



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

February 29, 2016

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-14-5128

Dear Mr. President:

Pursuant to my duties as Special Counsel, I am forwarding a Department of the Interior (DOI) report based on disclosures of wrongdoing at the National Park Service (NPS), Hawaii Volcanoes National Park (HAVO). I have reviewed the DOI report and, in accordance with 1213(e), provide the following summary of the agency investigation and my findings.¹

The whistleblower, Matthew Duryea, a program assistant who consented to the disclosure of his name, alleged that a number of serious problems in the HAVO drinking water system posed a risk to public health and safety. Mr. Duryea reported missing contamination prevention mechanisms, a failure to routinely inspect the potable water system, and unsecured and deteriorating water treatment facilities.

I referred Mr. Duryea's allegations to Secretary Sally Jewell for investigation pursuant to 5 U.S.C. § 1213 (c) and (d). The investigation was referred to the DOI OIG, and Principal Deputy Assistant Secretary for Fish and Wildlife and Parks Michael Bean was delegated the authority to review and sign the report. On July 31, 2015, Mr. Bean submitted the agency's report to OSC. Mr. Duryea declined to provide comments to the report.

The agency substantiated Mr. Duryea's allegations confirming violations of law, rule, or regulation. The DOI Office of the Inspector General (OIG) conducted an

¹ The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. 5 U.S.C. § 1213(a) and (b). OSC does not have the authority to investigate a whistleblower's disclosure; rather, if the Special Counsel determines that there is a substantial likelihood that one of the aforementioned conditions exists, she is required to advise the appropriate agency head of her determination, and the agency head is required to conduct an investigation of the allegations and submit a written report. 5 U.S.C. § 1213(c). Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).

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investigation and determined that while there did not appear to be an immediate threat to the health of employees and the public, there were serious concerns regarding the long-term safety of the water system and violations of NPS manuals. Specifically, the agency determined that HAVO lacked backflow preventers for several buildings on the site. Existing backflow preventers were not inspected in violation of NPS manuals. In addition, the agency determined that HAVO's water collection and storage facility was not properly secured, water tank hatches were not properly sealed, and raw water pond berms were not high enough to prevent the infiltration of unwanted water, which would require additional chemical treatments. In response, the agency installed backflow preventers, increased catchment pond berm heights, cleaned and repaired water tanks, and trained and certified employees to test and inspect backflow preventers on a regular basis. I have reviewed the agency report and determined that the agency's findings and substantial remedial actions are reasonable and meet all statutory requirements.

As required by 5 U.S.C. §1213(e)(3), I have sent copies of the agency report to the Chairman and Ranking Members of the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. I have also filed copies of the agency report in our public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,



Carolyn N. Lerner

Enclosure