



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
MANPOWER AND RESERVE AFFAIRS  
111 ARMY PENTAGON  
WASHINGTON, DC 20310-0111



21 DEC 2001

REPLY TO  
ATTENTION OF

The Honorable Elaine Kaplan  
The Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

CENTRAL OFFICE  
WASH. D.C.  
U.S. OFFICE OF  
SPECIAL COUNSEL  
2002 JAN 17 AM 8:22

Re: OSC File No. DI-00-1284

Dear Ms. Kaplan:

As the Agency head, the Secretary of the Army has delegated to me his authority to review, sign and submit to you the report required by Title 5, United States Code, Sections 1213(b), (c) and (d).

Enclosed with this letter is the Army's report of investigation into allegations of violations of law, rule or regulation and a substantial and specific danger to public health and safety arising out of actions by U.S. Army Corps of Engineers (USACE) officials at Liberty Glen Campground, Lake Sonoma, Geyserville, California (Tab D).

The Special Counsel's letter of August 30, 2001 transmitted allegations from Mr. James L. Browning, a maintenance worker employed by the U.S. Corps of Engineers at Liberty Glen Campground (Tab A). It was stated in The Special Counsel's letter that Mr. Browning was the Lead Operator for the water treatment plants and was responsible for proper flotation filtration, disinfection, and ensuring correct chemical solution strengths in the water treatment plant. Additionally, he was responsible for ensuring compliance with all State and Federal regulations concerning the safe operation of the surface water treatment plant. Also, he was asked to train other water treatment operators and to write the standard operating procedures for the Liberty Glen Water Treatment Plant. He alleged the following:

1. Mr. Danny Summit, a Maintenance Worker/Grade 2 Water Treatment Operator, caused a substantial and specific danger to the health and safety of individuals at the Liberty Glen Campground, when he produced non-potable water for human consumption.
2. Mr. Summit rigged safety controls on the turbidimeter and submitted falsified documents to the State of California's Department of Health Services.
3. Perry Crowley, Park Manager, put the public's health at risk because he failed to take appropriate corrective action after Mr. Summit's actions were brought to his attention.

The Special Counsel's report also stated that Mr. Browning trained Mr. Summit on the proper operation of the Liberty Glen Water Treatment Plant from May to August 1999. On August 22, 1999, the USACE assigned Mr. Summit as the Lead Operator for the water treatment plant. On May 30, 2000, Mr. Browning was assigned to operate the water treatment plant while Mr. Summit was on vacation. During this time, Mr. Browning reviewed documents concerning the plant's operation and noted many discrepancies. Mr. Browning identified a number of instances in which, allegedly because of Mr. Summit's actions, the water treatment plant sent improperly treated water to the Liberty Glen campground, creating a danger to the public's health. Lastly, Mr. Browning alleged that Mr. Summit was unqualified to operate a water treatment plant, that he was engaged in fraudulent actions that demonstrated a lack of necessary skill or due care.

By statute, the agency has sixty days to complete the report. Ms. Catherine McMullen, Chief, Disclosure Unit, Office of Special Counsel, granted an extension on November 2, 2001 (Tab B). This requested time extension was necessitated by the fact that several weeks of the sixty day agency investigative period were "lost" when the August 30, 2001 notice letter from the Office of Special Counsel was misdirected to the wrong legal office for action and the delays brought on by the aftermath from the plane crash into the Pentagon building on September 11, 2001.

On September 24, 2001, the Associate Deputy General Counsel (Human Resources), Office of the General Counsel, Headquarters, Department of the Army, forwarded the matter to Headquarters, USACE, Office of the Chief Counsel, who in turn referred the matter to the USACE South Pacific Division for action (Tab C). The USACE South Pacific Division directed the Commander, San Francisco District, Lieutenant Colonel (LTC) Timothy S. O'Rourke, to conduct an investigation. LTC Colonel O'Rourke initiated an Army Regulation 15-6 investigation and appointed an Investigating Officer, Richard D. Kreiner, Chief, Reservoir Control Branch, Operations Division, Albuquerque District, New Mexico.

Based upon his review of The Special Counsel's complaint, relevant laws, regulations, documents (including the citation issued by the state of California Department of Health Services, dated March 29, 2001, Number 02-18-01C-017), and telephone interviews with several current employees of the Lake Sonoma campground (Mr. James Browning, Mr. Danny Summit, and Mr. Perry Crowley) as well as with Ms. Lori Hanson with the California Department of Health Services, the Investigating Officer concluded that: (1) there were violations of the California Safe Drinking Water Act and there was a substantial danger to the public health and safety at the Liberty Glen Campground arising out of the actions of officials at Lake Sonoma; (2) a falsified monthly report was filed with the State of California for April 2000, indicating that the water treatment plant at Liberty Glen was shut down for four days when in fact the plant was in operation; (3) Mr. Summit did not deliberately attempt to rig the safety controls on the turbidimeter but rather was not adequately trained in the operation of the plant and did not know what he was doing; and (4) after these matters were brought to Mr.

Crowley's attention, he continued to allow Mr. Summit to operate the plant and that this inaction put the public's health and safety at risk.

As indicated in the Investigating Officer's report, Mr. Kreiner concluded that, though Mr. Summit denied falsifying documents submitted to the State of California on the operation of the Liberty Glen Water Treatment Plant, Corps records containing information on the production of the plant indicates that it was producing water on four of the days during which time it was reported to the state that the plant was shut down. This, coupled with the fact that the state of California issued a citation over this same period for not reporting turbidity readings when the plant was in operation, helped substantiate Mr. Browning's allegation that Mr. Summit falsified documents submitted to the State of California on the operation of the Liberty Glen Water Treatment Plant for April 2000.

Regarding Mr. Browning's allegation that Mr. Summit rigged safety controls on the turbidimeter, the Investigating Officer concluded that this allegation was not substantiated since Mr. Summit stated that he did not know how to calibrate it properly, that Mr. Browning stated that he was unable to train Mr. Summit, that Ms. Hanson did not think that Mr. Summit knew what he was doing with respect to the operation of the plant, and Mr. Summit stated that he was not adequately trained.

Lastly, the Investigating Officer agreed with Mr. Browning's allegation that Mr. Crowley, the Park Manager, put the public's health at risk because he failed to take appropriate action after Mr. Summit's actions were brought to his attention. He further concluded that given the extent of Mr. Crowley's experience in the operation of a water treatment plant while he worked for the Forest Service, he should have been quite capable of determining if Mr. Summit was trained sufficiently to run the plant. Given that Mr. Browning had warned Mr. Crowley repeatedly about Mr. Summit's deficiencies, and that he had ample opportunity to observe Mr. Summit's activities since he had assigned Mr. Summit to run the plant in 1999 and 2000, Mr. Crowley failed in properly supervising Mr. Summit and taking appropriate actions to assure that the public health and safety were protected while the water treatment plant was in operation. The Investigating Officer was also concerned with the personal conflict between the two WG-8s, Mr. Browning and Mr. Summit who either "couldn't or wouldn't work with each other," thus, contributing to the inability for Mr. Browning to help train Mr. Summit.

As a result of the Investigating Officer's effort, follow up meetings within the Corps were conducted to address the allegations. Therefore, the Investigating Officer chose not to recommend any specific personnel actions be taken against any individuals. Instead, he wanted to wait for the supervisory chain to take appropriate action.

As reflected in the State of California Department of Health Services Citation Number 02-01C-017, dated March 29, 2001, violations were recognized under California Code of Regulations, Title 22, Section 64664(b)(1) that requires a water supplier to report to the Department by the tenth day of the following months all turbidity measurements taken during then month to determine compliance with Section 64653. Additionally,

Section 116730(a)(1) of the California Health and Safety Code was violated when it was reported that the treatment plant had not been in operation when in fact it was operated. A \$100.00 fine was imposed and paid.

Several actions have been taken or are being contemplated to address the allegations:

(1) As a result of several meetings between the Corps and the State of California over the operation of the plant, Mr. Summit voluntarily gave up his Grade 1 and Grade 2 classification Water Treatment Operator's license in the hope of ending the controversy surrounding the operation of the Lake Sonoma plant. Since Mr. Summit cooperated fully with State and Federal investigators, voluntarily surrendered his operator's license to the State and demonstrated remorse for his actions, no disciplinary action will be proposed. There is no evidence that he intentionally falsified any records; it appears that he simply lacked the knowledge, skills and abilities to adequately perform his job. Additionally, the District Attorney that had jurisdiction declined to prosecute Mr. Summit. Since Mr. Summit gave up his operator's license, he is no longer involved in the operation of water treatment plants. He does not need such a license to perform in his current position as a General Maintenance Worker. His supervisor is still Mr. Crowley.

