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## **NRC Petition Exhibit B Declaration of Anthony Smith**

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13  
14 NUCLEAR REGULATORY COMMISSION

15  
16 IN RE: TETRA TECH EC, INC.

) **DECLARATION OF ANTHONY SMITH**  
) **IN SUPPORT OF PETITION TO**  
) **REVOKE THE LICENSE OF TETRA**  
) **TECH EC, INC.**

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*A.S.*  
ANTHONY SMITH DECLARATION

1 I, Anthony Smith, declare:

2  
3 Radiological Work History & Training

4 1. In total, I have seven years of experience working in the nuclear industry.

5 2. I started my career as a radiation worker in 2002, when I was hired as a “deconner”  
6 (i.e. a decontamination technician) to do decontamination work for New World Environmental  
7 (“NWE”), a radiological-staffing company. My first radiological jobs were short term assignments  
8 at military facilities in Maryland, Virginia, and Alabama. Later that year, I took a job at Hunters  
9 Point Naval Shipyard (“HPNS”), where I assisted with characterization surveys to identify  
10 radiologically impacted areas in anticipation of future remediation. My first job at Hunters Point  
11 lasted about one year, until I was laid off in 2003.

13 3. After my first job at Hunters Point Shipyard, I took and passed the Department of  
14 Energy’s (DOE) Radiological Control Technician (RCT) CORE Exam. I was previously told I  
15 would need to pass the CORE Exam to work at HPNS as a Health Physics Specialist (“HP”) when  
16 remediation work picked up. I passed the exam in 2003. The DOE CORE Exam covers  
17 fundamental radiation concepts and functions performed by HPs (also known as radiation control  
18 technicians, or “RCTs”), including mathematics and physical science, sources of radiation,  
19 sampling methods, survey instrumentation, dosimetry, and worker safety, among other topics.  
20 Passing the CORE exam qualified me to work as an RCT/HP at Hunters Point as well as most  
21 other nuclear or radiological sites in the country.

23 4. In addition to passing the DOE CORE Exam, I completed annual testing to  
24 maintain proficiency in radiological remediation practices. I also completed various onsite  
25 radiation and safety trainings throughout my career. When I worked at HPNS the second time, rad  
26 workers were often assigned readings on radiation-related topics to study on their own time, and  
27

1 HPs were quizzed in a limited way by supervisors at our daily morning meeting. Together these  
2 trainings, along with expected prior experience and training, were intended to ensure HPs on the  
3 site were informed of proper radiological procedures as well as the health and safety risks  
4 associated with rad work. I observed that a number of the HPs did not appear to be  
5 knowledgeable or studying on their own as I was when at Hunters Point.

#### 6 Experience at Hunters Point Shipyard

7  
8 5. In 2006, I returned to work at Hunters Point Shipyard as a Junior HP for New  
9 World Environmental and I was promoted to a Senior HP by NWE. Around the end of 2009, I was  
10 forced to switch employers to Radiological Survey & Remediation Services, LLC ("RSRS") or  
11 be terminated because NWE was losing the sub-contract. RSRS made me a Junior HP for a  
12 number of months, and after about eight months promoted me to Senior HP, but my duties  
13 remained largely the same throughout my second stint at Hunters Point.

14  
15 6. Over the course of my later six years at Hunters Point I performed a variety of HP  
16 roles across the base. The majority of my time was spent performing building surveys. I also  
17 performed soil sampling in the field and within Radiological Screening Yards ("RSYs"), oversaw  
18 laborers and provided access control for buildings and Radiologically Controlled Areas ("RCAs"),  
19 and worked the Portal Monitor screening vehicles entering and exiting the site.

