



**BONNER & BONNER**

Attorneys and Mediators at Law

475 GATE FIVE ROAD, STE 211  
SAUSALITO, CA 94965

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•TEL: (415) 331-3070•FAX: (415) 331-2738•  
[charles@bonnerlaw.com](mailto:charles@bonnerlaw.com) | [cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com)

July 9, 2020

Via Thumb-Drive Certified U.S.P.S. Mail

TETRA TECH EC, INC.  
c/o Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

TETRA TECH INC.  
c/o Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

LENNAR CORPORATION  
c/o O'Melveny & Myers LLP  
1999 Avenue of the Stars, 8<sup>th</sup> Floor  
Los Angeles, CA 90067-6035

STEVEN M. BURDICK, Vice President, Tetra Tech  
c/o Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

JUSTIN E. HUBBARD, Managing Agent, Tetra Tech  
c/o Ken Long, Attorney at Law  
2600 S. Rainbow Blvd., Suite 200  
Las Vegas, NV 89146

Attorneys for Defendants, Lennar Corporation,  
by and through, c/o O'Melveny & Myers LLP-  
email addresses:  
[gyost@omm.com](mailto:gyost@omm.com)  
[dpetrocelli@omm.com](mailto:dpetrocelli@omm.com)  
[dmarroso@omm.com](mailto:dmarroso@omm.com)  
[mpocha@omm.com](mailto:mpocha@omm.com)

TETRA TECH EC, INC.  
c/o Hanson Bridgett LLP  
777 S. Figueroa Street, Suite 4200  
Los Angeles, CA 90017

FIVE POINT HOLDINGS, LLC  
c/o Alston & Bird  
1333 S. Hope Street, Suite 1600  
Los Angeles, CA 90071

DAN L. BATRACK, President, Tetra Tech  
c/o Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105

STEVEN C. ROLFE, Managing Agent, Tetra Tech  
1005 Pussywillow Lane  
Bradenton, FL 94208  
In Pro Per

Attorneys for Defendants, Tetra Tech et al., by and  
through, c/o Hanson Bridgett LLP-email addresses:  
[dpujari@hansonbridgett.com](mailto:dpujari@hansonbridgett.com)  
[mhoward@hansonbridgett.com](mailto:mhoward@hansonbridgett.com)  
[gpittman@hansonbridgett.com](mailto:gpittman@hansonbridgett.com)  
[bhummer@hansonbridgett.com](mailto:bhummer@hansonbridgett.com)  
[moliverthompson@hansonbridgett.com](mailto:moliverthompson@hansonbridgett.com)

Attorneys for Defendants, Five Point Holdings, LLC  
by and through, c/o O'Melveny & Myers LLP- email  
addresses:  
[jeffrey.dintzer@alston.com](mailto:jeffrey.dintzer@alston.com)  
[matt.wickersham@alston.com](mailto:matt.wickersham@alston.com)

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent the following Plaintiffs:

BAYVIEW HUNTERS POINT RESIDENTS, DANIELLE CARPENTER, CHRISTOPHER CARPENTER, DECEASED, BY DANIELLE CARPENTER, REPRESENTATIVE AND SUCCESSOR IN INTEREST; CATHERINE MUHAMMAD, *Including All Parties Listed In Exhibit A of Lawsuit*; and Plaintiffs 40,000, on behalf of themselves, and all others similarly situated. This case is in the interest of the general public.

This letter serves as AMENDED NOTICE that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemicals and radiation including, but not limited to the following:

<b>Bismuth 214</b>	Kidney damage
<b>Cesium 137</b>	Thyroid cancer; Increases risk of cancer; Bone marrow failure; and Reproductive effects.
<b>Cobalt 60</b>	Associated carcinogen in humans; Sterility.
<b>Plutonium 239</b>	Cancer of the lungs, liver, bone and bone marrow.
<b>Radium 226</b>	Bone cancer
<b>Strontium 90</b>	Human carcinogen; Cancer of the bone, nose, lungs, skin Leukemia; Cancer due to damage to genetic material in cells.

These chemicals and toxic substances are listed as carcinogenic by the United States Navy and the EPA.

The specific types of chemicals and substances are causing exposure and severe injuries and harms, including various cancers and other severe medical conditions in violation of Proposition 65 detailed above.

The route of exposure for the violations is inhalation and ingestion by Bayview Hunters Point Residents. These exposures occur on a daily basis, twenty-four hours a day, seven days a week. Most recently, on June 17, 2020, the Violators, specifically, Lennar Corporation, was videotaped excavating with multiple heavy equipment, in the Hunters Point Naval Shipyard without any warning whatsoever to three (3) schools adjacent to the fence line of the shipyard or any notice to the community positioned within 100 yards or less of the digging. (See digging

video link depicting the violation of Proposition 65 by releasing toxic radiation and other toxic materials into the atmosphere of the Hunters Point Neighborhood, <https://youtu.be/TivDZKqbYVo> ; <https://youtu.be/r-2N43b9eMo>)

It is well established that supervisors of Tetra Tech Inc., (Tetra Tech EC. Inc.) advised and instructed their subordinates to leave radioactive dirt in the ground at the Hunters Point Navy Shipyard. Two supervisors pled guilty and were incarcerated in federal prison for these federal crimes against the Hunters Point Community.