(2) The Liberty Glen Water Treatment Plant was designed to provide water to a specific campground, and during calendar year 2000, the water treatment plant was permanently closed, according to the Deputy Commander, Colonel Leonard V. Flor, South Pacific Division, Corps of Engineers. According to LTC Timothy S. O'Rourke, the San Francisco District Commander, the Corps is drilling wells at Lake Sonoma to provide water to campers. There are plans to dismantle the Water Treatment Plant within the next two years.

(3) The San Francisco District Commander, LTC O'Rourke, personally counseled Mr. Crowley in November 2000 for his inadequate monitoring of the Water Treatment Plant during the period in question. Colonel O'Rourke advised that he was satisfied that Mr. Crowley's deficiencies were an "aberration." He has been directed to attend additional leadership training, to include the Army Management Staff College.

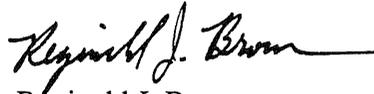
(4) To comply with the Corps' policy for a supervisor to employee ratio of one to ten, an additional Maintenance Leaderman has been hired for Lake Sonoma.

(5) In order to address the personal conflicts between Mr. Browning and Mr. Summit, the Corps brought them before a mediator. Both of them "pledged" to cooperate and peacefully coexist. Unfortunately, their relationship deteriorated shortly thereafter.

I have reviewed the report, as has the Office of the Army General Counsel. That review indicates that the investigation was conducted in a thorough, fair, and impartial fashion. The report is internally consistent, its conclusions are supported by substantial

evidence, and nothing has been brought to my attention that would justify overruling or modifying the conclusions of the report.

Therefore, on the basis of this report, the Army does not plan to take any further action regarding this matter beyond consideration of implementation of the Investigating Officer's recommendations and the actions referenced above.



Reginald J. Brown  
Assistant Secretary of the Army  
(Manpower and Reserve Affairs)

Enclosures

A



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

August 30, 2001

The Honorable Thomas E. White  
Secretary of the Army  
Department of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Re: OSC File No. DI-00-1284

Dear Mr. Secretary:

The U. S. Office of Special Counsel is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. §§ 1213(a) and (b). As Special Counsel, if I find, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, I am required to advise the appropriate agency head of my findings, and the agency head is required to conduct an investigation of the allegations and prepare a report. 5 U.S.C. §§ 1213(c) and (g).

For the reasons set forth below, I have concluded that there is a substantial likelihood that information provided to the Office of Special Counsel by Mr. James L. Browning, a Maintenance Worker, discloses violations of law, rule or regulation, and substantial and specific dangers to the public health and safety, arising out of actions by U.S. Army Corps of Engineers (USACE) officials at Liberty Glen Campground, Lake Sonoma, in Geyserville, California. Accordingly, I am referring this information to you for an investigation of the allegations described below and a report of your findings within 60 days of your receipt of this letter.

The Information Disclosed

As noted, the relevant information was provided to the Office of Special Counsel by Mr. James L. Browning, a Maintenance Worker, who has consented to the release of his name. Mr. Browning has been employed by USACE for over 14 years. Mr. Browning is licensed by the State of California as a Grade 2 Water Plant Treatment Operator and has extensive experience in the technical and legal issues surrounding water treatment plants.

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As a licensed Grade 2 Water Plant Treatment Operator, Mr. Browning has served as Lead Operator for water treatment plants. As Lead Operator, Mr. Browning was responsible for proper flocculation<sup>1</sup>, filtration<sup>2</sup>, disinfection<sup>3</sup>, and ensuring correct chemical solution strengths in the water treatment plant. In addition, Mr. Browning was responsible for ensuring compliance with all state and federal regulations concerning the safe operation of the surface water treatment plant. USACE has also asked Mr. Browning to train other water treatment operators and to write the standard operating procedures for the Liberty Glen Water Treatment Plant.

The Liberty Glen Water Treatment Plant, Lake Sonoma, which is the subject of Mr. Browning's disclosures, is currently under the jurisdiction of the Army Corps of Engineers, San Francisco, California District. The Liberty Glen Water Treatment Plant provides potable water to the Liberty Glen Campground. Specifically, the water treatment plant takes water from Lake Sonoma and filters the water to ensure it is fit for human consumption. Liberty Glen's water treatment plant uses a conventional surface water filtration system with a continuous method of sampling. The water filtration system continuously measures the turbidity<sup>4</sup> of the filtered water on a Hach 1720 Turbidimeter and records the results onto a 7-day/24-hour circular chart.

Mr. Browning alleges that Mr. Danny Summit, a Maintenance Worker/Grade 2 Water Treatment Operator, caused a substantial and specific danger to the health and safety of individuals at the Liberty Glen Campground when he produced non potable water for human consumption. He also alleges that Mr. Summit rigged safety controls on the turbidimeter and submitted falsified documents to the State of California's Department of Health Services. Mr. Browning also alleges that Perry Crowley, Park Manager, put the public's health at risk because he failed to take appropriate corrective action after Mr. Summit's actions were brought to his attention.

The background of Mr. Browning's allegations is as follows:

From May to August 1999, Mr. Browning trained Mr. Summit on the proper operation of the Liberty Glen Water Treatment Plant. On August 22, 1999, the USACE assigned Mr. Summit as the Lead Operator for the water treatment plant.

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<sup>1</sup> Flocculation is a process to enhance agglomeration or collection of smaller floc particles into large, more easily settleable or filterable particles through gentle stirring by hydraulic or mechanical means.

<sup>2</sup> Filtration is a process for removing particulate matter from water by passage through porous media.

<sup>3</sup> Disinfection is a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

<sup>4</sup> Turbidity is the clarity of water expressed as nephelometric turbidity units (NTUs) and measured with a calibrated turbidimeter.

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Mr. Browning immediately informed Mr. Crowley that he had concerns over Mr. Summit's professionalism and ability to operate the water treatment plant.

In December 1999, the USACE shut the water treatment plant down and drilled a well to obtain potable water for the next recreational season. Due to insufficient quantities of water from the new well, the water treatment plant was reopened in March 2000. On March 20, 2000, the USACE assigned Mr. Summit as the lead operator of the water treatment plant. On May 30, 2000, Mr. Browning was assigned to operate the water treatment plant while Mr. Summit was on vacation. During this time, Mr. Browning reviewed documents concerning the plant's operation and noted many discrepancies.

Mr. Browning has identified a number of instances in which, allegedly because of the actions of Mr. Summit, the water treatment plant sent improperly treated water to the Liberty Glen campground, creating a danger to the public's health. Mr. Browning has also identified instances in which laws and regulations have been violated. He alleges that Mr. Summit is unqualified to operate a water treatment plant, that he has engaged in fraudulent actions which demonstrate a lack of necessary skill or due care, resulting in a threat to the health of Liberty Glen campers. His specific allegations are set forth below:

1. **Violation of Reporting Regulations and Fraudulent Reports Filed With the California Department of Health Services**

In accordance with Section 116525 of the California Health and Safety Code, the U.S Army Corps of Engineers-Liberty Glen Campground water system must operate under a valid water supply permit issued by the California Department of Health Services (CDHS), Drinking Water Field Operations Branch. Pursuant to the permit, the USACE must comply with all California State laws applicable to public water systems, including the California Safe Drinking Water Act (SDWA) and any regulations adopted thereunder.

According to Title 22, Section 64662 of the California Code of Regulations (C.C.R.), each water supplier must maintain accurate and complete operation records for each treatment plant. The records shall include the results of all monitoring conducted in accordance with the SDWA, including the filtered water turbidity measurements. Furthermore, 22 C.C.R. § 64664 requires that each water supplier with an approved surface water treatment facility submit a monthly report on the operation of each facility to the CDHS. The report must include the results of all turbidity measurements taken during the month to determine compliance with the SDWA. 22 C.C.R. § 64664(b)(1).