20  
21 7. Beginning in mid-2008, I noticed improper rad practices taking place at HPNS,  
22 including false soil sampling, incomplete building surveys, falsification of chain-of-custody  
23 ("COC") documentation, and data manipulation. In my view, the emergence of Tetra Tech as the  
24 primary radiological contractor coincided with the negative shift in culture and bad practices at the  
25 site. It is my understanding that while prior to 2008 NWE was the holder of the Nuclear  
26 Regulatory Commission ("NRC") radioactive materials license that governed the radiological  
27 work performed. Tetra Tech became the NRC license holder about that time that improper rad  
28

1 practices became a regular event and as a result Tetra Tech gained more control over the rad work  
2 performed by subcontractors like NWE and Aleut World Solutions.

3  
4 Building 351A

5 8. My first experience with improper or fraudulent sampling occurred in the late fall  
6 of 2008, when I was assigned to oversee a soil-remediation project in the crawl space under  
7 Building 351A. Building 351A was the last building to undergo remediation on Parcel G and was  
8 therefore the only work preventing Parcel G from free release by regulators. Building 351A was  
9 previously used by the Navy's Radiological Defense Laboratory and was confirmed during our  
10 characterization surveys as containing radioactive contaminants exceeding release levels. Areas of  
11 the building and the soil areas under the building that could be accessed in a crawl space were  
12 identified as containing radioactive materials above release levels that were required to be  
13 removed in the remediation process. As part of the Building 351A remediation of the crawl area,  
14 there were roughly a dozen laborers in protective gear (rubber boots and respirators) tasked with  
15 digging up the soil using shovels and trowels. Tetra Tech also rented a special soil vacuum truck  
16 with a long, eight inch hose to suck up the contaminated dirt that the laborers had loosened. The  
17 vacuum system deposited the soil in a container designated for low level radioactive waste, which  
18 was later shipped off site.

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21 9. During the Building 351A project, fellow HP Josh Hooper and I were responsible  
22 for manning the opening to the crawl space and frisking (i.e., scanning the people and equipment  
23 for radioactive contamination prior to leaving the Building 351A work area) to ensure they were  
24 clean. Once the laborers completed the remediation work under the building, Josh and I were also  
25 responsible for post-remediation sampling of the area so that the building could be cleared for  
26 release. I asked that Josh and I be provided with respirators because of the large amount of air  
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1 borne dust under the building in the crawl area, as well as other standard personal protective  
2 equipment. Chuck Taylor, Tetra Tech' RSO representative and field supervisor, refused the  
3 request for the PPE respirator. Josh and I took a number of soil samples throughout the crawl area  
4 under building 351A and placed in containers for the samples to be tested by the laboratory at  
5 Hunters Point. Documents of the samples were done to show where the sample was taken, at what  
6 time, by who, and related information and kept with the samples. All together, the remediation  
7 process took several weeks to complete.  
8

9 10. A day or two after Hooper and I finished post-remediation sampling and delivered  
10 the samples to the on-site laboratory, we were approached by HP Supervisor Steve Rolfe and  
11 asked to attend a meeting with management at Tetra Tech's HPNS office that was close to the end  
12 of the day. Approximately a dozen senior managers were present at the meeting, including RSRS  
13 Vice Presidents Daryl DeLong, Brian Henderson, Tetra Tech's Project Manager Bill Dougherty,  
14 and Construction Superintendent Dennis McWade. Mr. Bert Bowers, the NWE RSOR was not in  
15 the meeting, and that was a puzzle to me as the meeting progressed. During the meeting  
16 Dougherty explained to us the cost and effort that went into the Building 351A remediation,  
17 asking us with words to the effect "Do you know how much it costs us to rent that machine for  
18 two weeks?" Dougherty also told us that the test results of the post remediation soil samples  
19 showed some of the highest radioactive readings ever seen on the Hunters Point site. After  
20 discussing the cost of the delay having these elevated soil samples would cause, namely that the  
21 laborers would have to return to do more digging with the vacuum truck and we would need to  
22 take more post-remediation samples, Dougherty instructed us to destroy the existing highly  
23 contaminated radioactive soil samples from Building 351A and any related documentation, and  
24 directed us to take new samples from areas in the crawl space known to be clean.  
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1 the light pole. I reached over the wall and dug a hole to take the sample. I used my trowel to dig  
2 about 6 inches into the ground, and then removed some soil from the bottom of the hole, and  
3 placed the soil from the bottom of the hole in a plastic sample jar. I then walked back to our  
4 meeting point and gave the jar to Justin Hubbard, who then took the sample to the on-site lab. In a  
5 breach of proper procedure, no chain-of-custody (COC) form accompanied the sample.