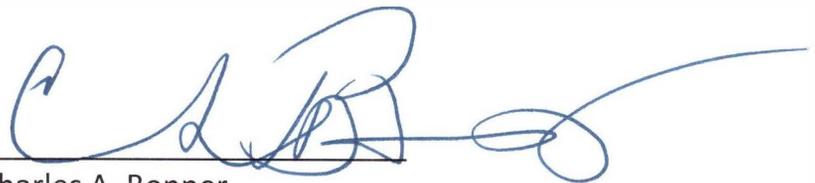
The release of toxic materials, including radiation, have been ongoing since approximately 2004 beginning with the Tetra Tech and Lennar construction, with the brief exception of cessation for the past couple years. Recently, in June of 2020, Lennar has resumed digging without warning to the community. Once again, Lennar Corporation is making a loud statement that Black Lives Do Not Matter.

Proposition 65 requires that a clear and reasonable warning be provided with the toxic release of these radioactive and other toxic materials. The Parties are in violation of Proposition 65 by failing to provide such warning to the Residents of the Hunters Point Community.

Pursuant to Proposition 65, notice and intent to sue with additional charges against Lennar Corporation shall be provided to violator's 60-days before filing an amended complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

If you have any questions or wish to discuss any of the above, please contact me.

Law Offices of Bonner & Bonner



Charles A. Bonner,  
Attorney for  
Bayview Hunters Point Residents

## Appendix A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA PROTECTION AGENCY THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986

#### (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the office of Environmental Health Hazard Assessment, the lead and Toxic Enforcement Act 1986 (commonly known as "Proposition 65") A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide law. The reader is directed to the statute and its implementing regulations (See citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code Regulations, Sections 250000 through 27000.

#### **WHAT DOES PROPOSITION 65 REQUIRE?**

*The "Governor's List."* Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 725 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the

following:

***Clear and Reasonable Warnings.*** A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of the listing of the chemical.

***Prohibition from discharges into drinking water.*** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of the listing of chemical.

#### **DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?**

Yes. The law exempts:

***Governmental agencies and public water utilities.*** All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

***Exposures that pose no significant risk of cancer.*** For chemicals that are listed as known to the State to cause cancer (“carcinogens”), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70- year lifetime. The Proposition 65 regulations identify specific “no significant risk” levels for more than 250 listed carcinogens.

***Exposures that will produce no observable reproductive effect at 1,000 times the level in question.*** For chemicals known to the State to cause birth defects or other reproductive harm (“reproductive toxicants”), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level (NOEL), “divided by a 1,000- fold safety or uncertainty factor. The “no observable effect level” is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

***Discharge that do not result in a “significant amount” of the listed chemical entering into any source of drinking water.*** The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the list chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount; expect an amount that would meet the “no significant risk” or “no observable effect” test if an individual were exposed to

such an amount in drinking water.

#### **HOW IS PROPOSITION 65 ENFORCED?**

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuit may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 27, California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

#### ***FOR FURTHER INFORMATION...***

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916)445-6900

**CERTIFICATE OF MERIT**

I, Charles A. Bonner, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.5 – 25249.13 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed toxins that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

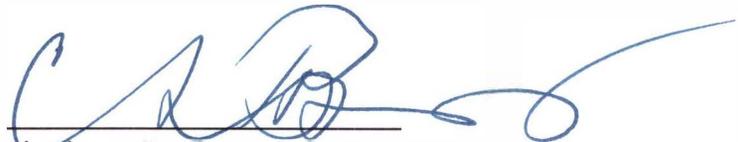
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

6. The attached video links are true and correct copies of the originals.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on this 8<sup>TH</sup> day of October 2020 in Sausalito, California.

Law Offices of Bonner & Bonner



Charles A. Bonner,  
Attorney for  
Bayview Hunters Point Residents

**CERTIFICATE OF SERVICE**

I, Sabra Malika, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of Marin, California, where the mailing occurs; and my business address is, Law Offices of Bonner & Bonner, 475 Gate Five Road, Suite 211, Sausalito, California 94965.

On July 9, 2020, I served the following documents: **(1) 60-DAY AMENDED NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General); Supporting Expert Declarations** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

**Via Certified Mail**

Tetra Tech EC., Inc.

c/o CT Corporation (Registered Agent for Service)

Lennar Corporation

c/o CT Corporation (Registered Agent for Service)

Chesa Boudin, District Attorney  
350 Rhode Island Street North  
Building, Suite 400N  
San Francisco, CA 94103

Tetra Tech Inc.

c/o CT Corporation (Registered Agent for Service)

Five Point Holdings, LLC

c/o CT Corporation (Registered Agent for Service)

CT Corporation System,

accepting service for the above named entities.

818 West Seventh Street, Suite 930,  
Los Angeles, California 90017

Dennis Herrera, City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

On July 9, 2020, I served the **California Attorney General** (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 9, 2020, at Sausalito, California.

  
\_\_\_\_\_  
Sabra Malika  
Legal Assistant