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Mr. Browning alleges that Mr. Summit violated 22 C.C.R. §§ 64662, 64664 when he submitted falsified reports to the CDHS. Specifically, Mr. Browning alleges that Mr. Summit inaccurately recorded the turbidity results on the monthly surface water treatment regulation form and then submitted the form to CDHS. On the monthly surface water treatment regulation form, the water treatment plant operator must record the turbidity level reading from the 7-day circular turbidimeter chart. The treatment plant operator files the monthly surface water treatment regulation form with the CDHS, but not the actual circular turbidimeter charts. Thus, the State of California relies on the honesty of the water treatment plant operator to properly record the information.

Mr. Browning alleges that Mr. Summit falsified the surface water treatment regulation form filed for April 2000. The form states that the water treatment plant was "off" and "shut down" from Friday, April 21 through Monday, April 31, 2000. (See Attachment A.) However, Mr. Browning located the circular turbidimeter charts for those days and the charts reflect that the water treatment plant was operating. Mr. Browning notes that during many of those days, the turbidity reading was consistently above the permissible amount. (See Attachment B.) Thus, Mr. Browning reasons that Mr. Summit submitted falsified chart readings instead of filing forms that indicated an impermissible turbidity reading.

## 2. The Turbidity Levels of the Water Exceeded the Permissible Standards and Created a Potential Danger to Public Health

The CDHS sets drinking water standards for water systems in California. CDHS has determined that the presence of microbiological contaminants is a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, headaches, fatigue and possibly jaundice. CDHS has set enforceable requirements for treating drinking water to reduce the risk of these health effects.

Section 64653(c)(1), Title 22 of the California Code of Regulations<sup>5</sup> specifies that the turbidity performance standard of filtered water for conventional treatment plants shall be equal to or less than 0.5 NTU<sup>6</sup> in ninety-five percent of the measurements taken each month. Additionally, section 64653(c)(2) provides that

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<sup>5</sup> Title 22 of the California Code of Regulations is referred to as the Surface Water Treatment Regulations.

<sup>6</sup> NTU stands for nephelometric turbidity unit. It is a measurement of the turbidity of water as determined by the ration of the intensity of light scattered by the sample to the intensity of incident light.

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suppliers using a continuous monitoring program shall not allow the turbidity level of filtered water exceed 1.0 NTU for more than eight consecutive hours.

Mr. Browning reviewed the turbidity charts<sup>7</sup> for the month of April and alleges that the water produced was not in compliance with 22 C.C.R. § 64653(c)(1). As support for this allegation, Mr. Browning refers to the 7-day circular turbidity charts.<sup>7</sup> A review of the turbidity charts establishes that the filtered water was consistently recorded at 80 or .8 NTU when the water treatment plant was in operation. Thus, the turbidity readings appear to exceed California's requirement that ninety-five percent of all turbidity readings be equal to or less than .5 NTU. Consequently, Mr. Browning asserts that the water was not fit for human consumption.

Moreover, Mr. Browning alleges that Mr. Summit improperly calibrated the turbidimeter so the readings reflected on the chart were lower than the actual NTU readings. He explains that the 7-day circular chart is intended to record readings from 0 - 1.0 NTU. Because 1.0 NTU is the highest reading that can be recorded on the circular chart, any NTU greater than 1.0 is recorded as 1.0 on the chart but an accurate NTU reading would be displayed on the digital NTU display.<sup>8</sup>

Mr. Browning alleges that Mr. Summit calibrated the turbidimeter so that a turbidity level of 1.0 or higher was recorded on the chart as .80. A review of the circular chart for April reveals that the turbidity level was consistently being recorded at the same level of .8. Mr. Browning alleges that it is statistically impossible for the turbidity readings to consistently hit the exact reading for extended periods of time. Thus, he explains that the only possible way that the turbidity readings were consistently recorded at .80 is if the machine was calibrated to record actual NTU readings of 1.0 NTU or higher, at the .80 level. As additional support for his allegation that Mr. Summit purposefully miscalibrated the turbidimeter, Mr. Browning notes that Mr. Summit had previously admitted to "game playing" or tampering with the water treatment plant's turbidimeter so that he could produce lower recordings of turbidity.

Lastly, Mr. Browning alleges that Mr. Perry Crowley, the Liberty Glen Park Manager, failed to adequately address the above concerns, and thereby created a danger to public health. Specifically, Mr. Browning states that he brought the above allegations to the attention of Mr. Crowley. Mr. Browning alleges that Mr. Crowley

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<sup>7</sup> The chart record readings between 0 - 1.0 NTUs on a 1-100 scale. For example, .1 is recorded on the chart as 10.

<sup>8</sup> However, Mr. Browning explains that an experienced water treatment operator will set the water treatment plant to automatically shut down prior to reaching a turbidity level higher than 1.0.

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spoke to Mr. Summit but failed to take any other corrective action. Mr. Browning alleges that Mr. Summit should have been removed from lead operator of the water treatment plant. Based on the false documentation submitted to the CDHS and Mr. Summit's previous admission to tampering with the turbidimeter, Mr. Browning alleges that Mr. Crowley's failure to remove Mr. Summit as lead operator perpetuated the danger to public health.

#### The Special Counsel's Findings

As noted above, if I find that there is a substantial likelihood that information disclosed to my Office reveals violations of law, rule or regulation, or a substantial and specific danger to public health or safety, I am required to send that information to the appropriate agency head for an investigation and report. 5 U.S.C. § 1213. Given Mr. Browning's apparent expertise regarding the matters he has disclosed, the detail he has provided, and his first hand knowledge of many of the incidents he has described, I have concluded that there is a substantial likelihood that he has disclosed violations of law, rule, or regulation, and a substantial and specific danger to the public health and safety at the Liberty Glen Campground's water treatment plant.

Accordingly, I am referring this information to you for an investigation of the allegations described above and a report of your findings within 60 days of your receipt of this letter. By law, the report must be reviewed and signed by you personally. Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated. The requirements of the report are set forth at 5 U.S.C. §§ 1213(c) and (d). A summary of 1213(d) is enclosed.

In the event it is not possible to report on the matter within the 60-day time limit, as the statute requires, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time will not be granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed.

After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by me will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. 5 U.S.C. § 1213(e)(3).

A copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. § 1219(a).

The Special Counsel

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Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 653-6005. I am also available to you for any questions you may have.

Sincerely,



Elaine Kaplan

Enclosures

Enclosure

Requirements of 5 U.S.C. § 1215(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency<sup>1</sup> and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
  - (A) changes in agency rules, regulations or practices;
  - (B) the restoration of any aggrieved employee;
  - (C) disciplinary action against any employee; and
  - (D) referral to the Attorney General of any evidence of criminal violation.