6 13. The next morning or so, Justin Hubbard brought the soil sample out to our meeting  
7 spot and told me the sample tested "hot" for radiation at a level of two to three picocuries of  
8 cesium. Other members of the project crew at the meeting point that morning included HPs Ray  
9 Roberson, Carey Bell, and Jeff Rolfe. Hubbard stated to all of us in regards to the soil sample from  
10 Parcel A - "get rid of it and not say a word," or words to that effect. I took the sample back to the  
11 same area above the wall and dumped the soil back into the hole I originally took it from. I then  
12 disposed of the plastic sample jar in a bin for contaminated radiological waste. In the end, we used  
13 the established background area near building 505 for the background sample for the Fisher Ave.  
14 and Spear St. projects, although the building 505 area was quite some distance from the street  
15 project. I am aware that the Navy and EPA established release criteria levels, so that soil had to be  
16 remediated due to health and safety concerns if it tested above those levels. Different radioactive  
17 levels were set for each specific type of radioactive material we encountered at Hunters Point.  
18 The release level for cesium-137 was 0.113 picocuries. The cesium-137 results from the sample I  
19 took near Parcel A as reported as 2 to 3 picocuries was approximately 18 to 26 times more  
20 hazardous than the safety level set by the Navy and the state and federal regulators that oversaw  
21 the Hunters Point project.

22 14. As far as I am aware, I was the first and only person to take a sample of the soil at  
23 Parcel A. To my knowledge the radioactive contamination I found in Parcel A was not further  
24 investigated or remediated.



Fake Soil Sampling

1  
2           15.     After the Building 351A and Parcel A cover ups, fraudulent sampling became a  
3 regular occurrence for me and the teams I worked with at Hunters Point. From time to time I was  
4 assigned to work with a team of HPs under the direction of Tetra Tech supervisor Steven Rolfe.  
5 When we were doing soil sampling, and that soil sampling was to check on whether the  
6 remediation work that had been done was effective, with increasing regularity I and the team  
7 working for Mr. Rolfe were directed by Mr. Rolfe to take fake soil samples. In this early period of  
8 2009 to early 2010, when post-remediation sampling was to be done, more and more Mr. Rolfe  
9 told me and the other HPs to cheat and take false soil samples. To do the post-remediation soil  
10 samples properly, engineers were to mark on the ground where we were to take soil samples  
11 because those spots were supposed to have the highest radiological readings. By taking the  
12 samples from the high reading areas it was presumed that if those areas were tested and came in  
13 under the Navy's and regulators' "release criteria" standards, then the entire area should be within  
14 the release criteria standards. When Mr. Rolfe told us to cheat by taking false samples, he  
15 instructed us to look like we were taking the samples from the marked spots, but to actually put  
16 soil into the sample containers that would go to the lab from nearby soil that was not marked by  
17 the engineers as the hot spots for rad contamination.  
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20           16.     After a number of months of taking fake soil samples that were close to the marked  
21 areas, Mr. Rolfe told us that Tetra Tech bosses were not happy because the fake soil samples were  
22 being tested by the lab and still coming back with lab results that were too high and above release  
23 criteria, so remediation would have to be re-done. Mr. Rolfe explained that Tetra Tech EC did not  
24 want to have to re-do the remediation because of the lab failures, and we were to get fake soil  
25 samples from areas from now on that we knew would be clean of elevated radioactive  
26 contamination.  
27  
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1           17.     Beginning around 2010, I was doing soil sampling, called "dirt work" – in what we  
2 called "the triangle area" near Building 707 and later around the 500 series of buildings. Due to  
3 the directions of Mr. Rolfe, I was instructed that I was to get soil that was known to be clean and  
4 pretend that soil came from the Building 707 area and later the 500 building series we were  
5 assigned to sample. I had learned that soil in certain parts of the shipyard was clean and could  
6 easily be swapped with other samples in order to quickly obtain lab and regulatory clearance due  
7 to the fake samples of clean soil we submitted.

