Begin forwarded message:

From: "Manzanilla, Enrique" <Manzanilla.Enrique@epa.gov>
Date: October 25, 2018 at 10:02:56 PM PDT
To: "LEE, LILY" <LEE.LILY@EPA.GOV>, "Fairbanks, Brianna" <Fairbanks.Brianna@epa.gov>, "Maldonado, Lewis" <Maldonado.Lewis@epa.gov>, "Clancy, Maeve" <Clancy.Maeve@epa.gov>
Cc: "Jordan, Deborah" <Jordan.Deborah@epa.gov>, "Zito, Kelly" <ZITO.KELLY@EPA.GOV>
Subject: Fwd: U.S. plans to sue Hunters Point shipyard contractor accused of fraud - SFGate

Sent from my iPhone
Begin forwarded message:

From: "Lyons, John" <Lyons.John@epa.gov>
Date: October 25, 2018 at 9:57:23 PM PDT
To: "Manzanilla, Enrique" <Manzanilla.Enrique@epa.gov>, "Herrera, Angeles" <Herrera.Angeles@epa.gov>
Subject: U.S. plans to sue Hunters Point shipyard contractor accused of fraud - SFGate

https://m.sfgate.com/news/article/U-S-plans-to-sue-Hunters-Point-shipyard-13338008.php

U.S. plans to sue Hunters Point shipyard contractor accused of fraud

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Photo: Noah Berger / Special To The Chronicle

Image 1 of 20

A man, who declined to be identified, discusses development plans while leading a tour of the former Hunters Point Naval Shipyard on Tuesday, Jan. 30, 2018, in San Francisco.

The Department of Justice intends to sue a Navy contractor accused of widespread fraud in the cleanup of San Francisco's toxic shipyard, bolstering whistleblower allegations of misconduct and deepening federal scrutiny of the city's most ambitious redevelopment project since the 1906 earthquake, according to court filings made public this week.

The contractor, Tetra Tech EC, is at the center of the scandal, which involves the cleanup of radioactivity that has tainted the former Hunters Point Naval Shipyard since the Cold War.

<div style="position:fixed; top:0; left:0;" width="1" height="1"> <img src="//collector.a.pxi.pub/api/v1/collector/noScript.gif?appId=PXszbKVa5M"></div>

Desperate for housing and crunched for space, the city has long dreamed of building homes across the 500-acre shipyard, and the Navy hired Tetra Tech to pinpoint contamination that must be removed before people can safely live and work there. Because radioactive substances can be dangerous in extremely small amounts and the radiation they emit is invisible, the only way to "see" the risk is to take careful measurements.

But Tetra Tech failed to do that, whistleblowers have claimed since 2014, alleging that the company cut corners to save money and skewed data to make the site seem cleaner. Two former supervisors with the firm pleaded guilty to falsifying soil samples and documents and are now in prison.

Tetra Tech has blamed all problems on a "cabal" of rogue employees, saying the company performed all work to Navy specifications and that the whistleblowers are lying. But the rare move by the Justice Department to join three previously sealed whistleblower complaints suggests that the government sees things differently.

The department revealed its plans on Oct. 15, in documents filed as part of three whistleblower lawsuits against Tetra Tech and a handful of other shipyard contractors, including New World Environmental, Shaw Environmental and Radiological Survey & Remediation Services, LLC. Until then, the three suits had been sealed.

The oldest suit was filed in 2013, and the others in 2016. Collectively there are seven plaintiffs, all former radiation technicians who worked at the shipyard for Tetra Tech or its subcontractors. The government has indicated it is intervening against Tetra Tech, not the other defendants.

“This is no longer just some whistleblowers shouting in the dark,” said David Anton, attorney for the seven plaintiffs. The government “has spent five years looking into this, and they have now concluded that Tetra Tech, and potentially others, have engaged in massive fraud at Hunters Point. And the full force and power of the United States is going to go and try to remedy that.”

Sam Singer, a spokesman for Tetra Tech, called the charges against Tetra Tech “baseless” and said the company has worked with the U.S. Navy to address past employee misconduct and prevent recurrences.

“Tetra Tech EC did not do anything improper,” Singer said in a statement. “We will vigorously defend our record, and are confident we will prevail following an impartial legal and scientific review of the facts.”

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Sent from my iPhone