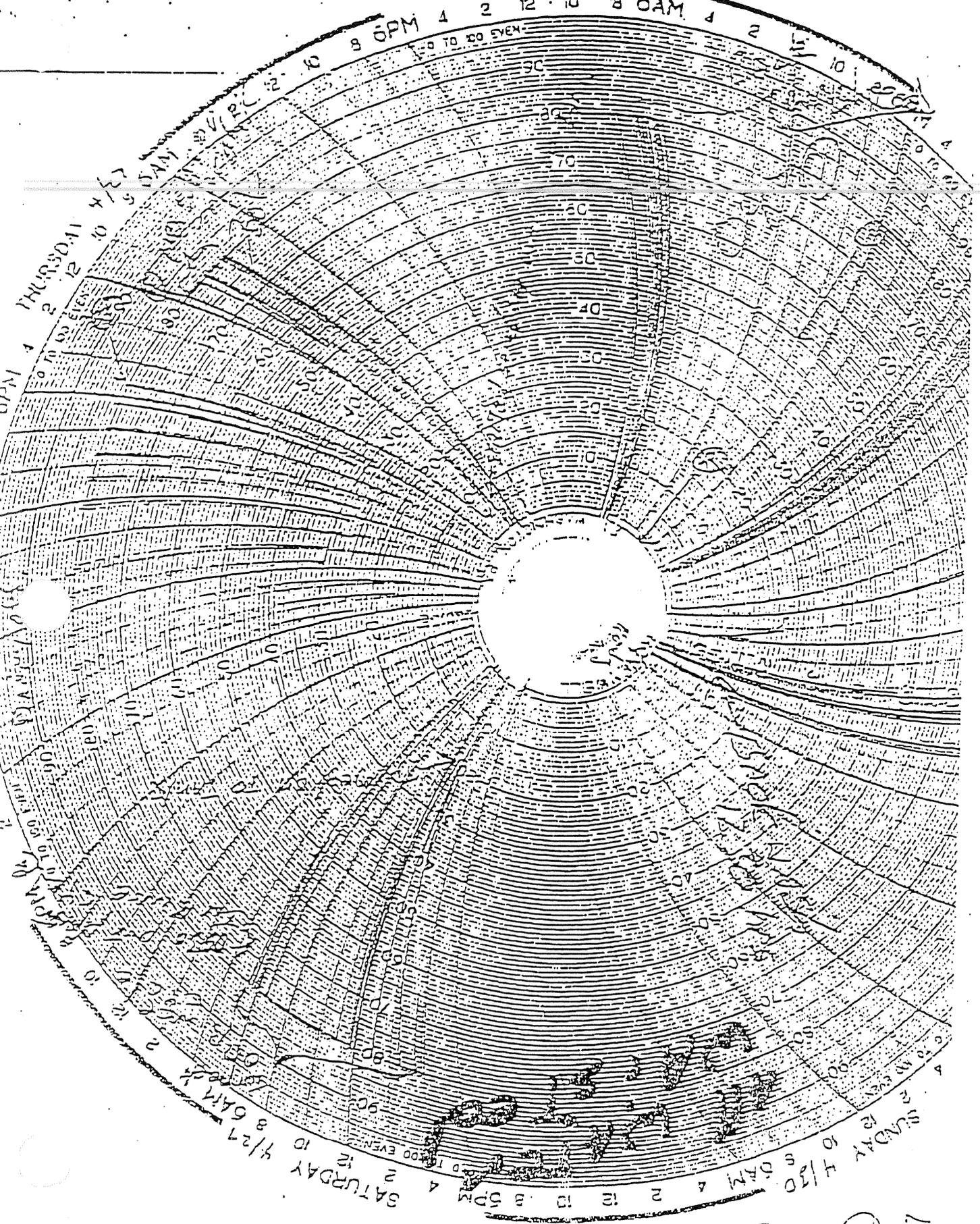
In addition, we are interested in learning of any dollar savings, or projected savings, and any management initiatives that may result from this review.

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<sup>1</sup> Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

WEDNESDAY 4/26

8 6AM

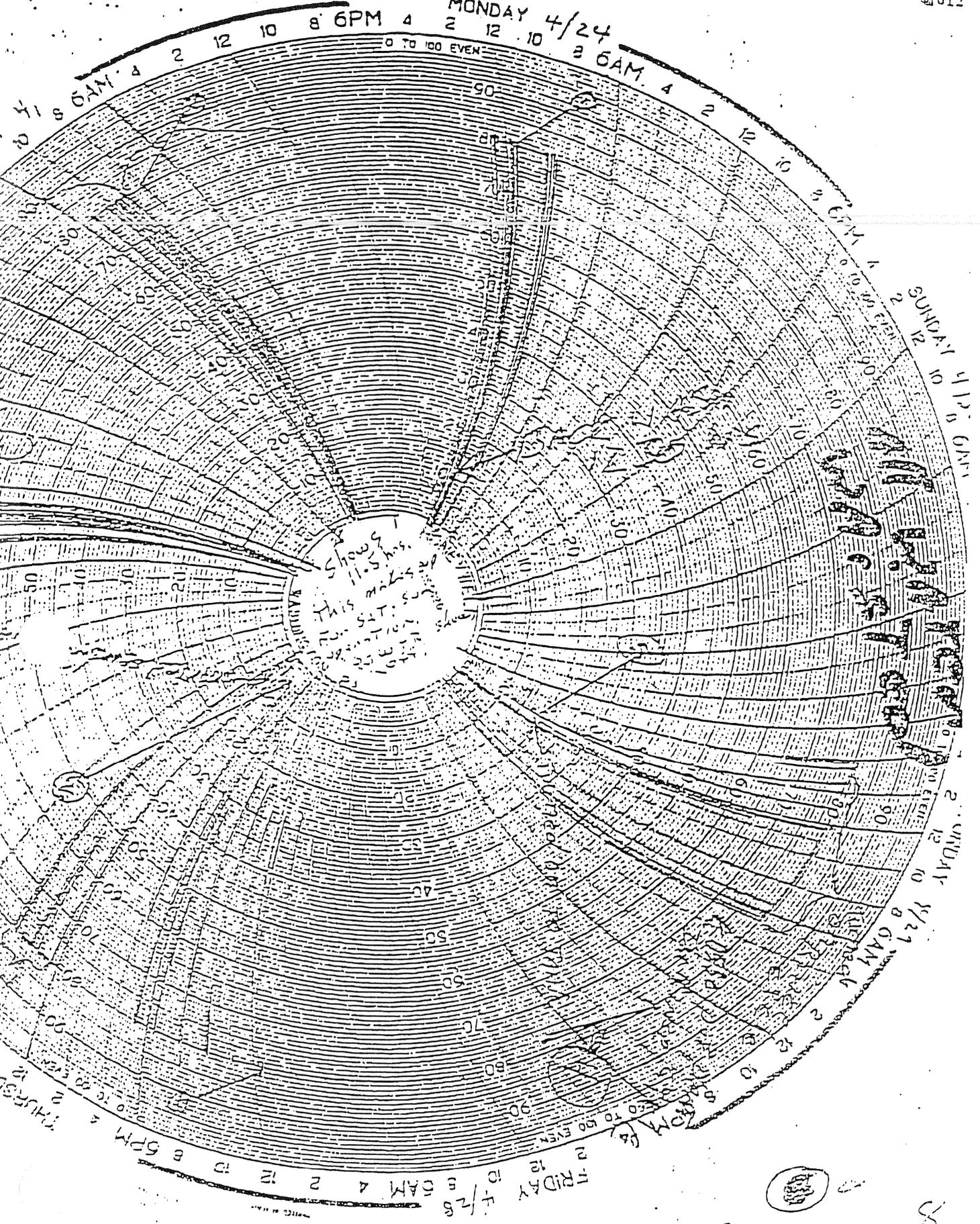


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MONDAY 4/24



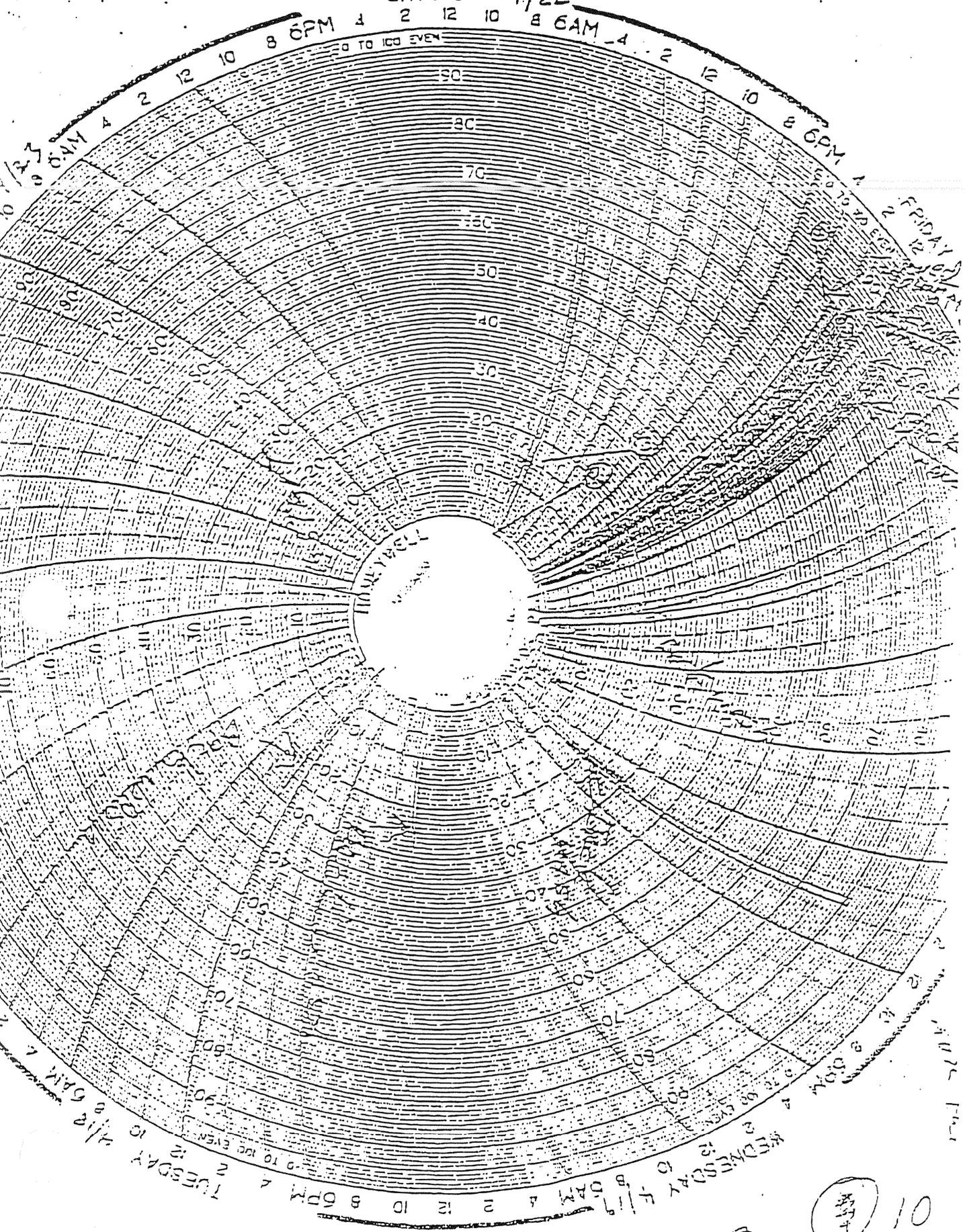
Shows 11.5 hrs.  
This station is  
11.5 hrs. from the  
station