8  
9           18.     More specifically, I knew that the soil in a sewer trench in front of an area of the  
10 500 series of buildings as well as the soil underlying the foundation of the old Hunters Point  
11 movie theater was clean serpentine or "green" dirt, and that the soil underneath the two palm trees  
12 near the old pump house (Building 521) also near the old theater was clean sandy soil. At the  
13 direction of HP Supervisor Steve Rolfe, other HPs and I would wait until lunch time or after work  
14 hours, when there was no one else around, and would go down to the clean sewer trench or later to  
15 the theater or palm trees depending on the type of soil needed. There, we would fill up a 5-gallon  
16 bucket with clean soil and bring it back to the Conex (a shipping container which served as a  
17 makeshift office) where Steve Rolfe, Tina Rolfe (Steve's wife), and Rick Zahensky worked with  
18 the samples. Inside the Conex the Rolfes and Zahensky would empty the true soil samples taken  
19 from the areas the samples were supposed to be taken from into another 5-gallon bucket and  
20 replace the sample with the clean soil from one of the three areas we got the clean soil from. Other  
21 HPs and I would then dump the soil from the real samples in open sewer trenches around the site  
22 before they were backfilled.

23  
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25           19.     The practice of swapping clean dirt for samples really picked up in frequency while  
26 working in the Building 707 triangle area. Remediation in that area had been going on for about  
27 two years, and after three or four rounds of remediation and post-remediation sampling it still  
28



1 the sample was taken and to remain in continuous possession of the sampler until samples are  
2 turned over to the lab. The practice became at Hunters Point for the Rolfe team that Tina Rolfe  
3 would fill out COCs in the office or conex while we worked in the field taking samples and then  
4 have the rad techs sign off on the COC as if they themselves had filled in the information. Tina  
5 Rolfe would simply cycle through the names of the HPs on my sampling crew – Rick Zahensky,  
6 Jeff Rolfe and I – when filling out COC forms, regardless of who actually took the sample. On  
7 some occasions Tina Rolfe listed herself as the sampler despite the fact she almost never worked  
8 in the field, and had not taken those samples. I rarely filled out COC forms during my time at  
9 Hunters Point, and almost never delivered my own samples to the lab, perhaps once a month.  
10 Because the trip to the lab was considered leisure time, Steve, Tina, or Jeff Rolfe or Rick  
11 Zahensky almost always delivered the samples. I also suspect that Steve Rolfe may not have  
12 trusted that I would not say anything to the lab workers about the COC being wrong, or the false  
13 soil samples, so that may have contributed to why I seldom made the sample delivery. When I did  
14 make sample deliveries to the lab most of the time Steve Rolfe came with me, again maybe to  
15 make sure I did not say anything.

18       22.     Looking at the COC forms from Hunters Point displays that the forms are falsified.  
19 First, many soil sample COCs indicate samples were taken exactly every five minutes apart. In  
20 reality, sampling often takes longer than five minutes because some surfaces are difficult to  
21 penetrate, the sample must be properly bagged and labeled, and then sampling equipment must be  
22 decontaminated by being double-washed and air dried. In my experience, it is impossible to take  
23 soil samples every five minutes if you follow proper procedures. Second, the difference in  
24 handwriting between the sample times and the sampler information shows that the form was filled  
25 out by two different people. I can easily identify the difference in the forms containing only my  
26 handwriting and those containing Tina's handwriting and my name. Lastly, I remember occasions  
27

1 when Tina Rolfe would fill out a COC as if I was sampling in one location, when I was actually  
2 working in an entirely different area that day. For example, I recall one occasion when I took  
3 samples near Building 707, but the COCs said I was sampling in the Building 500 series.