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8

SATURDAY 4/22



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01013



System Name: LIBERTY GARD

Month Apr Year 2008

BACKWASH

CT CONCENTRATOR

CHEMICAL DOSE IN mg/L

Date	Time	Operator	Gal. Feed.	R. Wss. Operac.	Flow of Backwash	Flow Length	Gal. Used	Flow Gpm	pH	Temp	Chlorine Residual Wt Ct-15	Chlorine Residual F/0	Chlorine Grab	Turbidity 1720-C	Turb. Grab	Raw Turb.	Alum.	Foly.	Chlo.	Soda Ash
17	0200	D.S.	39,500	33.3	1100	10min	1400	20	7.5	62.2	1.68	.94	1.15	1.056	.03	8	15.2	-	1.61	7.1
18																				
19																				
20	0735	D.S.	39,200	33.2	0200	10min	1400	20	7.0	63.0	1.21	1.05	1.11	1.063	.05	9	15.3	-	1.62	7.1
21	0815	D.S.	10,200	9.1	0100	10min	1100	20	7.3	62.1	1.06	.81	.84	1.075	.16	9	15.3	-	1.65	7.2
22		O.F.F.																		
23		O.F.F.																		
24	0015	O.S.	5400	4.9	1230	10min	1700	18	7.5	61.8	1.06	.61	1.05	1.130		6	15.4	-	9.07	8.7
25	0115	D.S.	14,000	11.5				20	7.1	63.1	1.16	.84	1.27	1.280	.18	8	7.7	-	1.35	7.8
26	0210	D.S.	1,200	1.0	0930	10min	1400	20	7.3	62.1	.77	.60	.84	1.310	.31	9	9.8	-	1.31	-
27	1001	D.S.	3,100	2.5				21	7.1	62.7	1.01	.50	.91	1.28	.34	9	5.5	-	1.5	-
28		O.F.F.																		
29		O.F.F.																		
30		O.F.F.																		
31		O.F.F.																		

LOCATION: OFFICE\REPORTS POTABLE RPT

Call from Mike on 22 April. Cons. water system shut down. repaired.

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**B**



DEPARTMENT OF THE ARMY  
OFFICE OF THE GENERAL COUNSEL  
104 ARMY PENTAGON  
WASHINGTON DC 20310-0104

2 November 2001

Ms. Catherine A. McMullen  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street, N.W. Suite 300  
Washington, D.C. 20036-4505

Re: OSC File No. DI-00-1284

Dear Ms. McMullen:

This letter is to confirm telephone conversation and your granting of my request for an extension of time to file the Department of the Army's report required by 5 USC §1213 for the subject OSC case. This case concerns allegations of violations of law, rule or regulation and substantial and specific dangers to the public health and safety arising out of actions by the U.S. Corps of Engineers officials at Liberty Glen Campground, Lake Sonoma, Geyserville, California.

As I advised you, there are several reasons for the requested time extension, specifically, several weeks were "lost" when the notice letter from the Office of Special Counsel was misdirected to the wrong legal office for action, the delays brought on by the aftermath from the plane crash into the Pentagon building on 11 September 2001, and the need to undertake further inquiry into the allegations that initially was taken by the U.S. Corps of Engineers.

I appreciate your assistance in granting the extension.

A handwritten signature in cursive script that reads "Cassandra Tsintolas Johnson".

CASSANDRA TSINTOLAS JOHNSON  
Associate Deputy General Counsel  
(Human Resources)

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C



DEPARTMENT OF THE ARMY  
OFFICE OF THE GENERAL COUNSEL  
104 ARMY PENTAGON  
WASHINGTON DC 20310-0104

24 September 2001

MEMORANDUM FOR Headquarters, U. S. Army Corps of Engineers, Office of the Chief Counsel (CECC-ZA), ATTN: Mr. Robert M. Andersen, 441 G Street, N.W., Washington, D.C. 20314- 1000.

SUBJECT: Whistleblower Investigation—Office of Special Counsel, Liberty Glen Campground, Lake Sonoma, Geyersville, CA. (OSC File No. DI-00-1284)

Enclosed for your action is a 30 August 2001 letter from the Office of Special Counsel, requesting an investigation of the allegations and a report pursuant to 5 U.S.C. 1213©(1).

A final response describing the action taken and prepared for the signature of the Secretary of the Army should be submitted to this office AS SOON AS POSSIBLE BUT NOT LATER THAN 19 October 2001.

The Army's response will be available to the public. Therefore, our response and any supporting investigative report should be prepared in a manner intended to facilitate public understanding of the allegations and Army's response thereto. The requirements specified in 5 U.S.C. 1213(d) (copy enclosed) may be used as a guideline. In all cases, please furnish for our review all backup materials supporting the proposed response

If necessary, our office will seek an extension of the date of our reply. As soon as it becomes apparent that more time will be needed, you should forward to me an interim response requesting the extension and indicating the reasons for the request and date by which the Special Counsel can expect to receive our final response.

  
CASSANDRA TSINTOLAS JOHNSON  
Associate Deputy General Counsel  
(Human Resources)

CF: DAJA-LE  
DA IG  
DAEC-CA

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**D**



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

12 DEC 2001

CECC-ZB

MEMORANDUM FOR ARMY ASSOCIATE DEPUTY GENERAL COUNSEL  
(Human Resources)

SUBJECT: Office of Special Counsel Complaint OSC File No. DI-00-1284

1. Enclosed please find a report of investigation of alleged violations of law, rule or regulation and specific dangers to the public health and safety made in the subject Office of Special Counsel Complaint. Mr. Danny Summit was Maintenance Worker/Grade 2 Water Treatment Operator at a water treatment plant at the Liberty Campground, Lake Sonoma, California, which produced drinking water for the campground. The complaint alleges that Mr. Summit operated the plant in such a way as to cause the turbidity levels of the water to exceed permissible standards and thereby created a danger to public health and safety. The complaint also alleges that Mr. Summit submitted falsified documents to the State of California's Department of Health Services. Finally, the complaint alleges that Mr. Perry Crowley, Park Manager put the public's health and safety at risk by failing to take appropriate corrective action after Mr. Summit's actions were brought to his attention.

2. Based upon the telephonic interviews of three Corps of Engineers employees and one California Department of Health Services employee and the review of relevant documents, the Investigating Officer concluded that:

a. Violations of the California Safe Drinking Water Act at the Liberty Glen Water Treatment Plant had occurred while Mr. Summit was operating the plant and that those violations caused a substantial danger to the public health and safety at the Liberty Glen Campground;

b. A falsified monthly report was filed with the State of California for April 2000, indicating that the water treatment plant at Liberty Glen was shut down for four days when in fact the plant was in operation;

c. Mr. Summit did not deliberately attempt to rig the safety controls on the turbidimeter but rather was not adequately trained in the operation of the plant and did not know what he was doing; and

d. After these matters were brought to Mr. Crowley's attention, he continued to allow Mr. Summit to operate the plant and that this inaction put the public's health and safety at risk.

3. The evidence contained in the report is sufficient to sustain the findings.
4. The San Francisco District Commander was aware of this matter before the Special Counsel Complaint was filed. The Water Treatment plant provided drinking water only for Liberty Glen campground. Mr. Summit's statement indicates that during the period in which the plant was reported to the State as being shut down, he was trying to bring the plant into compliance with turbidity standards. The water produced by the plant during this period was not sent into the tank for drinking water but, instead, was released back into the river. Wells have been drilled which now provide drinking water to the Liberty Glen Campground and the water treatment plant has been permanently closed.
5. Mr. Summit voluntarily surrendered his water treatment plant operator's license to the state. He is no longer qualified to run a water treatment plant. He has cooperated with State and Federal investigators who have looked into this matter. The investigating officer concluded that Mr. Summit lacked the knowledge and skills necessary to operate the plant. Mr. Summit is no longer involved in the operation of water treatment plants. He is still employed at Lake Sonoma as a general maintenance employee and is supervised by Mr. Crowley. A new employee has been hired as Maintenance Leaderman at Lake Sonoma. He has assumed significant supervisory responsibility at Lake Sonoma.
6. Mr. Crowley has been counseled by the District Commander. The Commander views Mr. Crowley's actions in this matter as a momentary lapse in vigilance. Nevertheless, Mr. Crowley has been directed to attend additional leadership training, to include the Army Management Staff College.
7. I recommend that this report be forwarded through the Secretary of the Army, or his designee, to the Special Counsel.

FOR THE COMMANDER



ROBERT M. ANDERSEN  
Chief Counsel

Encl.



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS**

333 Market Street, Room 923  
San Francisco, California 94105-2195

CESPD-OC

24 October 2001

MEMORANDUM FOR: COMMANDER, HQUSACE, ATTN: CECC-ZB (Powers),  
441 G Street NW, Washington, D. C. 20314-1000

SUBJECT: Office of Special Counsel Complaint OSC File No. DI-00-1284

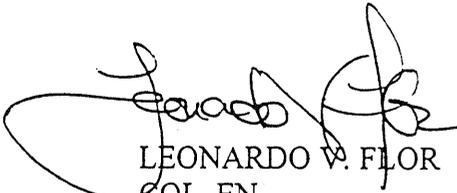
1. This office has reviewed the Office of Special Counsel complaint, the informal AR 15-6 Investigation performed under the direction of the San Francisco District, and the recommendations of the District Engineer concerning alleged improprieties occurring at the Liberty Glenn Water Treatment Plant at Lake Sonoma. Copies of the 15-6 Investigation and the District Commander's recommendations are herewith attached.

2. The AR 15-6 Investigation does substantiate that errors did occur which resulted in the State of California's Department of Health Services issuing a citation and a \$100.00 fine. However, it is worth noting that the water treatment plant was designed to provide water to a specific campground and that following the calendar year 2000, the water treatment plant was permanently closed. This command concurs in the actions and recommendations taken by the District Commander.

3. Because of the short time frame given for preparing this report the District was unable to prepare a more comprehensive version. If you have additional questions Mr. Daniel J. Dykstra, Jr., Deputy Division Counsel is the POC (415) 977-8211.

FOR THE COMMANDER:

Encls.



LEONARDO V. FLOR  
COL, EN  
Deputy Commander

24 October 2001

MEMORANDUM FOR COMMANDER, South Pacific Division

SUBJECT: Investigation of Perry Crowley – Liberty Glen Water Treatment Plant, Lake Sonoma, California

1. I have reviewed the subject AR 15-6 Investigation regarding the Office of Special Counsel's complaint concerning the operation of the Liberty Glen Water Treatment Plant at Lake Sonoma, a San Francisco District facility. After carefully considering the Investigating Officer's findings, I offer the following recommendations as well as actions we have already taken:
  - a. That no disciplinary action be taken against the Park Manager, Perry Crowley. In November 2000 I personally counseled Mr. Crowley for his inadequate monitoring of the Water Treatment Plant during the period in question. I maintain a record of that counseling in my office. I am satisfied that his momentary lapse in vigilance was an aberration. I have full confidence in Mr. Crowley's ability and professionalism. In addition to the counseling, I am directing Mr. Crowley to attend additional leadership training to include Army Management Staff College.
  - b. That we never reopen the Water Treatment Plant. The Water Treatment Plant was closed permanently in 2000. We are now drilling wells at Lake Sonoma, which will provide water to campers. We plan to dismantle the Water Treatment Plant in the next two years.
  - c. In order to comport with the Corps' prescribed supervisor to employee ratio of one to ten, we have hired Mr. David Serafini as the Maintenance Leaderman at Lake Sonoma. Mr. Serafini has assumed significant supervisory responsibility at Lake Sonoma.
  - d. That no disciplinary action be taken against Danny Summit. Mr. Summit has cooperated fully with both State and Federal investigators. He voluntarily surrendered his operator's license to the State and demonstrated remorse for his actions. There is no evidence that Mr. Summit intentionally falsified any records.

CESPN-DE

SUBJECT: Investigation of Perry Crowley – Liberty Glen Water Treatment Plant, Lake Sonoma, California

- ~~c. That we continue to cooperate fully with State investigators in the event they reopen their investigation which they closed earlier this year.~~
2. I am the Point of Contact for this action at (415) 977-8500.

  
TIMOTHY S. O'ROURKE  
LTC, EN  
Commanding



DEPARTMENT OF THE ARMY  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
4101 JEFFERSON PLAZA, NE  
ALBUQUERQUE, NEW MEXICO 87109-3435  
FAX (505) 342-3199

CESPA-OD-W

12 October 2001

MEMORANDUM FOR CDR, CESPN

SUBJECT: Reviewing Officer's findings on complaint OSC File No. DI-00-1284

1. I was appointed as the Reviewing Officer on a complaint (OSC File No. DI-00-1284) that was filed by Mr. James Browning at Lake Sonoma. The appointment memorandum is enclosed.
2. I reviewed 15 pages of information on this complaint that was faxed to me by Mr. Bias Redding on 3 Oct 2001. I conducted telephone interviews with Mr. James Browning, Mr. Danny Summit, and Mr. Perry Crowley at Lake Sonoma and also with Ms. Lori Hanson with the California Department of Health Services. Telephone conversation records are enclosed. During this investigation I obtained a copy of a citation (No. 02-18-01C-017) issued by the State of California, Department of Health Services, dated 29 Mar 2001. This is also enclosed.
3. Upon review of the information provided to me and after investigating this complaint with individuals involved and others knowledgeable of the issues, I concur with Special Counsel that information provided by Mr. Browning discloses violations of the California Safe Drinking Water Act and also discloses a substantial danger to the public health and safety arising out of the actions of officials at Lake Sonoma.
4. Mr. Browning alleges that Mr. Summit falsified documents submitted to the state of California on the operation of the Liberty Glen water treatment plant. Although Mr. Summit denies this, other Corps records that contain information on the production of the plant indicate that it was producing water on four of the days during which time it was reported to the state that the plant was shut down. This, as well as the fact that a citation was issued by the state over this same period for not reporting turbidity readings when the plant was in operation, cause me to conclude that the monthly report submitted to the state of California for April 2000 was falsified.
5. Mr. Browning alleges that Mr. Summit rigged safety controls on the turbidimeter. Mr. Summit stated that he did not know how to calibrate it properly. Mr. Browning stated that he was unable to train Mr. Summit. Ms. Hanson, with the California Department of Health Services, stated that she did not think that Mr. Summit knew what he was doing with respect to the operation of the plant. And also Mr. Summit admitted that he was not adequately trained. From this I cannot substantiate that there was a deliberate attempt to rig the controls.
6. Mr. Browning alleges that Mr. Crowley, Park Manager, put the public's health at risk because he failed to take appropriate corrective action after Mr. Summit's actions were brought to his attention. I agreed. Mr. Crowley had two WG-8s (Mr. Browning and Mr. Summit) that couldn't or wouldn't work with each other. Because of this, it is obvious to me that Mr. Summit was

not adequately trained to safely operate the water treatment plant. It is Mr. Crowley's responsibility to make sure that Mr. Summit can do the job and it appears to me that he ignored Mr. Browning's warnings. I might also point out that Mr. Crowley had experience in the operation of a water treatment plant while he worked for the Forest Service, so he was very capable of determining if Mr. Summit was trained sufficiently to run the plant. Mr. Crowley assigned Mr. Summit to operate the plant in 1999 and also in 2000. During this time, it appears to me that he could have assigned Mr. Browning, who was apparently well versed on the safe operation of the plant. It is my finding that Mr. Crowley did not take the appropriate actions to assure that the public health and safety were protected while the water treatment plant was in operation.