4 23. Having someone pre-fill the COC makes it impossible to determine where and  
5 when a particular sample was taken and seriously compromises the integrity of the sampling  
6 results for Hunters Point. From my time at Hunters Point, I understand that the other teams, such  
7 as Justin Hubbard's, also used fake COC documents for samples.

#### 8 Sham Building Surveys

9  
10 24. During my time at Hunters Point, a large part of my time was spent conducting  
11 building surveys. Building surveys generally entailed using a Ludlum 2360 with a detector to  
12 identify and confirm impacted areas in need of remediation. At HPNS, proper building surveys  
13 were conducted in up to three phases: Class 1, which required scanning 100% of the survey areas  
14 in a space known to have rad contamination or a high likelihood of rad contamination, using a grid  
15 system, comprising the floor and lower walls of the building; Class 2, which my supervisors  
16 described as the upper wall areas of the building, and Class 3, the areas the supervisors stated were  
17 the ceiling and roof areas of buildings. I understand that policies defined Class 1, 2, and 3 on  
18 other criteria, but the way we used it in the field was based on the floor, walls, or ceiling and roof.  
19 In my time at Hunters Point I conducted building surveys in almost all parts of the base, including  
20 Parcels C, E, and G.  
21

22  
23 25. Due to the amount of time required to perform a proper building survey, the  
24 practice at Hunters Point was to scan the high probability areas and fake the rest. Although we  
25 mostly performed Class 1 surveys, the Class 2 and 3 surveys were falsified by holding our  
26 instrument in place, or stationary, so as to generate the required amount of data, but having  
27 nothing to do with real scanning that was required. On numerous occasions my crew and I were  
28

1 instructed by HP Supervisor Steve Rolfe to "just get numbers," which we would do by simply  
2 holding the 2360 detector in the same spot, or setting it down in one spot for up to 30 minutes  
3 while readings were recorded. I specifically recall "just getting numbers" at Building 707,  
4 throughout the 500 series of buildings and foundation footprints, buildings 351, 351A, 411, 401,  
5 414, 406, 144, 146, 130, 103, 113, 521, and possibly building 203, although I am not sure on  
6 building 203. I know we followed similar flawed procedures at numerous buildings that the  
7 Navy's studies had designated as rad-impacted.  
8

### 9 Data Manipulation

10 26. To the extent that building surveys were properly performed, and even when they  
11 were not done properly, the data collected was often changed to reflect results close to background  
12 radiation levels. I know this because I saw it being done. In approximately 2010, when I was in  
13 the trailer uploading my instrument I noticed Tina Rolfe on the computer manually changing data  
14 uploaded from previous scans. I eventually discussed the issue with other HPs and learned that  
15 Tina Rolfe and Rick Zahinsky were told to change numbers up or down in order to have readings  
16 within normal levels of radiation. I also heard Steve Rolfe chew out Zahensky and Tina Rolfe for  
17 not changing the numbers sufficiently. Rick told me that at times he would take the data  
18 information on a thumb drive and a work computer home and work until the early hours of the  
19 morning changing thousands of numbers, all to misrepresent the data to falsely show that  
20 conditions were normal at the site and avoid additional radiological remediation work.  
21

22 27. After learning that data was frequently changed, I raised my concerns with the  
23 practice to my then supervisor Justin Hubbard. Hubbard told me that they were doing it  
24 everywhere else on the site and that was what management wanted. I also talked to Ray Roberson,  
25 Joey Cunningham, and Rick Zahensky about the issue and they all had a similar response: Tetra  
26  
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1 Tech supervisors knew about the number tampering and directed that it take place; the quicker the  
2 area was deemed releasable, the faster Tetra Tech could get paid for completion of the project.