7. As a result of my investigation I have learned that there have been numerous meetings within the Corps to deal with these allegations and that there may be other personnel actions that could be pertinent to this complaint. On that basis, I am not comfortable recommending specific actions to be taken. I do suggest that adverse personnel actions may be in order. I also suggest that you may want to look at the number of personnel that the Park Manager has to supervise at Lake Sonoma. It seems high to me.

8. Please feel free to contact me at 505-342-3383 concerning these findings.



RICHARD D. KREINER  
CHIEF, RESERVOIR CONTROL BRANCH  
OPERATIONS DIVISION

Encls

## TELEPHONE CONVERSATION RECORD

Date: 10 Oct 2001

Person contacted: Perry Crowley

Location: Lake Sonoma

Subject: James Browning complaint (OSC File No. DI-00-1284)

Summary: I identified myself as the reviewing officer and read portions of and discussed the nature of the complaint with Mr. Crowley. Mr. Crowley laid out a long string of events that have taken place dealing with Mr. Browning and Mr. Summit. I asked him to describe what occurred during the May to August 1999 period when Mr. Browning was training Mr. Summit. He said that initially he thought that Mr. Browning tried hard to train Mr. Summit. He indicated that both men have big egos, especially Mr. Browning, and at some point the two of them couldn't work together. He indicated that their relationship had deteriorated to the point where Mr. Browning refused to continue to train or work with Mr. Summit. He recalled that the training period was more like 4-6 weeks, instead of the 3 months that was indicated in the complaint. Mr. Summit felt that Mr. Browning was treating him as an underling by giving him menial tasks to perform. Both men were WG-8s and indicated that Mr. Summit wanted to be treated as an equal. He did also indicate that Mr. Summit was not an easy man to work with, but yet he thought that he was trying to do a good job. He also stated that at certain times of the year when the lake is turbid from runoff the plant has problems.

I asked him about the alleged falsified records for April 2000 and he said that it was never proven that the charts were falsified. He said that a Mr. Bob Brownwood with the California Department of Health Services could not find anything to indicate that Mr. Summit had falsified the records. He also wanted me to know that at no time did the water treatment plant fail any water quality tests. Mr. Crowley stated that on at least two occasions he had representatives from Rescue Engineers in to train Mr. Browning and Mr. Summit on the operation of the water treatment plant.

Several wells were drilled in an effort to switch over to a ground water supply instead of having to operate the plant. He indicated that the plant was no long in use and that the state had requested the Corps remove the exit pipe from the plant so that it could not be used. He also stated that when the plant is in use that they contract out the operation of the facility to avoid any further controversy.

He said that Mr. Rich Ward, who no longer works for the Corps, was the leaderman in the summer of 2000 who assigned work to Mr. Summit and Mr. Browning. He said that Mr. Ward had told him that Mr. Browning had stated that Mr. Summit was trained sufficiently to operate the plant.

Mr. Crowley stated that he did have previous experience as an operator of a water treatment plant while working for the Forest Service. He also stated that he supervises 22 individuals during the winter and 30 during the summer.

Mr. Crowley was very willing to share information with me. It was very apparent that Mr. Summit and Mr. Browning had a serious problem working with each other and that

Mr. Browning did not get along well with the Park Manager, Mr. Crowley. Mr. Crowley also stated that he thought Mr. Browning was trying to get rid of him and Mr. Summit.

Dick Kreiner  
Albuquerque District  
US Army Corps of Engineers

## TELEPHONE CONVERSATION RECORD

Date: 10 Oct 2001

Person contacted: Lori Hanson

Location: California Department of Health Services  
Drinking Water Field Operations Branch  
Santa Rosa, California

Subject: James Browning complaint (OSC File No. DI-00-1284)

Summary: I identified myself as the reviewing officer and discussed with her the nature of the complaint. She was very familiar with the controversy over the operation of the Liberty Glen water treatment plant. Over the course of several interactions with the Corps, she indicated that it was extremely apparent to her that Mr. Summit did not know what he was doing with respect to the operation of the plant. She thought that Mr. Browning was trying to bring this to the attention of Mr. Crowley. She stated that Mr. Summit should have been checked out. She also stated that Mr. Browning appeared to be competent to operate the plant.

When dealing with the Corps on the problems with the plant, she didn't get cooperation from Mr. Ward (leaderman) and Mr. Crowley (Park Manager) and that she thought they were trying to cover things up.

Dick Kreiner  
Albuquerque District  
US Army Corps of Engineers

## TELEPHONE CONVERSATION RECORD

Date: 10 Oct 2001

Person contacted: James Browning

Location: Lake Sonoma

Subject: James Browning complaint (OSC File No. DI-00-1284)

Summary: Mr. Browning did not want union representation on this call. I identified myself as the reviewing officer and discussed the nature of the complaint. Mr. Browning laid out a long history of problems associated with the operation of the Liberty Glen water treatment plant. I asked Mr. Browning about the period from May to August 1999 in which time his complaint states that he was training Mr. Summit. He stated that he tried for three months to get him trained and that he was extremely difficult to train. He stated that he tried his hardest, but couldn't train him. He said that Mr. Summit had an "I know everything attitude". When asked about the alleged falsification of records for the plant during April 2000, he stated that the state of California had already investigated this matter and had issued a citation to the Corps. He faxed me a copy of the citation. When asked about readings on the turbidimeter charts at a time when the plant as not reported to be in operation, he sited a table in which the plant operator logs information on the operation of the plant. This table was for Apr 2000 and has a column for how many gallons were produced by the plant. Mr. Browning explained that there was a flow meter on the line from the plant to the water supply tank that is used to hold public drinking water and this flow meter data is used to determine how much the plant is producing. This column in the table shows that water was produced from 24 to 27 April and on 25 April the table indicated that 14,100 gallons were produced. On the monthly report that was submitted to the state for these four days it indicated that the plant was shut down. Mr. Browning stated that he was concerned about Mr. Summit's ability to safely operate the plant and brought this to the attention of the Park Manager, Mr. Crowley. He did not feel that Mr. Crowley took the appropriate actions to assure that the plant was being operated to assure public health and safety.

Mr. Browning was very willing to share information with me. It was very apparent that Mr. Summit and Mr. Browning have a serious problem working with each other. It is also clear to me that Mr. Browning does not think much of Mr. Crowley.

Dick Kreiner  
Albuquerque District  
US Army Corps of Engineers

## TELEPHONE CONVERSATION RECORD

Date: 5 Oct 2001

Person contacted: Danny Summit

Location: Lake Sonoma

Subject: James Browning complaint (OSC File No. DI-00-1284)

Summary: Mr. Summit requested union participation on this call. Ms. Helga Grahl set in on the call on behalf of the union. I identified myself as the reviewing officer and read portions of and discussed the nature of the complaint with Mr. Summit. The complaint alleges that Mr. Summit falsified records sent to the California Department of Health Services on the operation of the Liberty Glen water treatment plant for the month of April 2000. Mr. Summit denied this. I asked Mr. Summit about the weekly turbidimeter charts, which seem to indicate that the plant was in operation during the later part of April 2000 at a time in which a report to the state shows that the plant was shut down. He stated that there were days in which he was trying to bring the plant into compliance with state standards, but during these periods the water produced by the plant was not sent to storage tank used for public drinking water. This water was going to a holding tank and then dumped. When asked if he tampered with the turbidimeter so that it would not read above 80. He stated that he did not know how to calibrate it properly. I asked Mr. Summit if he was qualified to operate the plant. He stated that his Grade 2 Water Treatment Operator's license met California's requirements for the operation of the plant, but that he was never adequately trained by Mr. Browning on the specific details of the effective operation of the plant. He stated that he honestly wanted to learn the plant but didn't get any help from Mr. Browning.

Mr. Summit indicated that there had been numerous meetings between the Corps and the state over the operation of the plant and at one of these meetings he had voluntarily given up his Grade 1 and 2 classification in the hope of all this controversy ending.

Mr. Summit was very willing to share information with me. It was very apparent that Mr. Summit and Mr. Browning had a very serious problem working together.