#### 3 4 Radioactive Soil Shipped Off Hunters Point

5 28. When I returned to work at Hunters Point in 2006, a system was being used to scan  
6 for radioactive contamination at Hunters Point excavated soil. The system that was used was a  
7 large conveyor belt had a level of about 6 inches of soil spread on the belt. The belt would move  
8 under a group of radioactivity sensors that were set to alarm if radioactive contamination was  
9 detected above a certain set level. If soil triggered the radiation detector alarms the soil on either  
10 side of the sensors for a certain number of feet was to be removed from the belt and put in low-  
11 level radioactive containers for shipment to federally approved disposal sites. If the soil cleared  
12 the sensors, the soil was piled up in an area designated for soil to be shipped off Hunters Point to  
13 facilities that received soil that did not contain radioactive contamination.

14  
15  
16 29. I was aware of the conveyor belt system and its set up, but I did not work that  
17 operation. Sometime in 2006, I learned that it was discovered that Joe Lavell, a Tetra Tech  
18 construction superintendent a supervisor over the conveyor belt system, had increased the speed of  
19 the conveyor belt system far faster than had been approved. I also learned that Gary Wilson, a rad  
20 supervisor over the conveyor belt system, and Jane Taylor (an assigned Junior Rad Tech) silenced  
21 the rad detector alarms. I was informed that the conveyor belt system had been operated at 6 to 9  
22 times the approved conveyor belt speed, and with no radiation detector alarms operating.

23  
24 30. Based on my knowledge of how the radiation detectors worked, the sensors are  
25 much less able to detect radioactivity at higher speeds. I was informed by others at Hunters Point  
26 that Joe Lavell and Gary Wilson explained that they set the conveyor belt (Joe Lavell) to run at the  
27 higher speeds because the alarms kept going off at the approved speed and virtually none of the

1 soil was able to be cleared as free of radioactive contamination within approved levels. Gary  
2 Wilson explained that he changed the radiation detector alarm settings so the alarms did not  
3 sound.

4 31. The soil that was improperly scanned through the conveyor belt system at too fast a  
5 speed and with no functioning alarm was improperly allowed to be shipped off Hunters Point and  
6 was shipped off Hunters Point as non-radioactive material. After it was discovered that the  
7 conveyor belt system had been run far too fast, some thousand plus cubic yards of soil still  
8 remained in piles that had been improperly cleared by the conveyor belt system. I and other HPs  
9 were assigned to help scan the soil that remained in the piles. HPs such as myself scanned soil  
10 picked up by front-loaders, however the soil was two to three feet in thickness so our sensor were  
11 ineffective in sensing radiological contamination much below six inches. If our sensor, which  
12 were not fully effective due to the multiple feet of thickness to the soil, did not detect high  
13 radioactive readings the soil was deemed "cleared" and sent in trucks to go off site. The soil then  
14 regularly failed the Portal Monitor screening. However, HPs were restricted to scanning the truck  
15 trailers of soil through the bed and side of the truck, which our instruments were not effective to  
16 effectively detect the radiological contamination beyond about six inches.

17  
18  
19 32. At no time was I informed that any effort was made by Tetra Tech, the Navy, or  
20 others to alert the towns, counties, landfills, and others that received the large amount of soil that  
21 was most likely radioactive but labeled as cleared of radioactive contamination over the months  
22 before it was discovered that the conveyor belt system had been improperly run.

#### 23 Work Culture at Hunters Point

24  
25 33. During the second half of my time at Hunters Point there was a noticeable negative  
26 shift in culture which can be best described as fraudulently cutting corners wherever possible.  
27 Production – that is, getting the work done as quickly as possible and with as little cost as