Dick Kreiner  
Albuquerque District  
US Army Corps of Engineers

Citation No. 02-18-01C-017

*citati*

STATE OF CALIFORNIA  
DEPARTMENT OF HEALTH SERVICES

Name of Public Water System: U.S. Army Corps - Liberty Glen Campground

Water System No: 4901205

To: Mr. Perry Crowley, Park Manager  
U.S. Army Corps-Liberty Glen Campground  
3333 Skaggs Springs Road  
Geyserville, CA 95441

Colonel Timothy O'Roarke, District Engineer  
U.S. Army Corps  
333 Market Street, 8/F  
San Francisco, CA 94105

CITATION FOR NONCOMPLIANCE

Surface Water Treatment Regulations

Chapter 4, Article 9, Section 116650 of Part 1 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

Violation

The Division of Drinking Water and Environmental Management of the Department of Health Services (Department) hereby issues a citation to the U.S. Army Corps (Corps) for failure to comply with Section 116730 of the Health and Safety Code and Section 64664 of Title 22 of the California Code of Regulations (CCR). Specifically, the Corps (mailing

1 address: 3333 Skagg Springs Road, Geyserville, CA 95441) made erroneous or false  
2 statements on records submitted to the Department during the months of March, April and  
3 May 2000 regarding the operation of the surface water treatment plant serving the Liberty  
4 Glen Campground. In addition, the Corps failed to submit four hour treated water turbidity  
5 readings from the Liberty Glen treatment plant during the same period.

6  
7 California Code of Regulations, Section 64664 (b) (1) requires a water supplier to report to  
8 the Department by the tenth day of the following month all turbidity measurements taken  
9 during the month to determine compliance with Section 64653. The Corps failed to report  
10 the turbidity readings to the Department for certain days that the plant was in operation in  
11 March, April and May 2000. In records provided to the Department for the three months  
12 indicated, instead of reporting the required four-hour turbidity readings the Corps reported  
13 that the Liberty Glen treatment plant had not been in operation. This was determined by  
14 comparing weekly circular charts for turbidity, the monthly turbidity reports submitted to  
15 the Department, and the tank level measurements recorded on the Corps' "Campground  
16 Water" forms.

17 The failure of the Corps to report the turbidity readings resulted in a violation of Section  
18 64664, Title 22 of the CCR. Reporting that the treatment plant had not been in operation  
19 when in fact it was operated constitutes a violation of Section 116730 (a) (1) of the  
20 California Health and Safety Code. The U.S. Army Corps has since discontinued the use  
21 of the surface water treatment plant serving the Liberty Glen Campground.

22 In accordance with Section 116650(e) of the California Health and Safety Code, this  
23 violation is classified as a noncontinuing violation.  
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Directives

The Corps is hereby directed to take the following actions:

1. Physically disconnect the pipeline supplying the treatment plant with water pumped from Lake Sonoma and submit photographs as evidence of disconnection to the Department by April 30, 2001. The Liberty Glen treatment plant shall not be used to provide water for potable use unless prior approval from the Department is obtained.
2. All tank level measurements, as recorded on the Corps' "Campground Water" forms, for the year 2000 shall be submitted to the Department by April 30, 2001.

All documents required by this Citation shall be submitted to the Department at the following address:

Robert C. Brownwood, P.E., District Engineer  
 Department of Health Services  
 Drinking Water Field Operations Branch  
 50 D Street, Suite 200  
 Santa Rosa, CA 95404

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Civil Penalty

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with requirements of Chapter 4. Failure to comply with any provision of this citation may result in the Department imposing a civil penalty of up to two hundred dollars (\$200.00) per day as of the date of violation of the provision.

March 29, 2001

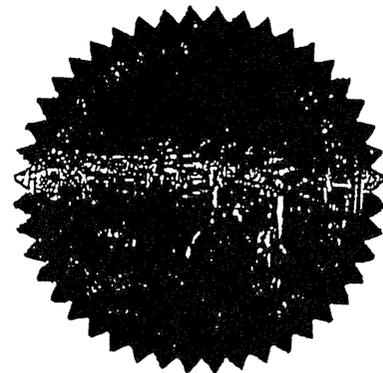
Date

Catherine S. Ma

Catherine S. Ma, P.E., Chief  
North Coastal Region  
Drinking Water Field Operations Branch

Certified Mail No. 7000 0600 0023 1371 9368

Copy: Sonoma County Health Department



STATE OF CALIFORNIA  
DRINKING WATER FIELD OPERATIONS BRANCH

DEPARTMENT OF HEALTH SERVICES

Notice of Citation Issuance

System Name: U.S. Army Corps - Liberty Glen Campground

System Number: 4901205

Background Statement

During the month of November 2000, the Division of Drinking Water and Environmental Management issued Citation Number 02-18-00C-042 to the Liberty Glen Campground. The citation carried a civil penalty in the amount of \$100.00.

Method of Payment

A check for the total amount of the civil penalty and a copy of this form shall be submitted to the Department by January 19, 2000. The citation number shall be written on the check. The check shall be made payable to the California Department of Health Services and submitted to:

Department of Health Services  
Drinking Water Field Operations Branch  
P.O. Box 15265  
Sacramento, CA 95851-0265  
Attn: Ms. Jacqueline Mincks

Please attach check below:

GLORIA S MOORE USACE SAN FRANCISCO 3333 SKAGGS SPRINGS GEYSERVILLE, CA 95441	United States Government For Official Use Only US Government Tax Exempt	1001
	12 Jan 2001 DATE	17-2/910 7777
PAY TO THE ORDER OF <i>California Department of Health Services</i>		\$ 100.00
<i>One hundred dollars and 00/100</i>		DOLLARS
<b>usbank.</b> U.S. Bank National Association Minneapolis, MN 55440	NOT GOOD FOR MORE THAN \$2500.00	
FOR <i>Citation #02-18-00C-042</i>		
<i>4901205 LG Campground</i>		
<i>Gloria Moore</i>		
⑆091000022⑆47160003166791⑆100⑆		

24 1001  
VISA CHECK REQUEST FORM

Ⓜ

For supplies/services <\$1,000 Be sure information is current!

SUBMIT REQUEST TO PARK MANAGER

Requested by: RKH Date: 1-9-01 Reviewed by: @ 1/10/01

Approved by: \_\_\_\_\_ Date needed: \_\_\_\_\_

ENDOR NAME: DEPARTMENT OF HEALTH SERVICES  
 MAILING ADDRESS: P.O. BOX 15265 PHONE: 576-2145  
 CITY: SACRAMENTO STATE: CA ZIP: 95851-0265 POC: CATHERINE S. MA

Item #	Description of Supplies or Service	#s	Unit	Unit Price	TOTAL
<u>1</u>	<u>NOTICE OF CITATION ISSUANCE</u>	<u>1</u>	<u>EA</u>	<u>\$</u>	<u>\$ 100</u>
				<u>\$</u>	<u>\$</u>
	<u>ID WIKTOJ</u>			<u>\$</u>	<u>\$</u>
<u>2</u>	<u>check fees</u>			<u>\$</u>	<u>\$ 1.70</u>

check # 1001

~~BANK SHIPPING COSTS~~ (If telephone order) \$ 101.70

NO TAX

TOTAL COST OF ORDER \$ \_\_\_\_\_

JUSTIFICATION: CIVIL PENALTY FOR BEING OUT OF TURBIDITY COMPLIANCE DURING NOV. 2000

Funds Available?  Yes  No MSDS Required? Yes  No

COST CODE: CE099-00NGNGR 96x3123 O&M GEN, CE Civil 996043  
 1.1% 101.70 04.11% \$ \_\_\_\_\_ 04.14% \$ \_\_\_\_\_ 05.11% \$ \_\_\_\_\_  
 5% \$ \_\_\_\_\_ 12.11% \$ \_\_\_\_\_ 15.11% \$ \_\_\_\_\_

# 21552

210: OPS Of: Dam, Service Facilities, Grounds, Utilities, Permanent operating equipment  
 411: NRM: Natural Resource Management  
 411: OPS Of REC/VC: Operation of Recreational Facilities and Visitor Center  
 INT Of: Dam Non-recreational Buildings, Service facilities, Utilities of grounds  
 INT Of: Recreational Facilities

C/MST/Var/O/Offic/V/Vis/V/Vis Check Request Form

mailed 16 Jan 01 ☺